

THE ALBERTA TEACHERS' ASSOCIATION  
DECISION OF THE HEARING COMMITTEE  
OF THE PROFESSIONAL CONDUCT COMMITTEE  
IN THE MATTER OF CHARGES OF UNPROFESSIONAL  
CONDUCT AGAINST NORMAN HOWES

The hearing committee of the Professional Conduct Committee of the Alberta Teachers' Association reports that charges of unprofessional conduct laid against Norman Howes 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, September 29, 2020.

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

COMPOSITION/JURISDICTION

There was no objection to the composition of the hearing committee or its jurisdiction to hear the case.

PRELIMINARY MATTERS

[REDACTED] presented a court ordered publication ban for student's identification. [REDACTED] requested that the committee refer to the student in a generic manner, such as Student A.

Counsel to the committee suggested the committee make a decision on proceeding without the member present or a signed declaration from Howes acknowledging his rights. [REDACTED] presented the committee with a letter from Howes (Exhibit 1) that addressed this concern. Howes stated in his letter to [REDACTED] that he was appointing his wife to represent Howes for all matters regarding ATA's discipline process. The committee was satisfied that both Howes and his wife, who was designated as his agent, were aware that the hearing was proceeding, and decided to proceed with the hearing in the member's absence, in accordance with section 40 of the *Teaching Profession Act* (TPA).

### CHARGES AND PLEA

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

1. Norman Joseph Howes is charged with unprofessional conduct pursuant to the *Teaching Profession Act* in that he, while a member of the Alberta Teachers' Association, between November 1, 2018 and December 28, 2018, engaged in conduct for which he, on June 26, 2019, was convicted of an indictable offence, to wit:  
Between the 1st day of November, 2018, and the 28th day of December, 2018, both dates inclusive, at or near [Location Redacted], did make, print, publish or possess for the purpose of publishing, child pornography, contrary to section 163.1(2) of the *Criminal Code of Canada*.
2. Norman Joseph Howes is charged with unprofessional conduct pursuant to the *Teaching Profession Act* in that he, while a member of the Alberta Teachers' Association, between November 1, 2018 and December 28, 2018, engaged in conduct for which he, on June 26, 2019, was convicted of an indictable offence, to wit:  
Between the 1st day of November, 2018, and the 28th day of December, 2018, both dates inclusive, at or near [Location Redacted], did, for a sexual purpose, unlawfully touch, directly or indirectly, with a part of the body or with an object, a part of the body of a person [REDACTED], contrary to section 151 of the *Criminal Code of Canada*.
3. Norman Joseph Howes is charged with unprofessional conduct pursuant to the *Teaching Profession Act* in that he, while a member of the Alberta Teachers' Association, between November 1, 2018 and December 28, 2018, engaged in conduct for which he, on June 26, 2019, was convicted of an indictable offence, to wit:  
Between the 1st day of November, 2018, and the 28th day of December, 2018, both dates inclusive, at or near [Location Redacted] did by means of telecommunication, communicate with a person who was or who the accused believed to be [REDACTED], for the purpose of facilitating the commission of an offence with respect to that person under section 163.1, contrary to section 172.1 (1)(a) of the *Criminal Code of Canada*.

In the absence of the investigated member, the hearing committee entered a plea of not guilty to the charges.

### WITNESSES

There were no witnesses called.

**EXHIBITS FILED**

- Exhibit 1—Representation letter from Howes, dated May 7, 2020  
Exhibit 2—Court ordered publication ban, dated June 26, 2019  
Exhibit 3—Notice of hearing and Canada Post confirmation of delivery, dated September 2, 2020  
Exhibit 4—Confirmation of Howes’s membership in the Alberta Teachers’ Association, dated September 9, 2020  
Exhibit 5—Three conviction certificates dated November 29, 2019  
Exhibit 6—Global news article, dated June 26, 2019  
Exhibit 7—Letter from Superintendent [Name Redacted] to [REDACTED] dated January 7, 2019

**EVIDENCE ADDUCED AND EXHIBITS FILED INDICATED THAT:**

1. Howes was a member of the Alberta Teachers’ Association from September 1, 1999 to December 31, 2018. (Exhibit 4)
2. Howes was a teacher in the [School Division Redacted] at the time of the incident(s) that resulted in the charges laid against him by RCMP.
3. Howes pled guilty and was convicted under Sections 163.1(2), 151,163.1, and 172. 1(1)(a) of the *Criminal Code of Canada* on June 26, 2019 (Exhibit 5). The charges read:
  - a. Between the 1st day of November, 2018, and the 28th day of December, 2018, both dates inclusive, at or near [Location Redacted] did make, print, publish or possess for the purpose of publishing, child pornography, contrary to section 163.1(2) of the *Criminal Code of Canada*.
  - b. Between the 1st day of November, 2018, and the 28th day of December, 2018, both dates inclusive, at or near [Location Redacted], did, for a sexual purpose, unlawfully touch, directly or indirectly, with a part of the body or with an object, a part of the body of a person [REDACTED] years, contrary to section 151 of the *Criminal Code of Canada*.
  - c. Between the 1st day of November, 2018, and the 28th day of December, 2018, both dates inclusive, at or near [Location Redacted], did by means of telecommunication, communicate with a person who was or who the accused believed to be [REDACTED] years, for the purpose of facilitating the commission of an offence with respect to that person under section 163.1, contrary to section 172.1(1)(a) of the *Criminal Code of Canada*.
4. Section 23(2)(a) of the TPA states that if a member has been convicted of an indictable offence, the conduct of the member on which the conviction is based is deemed to constitute unprofessional conduct. Additionally, section 41(2)(a) of the TPA also provides that if a member has been convicted of an indictable offence, the hearing committee has no authority

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to find that the conduct of the member on which the conviction is based does not constitute unprofessional conduct.

DECISION OF THE HEARING COMMITTEE

Charge 1—Guilty

Charge 2—Guilty

Charge 3—Guilty

REASONS FOR DECISION

1. Howes pled guilty in a court of law to the three charges. (Exhibit 5)
2. Howes was convicted of three indictable offenses under sections 163.1(2), 151 and 172.1(1)(A) of the *Criminal Code of Canada* on June 26, 2019, and is therefore guilty of unprofessional conduct under section 23(2)(a) of the TPA.
3. Section 23(2)(a) of the TPA states that if a member has been convicted of an indictable offence, the conduct of the member on which the conviction is based is deemed to constitute unprofessional conduct. Additionally, section 41(2)(a) of the TPA also provides that if a member has been convicted of an indictable offence, the hearing committee has no authority to find that the conduct of the member on which the conviction is based does not constitute unprofessional conduct

SUBMISSION ON PENALTY

1. The hearing committee received a verbal submission on penalty from the presenting officer recommending the following:
  - a. A declaration that Howes will be permanently ineligible for membership in The Alberta Teachers' Association
  - b. A recommendation to the minister of education to cancel Howes's teaching certificate.
2. The presenting officer also cited five precedent cases of similar circumstances that all contained the same penalty.

PENALTY

The hearing committee ordered the following penalty:

1. A declaration that Howes will be permanently ineligible for membership in The Alberta Teachers' Association

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2. A recommendation to the minister of education to cancel Howes's teaching certificate.

REASONS FOR PENALTY

1. Teachers are held to a high standard by the public and the profession. Howes's actions fall grossly below those standards. Howes failed to uphold the honour and dignity of the profession and severely jeopardized the public's trust in the profession.
2. Howes's actions showed disregard for society's expectation of teachers. There is a need to deter this type of behaviour and make it known that it will not be accepted by the profession or the public. The Association and the public take these heinous actions very seriously and thus appropriate penalties must be imposed for such repugnant behaviour
3. Due to the egregious nature of the offences and due to a teacher's position of trust in relation to students and the public, the hearing committee ruled that Howes should be permanently ineligible for membership in the Association.
4. Children are the most vulnerable members of society and the penalty must ensure the protection of students from such transgressions.
5. The committee agreed that similar to the precedent cases provided by the presenting officer, these penalties were in order

Dated at the City of Edmonton in the Province of Alberta, November 2, 2020.

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

