

THE ALBERTA TEACHERS' ASSOCIATION
DECISION OF THE HEARING COMMITTEE
OF THE PROFESSIONAL CONDUCT COMMITTEE
IN THE MATTER OF CHARGES OF UNPROFESSIONAL
CONDUCT AGAINST DWAYNE EVAN SCHNELL

The hearing committee of the Professional Conduct Committee of the Alberta Teachers' Association reports that charges of unprofessional conduct laid against Dwayne Schnell 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, December 9, 2019.

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

[REDACTED] presented the case against the investigated member. The investigated member, Dwayne Schnell, was not present and was not represented by counsel.

PRELIMINARY MATTERS

[REDACTED] requested the hearing committee consider closing the hearing to the public, given the court ordered publication ban on the criminal proceedings (Exhibit 1). The hearing committee agreed to close the hearing.

[REDACTED] sought to withdraw the fourth charge because given the criminal charges and subsequent conviction, the fourth charge was redundant. The hearing committee agreed to allow the fourth charge to be withdrawn.

COMPOSITION/JURISDICTION

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

CHARGES AND PLEA

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

WITNESSES

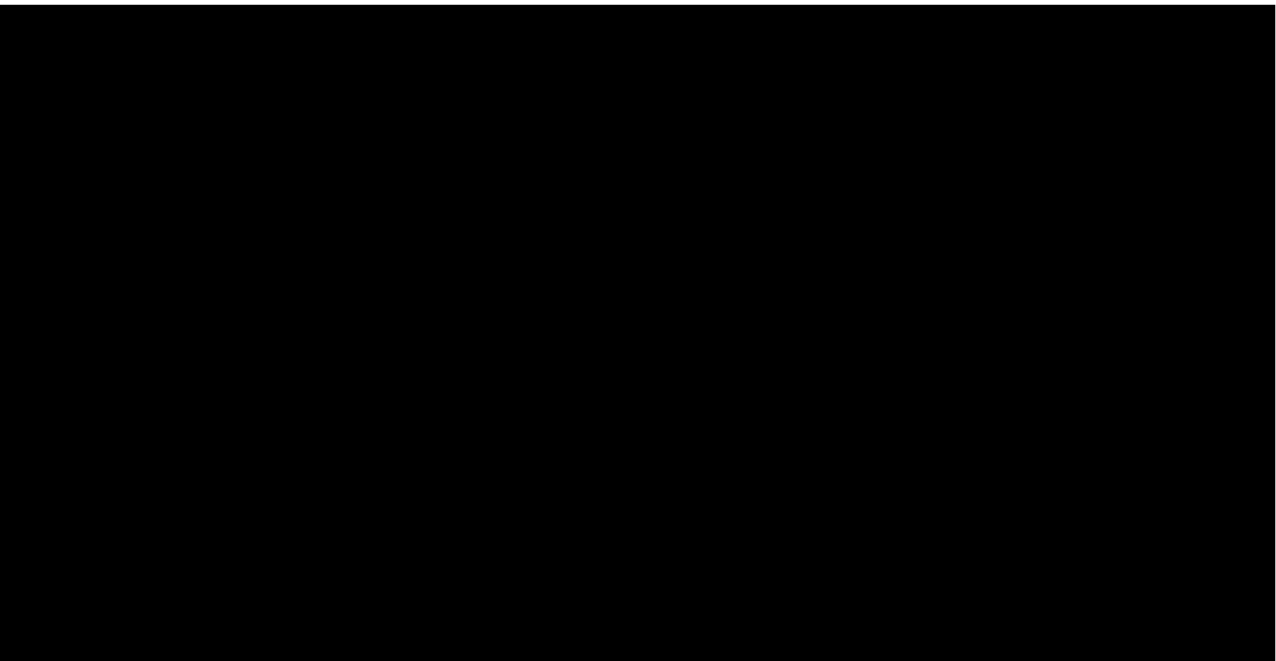
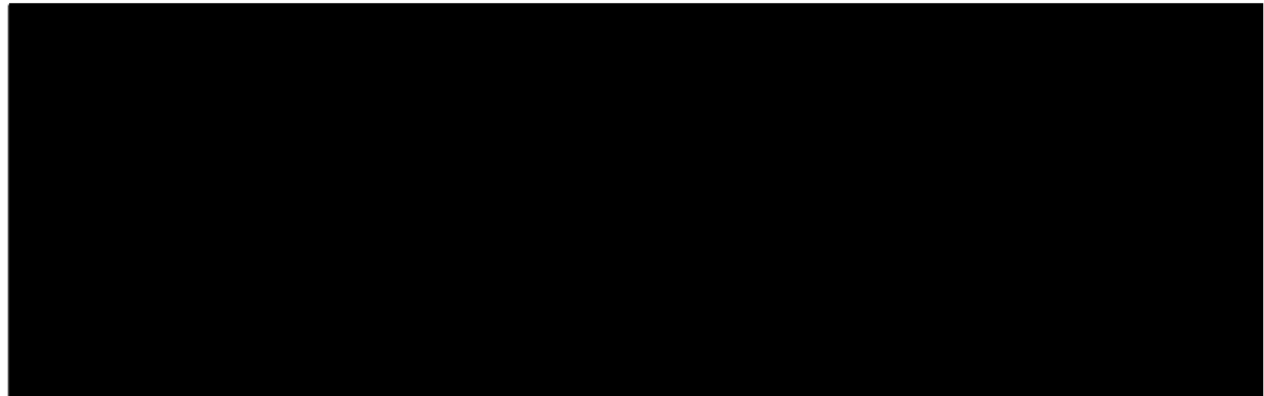
No witnesses were called.

EXHIBITS FILED

[REDACTED]



EVIDENCE ADDUCED AND EXHIBITS FILED INDICATED THAT:



DECISION OF THE HEARING COMMITTEE

Charge 1—guilty

Charge 2—guilty

Charge 3—guilty

REASONS FOR DECISION

1. Schnell was convicted of three indictable offences under the *Criminal Code* of Canada sections [REDACTED] and is therefore guilty of unprofessional conduct under section 23(2)(a) of the *Teaching Profession Act* (TPA) (Exhibits 7, 8, and 9).
2. The TPA section 23(2)(a) stipulates that if a member has been convicted of an indictable offence, the conduct of the member upon which the conviction is based is deemed to constitute unprofessional conduct.
3. Schnell admitted he is guilty of the charges of unprofessional conduct (Exhibit 6).

SUBMISSION ON PENALTY

[REDACTED] recommended as penalty for each of the charges, a declaration of permanent ineligibility for membership in the Alberta Teachers' Association and a recommendation to the minister of education that Schnell be declared permanently ineligible for teaching certification.

PENALTY

The hearing committee imposed the following penalties on Schnell:

- Charge 1—Declaration of permanent ineligibility for membership in the Alberta Teachers' Association and a recommendation to the minister of education of permanent ineligibility for teaching certification
- Charge 2—Declaration of permanent ineligibility for membership in the Alberta Teachers' Association and a recommendation to the minister of education of permanent ineligibility for teaching certification
- Charge 3—Declaration of permanent ineligibility for membership in the Alberta Teachers' Association and a recommendation to the minister of education of permanent ineligibility for teaching certification

REASONS FOR PENALTY

1. Schnell was convicted of three indictable offences under the *Criminal Code* of Canada (Exhibits 7, 8 and 9).
2. If a member is convicted of an indictable offence, then the member is considered to be guilty of unprofessional conduct. [REDACTED]
3. Due to the egregious nature of the offences, and due to a teacher's position of trust with students, and due to a teacher's duty to act only in a manner that safeguards the interests of children generally, the hearing committee ruled that Schnell can no longer be eligible to be a member of the Alberta Teachers' Association, nor should he be considered suitable for certification.
4. [REDACTED]
5. Schnell's actions showed disregard for society's expectations of teachers. Society and the profession view such actions as repugnant and reprehensible.
6. The committee recommends Schnell be permanently ineligible for a teaching certificate rather than recommend suspension or cancellation of his certificate. The committee recommends this because when Schnell was teaching, he held interim certification.

Dated at the City of Edmonton in the Province of Alberta, Tuesday, February 4, 2020.

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

[REDACTED]