

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

IN THE MATTER OF CHARGES OF UNPROFESSIONAL
CONDUCT AGAINST MARK PATRICK BUCKLEY

The hearing committee of the Professional Conduct Committee of the Alberta Teachers' Association reports that charges of unprofessional conduct laid against Mark Patrick Buckley 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 Monday, November 6, 2017, commencing at 0900.

Professional Conduct Committee members present as the hearing committee were [REDACTED]

[REDACTED] the case against the investigated member.

The investigated member, Mark Buckley, was not present and was not represented by counsel.

CONSTITUTION/JURISDICTION

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

CHARGES AND PLEA

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

1. Mark Patrick Buckley is charged with unprofessional conduct pursuant to the *Teaching Profession Act* in that he, while a member of the Alberta Teachers' Association, during the 2010/2011 and/or the 2011/2012 school year(s), inaccurately coded students for special needs funding, thus failing to maintain the honour and dignity of the profession, contrary to article 18 of the Code of Professional Conduct.
2. Mark Patrick Buckley is charged with unprofessional conduct pursuant to the *Teaching Profession Act* in that he, while a member of the Alberta Teachers' Association, in the 2010/2011 and/or the 2011/2012 school year(s), inaccurately coded students for special needs funding with no assessments to document the students' needs, thus failing to treat pupils with dignity and respect and to be considerate of their circumstances, contrary to article 4 of the Code of Professional Conduct.
3. Mark Patrick Buckley is charged with unprofessional conduct pursuant to the *Teaching Profession Act* in that he, while a member of the Alberta Teachers' Association, during the

period of school years 2008/09 through 2011/12, failed to provide due consideration to the health impacts that housing animals in [School Redacted] would have on students and staff, thus failing to treat students and staff with dignity and respect, contrary to section 23(1) of the *Teaching Profession Act*.

4. Mark Patrick Buckley is charged with unprofessional conduct pursuant to the *Teaching Profession Act* in that he, while a member of the Alberta Teachers' Association, during the period of school years 2008/09 through 2011/12, brought another adult into [School Redacted] music room for the purpose of a sexual encounter, thus failing to maintain the honor and dignity of the profession, contrary to article 18 of the Code of Professional Conduct.

In Buckley's absence, the chair entered a plea of not guilty to each of the charges on his behalf.

WITNESSES

The presenting officer called as witnesses

1. [Name Redacted]
2. [Name Redacted]
3. [Name Redacted]
4. [Name Redacted]
5. [Name Redacted]
6. [Name Redacted]
7. [Name Redacted]
8. [Name Redacted]
9. [Name Redacted]

EXHIBITS FILED

Exhibit 1-1—Notice of hearing returned by Canada Post marked "unclaimed"

Exhibit 1-2—Canada Post confirmation of non-delivery and record of attempts made to contact Buckley

Exhibit 2 —Proof of [redacted] membership in the Alberta Teachers' Association

Exhibit 3 —[School Board Redacted] Administrative Regulation 3003 – Special Education Programming

Exhibit 4 —Excerpt from 2011/2012 Severe Disabilities Funding Process at a Glance, [School Board Redacted]

Exhibit 5 —Special Education Coding Criteria 2011/2012, Government of Alberta, Education

Exhibit 6 —Standards for Special Education, Amended June 2004, Alberta Learning

Exhibit 7 [School Board Redacted] Administrative Regulation 4027 –Code of Conduct for Employees

Exhibit 8 —[School Board Redacted] of Education Human Resources Complaint Form

Exhibit 9 —Indemnity Agreement between [School Board Redacted] of Education and complainants

Report of the Hearing Committee of PCC re M Buckley, page 3

Exhibit 10—[School Board Redacted] of Education, Preliminary Investigation Report re Buckley, by [Name Redacted], QC

Exhibit 11—Proof of identity for telephone witness [Name Redacted]

Exhibit 12—list of precedent cases provided by [Name Redacted]

EVIDENCE ADDUCED AND EXHIBITS FILED INDICATED THAT:

1. Service of notice of this hearing on Buckley was effected in compliance with the *Teaching Profession Act*.
2. During the time of the incidents that gave rise to the charges, Buckley was a principal employed by [School Division Redacted], at [School Redacted].
3. Buckley was a member of the Alberta Teachers' Association from September 1, 1999 to August 31, 2012 (Exhibit 2).

Charge 1 and Charge 2

4. [Redacted] is an Area III Director with the school district and was so at the time of the incidents.
5. [Redacted] knew Buckley previously when Buckley was a principal at [Redacted] in [Redacted] which was a dedicated special needs school.
6. [Redacted] became Buckley's direct supervisor in 2011.
7. At the end of September 2011, [Redacted] was made aware of eight additional students at [Redacted] School being identified with severe needs coding. In [Redacted] opinion, this was an unusually large increase in the number of coded students at [Redacted].
8. On November 28, 2011, [Redacted], Director of Student Services, met with Buckley to ask for an explanation for the significant increase in students receiving severe needs codes at [Redacted] School and the lack of assessments and other paperwork for those eight students.
9. [Redacted] said it was a tense meeting and Buckley was aggressive and argumentative.
10. [Redacted] said Buckley told them he felt he was not given enough supports or time to properly assess the students.
11. Buckley explained to [Redacted] that he needed the \$80,000 in additional funds (which his school received as a result of the eight coded students) in order to maintain lower class sizes and to provide the students with a dedicated physical education teacher.

12. [Name Redacted] said [gender redacted] advised Buckley that the funds must be used to provide supports for the coded students and that he was "cheating" other schools in the district.
13. [Name Redacted] said this was the first time [Gender Redacted] had received a fraudulent claim for coded students.
14. [Name Redacted] commented this was a risk for the school district in that parents could challenge the process of coding students and the money allocated for supports.
15. [Name Redacted] said [School Redacted] had a high immigrant population and new Canadian parents often are less likely to challenge the school personnel or other persons considered experts.
16. [Name Redacted] said [Gender Redacted] did not think Buckley made an honest mistake in miscoding the eight students as the process used by the school district is well documented and all principals have access to district staff if assistance is needed.
17. [Name Redacted] outlined the steps and procedures school staff must undertake in order to identify a student as severe needs (Exhibit 3).
18. [Name Redacted] explained the requirements of Alberta Education regarding proper assessments and timelines for coding students with special needs (Exhibit 4).
19. [Name Redacted] said principals are aware that all schools must identify students with severe disabilities codes by September 30 and the Student Coding Report must be sent to Inclusive Learning Supports Branch. While principals are responsible for entering the students' codes into the Student Information Records System, the district expectations are that the proper assessments and supports are in place for those students (Exhibit 4).
20. By mid-November school personnel must complete the Student Monitoring Form and submit it to district office. They must include (a) copies of recent assessments and/or diagnostic reports including interpretation of the results or a written summary of specialized services provided for the student, (b) Individual Program Plans and (c) anecdotal notes where applicable (Exhibits 3 and 4).
21. [Name Redacted] said all principals in the school district are aware of these procedures and dates.
22. [Name Redacted] said [Gender Redacted] did not receive the Student Monitoring Form and associated paperwork from Buckley.
23. [Name Redacted] said the minimum requirements that principals are expected to complete in order to receive funding for students with severe needs are outlined in AR3003 on page 25 (Exhibit 3).

24. [REDACTED] reiterated that parents must be a part of the process and must understand that their written informed consent is a requirement before a student can be considered for special education programming recommendations (Exhibit 3).
25. [REDACTED] said Buckley did not have assessments nor parental consent for the eight students he coded in order to receive additional funding for his school.
26. [REDACTED] said [REDACTED] believed that Buckley committed fraud.
27. [REDACTED] is Director of Student Services and Director of Learning with the school district.
28. [REDACTED] previously knew Buckley when he was under [REDACTED] supervision as a specialist regarding suspension hearings for the school district.
29. [REDACTED] said students are identified as requiring special needs coding through the Ministerial Order, Standards for Special Education, Amended June 2004 (Exhibit 6).
30. [REDACTED] said this standard has been in place for at least 20 years so there is no reason why a principal would not be aware of the requirements as outlined.
31. [REDACTED] said principals are expected to discuss with parents any necessary assessments as well as any possible outcomes and ramifications that may arise from those assessments.
32. [REDACTED] said the school district has a very specific tracking system of all forms through the entire process of identifying students with special needs.
33. [REDACTED] identified the steps, procedures and timelines that must be followed by school principals in identifying students with severe special needs (Exhibits 3 and 4).
34. [REDACTED] said principals in the school district are encouraged to contact district staff if they are having difficulty meeting any of the requirements in a timely manner. [REDACTED] further stated that [REDACTED] received no requests for assistance from Buckley.
35. In the fall of 2011, [REDACTED] and [REDACTED] staff noticed there were eight additional students added to the list of special needs students at [REDACTED] School. This was an anomaly, especially given that these students had not been identified the previous spring although all had been students at [REDACTED] School.
36. [REDACTED] and [REDACTED] staff began to explore why this anomaly occurred. [REDACTED] noted there was no paperwork in the files and no work orders had been filed to request a psychological assessment.
37. [REDACTED] advised [REDACTED] of [REDACTED] concerns.

38. ██████ attended the meeting with ██████ and Buckley on November 28, 2011. ██████ said Buckley admitted that he coded the students without the proper assessments as he felt the students required the extra supports. Buckley said there were many needy students at ██████ School and they would all benefit from the extra funding the school would receive.
39. ██████ advised Buckley that this was inappropriate.
40. ██████ said it would be highly unlikely that Buckley would not know the correct processes, especially given his previous experience at a dedicated special needs school and his experience in district office.
41. ██████ said this was the first time ██████ had seen a fraudulent claim in ██████ 17 years with the school district.

Charge 3

42. ██████ said that, in October 2011, the Facilities Team Leader alerted ██████ to concerns regarding the location of animals, electrical hazards and lack of cleanliness at ██████ School.
43. ██████ toured the school in December 2011. ██████ noted that there were large fish tanks, cages and excessive furniture in the front hallway of the school, which could impede safe conduct from one part of the school to another for students, staff and visitors to the school.
44. Buckley told ██████ the complaint was a result of a personality conflict between Buckley and the Facilities Team Leader and was not grounded in fact.
45. Buckley was dismissive of ██████ concerns and commented that students needed direct hands-on learning that would be gained through interaction with the animals, fish and birds.
46. In April 2012, Buckley went on a medical leave.
47. The principal who replaced Buckley reported to ██████ that the school was filthy and a health hazard for students and staff.
48. ██████ and the Facilities Team Leader toured the ██████ School again. ██████ noted the following:
 - a) There was a plant wall in the front entrance that was dripping water onto the floor from the makeshift watering system that was being used.
 - b) Dripping water was close to extension cords.
 - c) There were things hanging from the ceiling and lights in classrooms that were not approved and could have been deemed a fire hazard.
 - d) The fish tanks appeared to be dirty and filled with algae. Some tanks were so dirty she could not tell if there were live fish in the tanks.
 - e) There were fish tanks inappropriately stored in the mechanical room.

- f) There were chicken wire, pellets and cages in the book storage rooms.
 - g) There were flammable materials stored in the art storage room next to the kiln.
 - h) Two doves lived in the room immediately adjacent to the food prep area and were allowed to fly free. There were feces on the staff room furniture and walls.
 - i) Smelly incubators with unhatched eggs were stored in the office area.
49. [REDACTED] called in the "swarm team" to begin a thorough cleaning of the school. Staff assisted with the clean-up which took approximately two months to complete.
50. [REDACTED] testified via video conferencing from the Southern Alberta Regional Office of the Alberta Teachers' Association.
51. [REDACTED] was a teacher on a probationary contract with the school district and worked at [REDACTED] School while Buckley was principal.
52. [REDACTED] said Buckley told the staff that the theme for the school year would be "Our Living World" and as such, Buckley brought several birds and animals into the school.
53. [REDACTED] said the main hallway by the music room and the gymnasium had a musty urine smell, "like a petting zoo." Because this was a main hallway in the school and the only way to access the music room and the gymnasium, there was no way to avoid the area.
54. [REDACTED] said the tanks and cages were not well looked after and appeared to be very dirty.
55. [REDACTED] said the two doves were both male and were fighting and pecking at each other; one was bloody and losing his feathers as a result.
56. [REDACTED] said extra supervision was required by staff because students with impulse control issues would often grab at the animals and the birds, often coming dangerously close to the heat lamps in the cages.
57. [REDACTED] asked Buckley about students and staff with allergies and was advised that they should avoid the areas of the school where the animals and birds were. [REDACTED] stated that there was no way to avoid the animals and birds in the school.
58. [REDACTED] said educational assistants were often tasked with cleaning up after the animals and birds rather than working directly with their assigned students.
59. [REDACTED] said it was difficult to meet with Buckley because he had various animals and birds in his office.
60. [REDACTED] was concerned for the health and safety of the animals as well as the staff and students; it was not a healthy environment.

61. [REDACTED] stated the "deep clean" process took over two weeks to complete.
62. [REDACTED] testified via video conferencing from the Southern Alberta Regional Office of the Alberta Teachers' Association.
63. [REDACTED] was a teacher on contract with the school district and was teaching at [REDACTED] School when Buckley was principal.
64. [REDACTED] described the school as being extremely messy and smelly. [REDACTED] described the school floors as being filthy with "poop" all over. [REDACTED] had allergies to animals and was required to take antihistamines in order to go to work.
65. [REDACTED] said even though [REDACTED] told Buckley [REDACTED] was scared of birds, he still placed two birds in [REDACTED] classroom. After a week, the two birds died and were replaced. The replacement birds also died. When [REDACTED] spoke to Buckley about this, he implied that it was [REDACTED] fault that the birds died since his were still alive. Buckley claimed that [REDACTED] either fed them too much or too little, kept them too hot or too cold or caused their death in some other way. [REDACTED] said [REDACTED] was not given any training on how to look after the birds. [REDACTED] was very upset that the birds had died and [REDACTED] resented the implication that it was [REDACTED] fault. [REDACTED] had to try to explain to [REDACTED] students what had happened to the birds.
66. [REDACTED] had a concern brought to [REDACTED] by a parent regarding the birds in [REDACTED] classroom; [REDACTED] told the parent [REDACTED] would need to speak to Mr Buckley. [REDACTED] did not know if the parent met with Buckley.
67. [REDACTED] also said that rabbits were allowed to roam the room and that teachers were expected to clean up after them.
68. [REDACTED] said Buckley advised students and staff with allergies to avoid the areas of the school where the animals and birds were. [REDACTED] said there was no way to avoid the animals and birds in the school as you had to pass by them in order to gain access to the gymnasium and the music room. There was no "allergy free" zone in the school.
69. [REDACTED] was employed by the school district as a human resources manager in the superintendent's office during the time of the incidents.
70. In February 2012, staff of [REDACTED] School brought forth concerns regarding the principal of the school (Exhibit 8).
71. The teachers asked to meet with [REDACTED] outside of school property. They expressed fear of retaliation from Buckley.

72. Before the teachers would sign the complaint form (Exhibit 8), they demanded an indemnity agreement (Exhibit 9). [REDACTED] had to obtain legal advice before the complaint could move forward.
73. As a result of the complaint, the school district contracted [REDACTED] to conduct an independent investigation into Buckley's behaviour. In [REDACTED] preliminary report (Exhibit 10), [REDACTED] refers to the serious allegations, by several witnesses, regarding Buckley's disregard for the health and safety of the staff and students at [REDACTED] School who were allergic to animals, particularly birds and rabbits, that he housed in the school. In [REDACTED] opinion, this could be a human rights issue. [REDACTED] could not make a final report as [REDACTED] was unable to interview Buckley.
74. [REDACTED] was employed as a teacher by the school district and worked at [REDACTED] School when Buckley was principal.
75. [REDACTED] testified that although [REDACTED] liked animals, there were too many in the school and they were not well looked after.
76. [REDACTED] said the smell hit you as soon as you entered the school. Many staff experienced illnesses due their exposure to animal hair and feathers. There was animal and bird feces on the hallway walls "at the height of a kindergarten child." There was nowhere to eat that didn't either have animals in the room or close by, which resulted in the lunch room smelling badly.
77. One of her Grade 1 students was hospitalized on more than one occasion, and [REDACTED] was told by the parent that it was due to severe allergies. [REDACTED] took her concerns to Buckley who advised [REDACTED] that there was more to the story and [REDACTED] shouldn't worry about it. [REDACTED] felt he dismissed [REDACTED] concerns cavalierly.
78. [REDACTED] said extra supervision of children was required because the students wanted to touch the animals and birds in the cages. [REDACTED] felt this was not safe as there were heat lamps and the cages were not clean.
79. [REDACTED] also said that the doves were in poor living conditions and plucked at each other until they bled and lost feathers.
80. [REDACTED] said [REDACTED] felt that Buckley did not take any of [REDACTED] concerns seriously.
81. After Buckley left the school, the staff started cleaning and getting rid of cages and aquariums.
82. [REDACTED] said [REDACTED] still feels the effects of working for Buckley. [REDACTED] now works with the principal who replaced Buckley; [REDACTED] followed that principal to the next school as [REDACTED] does not trust administrators.

83. [REDACTED] was an educational assistant employed by the school district and worked at [REDACTED] School when Buckley was principal.
84. [REDACTED] testified that there was an immediate change of tone when Buckley became principal of the school. [REDACTED] said that he was very strong willed and controlling and "it was his way or the highway."
85. He started bringing in birds at first and then other animals. He brought in wooden and chicken wire cages for the animals. [REDACTED] said [REDACTED] thought the cages were the kind you would find on a farm not in a school. The rabbits had large hutches in the hallways and some were allowed to roam freely in the classrooms. Many of the animals were sickly as they were not well cared for. Some of the children were responsible for cleaning the cages. There was a maliferous odour throughout the school. [REDACTED] suffered from sinus infections and had recurring bouts with bronchitis. [REDACTED] was reprimanded for missing work.
86. [REDACTED] testified that the environment negatively impacted staff, students, parents and visitors to the school.
87. [REDACTED] expressed her concerns to Buckley, and he replied that he thought things were going just fine.
88. [REDACTED] was employed by the school district and was a teacher at [REDACTED] School while Buckley was principal.
89. [REDACTED] testified via telephone conference from a lawyer's office in Ontario. The lawyer verified her identity and subsequently e-mailed a copy of [REDACTED] driver's licence as proof of identity (Exhibit 11).
90. [REDACTED] said Buckley brought in a large number of farm birds, turkeys, chickens, ducks etc that were kept in large cages at the front of the school. The cages were dirty and the birds smelled bad. He was also breeding the birds and hatching chicks in incubators.
91. [REDACTED] testified that Buckley tried to mate two guinea pigs. He was advised that guinea pigs have to mate before a certain age because their pelvic bones fuse together when they are older and they are unable to give birth. Buckley refused to listen and as a result the female guinea pig died. The students were very upset.
92. [REDACTED] testified that [REDACTED] had mild allergies and it was difficult to avoid the areas where the animals and birds were kept. [REDACTED] School is an older school and the ventilation system was not equipped to filter out pollen and dust and as a result, it was in all areas of the school.
93. [REDACTED] said [REDACTED] often required medication in order to go to work at [REDACTED] School.

94. ██████ testified that as far as ██████ knew, Buckley did not address parental concerns regarding the animals and birds in the school.
95. ██████ recounted a time when a student was required to clean out the feces from the rabbit hutch and was breathing in the dust from the hutch.

Charge 4

96. ██████ testified from Calgary via voice Skype.
97. ██████ is a psychiatrist who specializes in forensic psychiatry.
98. ██████ testified that ██████ had been contracted by the school district to conduct an independent evaluation of Buckley and Buckley consented to waive confidentiality for the purpose of ██████ report to the school district. ██████ received independent legal advice that ██████ could testify before the hearing committee regarding the contents of ██████ report.
99. ██████ testified that Buckley told ██████ that he had sex with another adult in the music room at ██████ School on a weekend.
100. ██████ testified that Buckley told ██████ this voluntarily and without prompting.

Credibility

██████ testified via voice Skype from ██████ office in Calgary. ██████ sounded professional and when asked, ██████ readily volunteered ██████ extensive credentials and professional association involvement. ██████ was aware of ██████ legal responsibilities and advised the committee that ██████ had sought legal and professional advice before testifying. ██████ testified about a conversation ██████ had with Buckley. Because Buckley had agreed to share the information with the school district, ██████ was advised ██████ could therefore share that same information with the committee. During the conversation between ██████ and Buckley, Buckley volunteered the information ██████ brought an adult into the school for a sexual encounter. This information was voluntarily given; therefore, it is considered to be an admission against interest and therefore is not hearsay and is allowed to be entered as evidence. ██████ was very specific in ██████ testimony and only testified on evidence directly related to Charge 4.

██████ has been Area III Director with the school district for over nine years. Previously ██████ was a principal with several different school boards and has over 43 years of experience within the education system. ██████ demeanour was professional. ██████ made eye contact with the presenting officer and with the committee members. ██████ appeared to be honest and ██████ was able to easily recall details. ██████ motivation in testifying was to fulfill ██████ responsibility to the school district. ██████ story remained consistent throughout all ██████ testimony. ██████ version of events was consistent with other evidence and was consistent with other witnesses' testimony. ██████

demonstrated a believable perception of events and [REDACTED] grasp of the protocols and regulations of [REDACTED] school division was evident.

[REDACTED] testified via video Skype. The committee found [REDACTED] to be a credible witness. [REDACTED] testimony was internally consistent throughout and was consistent with other witnesses' testimony. [REDACTED] was able to recall specific details and explain them very well.

[REDACTED] was Director of Student Services and Director of Learning with the school district. [REDACTED] demeanour was professional. [REDACTED] made eye contact with the presenting officer and with the committee members. [REDACTED] appeared to be honest and [REDACTED] was able to easily recall details. [REDACTED] motivation in testifying was to fulfill [REDACTED] responsibility to the school district. [REDACTED] story remained consistent throughout all [REDACTED] testimony. [REDACTED] version of events was consistent with other evidence and was consistent with other witnesses' testimony. [REDACTED] demonstrated a believable perception of events and [REDACTED] grasp of the protocols and regulations of [REDACTED] school division was evident.

[REDACTED] testified via video Skype. The committee found [REDACTED] to be a credible witness. [REDACTED] testimony was internally consistent throughout and was consistent with other witnesses' testimony. [REDACTED] was able to recall specific details and explain them very well. [REDACTED] was visibly upset at one point in [REDACTED] testimony.

[REDACTED] is Manager of Human Resources with the school district and has over 35 years' experience. [REDACTED] demonstrated a strong understanding of protocols and legal procedures. [REDACTED] demeanour was professional. [REDACTED] appeared to be honest and [REDACTED] was able to easily recall details. [REDACTED] motivation in testifying was to fulfill [REDACTED] responsibility to the school district.

[REDACTED] testimony was deemed believable by the committee. Although visibly upset, [REDACTED] was able to recall very specific details and describe the events to the committee. [REDACTED] testimony was both internally and externally consistent. [REDACTED] showed sensitivity to the needs and concerns of other staff and students. [REDACTED] seemed to be very aware of the effect the incidents have had on [REDACTED] long term emotional health and wellbeing.

[REDACTED] testimony was deemed believable by the committee. [REDACTED] was an educational assistant at the school. [REDACTED] testimony was internally consistent and was collaborated by other witness testimony.

[REDACTED] testified via telephone from a lawyer's office in Ontario. [REDACTED] was able to vividly describe specific details of how the animals, students and staff were treated. [REDACTED] testimony was internally and externally consistent.

DECISION OF THE HEARING COMMITTEE

Charge 1—Guilty
Charge 2—Guilty
Charge 3—Guilty
Charge 4—Guilty

REASONS FOR DECISION

Charge 1

1. The school district's administrative regulations state that parents must be consulted and informed about the processes for special education programming. A lack of communication between teachers and parents undermines the trust and credibility of the profession. By not communicating with parents regarding special education programming, Buckley failed to maintain the honour and dignity of the profession, contrary to article 18 of the Code of Professional Conduct.
2. By ignoring the regulations as set out by the school district, Buckley's actions undermined the integrity of the process and the authority of the district to issue lawful orders.
3. Inaccurate coding brought an extra \$80,000 to [REDACTED] School which meant that other schools, whose principals followed the rules, may not have received adequate funding. More importantly, these actions may have resulted in depriving students of the supports they required to be successful in school, thus failing to maintain the honour and dignity of the profession.
4. A school principal is given autonomy and is expected to act with integrity. Buckley's actions lacked professionalism and thus undermined the credibility of the profession as a whole.
5. By fraudulently accessing funds meant to provide programming for special education students, Buckley failed to maintain the honour and dignity of the profession.

Charge 2

6. The school district's administrative regulations state that parents must be consulted and informed about the processes for special education programming. By not communicating with parents regarding special education programming for their children, Buckley failed to show students dignity and respect and was not considerate of their circumstances, contrary to article 4 of the Code of Professional Conduct.

7. Inaccurate coding brought an extra \$80,000 to [REDACTED] School, which Buckley did not use for supports for students who had been wrongly coded, thus failing to treat students with consideration for their circumstances.

Charge 3

8. Buckley failed to treat students and staff with dignity and respect, contrary to section 23(1) of the *Teaching Profession Act*, by housing animals in the school without regard to the health and safety of the staff and students.
9. Buckley refused to acknowledge the health impacts the animals had on students and staff who experienced allergic reactions and failed to provide a safe space for those students and staff who were allergic.
10. Buckley failed to consider the health impacts of having animals in unclean and unsafe cages in the school, in the main hallway, classrooms and food preparation areas. This resulted in excessive odours throughout the school and impacted the culture of the school.
11. Staff and students were expected to clean up after the animals and birds, thus taking away time from instruction and learning.

Charge 4

12. Buckley admitted, in a conversation with a psychiatrist, that he brought another adult into [REDACTED] School's music room for the purpose of a sexual encounter, thus failing to maintain the honour and dignity of the profession, contrary to article 18 of the Code of Professional Conduct.

SUBMISSION ON PENALTY

[REDACTED] submitted that the appropriate penalty in this case would be one letter of severe reprimand for all four charges, a declaration that Buckley be declared permanently ineligible for membership in the Alberta Teachers' Association and a recommendation to the minister of education that Buckley's teaching certificate be cancelled.

This penalty was recommended due to the nature and severity of Buckley's actions, which caused significant harm and have had an ongoing impact on the physical and mental health of the staff. [REDACTED] said Buckley's actions were not isolated incidents; his actions were fraudulent in nature. [REDACTED] said Buckley's actions were severe enough to cause long term, adverse emotional impacts for the staff.

[REDACTED] said Buckley was an experienced principal who should have known better; Buckley's actions were not youthful indiscretions. Buckley has many years of teaching, principal

and central office experience. The investigation revealed there was no record of previous professional discipline against Buckley. There were no mitigating factors in this case.

██████████ said Buckley was uncooperative with ██████████ and with the investigating officer.

PENALTY

The hearing committee of the Professional Conduct Committee imposed as penalty on Buckley

1. a letter of severe reprimand to address Charges 1 to 4 inclusively,
2. a declaration that Buckley is permanently ineligible for membership in the Alberta Teachers' Association, and
3. a recommendation to the minister of education to cancel Buckley's teaching certificate.

REASONS FOR PENALTY

1. All teachers have a responsibility to treat students with dignity and respect.
2. All teachers have a responsibility to maintain the honour and dignity of the profession.
3. Any conduct of a teacher that, in the opinion the hearing committee, is detrimental to the dignity of a student, is unprofessional.
4. Any conduct of a teacher that, in the opinion the hearing committee, is detrimental to the honour and dignity of the profession is unprofessional.
5. Buckley failed to uphold sections 4 and 18 of the Code of Professional Conduct. By deliberately miscoding students, Buckley violated the trust and authority that was vested in him as the educational leader of the school.
6. Buckley was an experienced principal and would have been aware of the proper protocols and procedures required by the school district for coding a student for special education programming.
7. Buckley's deliberate miscoding of the students for special needs funding, with no assessments to document the students' needs and with no intent to provide special assistance to those students named, showed a blatant disregard for the dignity of the students, failed to treat them with the respect they deserved and was inconsiderate of their circumstances.
8. Buckley's fraudulent coding of students allowed his school to receive money that it was not entitled to receive. Given the finite resources available, this could have caused harm to other students and schools in the school district.

9. The profession expects school leaders to act as role models for other staff and to act in a manner that is trustworthy and upholds the honour and dignity of the profession, at all times. Buckley's actions violated these expectations and besmirched the reputation of the profession amongst its own members. As a result, a significant penalty is in order to affirm the profession's expectations of its members.
10. Buckley clearly betrayed the fundamental trust that society places on teachers and brought dishonour and disrepute to the profession. The public must be assured that teachers who do not uphold the values outlined in the Code of Professional Conduct will not go unpunished.
11. Buckley's actions in bringing birds, fish and animals into the school without providing for relief for those people who may have had medical issues is a clear and definite violation of section 23(1) of the *Teaching Profession Act*.
12. School leaders are expected to provide a safe and caring learning environment for their students. By failing to acknowledge that some students may have allergic reactions to the animals and birds, Buckley showed a complete disregard for the students' health and safety, thus failing to be considerate of their circumstances.
13. Buckley's continued refusal to acknowledge the discomfort of staff regarding the manner in which the animals were housed and cared for, showed a complete lack of respect for his staff.
14. Buckley's actions failed to provide due consideration for the health impacts that housing the animals and birds at the school would have on staff, thus failing to treat staff with dignity and respect.
15. Buckley's repeated refusals, over three years, to ameliorate the health effects the animals had on the students and staff resulted in a hostile working environment. This working environment caused long term emotional and psychological distress for many staff members.
16. Buckley did not provide adequate training for the staff in how to look after the birds and animals.
17. Many staff felt they were implicated when birds or animals died.
18. Staff were also responsible for explaining to students why animals and birds had died.
19. Teachers and educational assistants were expected to feed and clean the animals and birds. This directly affected the learning time for students.
20. Teachers and educational assistants were expected to provide safe passage for their students through hallways that were littered with cages, aquariums and feces.

21. By his own admission, Buckley brought another adult into the school for the purpose of a sexual encounter, thus failing to maintain the honour and dignity of the profession, contrary to article 18 of the Code of Professional Conduct.
22. The hearing committee did not hear testimony of any mitigating factors.
23. The hearing committee, in considering the totality of Buckley's actions as outlined in Charges 1, 2, 3 and 4, determined that a severe penalty was warranted. Through his actions, Buckley clearly demonstrated that he did not respect the honour and dignity of the teaching profession. Buckley showed a complete lack of respect for the school authority and its processes. Further, his actions demonstrated a complete disregard for the health and safety of the staff, the students and parents of [REDACTED] School.

Dated at the City of Edmonton in the Province of Alberta, Friday, November 24, 2017.

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

