

THE ALBERTA TEACHERS' ASSOCIATION  
REPORT OF THE HEARING COMMITTEE  
OF THE PROFESSIONAL CONDUCT COMMITTEE  
IN THE MATTER OF CHARGES OF UNPROFESSIONAL  
CONDUCT AGAINST GARY JOHN KOZENS

The hearing committee of the Professional Conduct Committee of The Alberta Teachers' Association reports that charges of unprofessional conduct laid against Gary John Kozens 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 Thursday, December 5, 2002 at 0900.

Professional Conduct Committee members present as the hearing committee were [REDACTED], a new appointee to the Professional Conduct Committee, was an observer but did not participate.

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

The committee was advised of a court-ordered ban prohibiting the publishing of names of any victims of the member and accordingly, the committee directed that the student referenced in these proceedings be only described hereafter as "Student A."

#### CONSTITUTION AND JURISDICTION

There were no objections to the constitution of the committee or its jurisdiction to hear the case.

#### CHARGES

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

1. Gary John Kozens is charged with unprofessional conduct pursuant to the *Teaching Profession Act* in that he, while a member of The Alberta Teachers' Association, based on events that occurred between December 31, 1980 and December 31, 1981, both dates inclusive, was convicted of an indictable offence on September 26, 2002, under section 149(1) of the *Criminal Code*.

2. Gary John Kozens is charged with unprofessional conduct pursuant to the *Teaching Profession Act* in that he, while a member of The Alberta Teachers' Association, between December 31, 1980 and December 31, 1981, both dates inclusive, at or near [REDACTED] Alberta, did partake in sexual activities with Student A, a student, thereby failing to treat [REDACTED] with dignity and respect and in consideration of [REDACTED] circumstances.

PLEA

The investigated member entered a plea of guilty to each of the charges by means of a written submission. The hearing committee accepted the guilty plea on both charges.

WITNESSES

No witnesses were called.

EVIDENCE ADDUCED AND EXHIBITS FILED INDICATED THAT:

1. Gary J Kozens was a member of the Alberta Teachers' Association from August 1969 to, and including, September 26, 2002. (Exhibits 3,4 and 5)
2. G Kozens taught at [REDACTED] School, [REDACTED], from September 1972-1978 and September 1980-1987. He was in the employ of [REDACTED] (Exhibit 4)
3. G Kozens met Student A, a grade [REDACTED] student, during the 1980-1981 school year. (Exhibit 4)
4. G Kozens was invited to Student A's home to study for a [REDACTED] exam. (Exhibit 4)
5. G Kozens and Student A engaged in intimate activity which included [REDACTED] (Exhibit 4)
6. In June 2001, G Kozens was charged by the Edmonton City Police. (Exhibit 4)
7. In September 2002, G Kozens was found guilty of indecent assault contrary to section 149(1) of the Criminal Code of Canada. G Kozens was sentenced to a nine-month conditional sentence order with conditions. In addition, a victim fine surcharge and a ten-year firearms prohibition were assessed. (Exhibit 4)

8. The hearing committee read a letter written and submitted by G Kozens in which he expressed remorse for his actions and reasons for not attending the hearing. (Exhibit 3)

### PENALTY

The hearing committee of the Professional Conduct Committee assessed the following penalty:

1. Charge One: cancellation of G Kozens' membership in the Alberta Teachers' Association and a recommendation to the minister of learning that G Kozens' teaching certificate be cancelled.
2. Charge Two: cancellation of G Kozens' membership in the Alberta Teachers' Association and a recommendation to the minister of learning that G Kozens' teaching certificate be cancelled.

### REASONS FOR PENALTY

1. Society has the right to expect that teachers will act in a manner which establishes and maintains the trust relationship between teachers and students. G Kozens' behaviour betrayed that trust.
2. Society has the right to expect that teachers will not indecently assault students or engage in sexual activities with students. G Kozens' actions showed disregard for societal expectations of teachers.
3. Teachers who engage in such deplorable activities create a negative impact on their victims, on families, on communities and on the teaching profession.
4. Society has the right to expect that a teacher will form appropriate relationships which will preserve the dignity and respect of students. G Kozens acknowledged that his behaviour was inappropriate.
5. G Kozens' behaviour was deplorable, reprehensible and repugnant in that he used his teaching position to exploit a young [REDACTED] student for sexual purposes.
6. The profession expects that teachers will act in a manner which maintains the honour and dignity of the teaching profession. Through his actions, G Kozens violated those expectations.

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Dated at the City of Edmonton in the Province of Alberta, Thursday, December 5, 2002.

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

