

THE ALBERTA TEACHERS' ASSOCIATION

REPORT OF THE HEARING COMMITTEE
OF THE PROFESSIONAL CONDUCT COMMITTEE

IN THE MATTER OF CHARGES OF UNPROFESSIONAL
CONDUCT AGAINST LORI-LEE SIMARD

The hearing committee of the Professional Conduct Committee of the Alberta Teachers' Association reports that charges of unprofessional conduct laid against Lori-Lee Simard of [REDACTED] were duly investigated in accordance with the *Teaching Profession Act*. The hearing began by teleconference on Thursday, March 6, 2008 at 1400 and continued at Barnett House, 11010 142 Street NW, Edmonton, Alberta on Tuesday, March 11 until Monday, March 17, 2008.

Professional Conduct Committee members present as the hearing committee were [REDACTED]
[REDACTED]
[REDACTED], presented the case against the investigated member. The investigated member, Simard, was present on March 14 only and was represented by [REDACTED] throughout the hearing.

The teleconference on March 6, 2008 was initially convened to deal with an application for adjournment by defence counsel. The application was denied when [REDACTED] indicated [REDACTED] could proceed, largely in the absence of Simard, when the committee assured [REDACTED] that no adverse inference would be drawn. The committee ruled that it was in the best interests of the Association and the public for the hearing to proceed as scheduled.

On March 11, [REDACTED] applied to have the proceeding closed to the public or alternatively for a direction that the identities of the parties, and witnesses, be protected until after the hearing was completed. The committee, with reference to section 33 (b) of the *Teaching Profession Act*, denied the preliminary application. The committee asked the press not to publish names until after the completion of the hearing, noting its authority to direct a ban on publication was questionable at best.

CONSTITUTION/JURISDICTION

[REDACTED] sought a ruling that the hearing committee did not have jurisdiction alleging prejudicial delay with respect to all of the charges except Charge 5. The application was denied as the statutory requirements had been met, the delay was not excessive, no real prejudice to the defence was shown and it was in the interests of the public and the profession that the hearing proceed.

[REDACTED] made application that the hearing committee did not have jurisdiction, alleging that the student principally involved in the substance of most of the charges, [REDACTED], was over [REDACTED] years of age, an independent student and not officially registered as a student at [REDACTED] during the second semester of the 2005/06 school year.

The committee decided that these allegations could not be determined without hearing evidence and ruled that the hearing proceed. After hearing all the evidence, the committee determined that [REDACTED] was a student at [REDACTED] at all times material to the charges. [REDACTED] parents, and all of the teachers and students who testified during the hearing, believed and acted in a manner that verified [REDACTED] was a student at the school.

There were no objections to the composition of the hearing committee.

CHARGES AND PLEA

The following charges were read by the secretary to the hearing committee on March 6, 2008:

1. Lori-Lee Simard is charged with unprofessional conduct pursuant to the *Teaching Profession Act* in that she, while a member of the Alberta Teachers' Association, during the fall of 2005, had a student stay overnight at her home without parental permission.
2. Lori-Lee Simard is charged with unprofessional conduct pursuant to the *Teaching Profession Act* in that she, while a member of the Alberta Teachers' Association, on or about September 2005 to April 2006, engaged in an inappropriate teacher-student relationship with student [Name Redacted].
3. Lori-Lee Simard is charged with unprofessional conduct pursuant to the *Teaching Profession Act* in that she, while a member of the Alberta Teachers' Association, on or about September 2005 to April 2006, engaged in an inappropriate relationship of a romantic nature with student [Name Redacted].
4. Lori-Lee Simard is charged with unprofessional conduct pursuant to the *Teaching Profession Act* in that she, while a member of the Alberta Teachers' Association, on or about September 2005 to April 2006, engaged in an inappropriate relationship of a sexual nature with student [Name Redacted].
5. Lori-Lee Simard is charged with unprofessional conduct pursuant to the *Teaching Profession Act* in that she, while a member of the Alberta Teachers' Association, on or about April 1 10, 2006, directed a student to lie about [gender redacted] involvement with her.

6. Lori-Lee Simard is charged with unprofessional conduct pursuant to the *Teaching Profession Act* in that she, while a member of the Alberta Teachers' Association, on or about September 2005 to June 2006, failed to act in a manner which maintains the honour and dignity of the profession.

Simard, by her counsel [REDACTED], entered the following pleas to the charges:

Charge 1—not guilty

Charge 2—guilty

Charge 3—not guilty

Charge 4—not guilty

Charge 5—not guilty

Charge 6—not guilty

WITNESSES

The prosecutor called the following witnesses:

- 1.
- 2.
- 3.
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- 20.

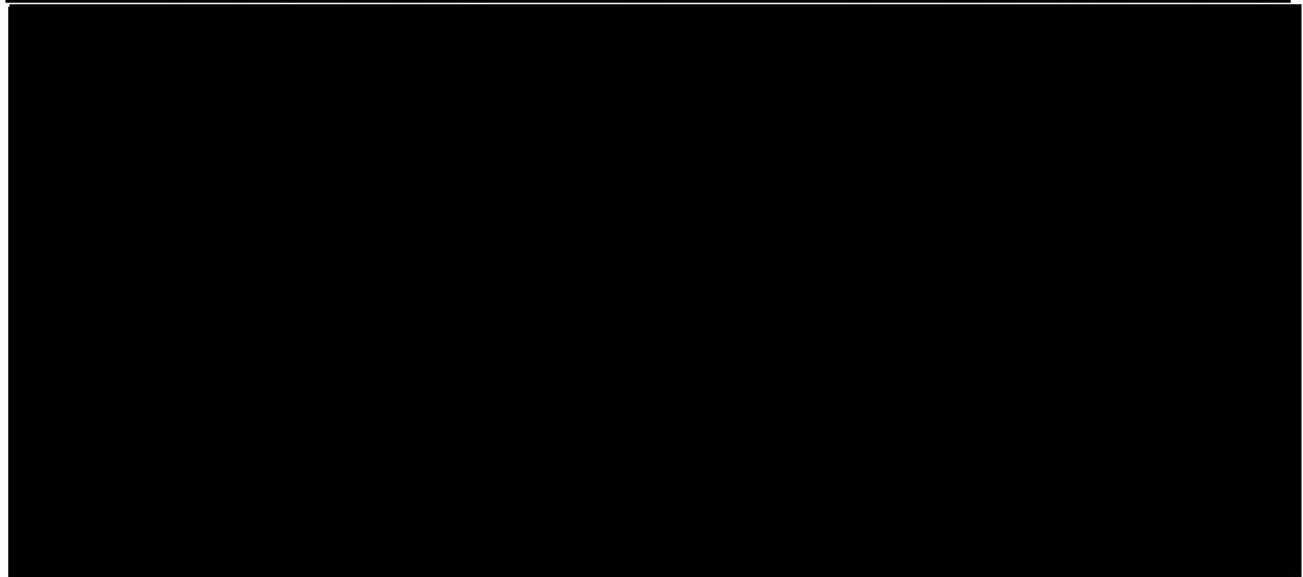
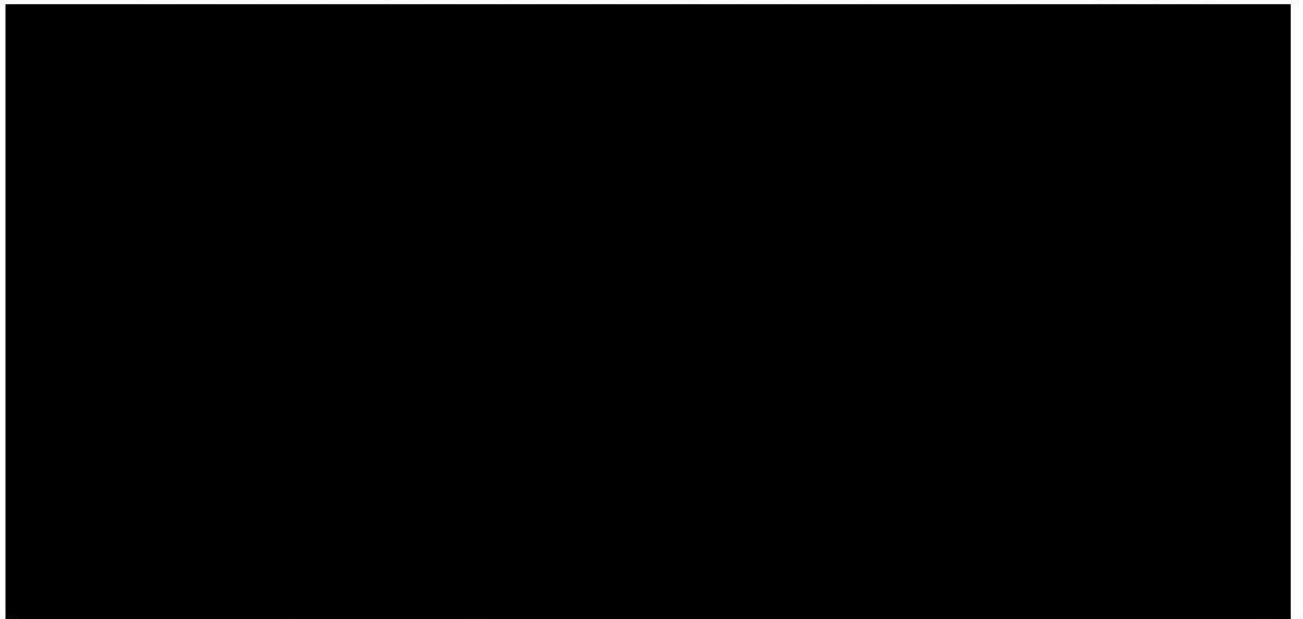
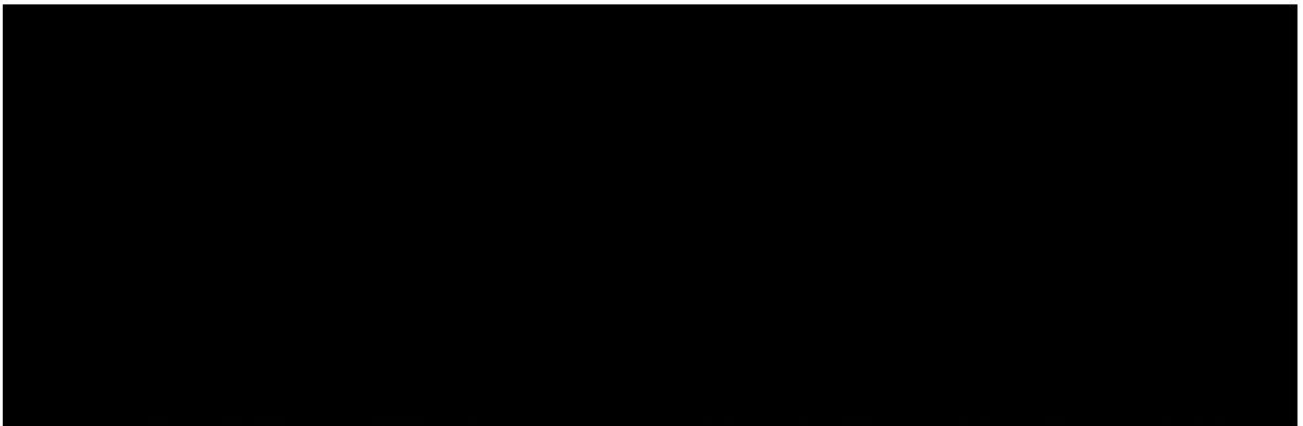
The defence did not call any witnesses.

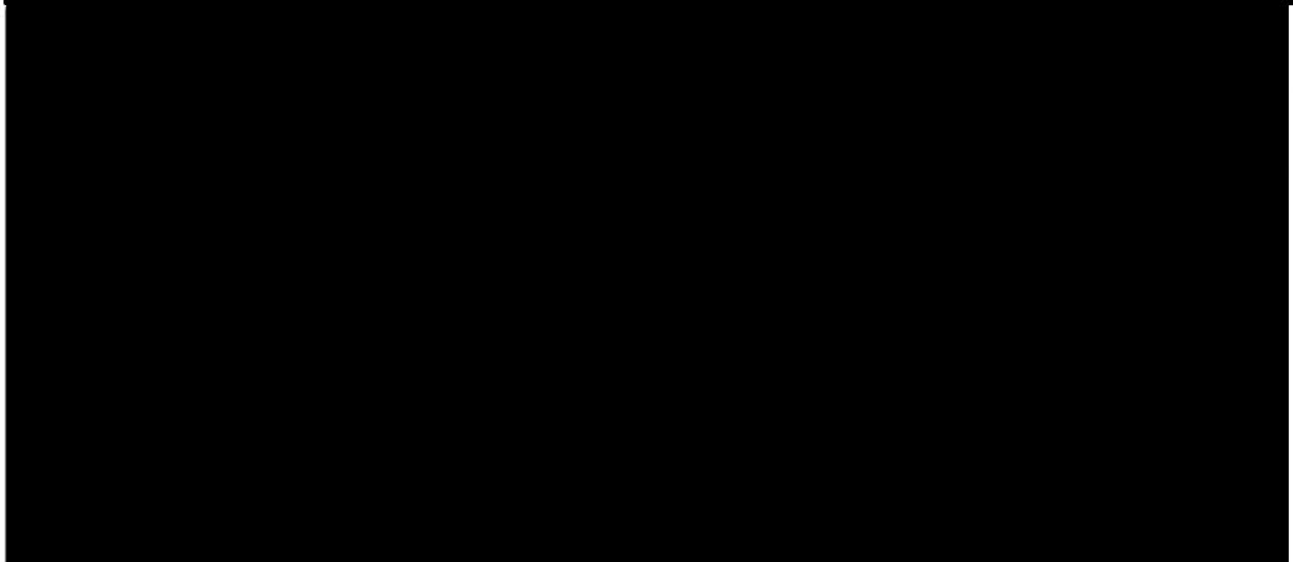
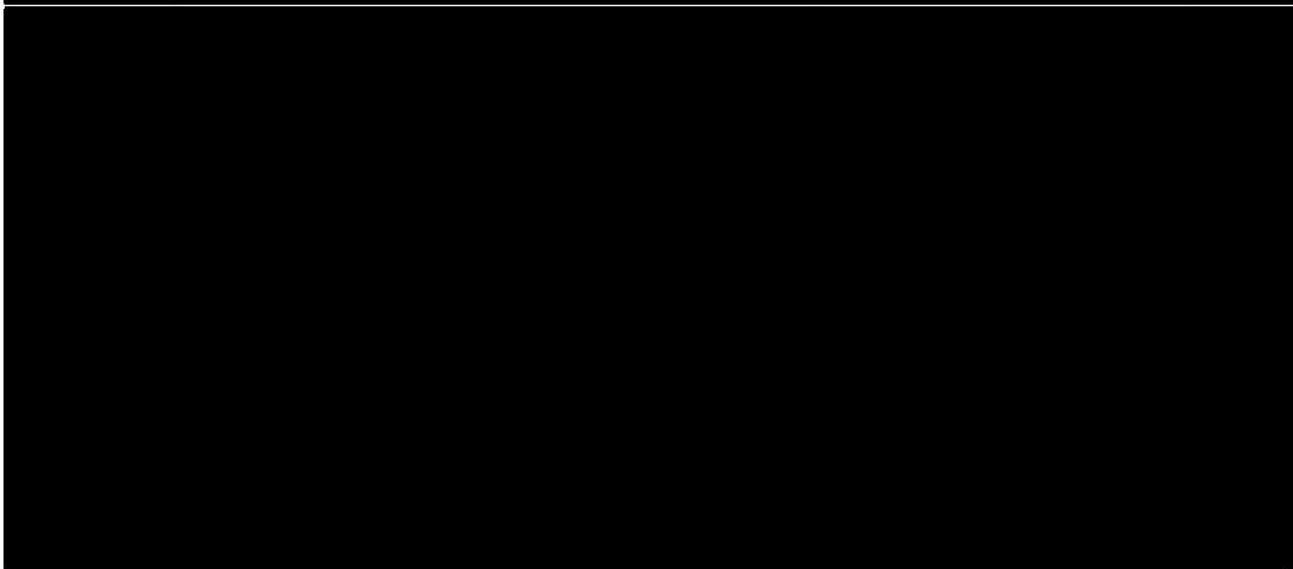
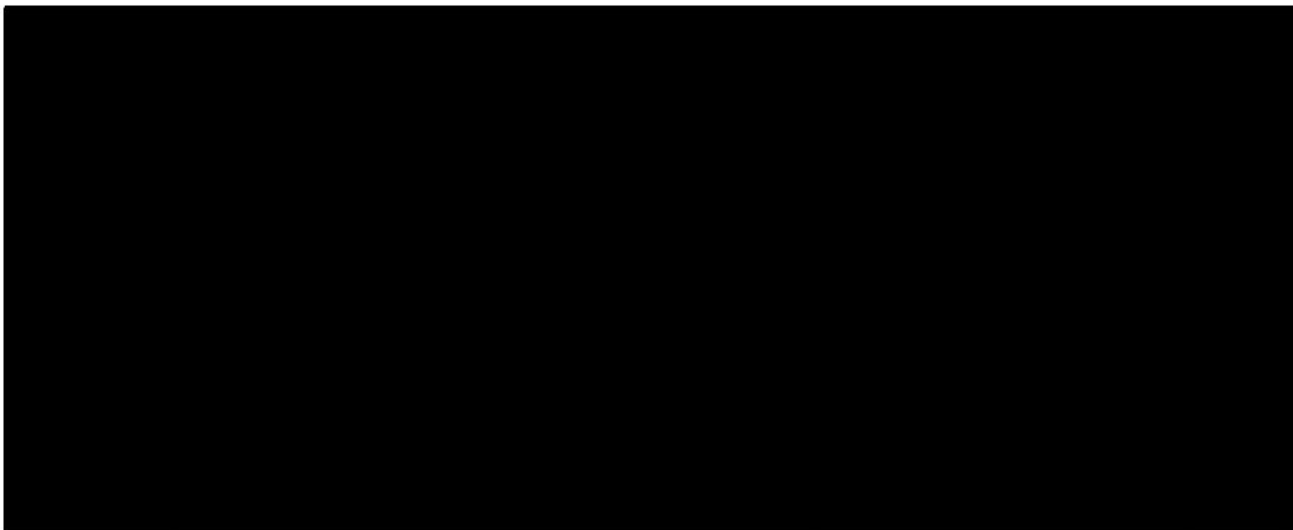
EVIDENCE ADDUCED AND EXHIBITS FILED INDICATED THAT:

The exhibits filed were:

- Exhibit 1 Letters from [REDACTED], dated February 21, 22 and March 5, 2008, seeking adjournment and notice of convening by teleconference
- Exhibit 2 Notice of hearing and confirmation of receipt by [REDACTED]
- Exhibit 3 Prosecutor's summary of contact with investigated member or her legal counsel
- Exhibit 4 Letter from [REDACTED] dated March 10, 2008, confirming Simard's membership in the Association
- Exhibit 5 Binder of documents submitted by the prosecutor (with tabs 1-45)
- Exhibit 6 Collection of original notes provided by [REDACTED]
- Exhibit 7 Information in table form provided by [REDACTED] School Division [REDACTED] re computer IP addresses
- Exhibit 8 Information provided by [REDACTED] Certified Examiner program
- Exhibit 9 Facsimile of permission form and attendance records supplied by [REDACTED]
- Exhibit 10 Calendar of years 2005, 2006 and 2007
- Exhibit 11 Cell phone used by [REDACTED]
A text message, dated February 24, 2006, and displayed on the cell phone, was read into the record at the hearing by the secretary to the hearing committee. The cell phone was subsequently returned to [REDACTED]
- Exhibit 12 Facsimile of the class lists of the high school courses of 2005/06 at [REDACTED] School
- Exhibit 13 Letter To Whom It May Concern, from [REDACTED] dated March 13, 2006
- Exhibit 14 Facsimile of a list of significant dates in the 2005/06 school year at [REDACTED] School

1. Simard was a member of the Alberta Teachers' Association during the 2005/06 school year. (Exhibit 4)
2. Simard was a teacher at [School Redacted], [School Division Redacted] in [Location Redacted], Alberta. She had taught in the [School division Redacted] for 13 years. The majority of that time was at [School Redacted]. She taught [Subjects redacted]. (Exhibit 5, tab 42)
3. [Name redacted] was a [Grade redacted] student at [School Redacted] during the 2005/06 school year. [REDACTED] was born [Date Redacted], making [REDACTED] [Age Redacted] when [REDACTED] began the 2005/06 school year. (Exhibit 5, tabs 11, 14 and 36)
4. [Name Redacted] attended [School Redacted] for [gender redacted] entire junior and senior high school program. In [Grade redacted] [gender redacted] was a student in Simard's [REDACTED] class in semester one and assisted Simard on





Report of the Hearing Committee of PCC

L [REDACTED]

[REDACTED]

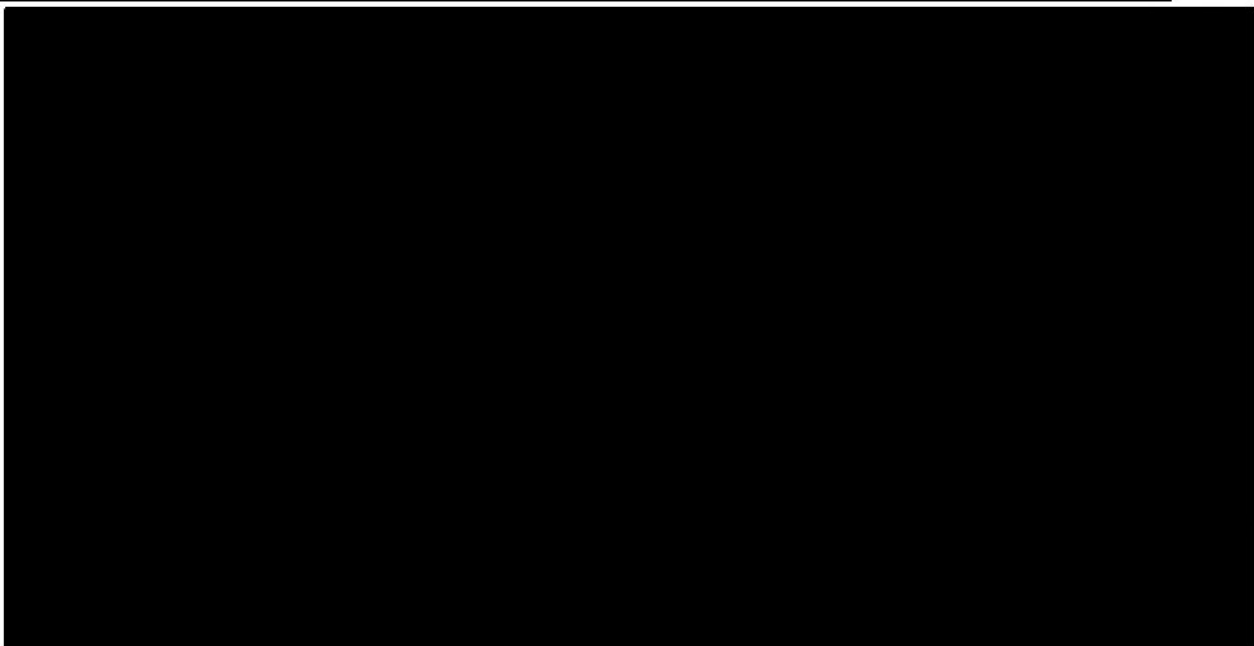
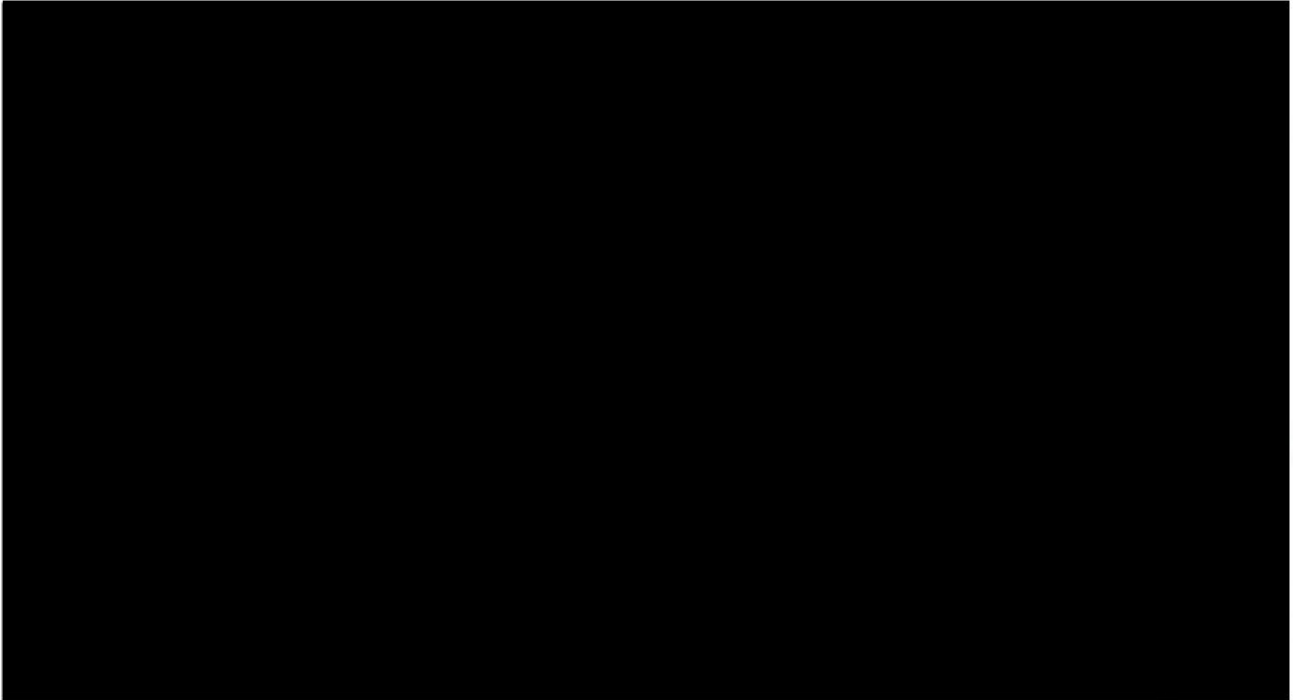
[REDACTED]

[REDACTED]

- g) [Name Redacted] presented [REDACTED] as a credible and composed witness. [REDACTED] testimony was consistent with [REDACTED] written and signed statement and was largely corroborated by testimony of other witnesses. [REDACTED] demonstrated the ability to recall events and there were no inconsistencies within [REDACTED] testimony.

[REDACTED]

- f) [REDACTED] presented as a credible witness. [REDACTED] testimony was consistent with [REDACTED] written and signed statement. [REDACTED] was candid about information that did not necessarily flatter [REDACTED] administrative practices. Any inability to recall specific details was balanced by [REDACTED] forthright presentation.



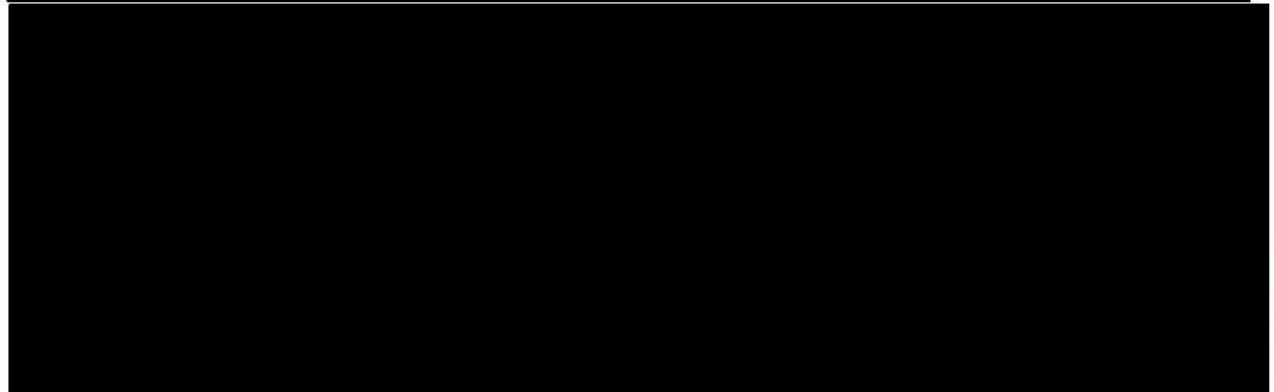
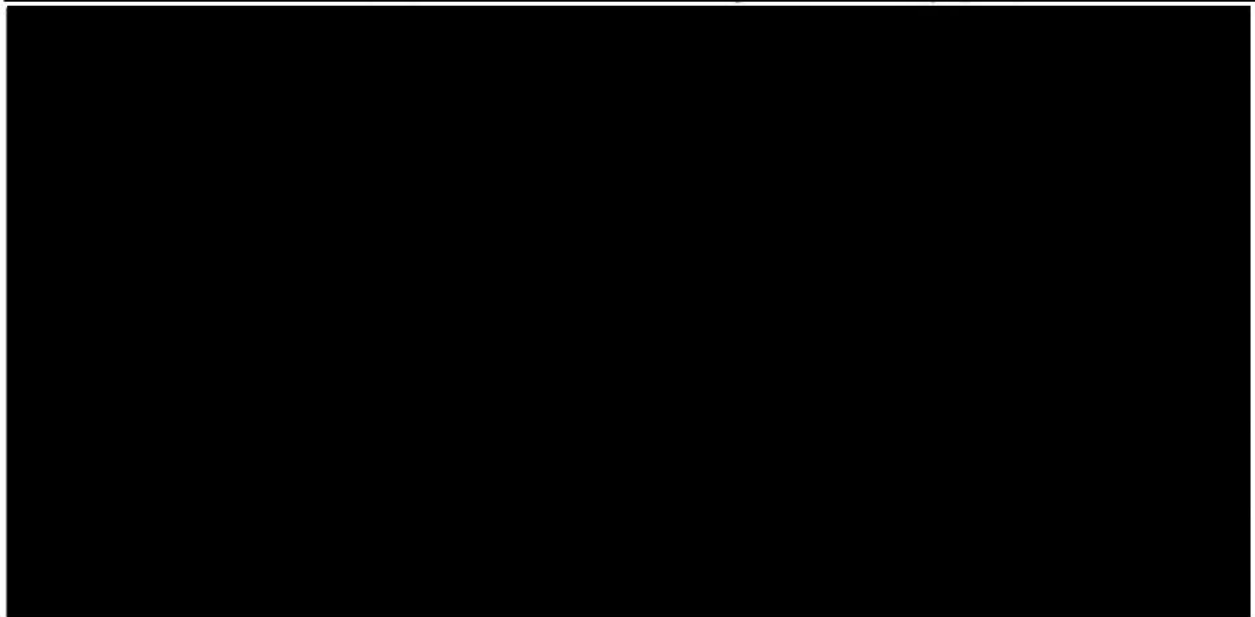
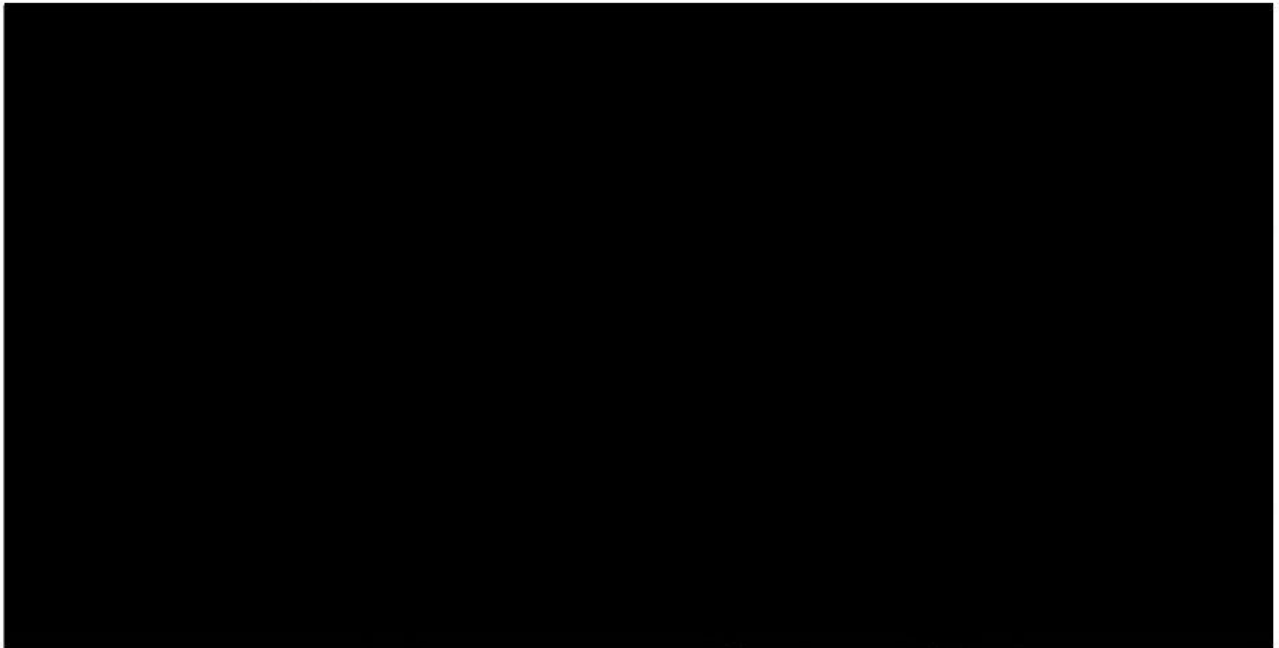
Report of the Hearing Committee of PCC

L [REDACTED]

- [REDACTED]
[REDACTED]
- [REDACTED]
[REDACTED]
[REDACTED]

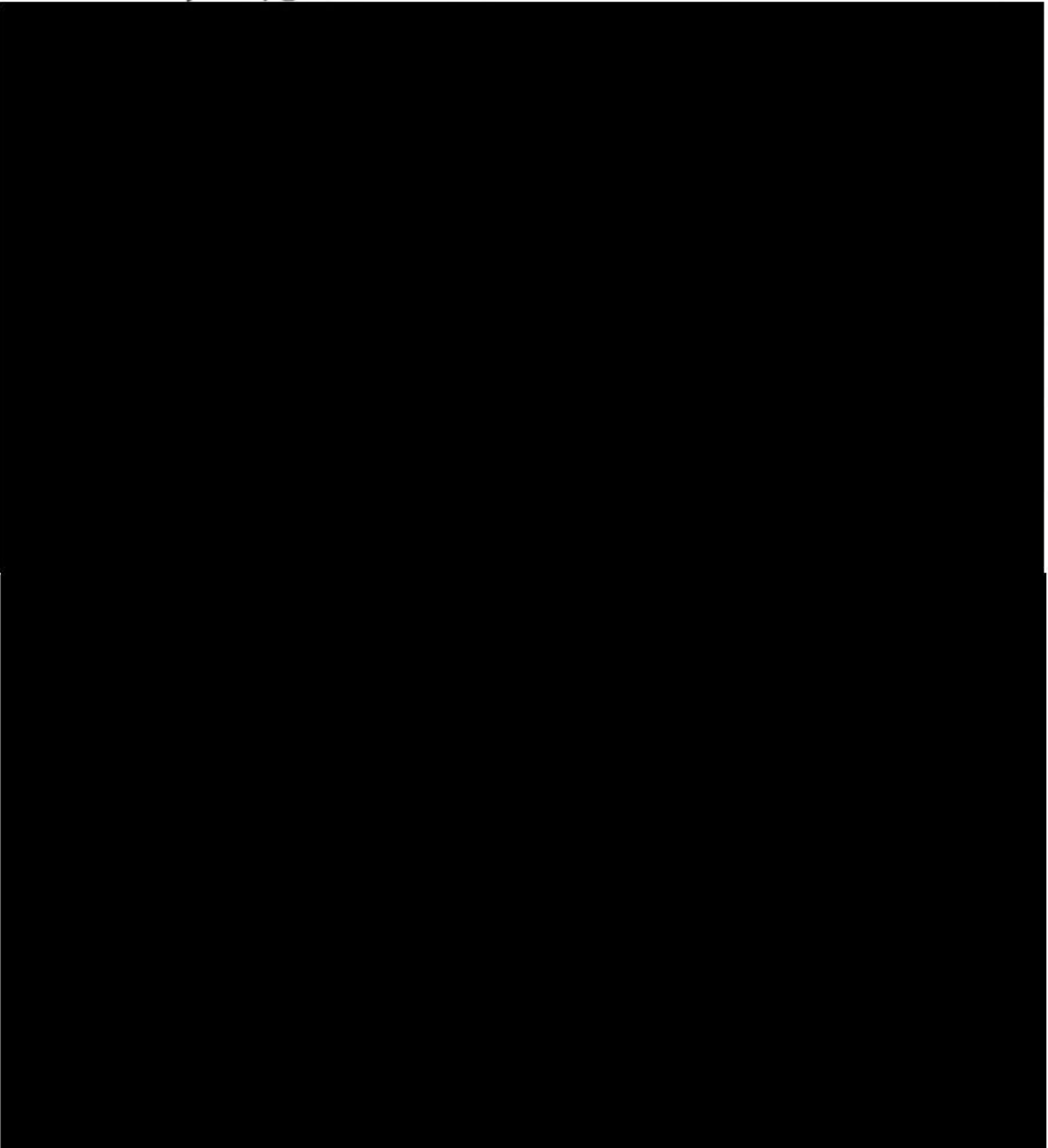
[REDACTED]

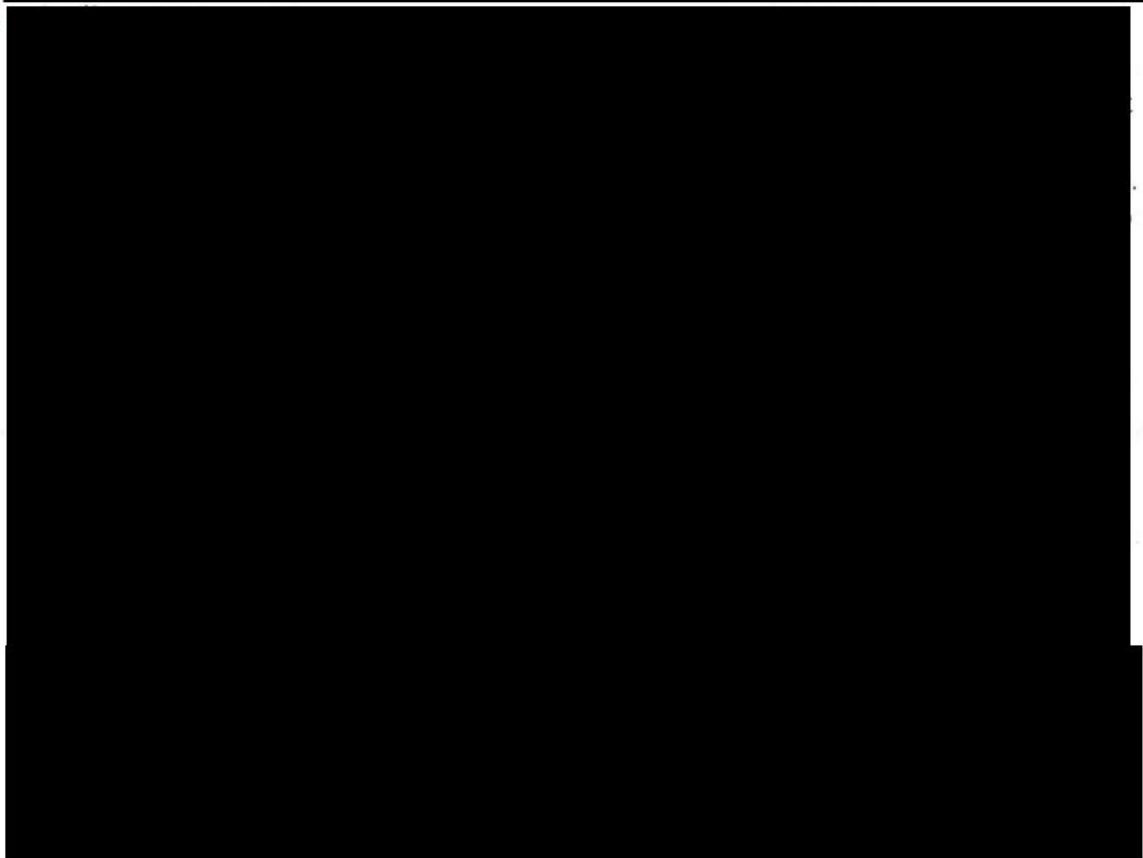
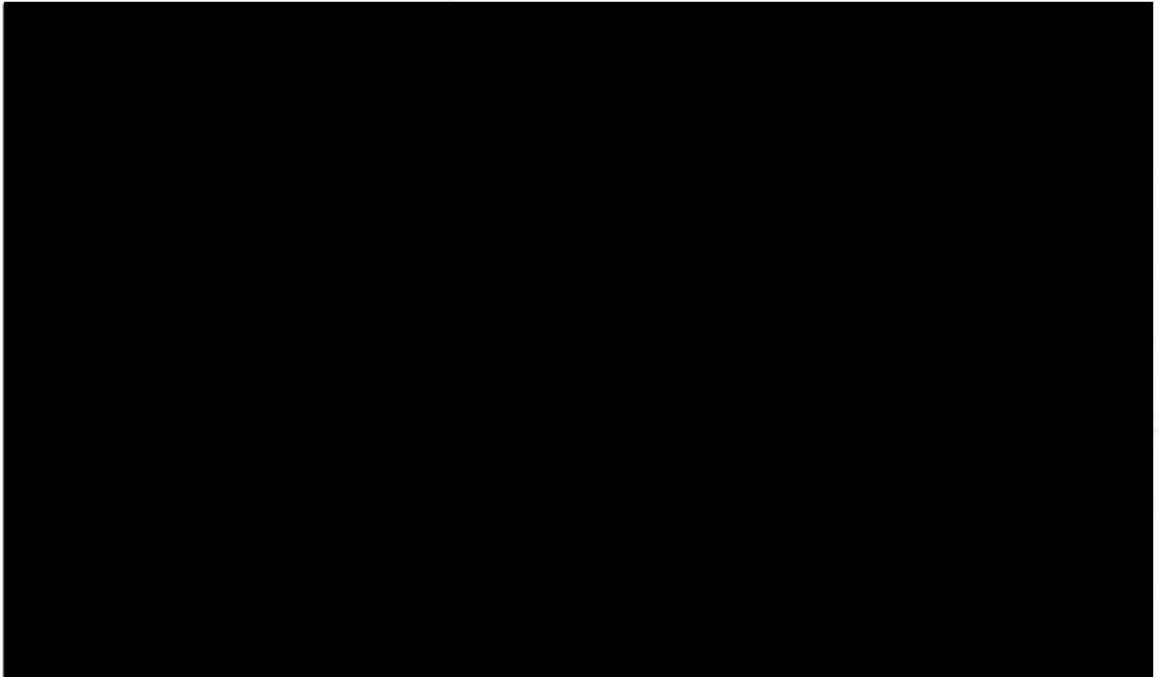
[REDACTED]



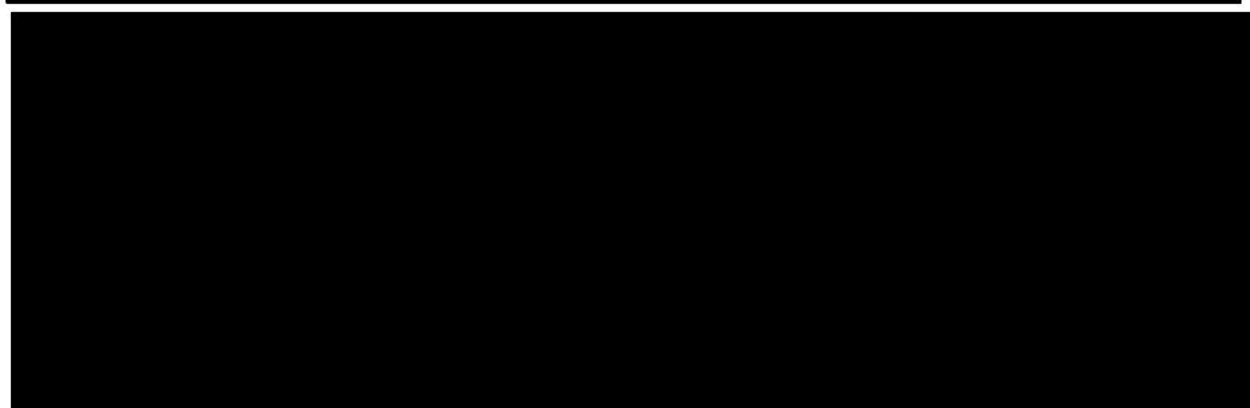
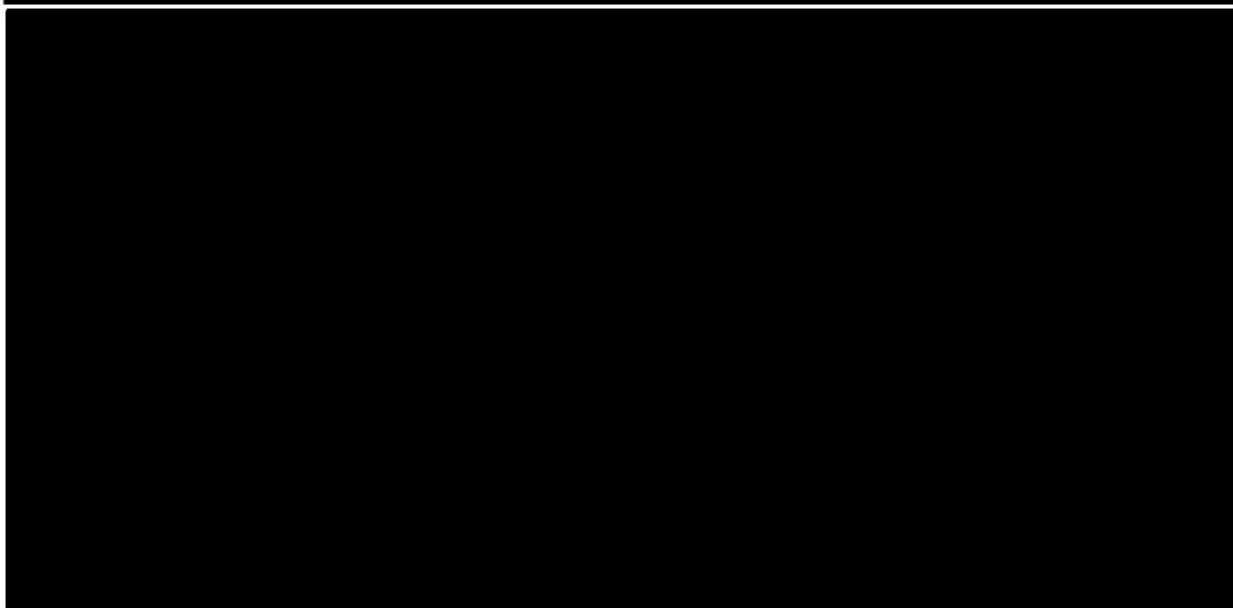
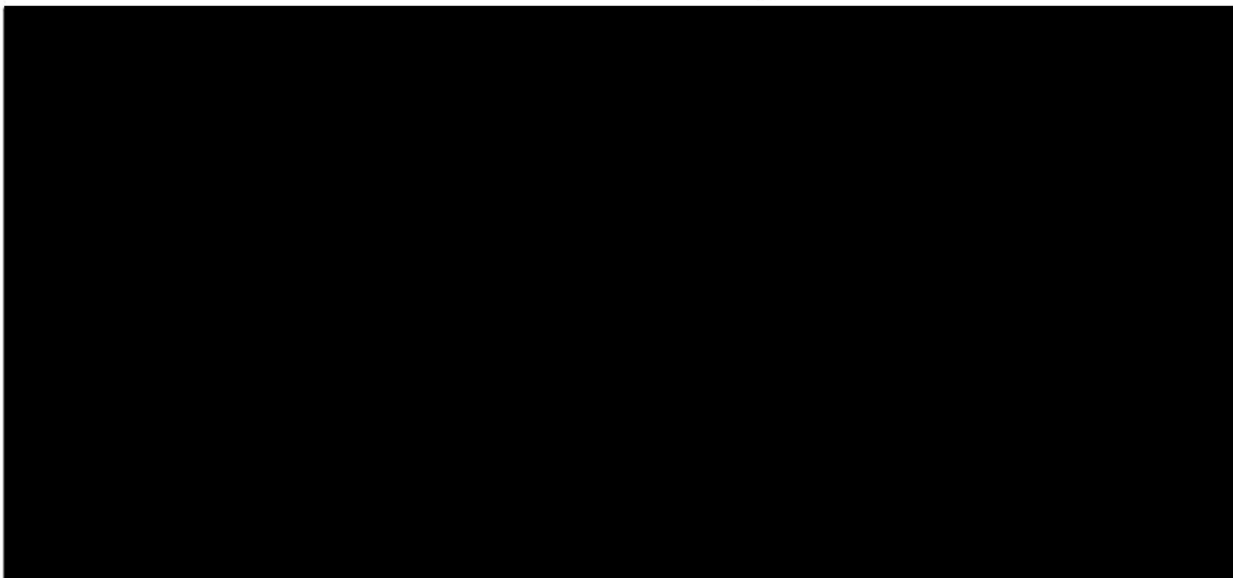


Report of the Hearing Committee of PCC
L Simard, page 11





- [REDACTED]
- 1) [REDACTED] presented as a credible witness. [REDACTED] had no motivation to do other than tell the truth and was able to provide detailed technical information and explanations that assisted the committee. [REDACTED] was calm, confident and forthright and responded to questions in a balanced and knowledgeable fashion.
- [REDACTED]
- [REDACTED]
- [REDACTED]



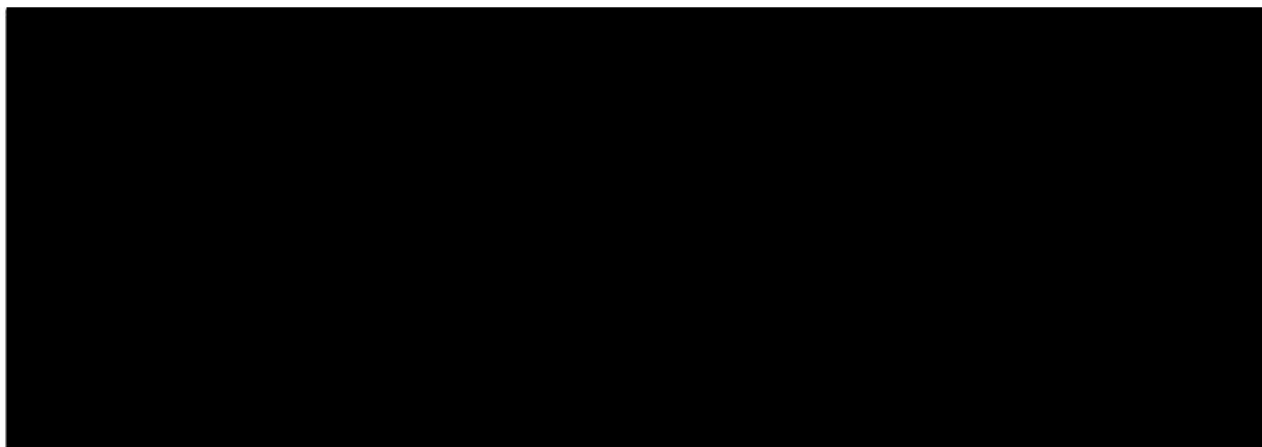
[REDACTED]

[REDACTED]

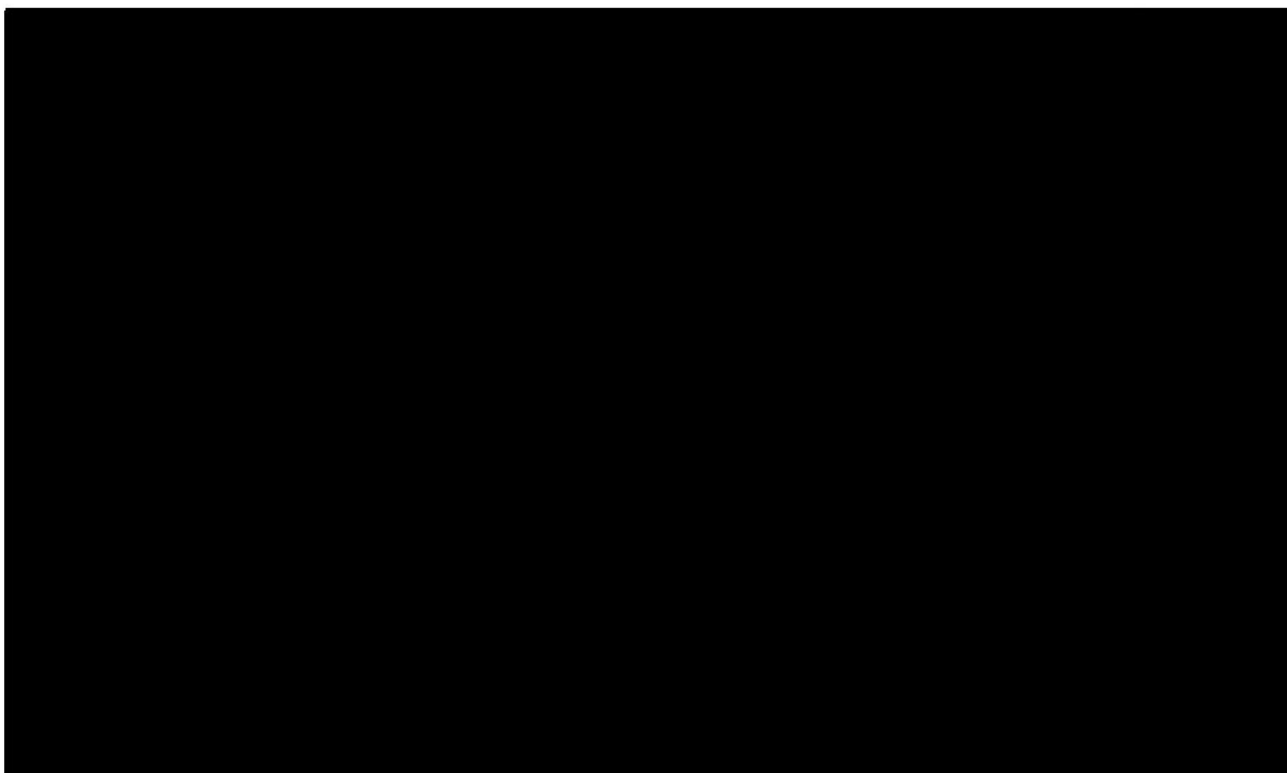
- e) [REDACTED] as a credible witness. [REDACTED] testimony was consistent with that of other witnesses to the same events.

[REDACTED]

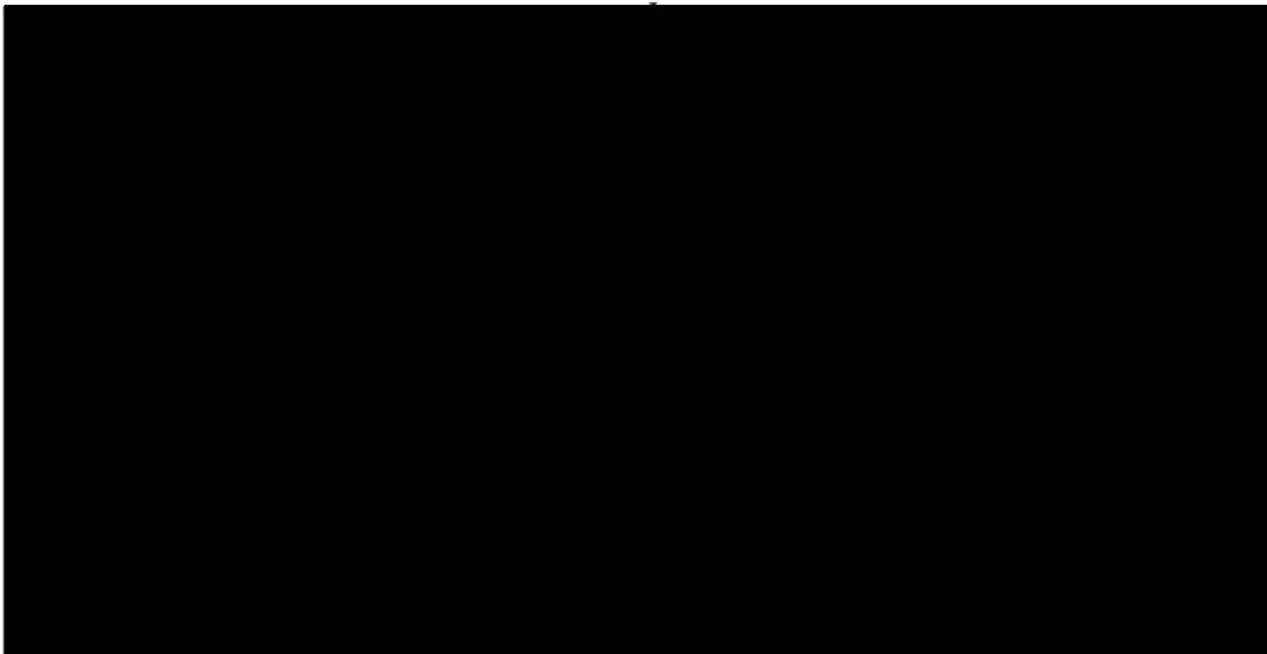
- d) [REDACTED] as a credible witness. [REDACTED] testimony was consistent with that of other witnesses to the same events.



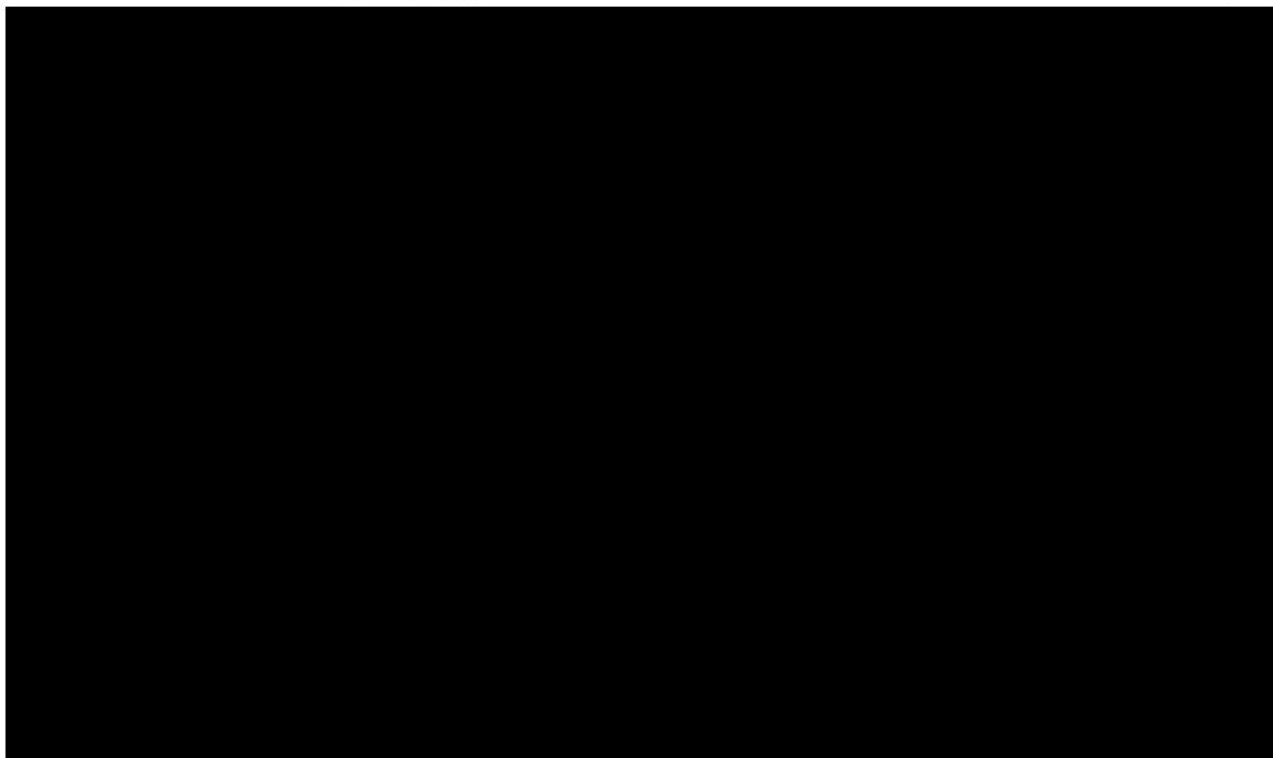
- d) [REDACTED] as a credible witness. [REDACTED] testimony was consistent with that of other witnesses to the same events.



- e) [REDACTED] as a credible witness. [REDACTED] was clearly thoughtful in replying to all the questions asked and was forthright in [REDACTED] answers.



- f) [REDACTED] presented as a credible witness. [REDACTED] testimony was consistent with that of other witnesses to the same events.



[REDACTED]

- h) [REDACTED] presented as a credible witness. While the committee thought it possible that [REDACTED] might have issues with Simard, [REDACTED] was balanced and forthright with [REDACTED] answers. Some of [REDACTED] testimony was consistent with that of other witnesses to the same events.

[REDACTED]

[REDACTED]

[REDACTED]

k) [REDACTED] presented as a credible witness. [REDACTED] testimony was corroborated by and consistent with that of other witnesses to the same events.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

- k) [REDACTED] presented as a credible witness. [REDACTED] testimony was largely corroborated by that of other witnesses.

[REDACTED]

[REDACTED]

[REDACTED]

- l) [REDACTED] was consistent in [REDACTED] testimony. Asked some questions repeatedly, [REDACTED] gave the same answers. [REDACTED] was confident and calm in [REDACTED] demeanour.

[REDACTED]

[REDACTED]

- h) [REDACTED] presented as very mature and confident. [REDACTED] testimony was largely corroborated by the testimony of other witnesses. When questioned repeatedly on [REDACTED] recollections, [REDACTED] was clear and consistent with [REDACTED] responses.
- [REDACTED]
- [REDACTED]

- e) [REDACTED] displayed a high level of sincerity and commitment to [REDACTED] testimony, despite [REDACTED] judgmental attitude towards Simard. [REDACTED] testimony was corroborated and was credible. The committee was satisfied that [REDACTED] evident distaste for Simard was shaped by the interaction [REDACTED] had observed between Simard and [REDACTED]. This was not a case where pre-existing ill will affected [REDACTED] evidence.
- [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

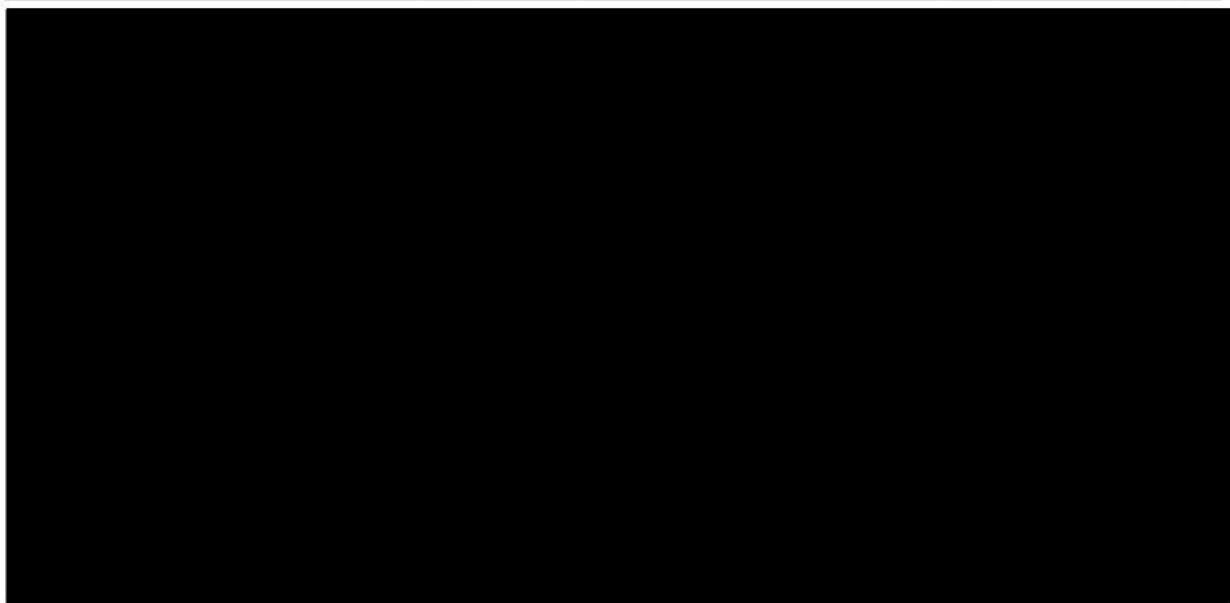
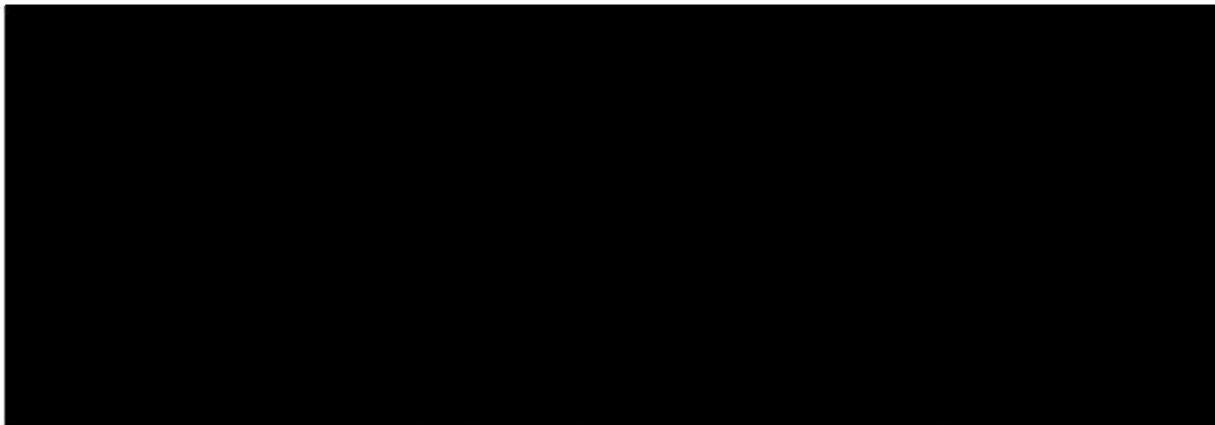
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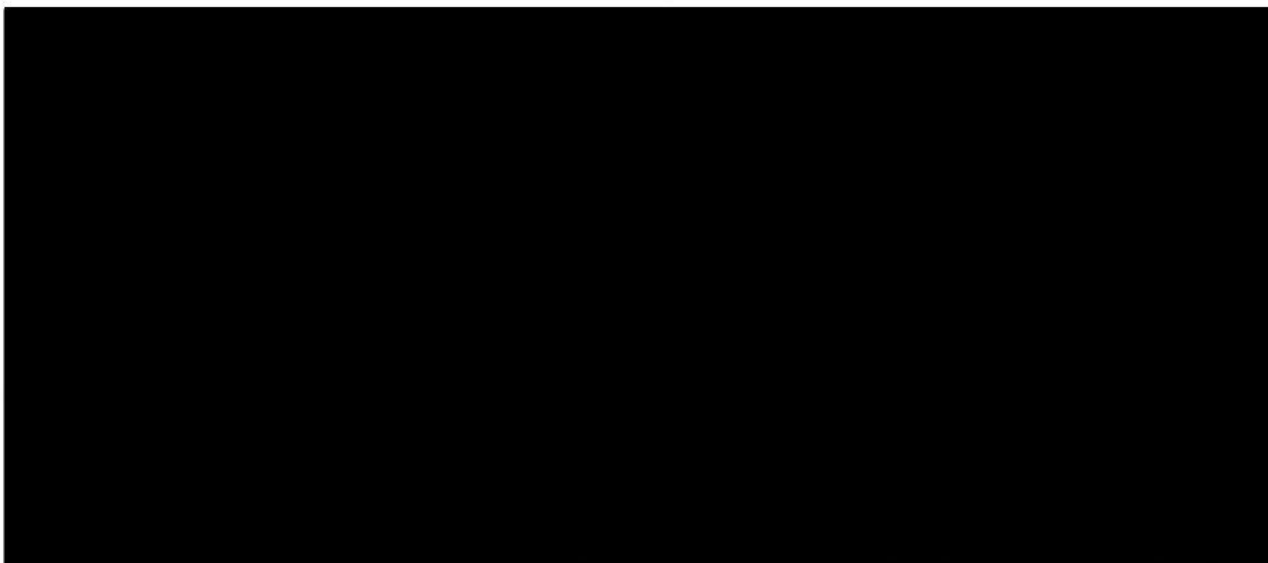
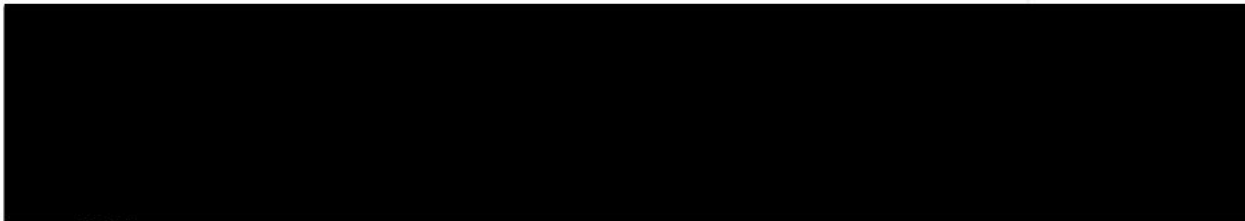
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[REDACTED]

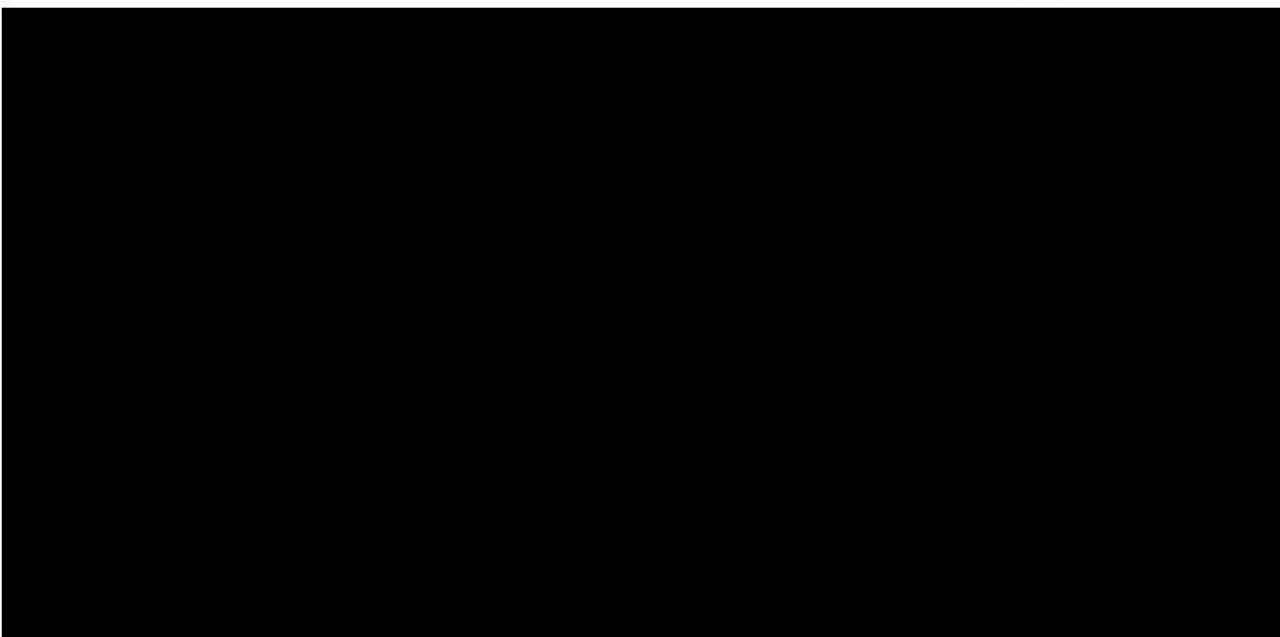
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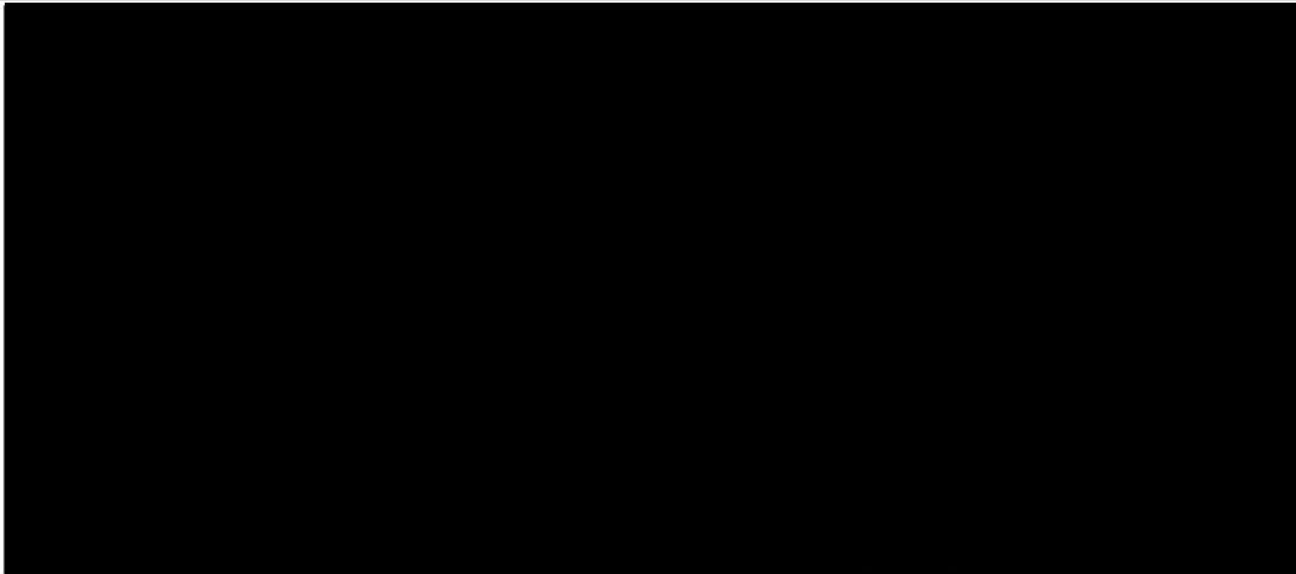
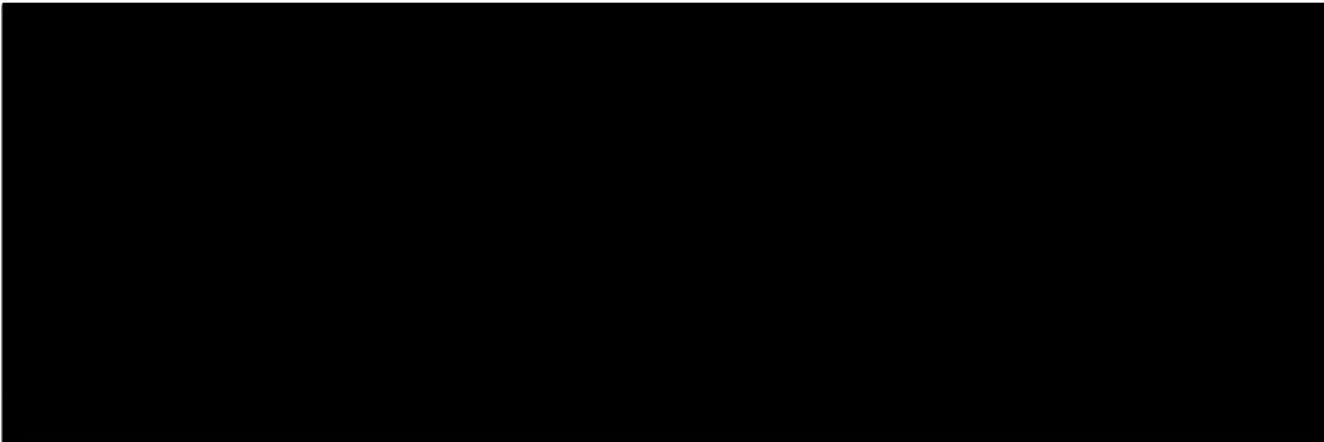
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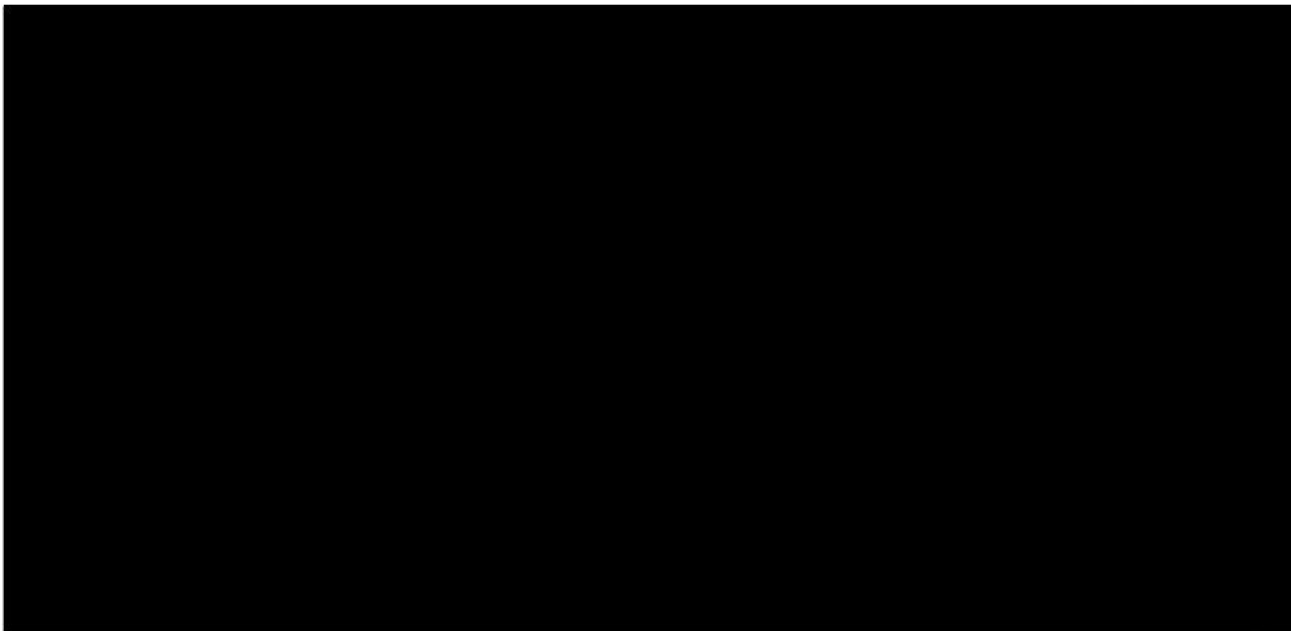


- e) [REDACTED] testimony was related to the documentation only and was clear and factual. [REDACTED] spoke about and explained the documents provided to the committee.





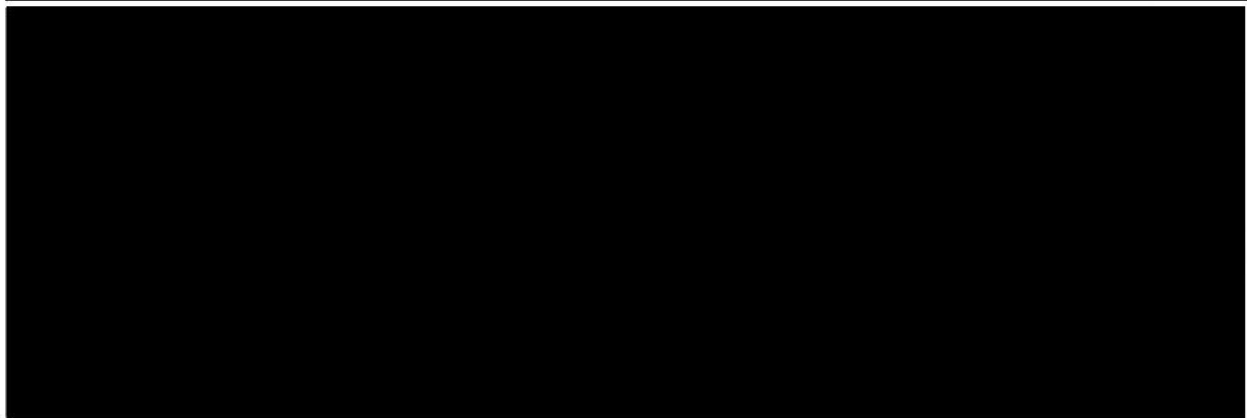
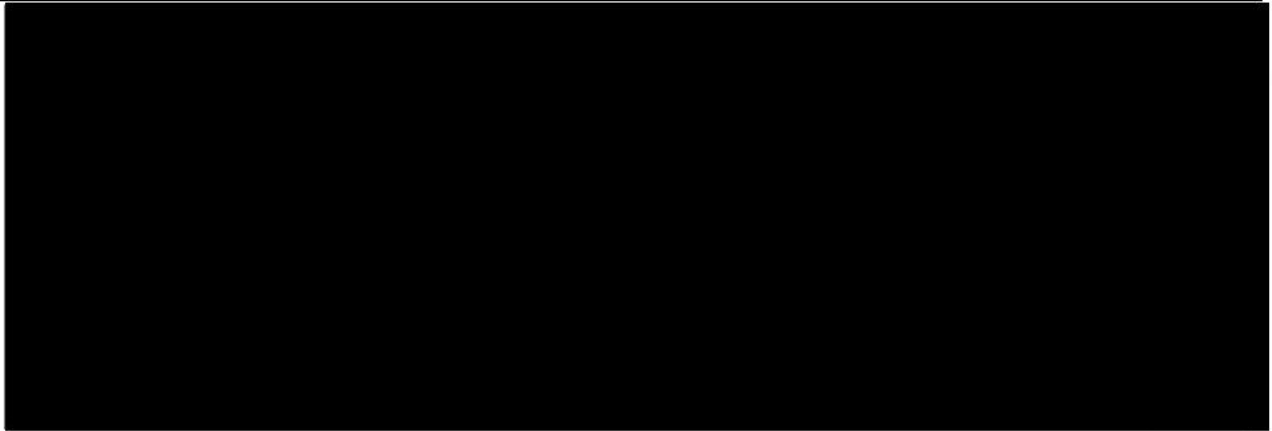
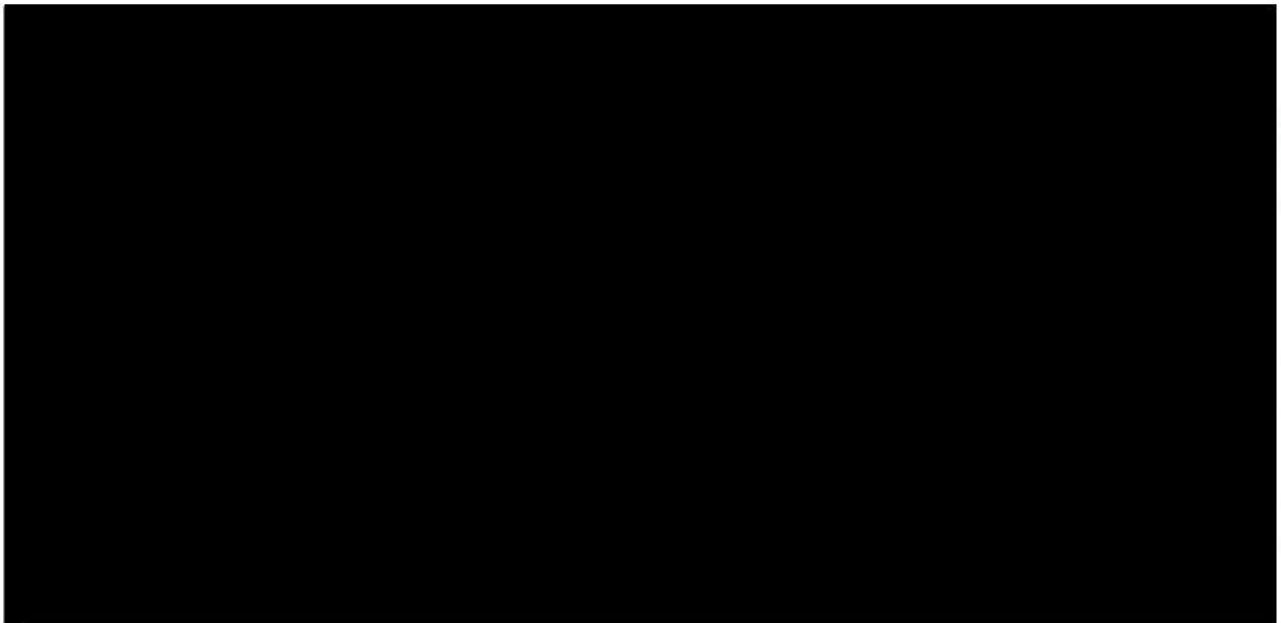
- e) [REDACTED] testimony was related to the documentation only and was clear and factual. [REDACTED] spoke about and explained the documents provided to the committee.



[REDACTED]

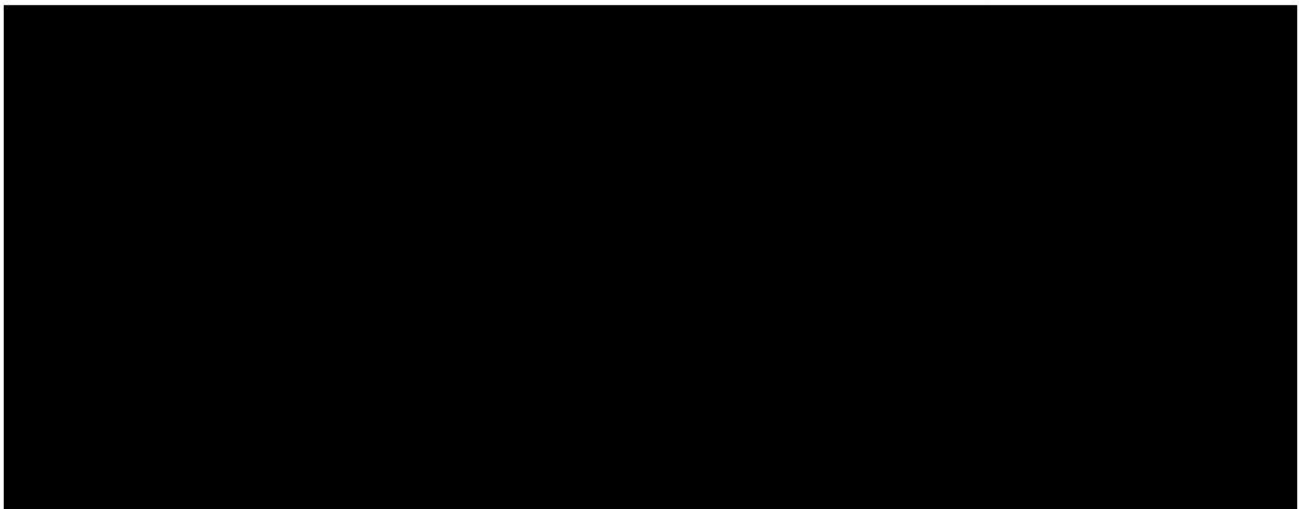
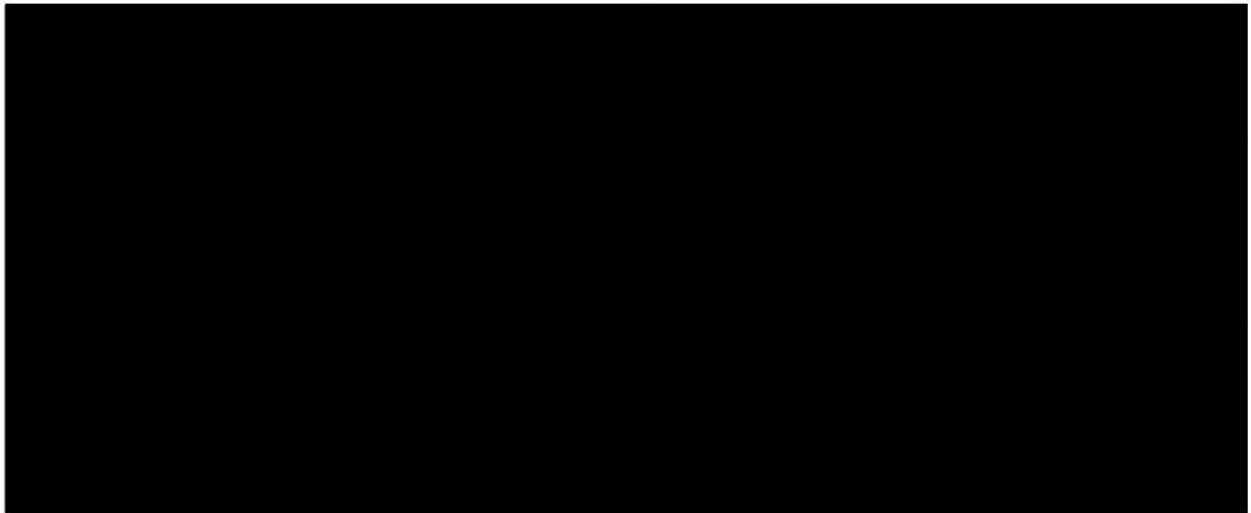
[REDACTED]

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Report of the Hearing Committee of PCC
L. Simard, page 27



[REDACTED]

[REDACTED]

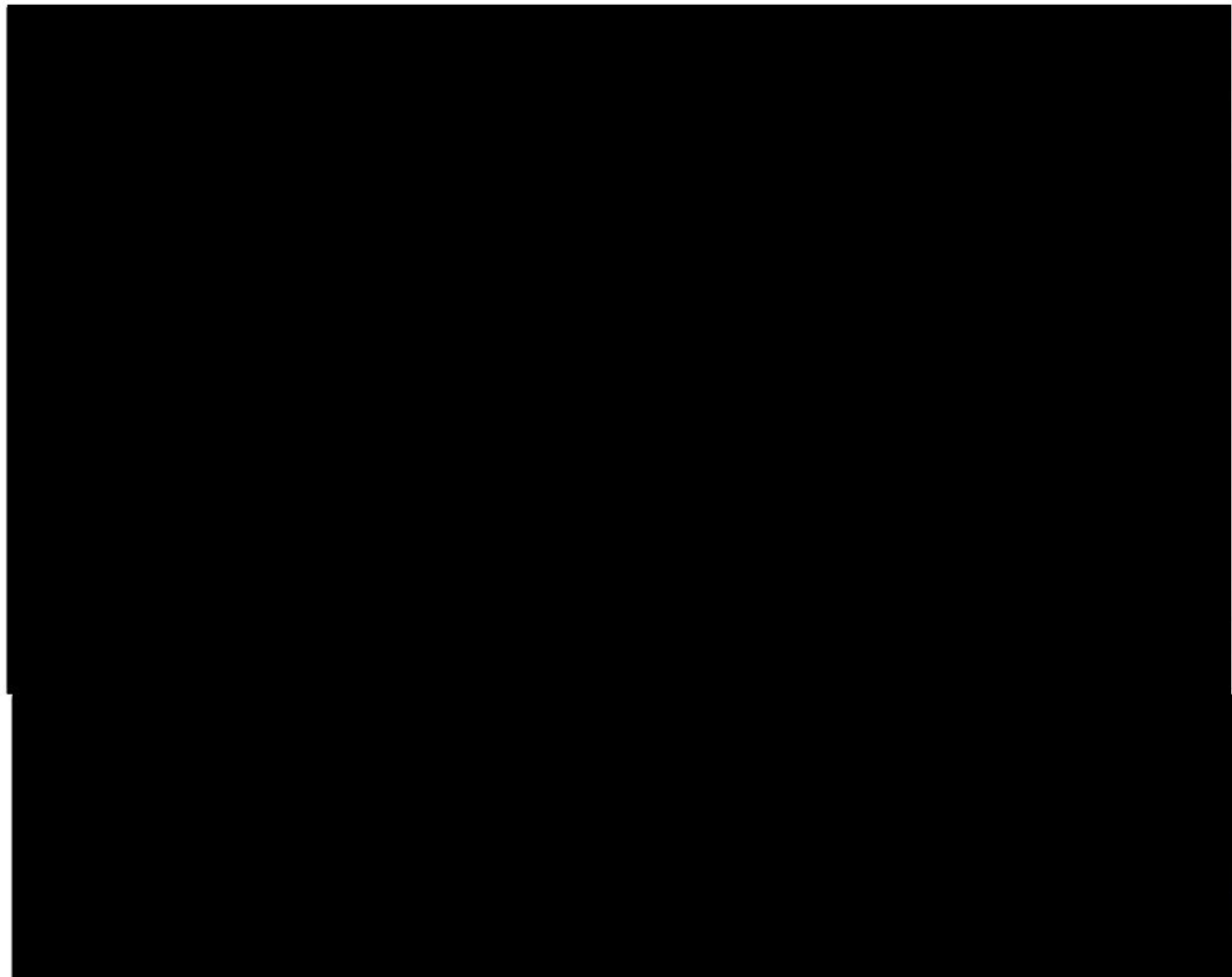
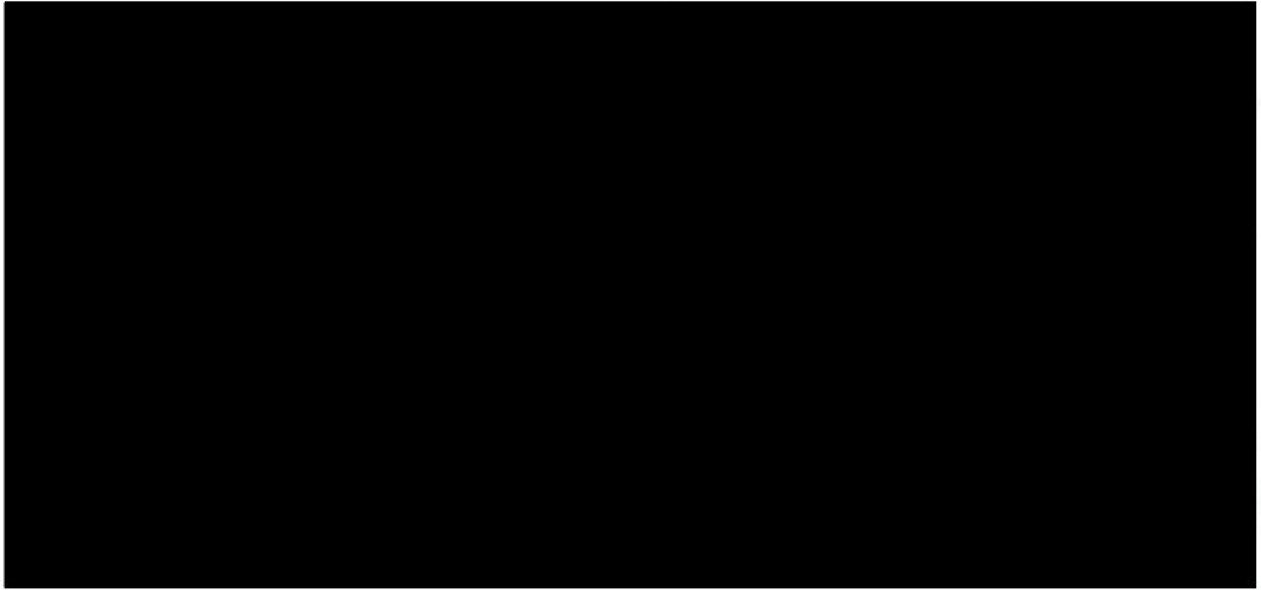
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[REDACTED]

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[REDACTED]



[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

n

SUMMARY OF EVIDENCE ADDUCED

Simard acknowledged that [email address redacted] was an e-mail address that she used. It was found that Simard wrote e-mails to [Name Redacted] under the pseudonym [redacted] as well as [redacted]. This was verified by the fact that both of these e-mail addresses were found to come from two IP addresses, the [School Division Redacted] with IP address [Redacted] and an unidentified location with the IP address of [Redacted]

E-mails from both the [redacted] and [redacted] addresses were sent on

- Wednesday, January 11 at 9:26 AM [redacted] and 9:31 AM [redacted];
- Saturday, February 4 at 1:00 AM ([redacted] and Sunday, February 5 at 8:13 PM [redacted];
- Saturday, March 4, 2006 at 12:33 AM [redacted] and
- Sunday, March 5 at 12:17 AM [redacted].

The e-mails were often in close timing with each other, from the same IP address and often late into the evening or in the early morning. The hearing committee concluded that these e-mail addresses belonged to, and were consistently used by, Simard for writing to [Name Redacted].

In some e-mails Simard spoke about the following:

- Her romantic feelings for [Name Redacted], starting January 12, 2006 and continuing to April 3, 2006
- Encounters involving kissing, touching leading up to sexual contact with [Name Redacted] during the same time period
- Her fantasy of a sexual nature which involved [Name Redacted] and appeared to identify the stresses of having a [redacted]
- Her expectation that [Name Redacted] keep their affairs private to protect her teaching position [redacted]

An e-mail sent on March 21, 2006 talked about Simard and [Name Redacted] having met for a tryst where they had sexual contact.

Also, on February 6, 2006 Simard wrote from her [redacted] e-mail address a message where she speaks of receiving Russel Stover chocolates. On February 8, 2006, in an e-mail from [redacted], Simard thanked [Name Redacted] for a Carol Burnett video [gender redacted] gave her. During testimony Simard acknowledged that these are two gifts she received from [Name Redacted]. In the same e-mail on Feb 8, 2006 Simard encouraged and pressured [Name Redacted] to keep their relationship secret.

In addition, Simard gave [Name Redacted] a number of notes. These notes were suggestive in some instances and in others were explicit and spoke to their mutual passionate love for each other. Of particular significance was one note that Simard admitted was in her handwriting which read [redacted]

E-mails and notes entered into evidence demonstrate that Simard crossed the line from professional to not only being overly friendly with [Name Redacted] but that she was sexually explicit and sexually involved with [gender redacted].

DECISION OF THE HEARING COMMITTEE

Charge 1—Not guilty

Charge 2—Accepted the plea of guilty

Charge 3 Guilty

Charge 4 Guilty

Charge 5 Guilty

Charge 6 Guilty

REASONS FOR DECISION

Charge 1 Not Guilty

1. This event was not of a serious enough nature to be considered unprofessional. There was no clear evidence that no permission had been given, the student was [Age Redacted] and [gender redacted] slept in the same room as another [gender redacted] student. Given the situation, time of night and weather, the decision for the [students] to stay over was not outside of reasonable or prudent.

Charge 2 Accepted the plea of guilty

1. Simard's notes to [Name redacted] often included content of a sexual and highly personal nature which clearly transgressed the bounds expected of a student-teacher relationship. Simard, in her testimony, admitted to crossing her own line of appropriate professional conduct.
2. The teaching profession and the public expect teachers not to abuse their positions of authority.

Charge 3 Guilty

1. Simard kissed [Name Redacted] in a romantic fashion on or about December 31, 2005 while riding from the [redacted] in [location redacted] to a house party.
2. Simard wrote e-mails to [Name Redacted] that declared her love and admiration of [Name Redacted] with such terms as "I love you [Name Redacted]," "I love you with all my heart" and "Love always."

3. Simard did not treat [Name Redacted] with dignity and respect and violated her position of trust as a teacher.
4. The public and the teaching profession expect that teachers will not become romantically involved with their students.

Charge 4—Guilty

1. Simard wrote and gave to [Name Redacted] a note which [redacted] carried in [gender redacted] wallet which stated "[redacted]"
2. Simard wrote e-mails under the pseudonym of [redacted] that spoke to sexual trysts. The language in these e-mails was sexually explicit, suggestive and referred to specific sexual encounters between her and [Name Redacted].
3. The public and the teaching profession expect that teachers will not become sexually involved with their students.

Charge 5—Guilty

1. Simard directed [Name Redacted] to hide the depth and nature of their romantic and sexual relationship with such statements in e-mails. Examples of this language are found in
 - an e-mail that reads [redacted]
[redacted]"
 - in a phone message that Simard said she sent to [Name Redacted] [redacted]
[redacted]"
11. The public and the teaching profession expect teachers not to mislead or encourage dishonesty from their students for any reason especially for the personal protection of the teacher.

Charge 6—Guilty

1. Simard used language in her notes and e-mails that transgressed the limits of acceptable correspondence with students.
2. Simard became romantically and sexually involved with someone she knew to be a student in her school and to whom she stood, regardless of [gender redacted] having achieved young adulthood, in a position of trust given her professional status.
3. By betraying the trust placed in her as a teacher, Simard had a significant negative impact on students, the [Name Redacted] family and the community at large. Her actions eroded the public image of the teaching profession.

4. The teaching profession and the public expect teachers to act in manner that maintains the dignity of the teacher-student relationship in every aspect of communication and action.

In summary, the hearing committee specifically notes it was aware that, while the evidence against Simard was circumstantial only and was contradicted by the sworn evidence of Simard, denying many of the key allegations, the evidence taken in total was, in the opinion of the committee, so overwhelming as to establish guilt on the five charges to a very high degree of probability indeed.

PENALTY

The hearing committee imposed a comprehensive penalty for all five findings of guilt. The penalty is

- Simard is declared ineligible for membership in the Alberta Teachers' Association and
- a recommendation will be made to the minister of education that Simard's teaching certificate be cancelled.

REASONS FOR PENALTY

1. The public and the teaching profession, quite properly, will not tolerate a teacher who takes advantage of his or her students, especially when the teacher lures a student into a romantic and/or sexual relationship.
2. Students, parents and the public have the right to expect that teachers will act in a manner which establishes and maintains the trust relationship between teachers and students. Simard's behaviour was a gross betrayal of that trust.
3. Simard failed to maintain a professional distance with [Name Redacted] and other students. She crossed the line of professional decency when she used inappropriate language in her communication with students and engaged students in activities and conversations of a very questionable nature that were beyond the scope of an appropriate teacher-student relationship.
4. Simard engaged and encouraged [Name Redacted] in a romantic relationship despite the fact she knew, and had stated to [Name Redacted], that it was wrong.
5. Simard manipulated [Name Redacted] to hide their romantic and sexual relationship from others.

6. Simard failed to treat [Name Redacted] with the respect and dignity that all students deserve from their teachers.

Dated at the City of Edmonton in the Province of Alberta, Wednesday, May 14, 2008.

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

