

THE ALBERTA TEACHERS' ASSOCIATION

REPORT OF THE HEARING COMMITTEE
OF THE PROFESSIONAL CONDUCT COMMITTEE

IN THE MATTER OF CHARGES OF UNPROFESSIONAL
CONDUCT AGAINST GREGORY FRITZKE

The hearing committee of the Professional Conduct Committee of the Alberta Teachers' Association reports that charges of unprofessional conduct laid against Gregory Fritzke 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 Friday, February 4, 2011 at 0900.

Professional Conduct Committee members present as the hearing committee were [REDACTED]

[REDACTED] presented the case against the investigated member. The investigated member was not present and was not represented by counsel.

CONSTITUTION/JURISDICTION

There were no objections to the constitution or the jurisdiction of the hearing committee.

CHARGES AND PLEA

The following charges were read aloud by the secretary to the hearing committee:

1. Gregory Fritzke is charged with unprofessional conduct pursuant to the *Teaching Profession Act* in that he, while a member of the Alberta Teachers' Association, on October 28, 2010, was convicted of an indictable offence, to wit: on or about the 18th day of February 2008, at or near [Location Redacted], did transmit, make available, distribute, sell, import, export or possess for the purpose of transmission, making available, distribution, sale or exploration, child pornography, contrary to section 163.1(3) of the Criminal Code of Canada.
2. Gregory Fritzke is charged with unprofessional conduct pursuant to the *Teaching Profession Act* in that he, while a member of the Alberta Teachers' Association, on October 28, 2010, was convicted of an indictable offence, to wit: between the 18th day of February 2008, and the 6th day of November 2008, both dates inclusive, at or near [Location Redacted], did access child pornography, contrary to section 163.1(4.1) of the Criminal Code of Canada.

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It was noted that there was an error in the date of conviction cited in each of the two charges and the presenting officer sought to amend the charges to correct the date. The hearing committee formed the opinion that the member, aware of the date of his convictions, would suffer no prejudice and allowed the amendments. The amended charges were read aloud by the secretary as follows:

1. Gregory Fritzke is charged with unprofessional conduct pursuant to the *Teaching Profession Act* in that he, while a member of the Alberta Teachers' Association, on August 17, 2010, was convicted of an indictable offence, to wit: on or about the 18th day of February 2008, at or near [Location Redacted], did transmit, make available, distribute, sell, import, export or possess for the purpose of transmission, making available, distribution, sale or exploration, child pornography, contrary to section 163.1(3) of the Criminal Code of Canada.
2. Gregory Fritzke is charged with unprofessional conduct pursuant to the *Teaching Profession Act* in that he, while a member of the Alberta Teachers' Association, on August 17, 2010, was convicted of an indictable offence, to wit: between the 18th day of February 2008, and the 6th day of November 2008, both dates inclusive, at or near [Location Redacted], did access child pornography, contrary to section 163.1(4.1) of the Criminal Code of Canada.

In the absence of Fritzke and the absence of a written plea, the hearing committee directed pleas of not guilty to each charge on his behalf.

WITNESSES

There were no witnesses called.

EXHIBITS FILED

- Exhibit 1 Notice of Hearing and Canada Post confirmation of delivery, on January 17, 2011
- Exhibit 2 Proof of Gregory Fritzke's membership in the Association from September 1, 2007 to August 31, 2009 inclusive
- Exhibit 3 Letter from [Name Redacted], Superintendent of Schools, [School Division Redacted], to Gregory Fritzke, accepting Fritzke's resignation, dated September 14, 2010
- Exhibit 4 Court document, Information, dated January 19, 2009
- Exhibit 5 Certificate of Conviction related to Charge 2, dated November 5, 2010
- Exhibit 6 Certificate of Conviction related to Charge 1, dated November 5, 2010
- Exhibit 7 Copy of letter from Gregory Fritzke to [REDACTED], relating to penalty, sent by

e-mail, dated January 28, 2011

EXHIBITS FILED INDICATED THAT:

1. Fritzke was a member of the Association from September 1, 2007 until at least August 31, 2009 inclusive. (Exhibit 2)
2. Fritzke was employed as a teacher by [School Division Redacted] until his resignation was accepted, effective October 13, 2010. (Exhibit 3)
3. Fritzke pled guilty to, and was convicted of, an indictable offence on August 17, 2010 under the Criminal Code of Canada. The charge read: on or about the 18th day of February, 2008 at or near [Location Redacted], did transmit, make available, distribute, sell, import, export, or possess for the purpose of transmission, making available, distribution, sale or exportation, child pornography, contrary to section 163.1(3) of the Criminal Code of Canada. (Exhibit 6)
4. Fritzke pled guilty *to*, and was convicted of, an indictable offence on August 17, 2010 under the Criminal Code of Canada. The charge read: between the 18th day of February, 2008 and the 6th day of November, 2008, both dates inclusive, at or near [Location Redacted], did access child pornography, contrary to section 163.1 (4.1) of the Criminal Code of Canada. (Exhibit 5)

DECISION OF THE HEARING COMMITTEE

The hearing committee found Gregory Fritzke guilty on Charge 1 and Charge 2.

REASONS FOR DECISION

1. Fritzke was convicted of indictable offences under sections 163.1(3) and 163.1(4.1) of the Criminal Code of Canada, and is therefore guilty of unprofessional conduct under section 23.2(a) of the *Teaching Profession Act*.
2. The *Teaching Profession Act* 23.2 (a) stipulates that if a member has been convicted of an indictable offence, the conduct of the member on which the conviction is based is deemed to constitute unprofessional conduct.

PENALTY

1. The hearing committee recommends to the minister of education that Gregory Fritzke's teaching certificate be cancelled.
2. The hearing committee declares Gregory Fritzke ineligible for membership in the Alberta Teachers' Association.

REASONS FOR PENALTY

1. Fritzke was convicted of two indictable offences under section 163.1(3) and 163.1(4.1) of the Criminal Code of Canada.
2. Conviction of indictable offences is considered a violation of the Code of Professional Conduct.
3. Due to the grievous nature of the indictable offences in question and due to a teacher's position of trust in relation to pupils and due to a teacher's duty to only act in a manner that safeguards the interests of children generally, the committee ruled that Fritzke can no longer be a member of the Association, nor should he be considered suitable for certification.

Dated at the City of Edmonton in the Province of Alberta, Friday, February 4, 2011

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

