

REPORT OF THE DISCIPLINE COMMITTEE

IN THE MATTER OF a charge of unprofessional
conduct against Barrett VannPashak

The Discipline Committee of The Alberta Teachers' Association reports that charges of unprofessional conduct laid against Barrett VannPashak of [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, 11010 142 Street, Edmonton, Alberta, Canada on Thursday, March 26 and Friday, March 27, 1992. Discipline Committee members present were: [REDACTED]

[REDACTED]
[REDACTED]
presented the case against the accused. The defendant was present and represented by [REDACTED]

A plea of not guilty to each of the following charges was entered on behalf of the accused.

1. Mr Barrett VannPashak, a member of The Alberta Teachers' Association, is charged with unprofessional conduct contrary to the Discipline Bylaws of The Alberta Teachers' Association in that he did not treat pupils with dignity and respect and was not considerate of their circumstance, nor did he act in a manner which maintains the honor and dignity of the profession when he, during the 1990/91 school term, discussed with his class his personal use of illicit drugs.

2. Mr Barrett VannPashak, a member of The Alberta Teachers' Association, is charged with unprofessional conduct contrary to the Discipline Bylaws of The Alberta Teachers' Association in that he did not treat pupils with dignity and respect and was not considerate of their circumstance, nor did he act in a manner which maintains the honor and dignity of the profession when he, in May of 1991, discussed with and described to his class his sexual assault on a young [REDACTED] while he was acting in the capacity of a [REDACTED].

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3. Mr Barrett VannPashak, a member of The Alberta Teachers' Association, is charged with unprofessional conduct contrary to the Discipline Bylaws of The Alberta Teachers' Association in that he did not treat pupils with dignity and respect and was not considerate of their circumstance, nor did he act in a manner which maintains the honor and dignity of the profession when he discussed with his class and with the parent of a student in his class his act of providing the students in a previous class with the questions contained on an achievement test prior to the test being administered.

4. Mr Barrett VannPashak, a member of The Alberta Teachers' Association, is charged with unprofessional conduct contrary to the Discipline Bylaws of The Alberta Teachers' Association in that he did not act in a manner which maintains the honor and dignity of the profession when he provided his students with the questions contained on an achievement test prior to the test being administered.

The prosecution had no objections to the constitution of the committee or its jurisdiction to hear the case. Defence counsel raised no objection to the constitution of the committee. Defence counsel objected to the jurisdiction of the committee to hear charges 3 and 4 in that notice of an amendment to charges 3 and 4 was given to Barrett VannPashak on March 18, 1992. Charges 3 and 4 were amended by deleting the word "provincial" before the words "achievement test". The amendment was communicated to the defendant with fewer than ten days' notice.

Defence counsel also objected to the committee's jurisdiction to hear charge 4 citing section 16 of the Teaching Profession Act. Charge 4 resulted from an incident alleged to have occurred in the 1986/87 school year. Mr VannPashak was not an active member of The Alberta Teachers' Association during the following school year and disciplinary proceedings were not instituted within a six month period.

Decision of the committee concerning jurisdiction:

1. The committee ruled that because the amendment was of substantive nature and the required ten days' notice had not been given, the committee was willing to grant an adjournment of the hearing in order to allow the defendant adequate time to prepare for his case. Defence counsel chose to proceed with the hearing.
2. The committee ruled that if discipline proceedings have been instituted within a six month period of the teacher's most recent active membership in the Association, then the committee has jurisdiction to hear the case.

Witnesses

The prosecution called the following witnesses: [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED] and [REDACTED]. The defence called B VannPashak as a witness.

Evidence Adduced and Exhibits Filed indicated that:

1. B VannPashak was a member of The Alberta Teachers' Association and employed by the [REDACTED] School District [REDACTED] from 1988 09 01 to 1991 06 30. (Exhibit 3)
2. B VannPashak was an active member of The Alberta Teachers' Association during the 1986-87 school year.
3. While employed as a teacher in [REDACTED] during the 1986-87 school year, B VannPashak was expected to administer a school wide achievement exam to his grade [REDACTED] class. B VannPashak went over the short answer portion of the exam with his class prior to administering the exam. He provided the students with questions and answers from the exam.
4. B VannPashak testified that he did this for the following reasons: i) he was resentful of the poor quality of the test; ii) he resented the lack of attention given to his complaints about the exam; and iii) he had already been informed that his

contract in [REDACTED] would not be renewed for the following year.

5. As a result of B VannPashak's action, he was suspended from his teaching duties for the last two weeks of June, 1987.

6. While employed by the [REDACTED] School District [REDACTED] and while on a school sponsored field trip, B VannPashak told a parent chaperon, [REDACTED], about the [REDACTED] incident.

7. During the 1990-91 school year, B VannPashak related this same information to the students in his grade [REDACTED] classroom.

B VannPashak contended that this was an attempt to illustrate the serious dangers and consequences of cheating.

8. Prior to 1991 01 01, B VannPashak also revealed his past use of illegal drugs to students in his class. A parent complained about this to [REDACTED], principal of [REDACTED] School. He directed that B VannPashak refrain from discussing his personal use of illegal drugs with students.

9. Sometime after 1991 01 01 and during a class discussion on drug use, B VannPashak told his grade [REDACTED] class that he had used illegal drugs during the previous Christmas break.

[REDACTED]

[REDACTED]

12. Some grade [REDACTED] students informed their parents of these class discussions. These parents became concerned.

13. On the evening of 1991 05 09, a parent contacted [REDACTED] requesting a meeting the following morning. Later that morning two other parents telephoned [REDACTED] to voice the same concerns.

14. [REDACTED] met with B VannPashak to listen to his side of the story. B VannPashak confirmed that he had told the class the sexual abuse story.

15. [REDACTED] requested a letter from B VannPashak in which he would confirm the student allegations and promise to refrain from any further comments pertaining to his personal life. (Exhibit 6)

16. [REDACTED] sent the three concerned parents a letter with B VannPashak's letter attached. [REDACTED]'s letter recognized the validity of the parental concerns and indicated that B VannPashak had made assurances that this would not happen again. (Exhibit 7)

[REDACTED]

19. At 0930 hours Monday 1991 05 13 parents met with [REDACTED], superintendent, [REDACTED], deputy superintendent and [REDACTED]. These parents expressed their concerns regarding B VannPashak's teaching. (Exhibit 8)

20. At 1130 hours on Monday 1991 05 13 B VannPashak and [REDACTED], a staff officer of The Alberta Teachers' Association met with [REDACTED], [REDACTED], and [REDACTED]. B VannPashak was advised of the complaints against him and was allowed the opportunity to provide his side of the story. (Exhibit 9)

21. B VannPashak confirmed that the parental complaints were essentially correct. (Exhibit 9)

22. B VannPashak had tendered his resignation earlier, effective 1991 06 30. From 1991 05 13 to 1991 06 30, B VannPashak was absent on a leave of absence [REDACTED]

Decision of the Discipline Committee:

- Charge 1 - Guilty
- Charge 2 - Guilty
- Charge 3 - Not Guilty
- Charge 4 - Guilty

Reasons for Decision:

Charge 1 - B VannPashak showed a lack of judgement by discussing his personal use of illegal drugs. Such discussions were not appropriate considering the children's age or their level of maturity. By revealing his use of illegal drugs, B VannPashak also caused parents to question the safety of their children in his care, as well as the judgement of teachers in general. B VannPashak failed to heed his principal's request that he not discuss this matter in the classroom.

Charge 2 - B VannPashak's admission of the sexual assault incident also showed a disregard for the age and maturity level of his students. Rather, it had the potential to create unnecessary fear and anxiety in his students. His actions caused parents to question the judgement and trustworthiness of teachers and to question the safety of their children in his care.

Charge 3 - Evidence showed that B VannPashak had used this incident in class to illustrate the consequences of cheating. Although B VannPashak again showed poor judgement in discussing his personal activities, the concept of cheating was one which his students could understand clearly.

Charge 4 - Evaluation is an integral component of the teaching process. By deliberately revealing questions and answers of a school-wide examination, B VannPashak destroyed the validity of the examination. This type of action brings dishonor to the profession.

Recommended Penalty for Each of Charges 1, 2 and 4:

1. That a recommendation be made to the Minister of Education that B VannPashak's teaching certificate be suspended until 1994 06 03.
 2. That B VannPashak's membership in The Alberta Teachers' Association be suspended until 1994 06 03.
- The committee recommends that the penalty for each of the offenses be served concurrently.

Reasons for Recommended Penalty:

1. B VannPashak failed to judge the impact of his actions on his students, his staff and the community. This was a serious offense.
2. Evidence regarding B VannPashak's [REDACTED] state of health would indicate that he should not be teaching at this time.
3. B VannPashak is undergoing medical treatment [REDACTED] for his condition. He recognizes the need for such treatment.
4. The Committee accepts that his unprofessional conduct was related, in part, to his high level of stress and anxiety at that time.
5. B VannPashak expressed remorse for his actions.
6. Prosecution and defence counsel presented a joint submission regarding penalty on behalf of B VannPashak. The specific date regarding the suspensions was suggested in the joint submission.

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DATED at the City of Edmonton in the Province of Alberta, Friday,
March 27, 1992.

THE DISCIPLINE COMMITTEE
THE ALBERTA TEACHERS' ASSOCIATION

