

REPORT OF THE DISCIPLINE COMMITTEE

IN THE MATTER OF a charge of unprofessional
conduct against Robert F Cole

The Discipline Committee of The Alberta Teachers' Association reports that charges of unprofessional conduct laid against Robert F Cole of [Location Redacted] were duly investigated

in accordance with the *Teaching Profession Act* (RSA 1980, Chapter T-3) and the Discipline Bylaws of the said Association. The hearing was held in Barnett House, 10010 142 Street NW, Edmonton, Alberta, Canada on Monday, April 29, 1996 at 0900 hours. Discipline Committee members present were: [Redacted]

[Redacted]. The accused was present but not represented by counsel.

CONSTITUTION/JURISDICTION

There being no objection to the constitution of the Committee and no question of its jurisdiction to hear the case, the hearing proceeded.

As the Discipline Committee was informed of a publication ban, the victim shall be referred to as [Name Redacted].

PLEA

A plea of "Guilty" to the following charges was entered by the accused.

1. Robert Francis Cole is charged with unprofessional conduct contrary to the Discipline Bylaws of The Alberta Teachers' Association in that he, a member of The Alberta Teachers' Association on the 27th day of September, AD 1995 in the City of [Redacted] pled guilty to and was convicted of an offence under Part XIX of the Criminal Code to wit: Between the 1st day of July, 1989 and the 20th day of September, 1992, both dates inclusive, at or near [Location Redacted], being in a position of trust or authority towards or in a relationship of dependency with [Name Redacted], a young person, did for a sexual purpose unlawfully touch, directly or indirectly, with a part of the body or with an object, a part of the body of [Name Redacted], contrary to section 153(1)(a) of the Criminal Code.

2. Robert Francis Cole is charged with unprofessional conduct contrary to the Discipline Bylaws of The Alberta Teachers' Association in that he, a member of The Alberta Teachers' Association has failed to act in a manner which maintains the honor and dignity of the profession, to wit: Between the 1st day of July, 1989 and the 20th day of September, 1992, both dates inclusive, at or near [Location Redacted], being in a position of trust or authority towards or in a relationship of dependency with [Name Redacted], a young person, did for a sexual purpose unlawfully touch, directly or indirectly, with a part of the body or with an object, a part of the body of [Name Redacted], contrary to section 153(1)(a) of the Criminal Code.

WITNESSES

No witnesses were called by the prosecution. [Name Redacted] was called by the defendant who also testified on his own behalf.

EVIDENCE ADDUCED AND EXHIBITS FILED INDICATED THAT:

1. The defendant was employed as a teacher by the [School Division Redacted] at the time of the indictable offence. (Exhibit 4)
2. Testimony established that the defendant was a member of The Alberta Teachers' Association at the time of the offence.
3. R Cole was a classroom teacher and guidance counsellor at [School Redacted] during the 1988/89 school year. (Exhibit 4)
4. [Name Redacted] was a [Age Redacted] and [Grade Redacted] student at [School Redacted] during the 1988/89 school year.
5. During the 1988/89 school year, [Name Redacted] received counselling from R Cole. A relationship of trust was established. (Exhibit 4)
6. [Name Redacted] was employed as a [Employment Redacted].
7. During the 1989/90 school year, [Name Redacted] attended [School Redacted] (Exhibit 4)

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8. In the fall of 1989, R Cole and [Name Redacted] developed a sexual relationship that continued until the fall of 1994. They engaged in many forms of sexual contact including [personal information redacted]. The relationship was consensual. (Exhibit 4)
9. In the fall of 1994, R Cole ended the relationship.
10. On 1995 09 27, R Cole plead guilty to a charge under section 153(1)(a) of part XIX of the Criminal Code of unlawfully touching [Name Redacted] for a sexual purpose. [Name Redacted] was between the [Age Redacted] during part of the relationship. (Exhibit 3)
11. The case received wide media coverage in the [REDACTED].

RECOMMENDED PENALTY

The Discipline Committee recommends to Provincial Executive Council the following penalty:

Charge 1—That the defendant's eligibility for membership in The Alberta Teachers' Association be cancelled, and that a recommendation be made to the Minister of Education that the defendant's teaching certificate be cancelled.

Charge 2—That the defendant's eligibility for membership in The Alberta Teachers' Association be cancelled, and that a recommendation be made to the Minister of Education that the defendant's teaching certificate be cancelled.

REASONS FOR RECOMMENDED PENALTY

1. A teacher should not be involved in sexual relationships with students.
2. Society views such actions as repugnant and reprehensible. The defendant's actions showed disregard for societal expectations of teachers.
3. By his actions, the defendant betrayed a relationship of trust established when he was a counsellor to [Name Redacted].

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4. The defendant failed to use sound judgement and common sense in allowing a sexual relationship to begin with a [Age Redacted] student and in continuing this relationship while [Name Redacted] was under the [Age Redacted]
5. Teachers who are convicted of indictable offenses under the Criminal Code bring dishonor and disrespect to the teaching profession.

DATED at the City of Edmonton in the Province of Alberta, Monday, 1996 04 29.

THE DISCIPLINE COMMITTEE
THE ALBERTA TEACHERS' ASSOCIATION

