

THE ALBERTA TEACHERS' ASSOCIATION
REPORT OF THE HEARING COMMITTEE
OF THE PROFESSIONAL CONDUCT COMMITTEE

IN THE MATTER OF CHARGES OF UNPROFESSIONAL
CONDUCT AGAINST CHEYNO FINNIE

The hearing committee of the Professional Conduct Committee of The Alberta Teachers' Association reports that charges of unprofessional conduct laid against Cheyno Finnie of [Location Redacted] were duly investigated in accordance with the *Teaching Profession Act*. The hearing was held in Barnett House, 11010 142 Street NW, Edmonton, Alberta, Canada on Wednesday, October 2, 2002.

Professional Conduct Committee members present as the hearing committee were

[REDACTED]

member. The investigated member was present and was not represented by counsel. The investigated member verbally confirmed that he was aware of his right to have legal counsel and waived that right.

CONSTITUTION/JURISDICTION

There was no objection to either the constitution of the hearing committee or its jurisdiction to hear the case.

PLEA

The following charges were read by the secretary to the hearing committee.

1. Cheyno Finnie is charged with unprofessional conduct pursuant to the *Teaching Profession Act* in that he, while a member of The Alberta Teachers' Association, between September 1, 1996 and June 30, 1998, failed to treat Student X, a student in the town of [location redacted] in the school at which he taught, with dignity and respect in a manner that was considerate of [gender redacted] circumstances.
2. Cheyno Finnie is charged with unprofessional conduct pursuant to the *Teaching Profession Act* in that he, while a member of The Alberta Teachers' Association, between September 1, 1996 and June 30, 1998, failed to maintain the honor and dignity of the profession when he had a sexual relationship with Student X, a student in the town of [location redacted] at the school at which he taught.

The prosecuting officer requested amendments to the charges. The amended charges, as accepted by the investigated member and the committee, were:

1. Cheyno Finnie is charged with unprofessional conduct pursuant to the *Teaching Profession Act* in that he, while a member of The Alberta Teachers' Association, between September 1, 1997 and June 30, 1998 failed to treat Student X, a student in the town of [location redacted] in the school at which he taught, with dignity and respect in a manner that was considerate of [gender redacted] circumstances.
2. Cheyno Finnie is charged with unprofessional conduct pursuant to the *Teaching Profession Act* in that he, while a member of The Alberta Teachers' Association, between September 1, 1997 and June 30, 1998, failed to maintain the honor and dignity of the profession when he had a sexual relationship with Student X, a student in the town of [location redacted] at the school at which he taught.

The investigated member entered a plea of "guilty" to the charges through written submission (Exhibit 4) and verbal statement.

Citing section 32 of the *Teaching Profession Act*, [redacted] requested that the hearing be held "in camera" in response to a request by complainant, [Name redacted], Superintendent of [School Division Redacted] (Exhibit 3) The committee agreed with this request.

WITNESSES

No witnesses were called.

EVIDENCE ADDUCED AND EXHIBITS FILED INDICATED THAT:

1. C Finnie was employed by [School Division Redacted] as a teacher from November 1, 1994 to January 30, 2002. (Exhibit 5 and 7)
2. C Finnie was a member of The Alberta Teachers' Association from September 1, 1997 to August 31, 1998 inclusive. (Exhibit 6)
3. From August 28, 1997 to January 31, 2002, C Finnie was a [subject redacted] teacher at [School Redacted] in [location redacted], Alberta. (Exhibit 5)
4. C Finnie resigned as a teacher from [School Division Redacted] effective 2002 01 30. His resignation was accepted, with the school district waiving the normal 30-day notice period. (Exhibits 8 and 9)

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5.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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DECISION OF THE HEARING COMMITTEE

The hearing committee accepted the plea of "guilty" to Charges 1 and 2.

PENALTY

Having accepted the respondent's guilty plea on both charges, the hearing committee imposes the following penalties on C Finnie:

1. That C Finnie's membership in the Association be suspended from October 2, 2002 to June 30, 2004.
2. That a recommendation be made to the minister of learning that C Finnie's teaching certificate be suspended from October 2, 2002 to June 30, 2004.

REASONS FOR PENALTY

1. C Finnie's actions were deplorable.
2. As a teacher, C Finnie was in a position of trust and authority over Student X when he initiated the sexual relationship. As such, he failed to treat Student X with dignity and respect and to be considerate of [REDACTED] circumstances.
3. Society has a right to expect that teachers will act in a manner that establishes and maintains a trust relationship between teachers and students. C Finnie violated this trust relationship.
4. A teacher should not be engaged in sexual activity with students. Society and the profession view these actions as repugnant, despicable and reprehensible.
5. In his statement to the committee, C Finnie acknowledged the following:
 - a) He took full responsibility for the relationship and his actions.
 - b) He recognized that he had committed a serious breach of trust with the student and the community.
 - c) He recognized that his actions harmed not only the student and [REDACTED] family, but also his colleagues and the profession.
 - d) He expressed sincere remorse.

