

THE ALBERTA TEACHERS' ASSOCIATION
REPORT OF THE HEARING COMMITTEE
OF THE PROFESSIONAL CONDUCT COMMITTEE
IN THE MATTER OF CHARGES OF UNPROFESSIONAL
CONDUCT AGAINST KARL-WILFRIED ANTON MILLER

The hearing committee of the Professional Conduct Committee of the Alberta Teachers' Association reports that charges of unprofessional conduct laid against Karl-Wilfried Anton Miller 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 on Monday, April 3, 2017 commencing at 0900.

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

[REDACTED] presented the case against the investigated member. The investigated member, Karl-Wilfried Miller, was not present and was not represented by counsel.

PRELIMINARY MATTER

The hearing committee received a joint submission from Miller and [REDACTED] requesting that the committee waive the reading of the charges. (Exhibit 1) The committee denied the request based on section 33 of the *Teaching Profession Act* which states

33 A hearing before a hearing committee must be open to the public unless...

(b) in the opinion of the hearing committee, the interest of any person other than the investigated person may be detrimentally affected if the hearing is not held in private.

The committee believed there would be no harm to anyone other than the investigated member by having the charges read aloud in an open hearing.

CONSTITUTION/JURISDICTION

There was no objection to the constitution 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. Karl-Wilfried Anton Miller is charged with unprofessional conduct pursuant to the *Teaching Profession Act* in that he, while a member of the Alberta Teachers' Association, on or about October 2, 2015, ingested an illicit drug, thus failing to maintain the honour and dignity of the profession, contrary to section 18 of the Code of Professional Conduct.
2. Karl-Wilfried Anton Miller is charged with unprofessional conduct pursuant to the *Teaching Profession Act* in that he, while a member of the Alberta Teachers' Association, on or about October 2, 2015, indecently exposed himself, thus failing to maintain the honour and dignity of the profession, contrary to section 18 of the Code of Professional Conduct.
3. Karl-Wilfried Anton Miller is charged with unprofessional conduct pursuant to the *Teaching Profession Act* in that he, while a member of the Alberta Teachers' Association, on or about October 2, 2015, trespassed at night, thus failing to maintain the honour and dignity of the profession, contrary to section 18 of the Code of Professional Conduct.

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

WITNESSES

There were no witnesses called.

EXHIBITS FILED

- Exhibit 1—Joint submission on reading of the charges, signed by Miller and [REDACTED], dated March 22, 2017
- Exhibit 2—Notice of hearing and Canada Post confirmation of delivery on February 15, 2017
- Exhibit 3—Submission on plea, signed by Miller, dated March 22, 2017
- Exhibit 4—Declaration of awareness of rights, signed by Miller, dated March 22, 2017
- Exhibit 5—Agreed statement of facts, signed by Miller and [REDACTED], dated March 22, 2017
- Exhibit 6—Submission on penalty, signed by Miller and [REDACTED], dated March 22, 2017

EVIDENCE ADDUCED AND EXHIBITS FILED INDICATED THAT:

1. Miller was a member of the Alberta Teachers' Association during the period from September 1, 2001 to October 31, 2016 inclusive. (Exhibit 5, Appendix 6)

2. Miller was employed by [School Division Redacted] at [School Redacted] working with adolescents with mental health issues. Previous to this teaching assignment, Miller taught at [School Redacted], a school for students in [REDACTED]. (Exhibit 5, paragraphs 8 and 11)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

DECISION OF THE HEARING COMMITTEE

Charge 1—Guilty

Charge 2—Guilty

Charge 3—Guilty

REASONS FOR DECISION

Charge 1

1. Miller, by his own admission, consumed an illicit drug which caused him to “blackout” in public.
2. Miller was pursued and arrested by police as a result of his behaviour after ingesting the illicit drugs.
3. Miller’s inappropriate behaviours, which occurred after ingesting the drug, were widely reported in the media.
4. Society holds teachers to a high standard of conduct. By ingesting an illicit drug, Miller cast a shadow on the profession as a whole.

5. Teachers are expected to act in a manner which maintains the honour and dignity of the profession. Through his actions, Miller failed to do so.

Charge 2

1. Miller does not contest the statements of the three [REDACTED] who witnessed him exposing himself and [REDACTED] in public.
2. Miller was charged by police under section 173(1) of the *Criminal Code* for exposing himself and for [REDACTED] in public.
4. Miller, while impaired by the illicit drug and indecently exposed, approached the witnesses' vehicle. Student A, a minor at the time, was one of the witnesses in the vehicle.
3. As a result of Miller's actions, there were detailed publications in the media about his indecent and unacceptable behaviour.
5. Society holds teachers to a high standard of conduct. By engaging in the inappropriate actions of indecently exposing himself and [REDACTED] in public, Miller cast a shadow on the profession as a whole.
6. Teachers are expected to act in a manner which maintains the honour and dignity of the profession. Through his actions, Miller failed to do so.

Charge 3

1. Miller does not contest the statements of the three [REDACTED] who witnessed him trespassing at night in front of [Name Redacted] apartment.
2. Miller was charged by police under section 177 of the *Criminal Code* for both trespassing and prowling near the dwelling of another person at night.
4. Miller loitered in front of the living room window of [Name Redacted] apartment while impaired from the ingestion of the illicit drug.
3. As a result of Miller's actions, there were detailed publications in the media about his illegal behaviour.
5. Society holds teachers to a high standard of conduct. By engaging in the illegal action of trespassing at night, Miller cast a shadow on the profession as a whole.
6. Teachers are expected to act in a manner which maintains the honour and dignity of the profession. Through his actions, Miller failed to do so.

SUBMISSION ON PENALTY

The committee received a submission on penalty from the parties that recommended

1. a letter of severe reprimand;
2. suspension of, or ineligibility for, membership in the Association for two years; and
3. a recommendation to the minister of education for the suspension of Miller's teaching certificate for two years.

PENALTY

The committee imposed on Miller the penalty of

1. a letter of severe reprimand,
2. a declaration of ineligibility for membership in the Association for two years and
3. a recommendation to the minister of education to suspend Miller's teaching certificate for two years.

REASONS FOR PENALTY

1. The committee accepted the recommendations of the submission on penalty from [REDACTED].
2. The gravity of Miller's actions is both serious and unprofessional in nature and warrants a significant penalty.
3. Although the incidents occurred on a single day, as the result of ingesting an illicit drug and alcohol, Miller made extremely bad judgments and became a danger to the public.
4. Miller's actions caused all three witnesses emotional distress as a result of his inappropriate, illegal, and indecent actions.
5. Miller's actions resulted in a police investigation and subsequent, repeated media coverage with some emphasis on his being a teacher.
6. Miller's actions harmed the standing of teachers in general and had the potential to negatively impact the public's perception of teachers.
7. Miller claims to have been struggling with depression and being disconnected from friends and social events prior to the incidents on October 2, 2015.
8. Miller completed the requirements of the [REDACTED] program which resulted in the criminal charges against him being withdrawn on the basis that there is a reduced likelihood of him reoffending. (Exhibit 5, Appendix 11)

9. By signing a joint and comprehensive agreed statement of facts, Miller has acknowledged his misconduct and taken responsibility for his actions.
10. By signing a joint and comprehensive agreed statement of facts, Miller prevented the witnesses having to testify and relive the events of that night.

Dated at the City of Edmonton in the Province of Alberta, Thursday, April 20, 2017.

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

