

THE ALBERTA TEACHERS' ASSOCIATION
REPORT OF THE HEARING COMMITTEE
OF THE PROFESSIONAL CONDUCT COMMITTEE
IN THE MATTER OF CHARGES OF UNPROFESSIONAL
CONDUCT AGAINST LOUIS-GEORGES PELLETIER

The hearing committee of the Professional Conduct Committee of the Alberta Teachers' Association reports that charges of unprofessional conduct laid against Louis-Georges Pelletier 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 commencing on Monday, April 11, 2016.

Professional Conduct Committee members present as the hearing committee were [REDACTED]
[REDACTED], presented the case against the investigated member and was assisted by Dave Matson. The investigated member, Louis-Georges Pelletier, was present and was not represented by counsel.

CONSTITUTION/JURISDICTION

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

CHARGES AND PLEA

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

1. Louis-Georges Pelletier is charged with unprofessional conduct pursuant to the *Teaching Profession Act* in that he, while a member of the Alberta Teachers' Association, during the 2013/14 and/or the 2014/15 school year(s), made comments to pupils and/or engaged in actions which failed to treat a pupil or pupils with dignity and respect.
2. Louis-Georges Pelletier is charged with unprofessional conduct pursuant to the *Teaching Profession Act* in that he, while a member of the Alberta Teachers' Association, during the 2013/14 and/or the 2014/15 school year(s), made comments to pupils and/or engaged in actions which failed to maintain the honour and dignity of the profession.

The investigated member entered a plea of guilty to each of the charges.

WITNESSES

There were no witnesses called.

EXHIBITS FILED

- Exhibit 1—Notice of hearing and Canada Post confirmation of delivery, on December 17, 2015
Exhibit 2—Declaration of awareness of rights, signed by Pelletier, dated April 5, 2016
Exhibit 3—Submission on plea, signed by Pelletier, dated April 5, 2016
Exhibit 4—Agreed statement of facts, signed by Pelletier and [REDACTED], dated April 5, 2016
Exhibit 5—Binder accompanying agreed statement of facts, with 41 tabs of information, including written statements, letters and e-mails by school administrators, parents, students and a school counsellor. This exhibit also contains historical personnel file documents and letters, notes and cards
Exhibit 6—Pelletier's document, Planning for Growth, for 2015/2016 (in French, translated to English by Pelletier reading aloud on the record)
Exhibit 7—E-mail to [REDACTED] from Pelletier, dated March 14, 2015
Exhibit 8—Photocopied note from [REDACTED] to Pelletier dated June 28, 2002

EVIDENCE ADDUCED AND EXHIBITS FILED INDICATED THAT:

Background

1. Pelletier was born on [REDACTED]. He began teaching at [School Redacted] in September 1991 and continued in that employment until the date of this hearing, April 11, 2016. Therefore, he was a member of the Association during that time. (Exhibit 4)
2. Pelletier was employed at [School Redacted] during the 2013/2014 and 2014/2015 school years. (Exhibits 3 and 4)
3. Pelletier was employed as a teacher for 25 years. (Exhibits 3 and 4)
4. Prior to the time considered in the charges, Pelletier was made aware of concerns from students and their parents, by school and jurisdiction administration, about his conduct with students. The concerns included Pelletier humiliating students, being abrupt with students, not listening to students carefully, and parents' reluctance to speak to Pelletier for fear their son or daughter would be penalized or embarrassed. These events occurred in 1994 and were addressed at that time. (Exhibit 5)
5. In 2003, Pelletier was made aware of parent and student concerns about his actions that humiliated students, and that students were fearful of retribution should they complain. This was shared with Pelletier in writing, by his vice-principal, and Pelletier was given support and opportunity to amend his practice. (Exhibit 5)

Evidence Adduced Pertaining to the Charges

The majority of the evidence relating to the charges was found in Exhibit 5, tabs 1 to 41. The parties agreed that the statements set out at tabs 1 to 41 were the views and perceptions held by the individuals who made the statements. While no witnesses were called in the hearing, the

parties agreed that the hearing committee could treat the witness statements contained in Exhibit 5 as if the statements were made during direct testimony in the hearing. The hearing committee accordingly proceeded on this basis.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

As noted above, the agreed statement of facts presented to the committee provided evidence that the presenting officer and the investigated member accepted that the statements provided by the individuals in tabs 1 to 41 of Exhibit 5 were the views and perceptions held by the individuals who provided the statements. The parties further agreed through the agreed statement of facts that the statements and submissions set out at tabs 1 to 41 of Exhibit 5 provided the foundation to support the investigated member's plea of guilty.

While the agreed statement of facts did not expressly provide that Pelletier agreed with the contents of the statements found at tabs 1 to 41 of Exhibit 5, it became clear through the course of the hearing that there was no significant contest between the parties as to facts described in the statements set out at tabs 1 to 41 of Exhibit 5. Indeed, Pelletier did not present evidence which contradicted the key facts and he further indicated at the beginning of his submissions that he accepted all of the elements (1 through 17) as described by the presenting officer in the presenting officer's submissions. While there are statements from students in Exhibit 5 who

enjoyed Pelletier's class and described him as an excellent teacher, those statements do not seriously challenge the occurrence of the facts underlying the charges or the supporting elements 1 through 17 as described by the presenting officer in his submissions.

DECISION OF THE HEARING COMMITTEE

Charge 1—guilty

Charge 2—guilty

REASONS FOR DECISION

Charge 1

1. Pelletier failed to treat pupils with dignity and respect when he embarrassed them, made disparaging remarks about their intellectual capabilities and made them stand on desks punitively or to belittle them. These actions were disrespectful and humiliated students in a manner which was clearly unprofessional.
2. Pelletier failed to treat students with dignity and respect when he engaged with them physically in a manner that was inappropriate and unprofessional. Pelletier physically harmed students, wrote on their bodies with a marker, moved student desks while students were still in them, slapped students' heads, and poured water on a student. These actions were profoundly disrespectful of students.
3. Pelletier caused students significant stress and anxiety by not responding with compassion when family circumstances warranted it and ridiculing students about their physique, employment, sexual orientation, possible learning disability and gender. Pelletier also employed questioning tactics and made comments that caused students to cry. Through these actions, Pelletier harmed students' dignity and neglected to treat them respectfully.
4. Through his actions, Pelletier caused students significant stress and created an unwelcoming learning environment where students felt unable to take risks to learn. This ultimately caused some students to withdraw from his class and thus from the [REDACTED] program. Through his actions and comments, Pelletier adversely affected some of his students' well-being and thus did not treat students with dignity and respect.
5. Pelletier made inappropriate comments about topics such as homosexuality, [REDACTED], [REDACTED], which exposed students to matters inappropriate for school. These comments made students feel uncomfortable and thus failed to treat students with dignity and respect.
6. Teachers are expected by the public, the profession and their students, to treat all students with dignity and respect. Through his many unprofessional comments and actions, over a period of two school years, Pelletier failed to treat his students with dignity and respect.

Charge 2

1. Through his comments and actions, Pelletier failed to maintain appropriate boundaries with his students and created a classroom atmosphere which adversely affected students' comfort and sense of safety. He did this by engaging in sexual innuendo and by making comments about a student's chador, a colleague's skin colour, students' gender, sexuality, intelligence, employment and future prospects. Through his failure to maintain boundaries, Pelletier failed to maintain the honour and dignity of the profession. His failure to create an environment where students felt comfortable and safe also showed disregard for the honour and dignity of the profession.
2. Pelletier engaged in behaviours related to matters of assessment in a manner that failed to uphold the dignity of the profession. He frequently engaged in conflict with students about assignments and exams, which ultimately caused parents to become involved. Pelletier's unwillingness to negotiate these instances fairly, and with regard for students, undermined the honour and dignity of the profession.
3. Teachers are expected to treat matters of assessment with the highest degree of fairness and care. Pelletier failed to do so on several occasions, which became apparent to students, parents, administrators and the school secretary. Through his careless and cavalier handling of issues related to assessment, Pelletier undermined the honour and dignity of the teaching profession.
4. Pelletier engaged in inappropriate and unprofessional physical interaction with students, including slapping, grabbing at, and writing on their bodies. The public and the profession expect teachers to maintain professional physical boundaries and interaction with students at all times. Through his actions, Pelletier failed to uphold the honour and dignity of the profession.
5. Pelletier admonished students who reached out to their parents or other professionals for help with their concerns. In so doing, he created a sense of fear and secrecy around his actions. The public, profession, parents and students expect teachers to support students when they attempt to advocate for themselves; instead, Pelletier created a sense in students and parents that addressing their concerns could result in retribution. This undermined the profession's standing in the school community.

SUBMISSION ON PENALTY

██████ recommended a penalty of a letter of severe reprimand for each charge, that Pelletier be declared ineligible for membership in the Alberta Teachers' Association for a period of four months and a recommendation to the minister of education that Pelletier's teaching certificate be suspended for a period of four months. Pelletier agreed that would be an appropriate penalty.

██████ cited one precedent that most approximated the facts of the charges in this case, which involved a principal who bullied his school staff.

PENALTY

To address both charges, the committee ordered a penalty of a letter of severe reprimand and that Pelletier be declared ineligible for membership in the Alberta Teachers' Association for a period of six months. Further, the committee recommends to the minister of education that Pelletier's teaching certificate be suspended for a period of six months.

REASONS FOR PENALTY

1. The nature and gravity of the charges was significant; Pelletier's offending actions and comments were pervasive and persistent and affected many students and their parents over the course of two school years.
2. Pelletier is an experienced teacher who had familiarity with the school, the community and his employer's expectations on the matters related to the charges.
3. During the time giving rise to the charges, Pelletier stated that he found his classes difficult to work with. The committee did not deem this to be a significant mitigating factor in light of the expectations of the profession.
4. While the parties were in agreement that a severe letter of reprimand, a declaration that Pelletier is ineligible for membership in the Alberta Teachers Association and a recommendation to the minister of education that Pelletier's teaching certificate be suspended for a period of four months were appropriate orders for penalty in the circumstances of this case, the hearing committee had concerns that a more significant penalty was warranted in order to protect students, the profession and the public interest.
5. In particular, in the precedent case referenced by [REDACTED], where a four-month period of suspension was ordered, the unprofessional conduct was between a principal and his staff. The committee considered that in this case, the power differential was between a teacher and his students, a considerably more significant imbalance of power.
6. When this concern was put to the parties, [REDACTED] indicated that he did not have concerns with the penalty being increased to a six-month period of ineligibility for Association membership and a recommendation for a six-month period of suspension of teaching certificate. Pelletier requested that a fine be considered instead of an increased period of suspension.
7. The committee determined that in light of the significant power differential between Pelletier and his students, a more significant penalty was warranted than in the precedent case involving unprofessional conduct between a principal and his staff. The committee declined to order a fine as no fine was ordered in the relevant precedent case. Instead, the committee determined that the period of ineligibility for Association membership and the recommendation for suspension of teaching certificate should both be increased to six months.

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8. The committee also considered that some of the students who were most affected by Pelletier's comments and actions were vulnerable due to their stage of social development and due to a variety of personal circumstances.
9. The impact of Pelletier's comments and actions was significant and detrimental to the health, well-being and [REDACTED] language educational opportunities of several students.
10. The committee determined that the penalty given for such a range and depth of unprofessional conduct must provide specific deterrence to Pelletier and general deterrence to members of the teaching profession.

Dated at the City of Edmonton in the Province of Alberta, June 1, 2016.

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

