

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

IN THE MATTER OF CHARGES OF UNPROFESSIONAL
CONDUCT AGAINST BRUCE HAROLD KIRKLAND

The hearing committee of the Professional Conduct Committee of The Alberta Teachers' Association reports that charges of unprofessional conduct laid against Bruce H Kirkland 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 Friday, March 15, 2002 at 0900.

Professional Conduct Committee members present as the hearing committee were [REDACTED]
[REDACTED] presented the case against the investigated member. The investigated member was not present and was not represented by counsel.

CONSTITUTION/JURISDICTION

The prosecuting officer, [REDACTED], did not object to the composition nor the jurisdiction of the committee to hear the case.

AMENDMENT OF CHARGE

On application by the prosecuting officer, Charge 1 was amended such that a typographical error referencing "October 3, 2002" was changed to read "October 3, 2001".

PLEA

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

1. Bruce Kirkland is charged with unprofessional conduct pursuant to the *Teaching Profession Act* in that he, while a member of The Alberta Teachers' Association, based on the events that occurred between September 1, 1986 and December 31, 1986, both dates inclusive, at or near [Location redacted], was convicted on October 3, 2001 of an indictable offence under Section 246.1 of the Criminal Code of Canada.

2. Bruce Kirkland is charged with unprofessional conduct pursuant to the *Teaching Profession Act* in that he, while a member of The Alberta Teachers' Association, between September 1, 1986 and December 31, 1986, both dates inclusive, at or near [Location Redacted] Alberta, committed a sexual assault on [Name redacted] a student, thereby failing to treat [gender redacted] with dignity and respect and in consideration of [gender redacted] circumstances.
3. Bruce Kirkland is charged with unprofessional conduct pursuant to the *Teaching Profession Act* in that he, while a member of The Alberta Teachers' Association, between September 1, 1986 and December 31, 1986, both dates inclusive, at or near [Location Redacted], Alberta, in that he committed a sexual offence against a young person, thereby failing to maintain the honor and dignity of the profession.

The investigated member, by way of written submission, entered a plea of "guilty" to each of the charges.

WITNESSES

No witnesses were called.

EVIDENCE ADDUCED AND EXHIBITS FILED INDICATED THAT:

1. B Kirkland was employed by [School Division Redacted] as a teacher from September 1976 to June 1999. (Exhibit C)
2. B Kirkland was a member of the Alberta Teachers' Association at the time of the actions which led to his conviction under the *Criminal Code*. (Exhibit C)
3. From September 1980 to June 1999, B Kirkland was a teacher at [School Redacted] in [Location Redacted]. He was the head of the [Subject Redacted] Department from 1982 to 1999. As well, he was assigned duties as a counsellor from 1989 to 1999. (Exhibit C)
4. B Kirkland resigned as a teacher from [School Division Redacted] in June 1999. (Exhibit C)
5. B Kirkland pled guilty to one charge of sexual assault under Part XIX (indictable) of the Criminal Code as follows:
Between the 1st day of September, 1986 and the 31st day of December, 1986, both dates inclusive, at or near [Location Redacted], Alberta, committed sexual assault on [Name Redacted], contrary to section 246.1 of the Criminal Code of Canada. (Exhibit C)

6. [Name Redacted] was a student at [School Redacted], although not a student of B Kirkland. [Name Redacted] attended a gathering of students at B Kirkland's home. Because there was some liquor consumed (not supplied by B Kirkland), several students stayed overnight. [Name Redacted] chose to sleep in B Kirkland's bed while others slept in a spare room or in the living room. At some point during the night, B Kirkland touched [Name Redacted] in a way that [Name Redacted] found offensive. [Name Redacted] rolled away and the touching stopped. (Exhibit C)
7. After the incident, [Name Redacted] continued to visit B Kirkland at his home. [Name Redacted] continued to maintain contact by telephone with B Kirkland after graduation. [Name Redacted] indicated that there were no further incidents. (Exhibit C)
8. B Kirkland pled guilty to the offence. (Exhibit C)
9. The honorable [REDACTED] sentenced B Kirkland to a term of 12 months to be served in the community. (Exhibit C)
10. The arrest and conviction were widely reported in the newspapers. (Exhibit F)
11. B Kirkland was forthright and cooperative with the investigating officer. (Exhibit C)
12. B Kirkland expressed remorse for his actions and wished to cooperate in bringing closure to this matter. (Exhibit C)
13. B Kirkland recognized that he has contravened the Code of Professional Conduct. (Exhibit C)

DECISION OF THE HEARING COMMITTEE

The hearing committee accepted the guilty plea on each of the three charges.

PENALTY

The hearing committee imposes the following penalties on B Kirkland:

Charge 1 — eligibility for membership in the Alberta Teachers' Association be suspended for a period of five years and that a recommendation be made to the minister of learning that the defendant's teaching certificate be suspended for a period of five years.

Charge 2 — eligibility for membership in the Alberta Teachers' Association be suspended for a period of five years and that a recommendation be made to the minister of learning that the defendant's teaching certificate be suspended for a period of five years.

Charge 3 — eligibility for membership in the Alberta Teachers' Association be suspended for a period of five years and that a recommendation be made to the minister of learning that the defendant's teaching certificate be suspended for a period of five years.

The hearing committee directs that the suspensions of membership be served concurrently. The committee also recommends that the suspensions of certificate be served concurrently.

A fine in the amount of \$500 on each charge for a total of \$1,500 to be paid by B Kirkland to The Alberta Teachers' Association.

REASONS FOR PENALTY

1. A teacher who is convicted of an indictable offence is guilty of unprofessional conduct.
2. As a teacher, B Kirkland was in a position of trust and authority over [Name Redacted] when the assault occurred. As such, he failed to treat [Name Redacted] with dignity and respect and to be considerate of [gender redacted] circumstances.
3. Society has a right to expect that teachers will act in a manner which establishes and maintains a trust relationship between teachers and students. B Kirkland violated this trust relationship.
4. A teacher should not be engaged in sexual activity with students. Society views such actions as repugnant and reprehensible.
5. A teacher convicted of an indictable offence brings dishonor and disrepute to the profession.
6. B Kirkland's arrest and conviction were widely reported in the media, which exacerbated the damage to the profession.
7. B Kirkland pled guilty in court to the charge against him, thereby sparing [Name Redacted] the need to testify. (Exhibit G)
8. B Kirkland was fully cooperative with the investigating officer in this matter and acknowledged his guilt. (Exhibit G)

9. The court sentenced B Kirkland to serve his sentence in the community as he was deemed to be of low risk to the community .
10. The nature of the offence was described by the Court as not being a major sexual assault.
(Exhibit E)
11. The offence was an isolated incident. Although [Name Redacted] spent time with B Kirkland after the assault in question, there was no repeat of the behavior.

Dated at the City of Edmonton in the Province of Alberta, Friday, March 15, 2002.

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



A large black rectangular redaction box covers the lower portion of the page, obscuring the names and signatures of the members of the Hearing Committee. Four horizontal lines are visible on the right side of the redacted area, indicating where the signatures were located.