

THE ALBERTA TEACHERS' ASSOCIATION
REPORT OF THE HEARING COMMITTEE
OF THE PROFESSIONAL CONDUCT COMMITTEE
IN THE MATTER OF CHARGES OF UNPROFESSIONAL
CONDUCT AGAINST TRACY LYN EDWARDS

The hearing committee of the Professional Conduct Committee of the Alberta Teachers' Association reports that charges of unprofessional conduct laid against Tracy Lyn Edwards 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 Tuesday, January 28, 2014 commencing at 0900.

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

CONSTITUTION/JURISDICTION

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

CHARGES AND PLEA

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

1. Tracy Lyn Edwards is charged with unprofessional conduct pursuant to the *Teaching Profession Act* in that she, while a member of the Alberta Teachers' Association, on or about the 2010/11 and 2011/12 school years, was responsible for approximately \$6,100 of money collected for magazine sales that should have been deposited in the school's account but is unaccounted for, thus failing to maintain the honour and dignity of the profession.
2. Tracy Lyn Edwards is charged with unprofessional conduct pursuant to the *Teaching Profession Act* in that she, while a member of the Alberta Teachers' Association, on or about the 2010/11 school year, misappropriated funds of [School Division Redacted] for her own unauthorized purpose, thus failing to maintain the honour and dignity of the profession.

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



WITNESSES

No witnesses were called

EXHIBITS FILED

- Exhibit 1 Affidavit of service and attachments regarding delivery of notice of hearing
- Exhibit 2 Proof of Edwards membership in the Association from September 1, 1994 to February 28, 2013
- Exhibit 3 Declaration of awareness of rights, signed by Edwards, dated January 22, 2014
- Exhibit 4 Submission on plea, signed by Edwards, dated January 22, 2014
- Exhibit 5 Agreed statement of facts, signed by Edwards and [REDACTED], dated January 22, 2014
- Exhibit 6 Joint submission on penalty, signed by Edwards and [REDACTED], dated January 22, 2014

EVIDENCE ADDUCED AND EXHIBITS FILED INDICATED THAT:

1. Edwards was a member of the Alberta Teachers' Association during the period September 1, 1994 to February 28, 2013 inclusive (Exhibit 2).
2. Edwards was employed by {School DivisionRedacted} from 1995 until February 18, 2013 when her employment was terminated by the school division (Exhibit 5).
3. Edwards became an administrator with {School DivisionRedacted} in 1998 (Exhibit 5).
4. Edwards was employed as a teacher/principal at {School Redacted} in {School DivisionRedacted} at the time of the incident(s) giving rise to allegations (Exhibit 5).
5. Magazine fundraising is a common activity in schools where proceeds are intended to support school field trips. Edwards organized the start date of the magazine sales and assembly in her school with the [Name Redacted](Exhibit 5).
6. Students were given envelopes and materials needed to sell magazines (Exhibit 5).
7. Payments were made with cash, cheques and credit cards (Exhibit 5).
8. The cash payments and cheques were kept in an envelope and locked in a file cabinet until the deadline for collection (Exhibit 5).

9. At the sales deadline, student leadership class members picked up the envelopes that contained the orders and payments (both cash and cheques) for magazine sales, from the teachers, and reconciled the orders with the payments received and then turned the envelopes in to the office (Exhibit 5).
10. After this, the school secretary, [Name redacted], passed the money and orders on to Edwards (Exhibit 5).
11. Edwards sorted the orders and if the students had enough sales, they earned a chance to win a money prize (Exhibit 5).
12. A portion of the monies received from orders was used for these prizes. The prize amounts were to be recorded and students had to sign for any prizes worth more than five dollars (Exhibit 5).
13. Either Edwards, an educational assistant or a leadership student would hand envelopes of money/cheques to the library technician, [Name redacted], for deposit. [Name redacted] prepared the deposit and handed it to [Name redacted] to take to the bank. [Name redacted] provided [Name redacted] with a copy of the deposit slip which Edwards stored as part of the record (Exhibit 5).
14. Edwards completed the paper work at the end of two magazine sales campaigns (Exhibit 5).
15. Financial issues at [School Redacted] came to light during a financial training session conducted in January 2012 at the division office in [Location Redacted] when [Name Redacted] commented to the school division senior accountant, [Name redacted], that it was odd that although cash was received for magazine sales at the school, no cash was ever deposited in the school account (Exhibit 5).
16. During that training session, [Name redacted] also shared information regarding the purchase of gift cards, cash cards and credit cards which, in her view, were not being properly documented by Edwards (Exhibit 5).
17. The school division treasurer, [Name redacted], was informed of the comments made and followed up by visiting the school and reviewing the records of the most recent magazine sales campaign. This led to an audit of the school's records regarding school generated funds. The audit was completed by [Name redacted] and the school division accountant, [Name redacted] (Exhibit 5).
18. When an audit was ordered, and Edwards received notice of the school audit, she accessed medical leave (Exhibit 5).
19. The audit compared the submission made to [Name Redacted] with the school's bank deposit slips. The audit showed that less money was deposited than was reported (Exhibit 5).

20. The audit report showed that Edwards, when questioned, said she was keeping the cash from magazine sales to pay for prizes for students with good sales. [Name redacted] was concerned that the money held back for the prizes was not being properly accounted for but was told by Edwards that she (Edwards) was the principal and she could do this (Exhibit 5)
21. The audit report stated, "Overall for the last four years there are \$6,195.90 of unaccounted funds for the magazine sales, after removing a portion of the unaccounted funds for the cash prizes that were disbursed to students. There are no receipts for any [sic] that can account for these funds being expended." (Exhibit 5).
22. The division investigation and audit found that the gift cards were purchased and redeemed by Edwards and some were redeemed just minutes after they were purchased. Edwards later admitted the purchases were for personal items, according to [Name Redacted]. (Exhibit 5).
23. Edwards explained that many of the gift cards purchased were for gifts and prizes for staff and students. This was not supported by the findings in the school division investigation (Exhibit 5).
24. Edwards purchased duffle bags while attending the [Event Redacted]. Edwards told [Name redacted] she purchased the bags for a cosmetology program. Edwards then submitted two copies of the purchase invoice (an original and a reprint issued one minute after the original) for reimbursement from two different budgets (Exhibit 5).
25. Edwards' explanations throughout the audit did not match the financial details according to the accountants and the audit report concluded "It would appear that there is \$6,195.90 of magazine funds not accounted for and \$545.77 of gift cards that are either not accounted for or the purchases do not seem to have been made for the use of [School Redacted]." (Exhibit 5).
26. Upon receiving a medical update that Edwards was fit to return to work, the school division superintendent, [Name Redacted], requested a meeting with Edwards to discuss the results of the financial audit (Exhibit 5).
27. In the meeting, [Name redacted] presented information to Edwards, from the audit, that focused on gift cards, including the [Name Redacted] gift cards. Edwards indicated that the gift cards were for school use. [Name redacted] presented her with the detailed receipts. At that point in the meeting, [Name redacted] said, Edwards turned to face [Name redacted] and said that "things were tight," that "it was Christmas" and that she used the [Name Redacted] cards for personal items (Exhibit 5).
28. At the same meeting, [Name redacted] showed Edwards the magazine sales discrepancies. [Name redacted] indicated that a significant amount of money was unaccounted for; Edwards was unable to provide an explanation (Exhibit 5).

29. Following this meeting, Edwards again accessed medical leave (Exhibit 5).
30. Edwards sent a letter to [Name redacted] blaming others for issues of missing funds, including blaming students. Edwards stated the money was used for prizes and library books, which [Name Redacted] stated did not match the audit information and therefore, Edwards' explanations were deemed not credible (Exhibit 5).

DECISION OF THE HEARING COMMITTEE

Charge 1—Guilty

Charge 2—Guilty

REASONS FOR DECISION

1. Teachers and principals, in relation to their responsibilities for financial matters associated with a school community, must act in a manner which establishes and maintains a relationship of trust. Parents trust that all payments made to a school will be used for their intended purposes.
2. By failing to account for money collected from magazine sales, Edwards failed to maintain the honour and dignity of the profession.
3. By engaging in the misappropriation of funds for her own personal and unauthorized purposes, Edwards failed to maintain the honour and dignity of the profession.
4. The hearing committee accepted the plea of guilty on each of the charges, based on Edwards' submission on plea and the agreed statement of facts (Exhibits 4 and 5).

PENALTY

The presenting officer sought to amend two words in the joint submission on penalty (Exhibit 6). The first was a typographical error and the second was to replace the word "permanently" with the word "temporarily" with respect to the recommendation for suspension of certification. The committee accepted the request for both amendments, noting neither change was at all prejudicial to the member.

The hearing committee received a joint submission recommending a suspension of membership in the Alberta Teachers' Association for 12 months, a recommendation to the minister of education to suspend Edwards' teaching certificate for a period of 12 months and a letter of severe reprimand.

The hearing committee is aware that normally it should defer to the penalty proposed in a joint submission but that it may diverge from same if it is felt to be unfit, unreasonable or contrary to the public interest.

The hearing committee considered the joint submission carefully and identified concerns with the penalty proposed. The committee was concerned that the penalty did not fully account for the fact that Edwards' actions may well have depleted resources intended for field trips and school activities. After reviewing precedent cases cited by ██████████ the hearing committee felt a more reasonable sanction would be the recommended penalty with the addition of a fine of \$1,000, to be paid within 12 months from the date of receipt of this written decision.

Accordingly, the hearing committee of the Professional Conduct Committee imposes the following penalty on Edwards:

1. A declaration of ineligibility for membership in the Alberta Teachers' Association for 12 months (because she is not a member at the time of this hearing)
2. Recommendation to the minister of education to suspend her teaching certificate for a period of 12 months
3. Letter of severe reprimand
4. A fine of \$1,000, to be paid within 12 months from the date of receipt of this written decision

If payment is not received by this date, and pursuant to section 43(2) of the *Teaching Profession Act*, Edwards will remain ineligible for membership until the fine is paid.


REASONS FOR PENALTY

1. Edwards misappropriated funds for her own personal and unauthorized purposes, over an extended period of time.
2. Edwards violated the trust and authority that was vested in her as a school principal and community leader.
3. All teachers are expected to follow the provisions of the Code of Professional Conduct and to maintain the honour and dignity of the profession.
4. Society values and expects that teachers will conduct themselves, in all matters, with honesty and integrity. Teachers are expected to be positive role models and are held to a higher standard than the general public.

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5. The hearing committee considered that the misappropriation of funds from the school, as well as the unaccounted funds from the magazine sales, may well have depleted resources intended for field trips and school activities.

Dated at the City of Edmonton in the Province of Alberta, Tuesday, January 28, 2014.



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

