

THE ALBERTA TEACHERS' ASSOCIATION

DECISION OF THE HEARING COMMITTEE
OF THE PROFESSIONAL CONDUCT COMMITTEE

IN THE MATTER OF CHARGES OF UNPROFESSIONAL
CONDUCT AGAINST CATHERINE MARIE ROLICA

The hearing committee of the Professional Conduct Committee of the Alberta Teachers' Association reports that charges of unprofessional conduct laid against Catherine Rolica of [REDACTED] were duly investigated in accordance with the *Teaching Profession Act*. The hearing was held online, via video conference, on Wednesday, December 8, 2021.

The participants were

1. Professional Conduct Committee (PCC) members appointed as the hearing committee, [REDACTED]
2. counsel to the hearing committee, [REDACTED]
3. secretary to the hearing committee, [REDACTED]
4. administrative secretary to the hearing committee, [REDACTED]
5. presenting officer, [REDACTED] and
6. investigated member, Catherine Rolica, who was present and was not represented by counsel.

COMPOSITION/JURISDICTION

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

CHARGES AND PLEA

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

1. Catherine Marie Rolica is charged with unprofessional conduct pursuant to the *Teaching Profession Act* in that she, while a member of The Alberta Teachers' Association, between 2016 and 2018 worked as a substitute teacher for the [REDACTED] [REDACTED] for up to a total of 18 days while under contract with then [REDACTED] [REDACTED] in Alberta and while receiving sick leave pay from that district, thus failing to meet her obligation(s) to her school authority, contrary to section 23 of the *Teaching Profession Act*.
2. Catherine Marie Rolica is charged with unprofessional conduct pursuant to the *Teaching Profession Act* in that she, while a member of The Alberta Teachers' Association, in November 2017, went on vacation to [REDACTED] for a period that was approximately four days longer than the period approved by then [REDACTED]

[REDACTED]
[REDACTED] and misrepresented the time that she was in [REDACTED]
to her employer, thus failing to meet her obligation(s) to her school authority, contrary
to section 23 of the *Teaching Profession Act*.

The investigated member, verbally, entered a plea of guilty to the two charges.

WITNESSES

No witnesses were called.

EXHIBITS FILED

- Exhibit 1—Notice of hearing and Canada Post confirmation of delivery, on November 12, 2021
Exhibit 2—Agreed statement of facts and acknowledgment of unprofessional conduct, signed by
Rolica and [REDACTED] and confirmed verbally during the proceedings
Exhibit 3—Supplementary submission to the agreed statement of facts, submitted by Rolica and
[REDACTED] on December 8, 2021
Exhibit 4—Joint submission on penalty, signed by Rolica and [REDACTED], dated October 21, 2021

EVIDENCE ADDUCED AND EXHIBITS FILED INDICATED

1. Rolica acknowledged that she was aware of her right to consult and have legal counsel and she had waived her right to do so. (Exhibit 2)
2. Background was provided to the hearing committee, that on September 13, 2018, the Association received a complaint that Rolica had engaged in unprofessional conduct. The matter was referred for investigation and a professional conduct hearing was held on December 16, 2019. An appeal of the hearing decision was heard on December 7–8, 2020, and on February 4, 2021, the Professional Conduct Appeal Committee directed that the finding and the order of the hearing committee be quashed and the matter be sent back to a new hearing committee of the PCC. (Exhibit 2)
3. Rolica received her bachelor of education from [REDACTED]. She began her teaching career with the [REDACTED] but was transferred mid-year in [REDACTED] to fill a vacancy at [REDACTED]. She moved to the [REDACTED] formerly known as [REDACTED]. Her classroom practice was praised and was not of concern. She had ten years of successful teaching in Alberta before moving to [REDACTED] at the end of her employment with the [REDACTED].
4. At the time of the incidents, Rolica was teaching at the [REDACTED].

5. In 2018, [REDACTED] investigated Rolica's sick leave usage and determined that, on a balance of probabilities, three inappropriate uses of sick leave occurred. (Exhibit 2)
6. The [REDACTED] investigation found that Rolica was on sick leave from March 27, 2017 to May 23, 2017, during which she worked April 3, 4, 5, 7 and 10, 11, 12 with the [REDACTED]. The April 10, 11 and 12 dates were nonoperational days with the [REDACTED]. (Exhibit 2)
7. The [REDACTED] investigation found that Rolica was on sick leave from February 15, 2018 to May 18, 2018, during which she worked February 16, 20, 21, 22, 23, 26, 27, 28 and March 1 and April 4, 5, 6 with the [REDACTED] and completed online training programs for the [REDACTED] (Exhibit 2)
8. The [REDACTED] issued Rolica a Notice of Termination effective December 22, 2018.
9. While reviewing Charge 1, Rolica confirmed she was a member of the Alberta Teachers' Association from 2016 until 2018. She admitted that she worked as a substitute teacher with the [REDACTED] for at least 18 days while in receipt of sick leave payment from the [REDACTED]. These 18 days occurred over a period of 14 months and during 2 independent sick leaves.
10. While reviewing Charge 2, Rolica confirmed her membership with the ATA and shared that in November 2017 she had a [REDACTED] trip to [REDACTED] booked from a [REDACTED] that was set expire at the end of 2017, during which she accessed sick leave to extend her vacation. The context for the trip was that Rolica [REDACTED] had suffered as a result of the [REDACTED] and [REDACTED] gave [REDACTED] like hers, a vacation opportunity. This vacation was especially important for Rolica [REDACTED] to enjoy some time together in [REDACTED]
11. Due to the black out dates, [REDACTED] changed Rolica's November 2017 ticket itinerary a few weeks prior to the planned vacation. Originally, Rolica had a district approved leave for the vacation; however, the change in itinerary prompted Rolica to extend her leave by accessing up to four sick leave days without the [REDACTED] consent. (Exhibit 3)

DECISION OF THE HEARING COMMITTEE

Charge 1—Guilty

Charge 2—Guilty

REASONS FOR DECISION

1. Rolica agreed to the facts before the committee and admitted that her conduct constituted unprofessional conduct. Rolica acknowledged her actions and conduct were detrimental to the best interests of the teaching profession.

2. Teachers have a responsibility to behave in professional manner and understand their obligations to their school authority.
3. Rolica's repeated misuse of sick leave days displayed a disregard for her school authority, students and the teaching profession.
4. Rolica claimed sick days while she worked as a substitute teacher for the [REDACTED] Rolica had a responsibility to communicate to her school division when she was fit to return to work, and not to take other work while receiving sick pay from the [REDACTED].
5. Prior to leaving for [REDACTED], Rolica had a responsibility to seek permission from her school division to be absent during the new trip dates. While the circumstances around the trip provided a compelling basis for the request, Rolica had a duty to act as a professional and make the request. In failing to do so, and by accessing sick leave instead, Rolica disregarded her professional obligations.
6. The facts, which Rolica admitted, revealed that these were not single instances or isolated occurrences of inappropriately accessing sick leave, rather they reflected a significant number of incidents that occurred within a 14-month time frame.

SUBMISSION ON PENALTY

The hearing committee received a joint submission on penalty, signed by [REDACTED] and Rolica, recommending the following penalty:

1. A suspension of membership and recommendation for suspension of certification for a period of not less than one month but conditional on provision of a letter from a [REDACTED] [REDACTED] indicating belief that Rolica is aware of the seriousness of the actions that led to these charges and [REDACTED] that makes it unlikely she will repeat.
2. A fine of \$1,000 payable before reinstatement can occur.

PENALTY

The hearing committee imposed the following penalty:

1. A suspension of membership at the Alberta Teachers' Association and the recommendation to the minister of education for suspension of certification for a period of not less than one month. Reinstatement of Association membership and recommendation to the minister for reinstatement of certification would be conditional on provision of a letter from a practising [REDACTED] indicating belief that Rolica is aware of the seriousness of the actions that led to these charges and [REDACTED] that makes it unlikely she will repeat the behaviour that led to the charges.

2. A fine of \$1,000 payable before the lift or removal of the suspension of membership at the Alberta Teachers' Association.

REASONS FOR PENALTY

1. The committee recognized its responsibility to give appropriate deference to the joint submission on penalty by carefully considering the submission on its merits and not deviating from the joint submission unless it was contrary to public interest or would bring the administration of justice into disrepute. The committee is satisfied that the agreed upon penalty is not contrary to the public interest and would not bring the administration of justice into disrepute.
2. No precedent cases were provided to the committee. To assess whether the penalty was appropriate, the committee considered those factors that favoured a serious penalty like this one as well as the mitigating factors.
3. In terms of seriousness of the unprofessional conduct, the committee considered the frequency, duration and impact of Rolica's actions. The committee noted that Rolica made similar choices to claim sick leave inappropriately on a number of occasions over a significant period of time. These choices impacted the employer financially and had the effect of undermining the public's trust in the teaching profession. The committee also noted the need to ensure that the penalty serves as a deterrent to Rolica and members of the teaching profession.
4. Rolica had been a teacher in Alberta for [REDACTED] years and should have had an understanding regarding appropriate use of sick leave.
5. Rolica's decision to work as a substitute teacher in [REDACTED] while on sick leave in Alberta was done so for her own personal and professional gain, and did not take into consideration her obligations to her employer, to her students or to the profession.
6. While the proven allegations were serious, the committee recognized that the mitigating factors of [REDACTED] faced by Rolica were daunting and impactful. The committee took the mitigating factors into account in finding that the penalty was appropriate, including that
 - a) Rolica took responsibility for her actions and recognized them as inappropriate;
 - b) Rolica was [REDACTED]
 - c) Rolica [REDACTED] and
 - d) Rolica is participating in [REDACTED].
7. The committee also noted the parties agreed that at no time has there been criticism of Rolica as a classroom teacher and in her work with students and parents.

8. The committee emphasizes that Rolica's suspension with the Association is not intended to be indefinite. The suspension is for a minimum of one month and will continue until she provides the appropriate letter from a [REDACTED] and pays the fine. Upon application from Rolica and the receipt of the appropriate letter from a [REDACTED] and payment of the fine, the Association should take the necessary steps to ensure that the suspension is lifted and make a recommendation to the minister to lift or revoke any suspension on Rolica's teaching certificate.

Dated at the City of Edmonton in the Province of Alberta, Wednesday, January 26, 2022.

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

[REDACTED]

[REDACTED] Chair

[REDACTED]