

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

IN THE MATTER OF CHARGES OF UNPROFESSIONAL
CONDUCT AGAINST TIMOTHY WAYNE PENNER

The hearing committee of the Professional Conduct Committee of The Alberta Teachers' Association reports that charges of unprofessional conduct laid against Timothy Wayne Penner of [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, May 29, 2003 at 0900.

Professional Conduct Committee members present as the hearing committee were

[REDACTED]
investigated member. The investigated member was not present and was not represented by counsel.

CONSTITUTION/JURISDICTION

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

PLEA

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

1. Timothy Wayne Penner is charged with unprofessional conduct pursuant to the *Teaching Profession Act* in that he, while a member of The Alberta Teachers' Association, on or about November 7, 2001, was convicted of an indictable offence under Part XIX of the Criminal Code of Canada to wit: between the 1st day of November, 1999, and the 31st day of January, 2000, both dates inclusive, at or near [REDACTED], Alberta, being in a position of trust or authority towards Student A, a young person, did for a sexual purpose, touch directly the body of the student, with part of his body, to wit: his hands, contrary to section 153(1)(A) of the Criminal Code.

2. Timothy Wayne Penner is charged with unprofessional conduct contrary to the *Teaching Profession Act* in that he, while a member of The Alberta Teachers' Association, in or near the town of [REDACTED] in the Province of Alberta, between the months of October 1999 and February 2000, engaged in a relationship of a sexual nature with Student A, a young person who was a student at the school where he taught, thereby failing to act to treat the pupil with dignity and respect and with consideration of [REDACTED] circumstances.
3. Timothy Wayne Penner is charged with unprofessional conduct contrary to the *Teaching Profession Act* in that he, while a member of The Alberta Teachers' Association, in or near the town of [REDACTED] in the Province of Alberta, between the months of October 1999 and February 2000, engaged in a relationship of a sexual nature with Student A, a young person who was a student at the school where he taught, thereby failing to act in a manner which maintains the honor and dignity of the profession.

In the absence of the investigated member, a plea of "not guilty" to all charges was entered on his behalf.

WITNESSES

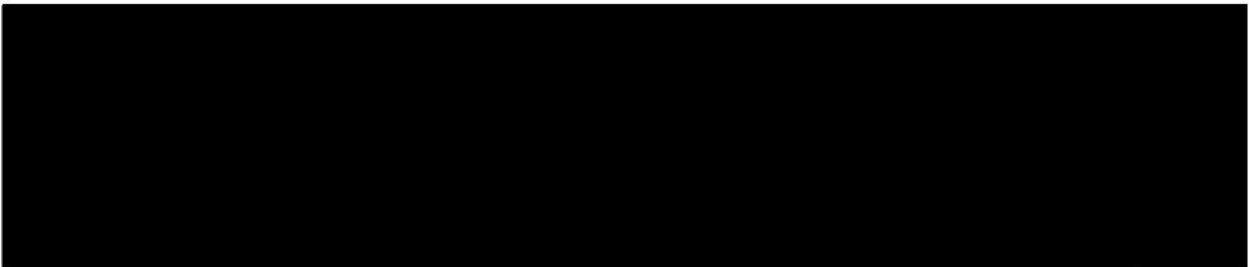
There were no witnesses.

EVIDENCE ADDUCED AND EXHIBITS FILED INDICATED THAT:

1. T Penner was employed by [School Division Redacted] at [School Redacted] from August 30, 1999 to June 30, 2000. (Exhibit 3)
2. T Penner was a member of the Alberta Teachers' Association from September 1, 1999 to August 31, 2000. (Exhibit 4)
3. A ban on publication of two students' names was granted by the committee as previously ordered by the Provincial Court. (Exhibit 2)
4. On November 7, 2001, T Penner stood convicted of an indictable offence, section 153(1)(A) of the Criminal Code of Canada and was sentenced accordingly. (Exhibit 9)



6. The transcript from the trial indicated that all acts occurred in various locations within the school. (Exhibits 6 and 8)



8. There was extensive media coverage of the criminal trial and its outcome in [redacted] and [redacted] newspapers. (Exhibit 11)

DECISION OF THE HEARING COMMITTEE

The hearing committee of the Professional Conduct Committee considered the three charges before it and ruled as follows:

1. Charge 1—Guilty
2. Charge 2—Guilty
3. Charge 3—Guilty

REASONS FOR DECISION

1. T Penner was convicted of an indictable offence under section 153(1)(A) of the Criminal Code of Canada.
2. By engaging in inappropriate actions and conversations of a sexual nature with students, T Penner failed to treat the students with dignity and respect and violated his position of trust as a teacher.

3. By engaging in inappropriate actions and conversations of a sexual nature with students, T Penner failed to maintain the honor and dignity of the profession. Resulting extensive newspaper coverage that detailed the incidents also brought dishonor to the profession.

PENALTY

1. On Charges 1 and 2, given the circumstances of this case, the hearing committee would normally impose on T Penner a cancellation of his membership in the Alberta Teachers' Association. However, T Penner is not currently a member of the Association; therefore, the committee declares that T Penner is ineligible for membership in the Alberta Teachers' Association, henceforth. The committee also recommends to the minister of learning that T Penner's teaching certificate be revoked indefinitely.
2. In addition, on Charge 2, the committee imposes a fine of \$1,500.
3. On Charge 3, the committee imposes a fine of \$1,000.

REASONS FOR PENALTY

1. T Penner's actions resulted in his conviction of an indictable offence under section 153(1)(A) of the Criminal Code of Canada.
2. By engaging in inappropriate actions and conversations of a sexual nature with students, T Penner failed to treat the students with dignity and respect and violated his position of trust as a teacher.
3. By engaging in inappropriate actions and conversations of a sexual nature with students, T Penner failed to maintain the honor and dignity of the profession. Resulting extensive newspaper coverage that detailed the incidents also brought dishonor to the profession.
4. Any suggestion that the young persons in question were willing participants in no way would absolve T Penner from his obligations as a teacher and person in authority. It was his duty to discourage such conversations and actions. He did just the opposite.
5. T Penner did not cooperate with the investigating officer.

6. The penalties are consistent with other similar fact cases.

Dated at the City of Edmonton in the Province of Alberta, Thursday, May 29, 2003.

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

