

**THE ALBERTA TEACHERS' ASSOCIATION**

**REPORT OF THE HEARING COMMITTEE  
OF THE PROFESSIONAL CONDUCT COMMITTEE**

**IN THE MATTER OF A CHARGE OF UNPROFESSIONAL  
CONDUCT AGAINST SHANE CAMERON MAZUTINEC**

The hearing committee of the Professional Conduct Committee of the Alberta Teachers' Association reports that a charge of unprofessional conduct laid against Shane Cameron Mazutinec of [Location Redacted] was duly investigated in accordance with the *Teaching Profession Act*. The hearing was held in Barnett House, 11010 142 Street NW, Edmonton, Alberta, Canada commencing on Tuesday, April 5, 2016 and concluding on Wednesday, April 6, 2016.

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

[REDACTED] The investigated member, Shane Mazutinec, was not present and was not represented by counsel.

**CONSTITUTION/JURISDICTION**

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

**PRELIMINARY MATTER**

The committee heard an application by the presenting officer to close the hearing to the public. The presenting officer requested this out of primary concern for the first witness because she and/or her family members could be detrimentally affected if the hearing was not held in private. The committee made a decision as per section 33(b) of the *Teaching Profession Act* to close the hearing to protect the identity and interests of the vulnerable parties. The committee determined that protecting the anonymity of this witness outweighed any public interest in an open hearing.

**CHARGES AND PLEA**

The following charge was read aloud by the secretary to the hearing committee:

1. Shane Cameron Mazutinec 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 1996, engaged in a sexual relationship with a student, thereby failing to treat the student with dignity and respect and failing to maintain the honour and dignity of the teaching profession.

[REDACTED] entered a plea of not guilty to the charge, on behalf of Mazutinec.

**WITNESSES**

There were three witnesses called by the presenting officer:

Witness A (former student)

Witness B (teacher)

Witness C (office staff member)

There were no witnesses called by the investigated member.

**EXHIBITS FILED**

Exhibit 1—Notice of hearing and Canada Post confirmation of delivery, on March 11, 2016

Exhibit 2—Written submission of Mazutinec and e-mail confirmation of receipt by the Association, dated April 1, 2016

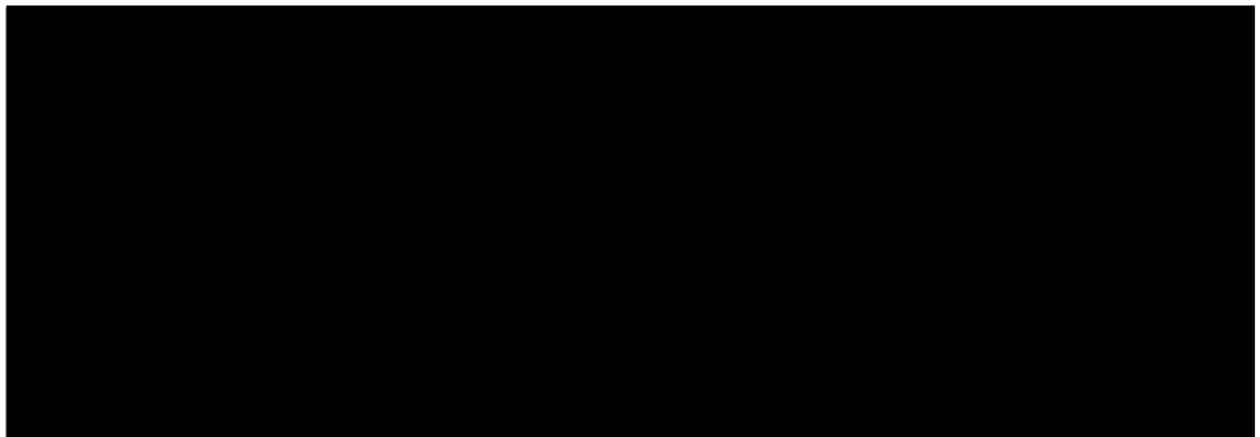
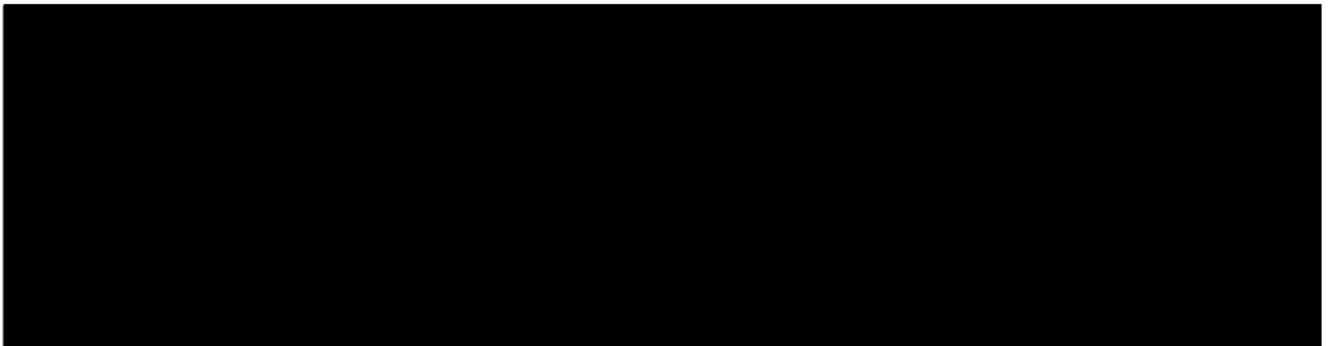
Exhibit 3—E-mail correspondence between ██████████ and Mazutinec, dated March 4, 2016

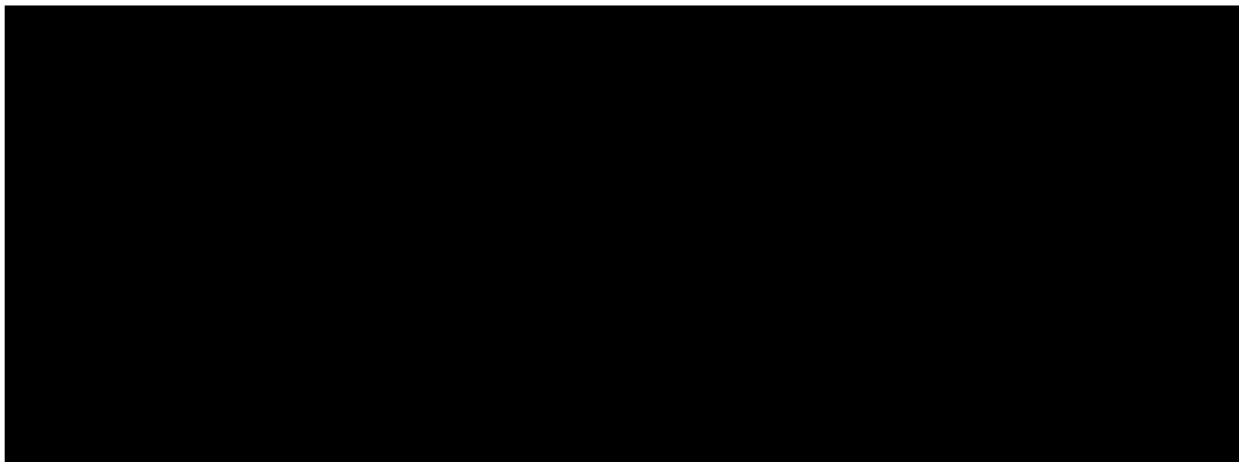
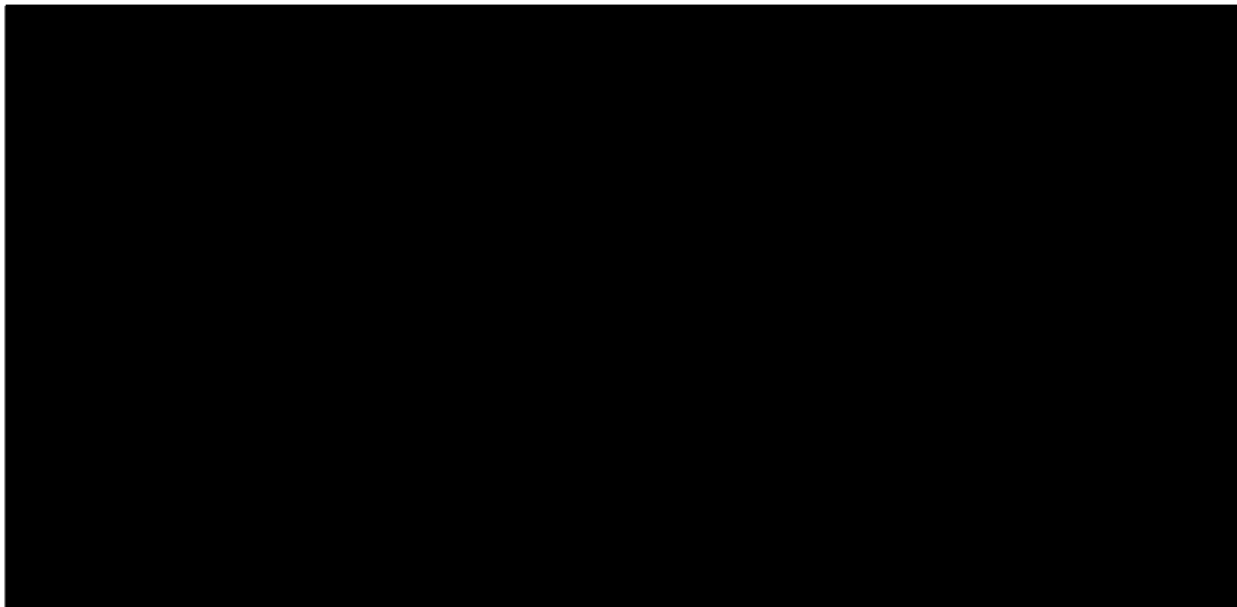
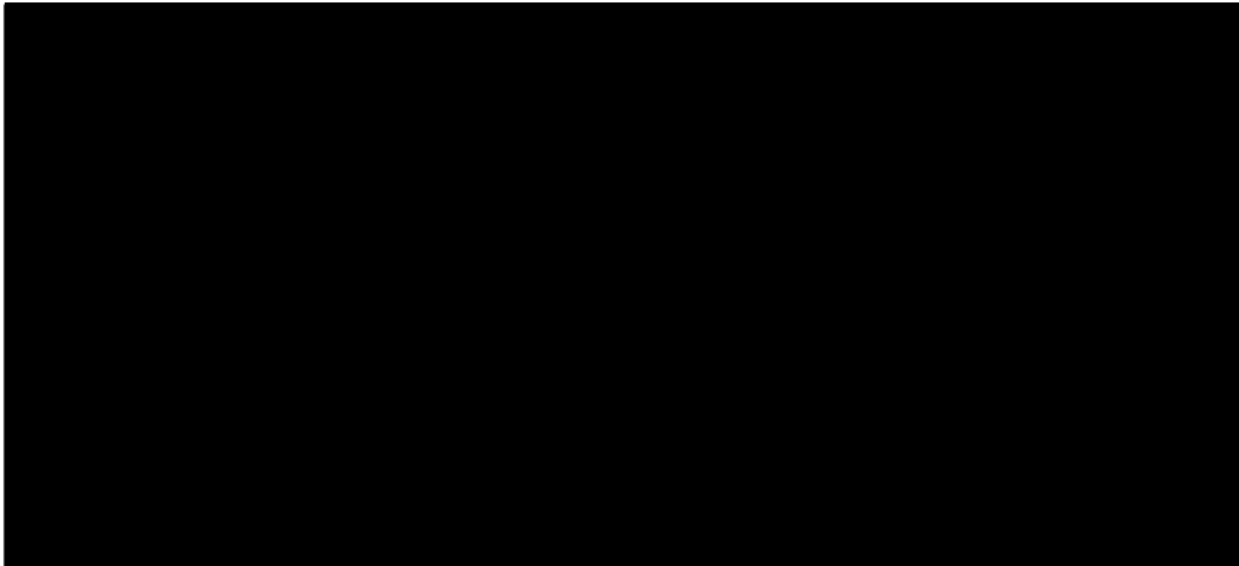
Exhibit 4—Proof of Mazutinec's membership in the Association from September 1, 1993 to April 30, 2014 inclusive

Exhibit 5—Calendar of November 1996

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

**Witness A**





[REDACTED]

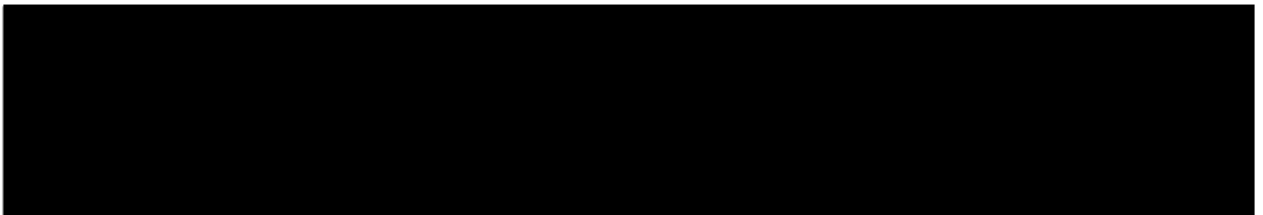
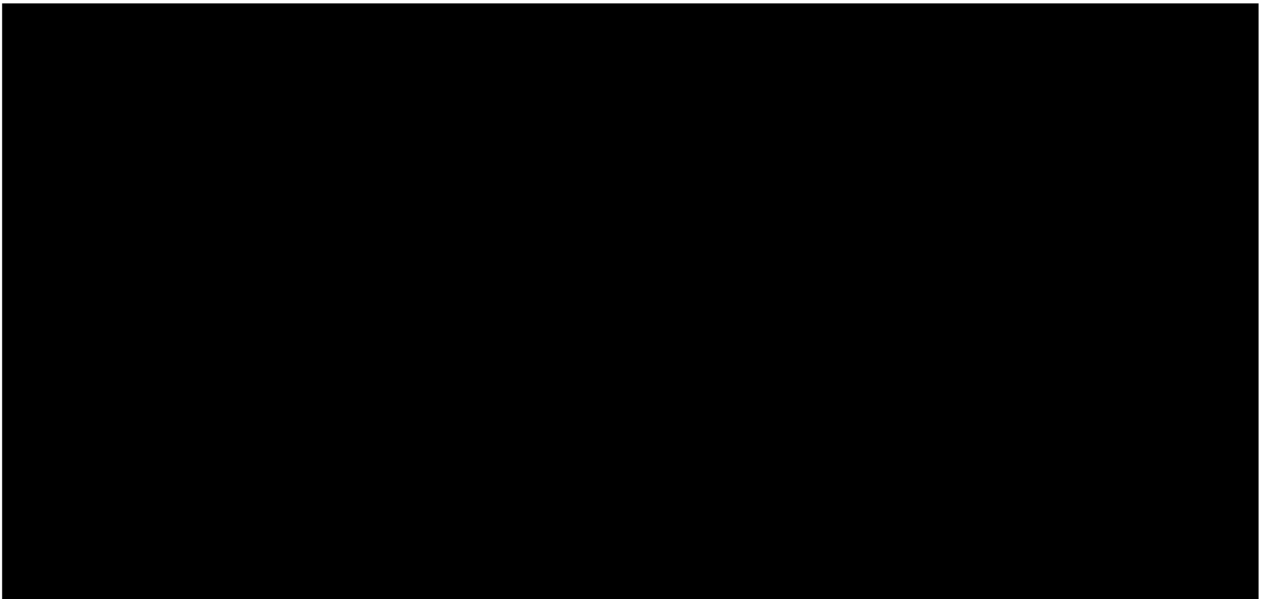
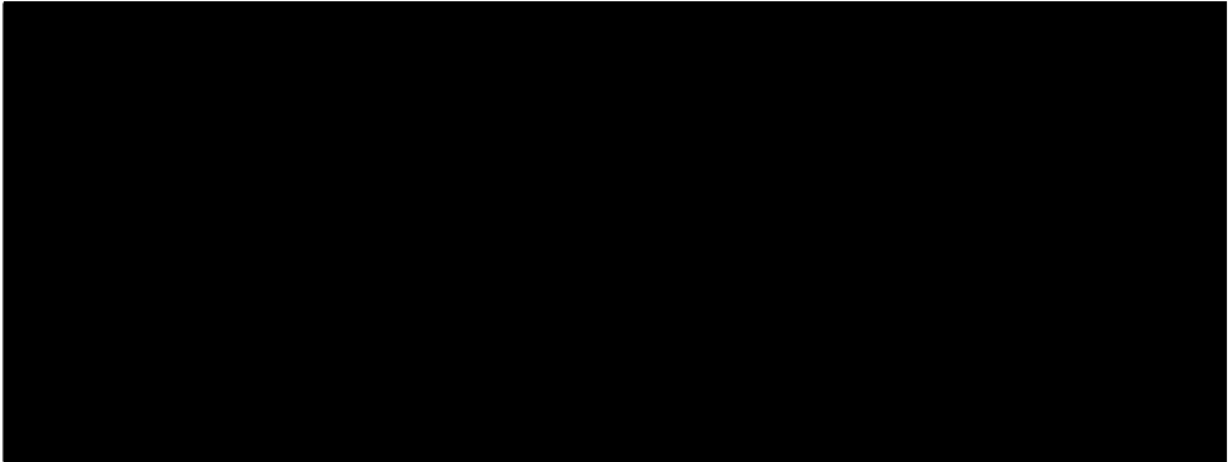
[REDACTED]

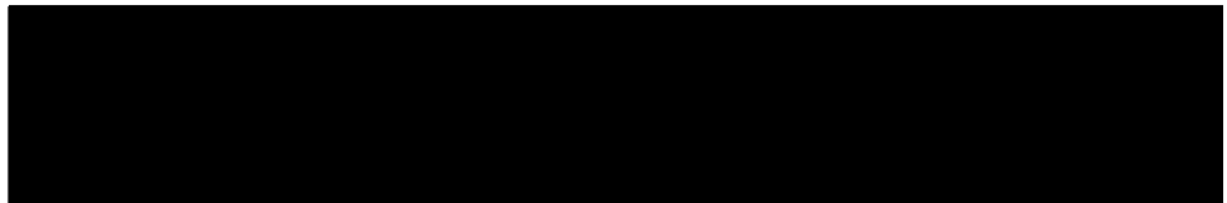
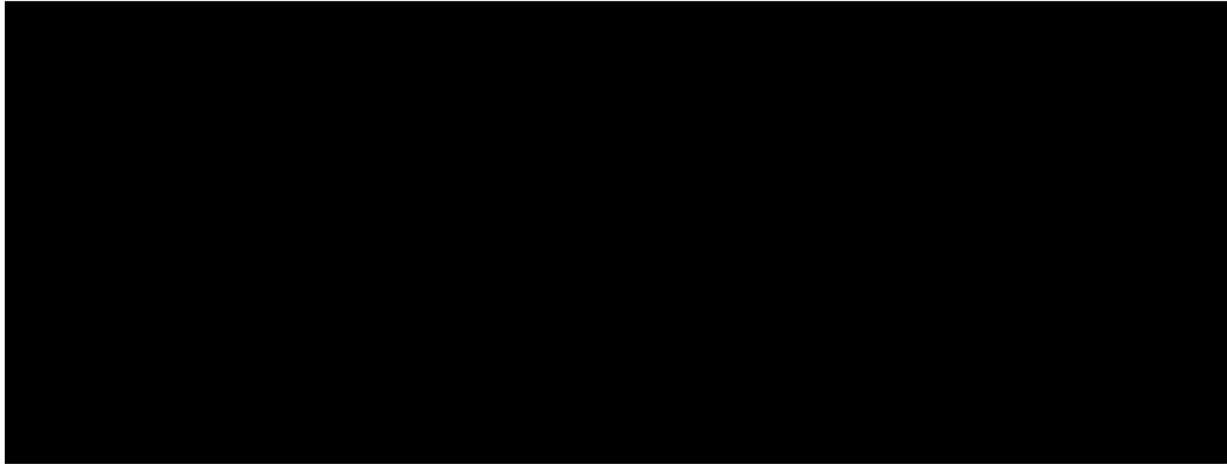
[REDACTED]

[REDACTED]

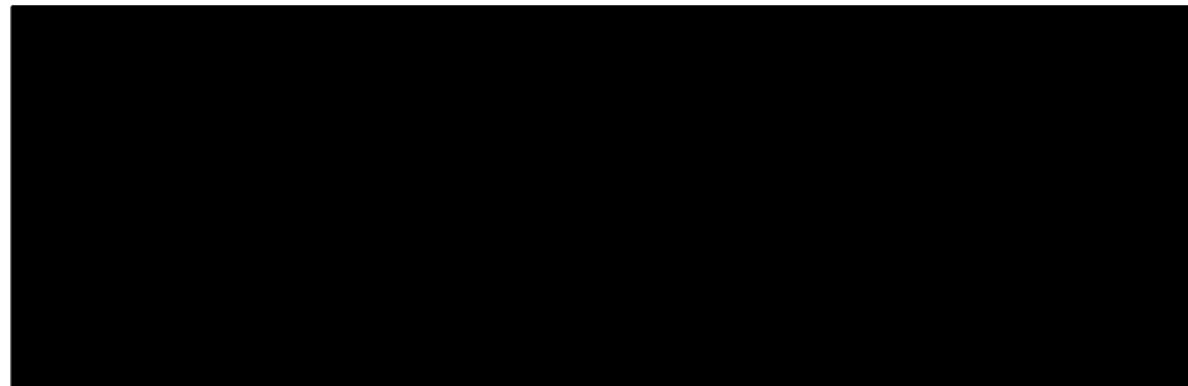


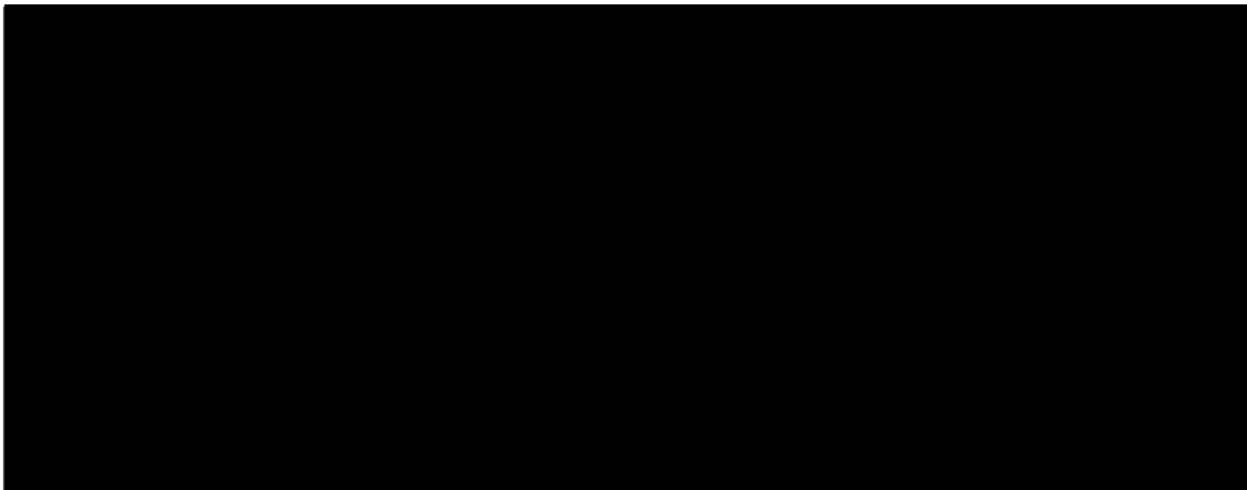
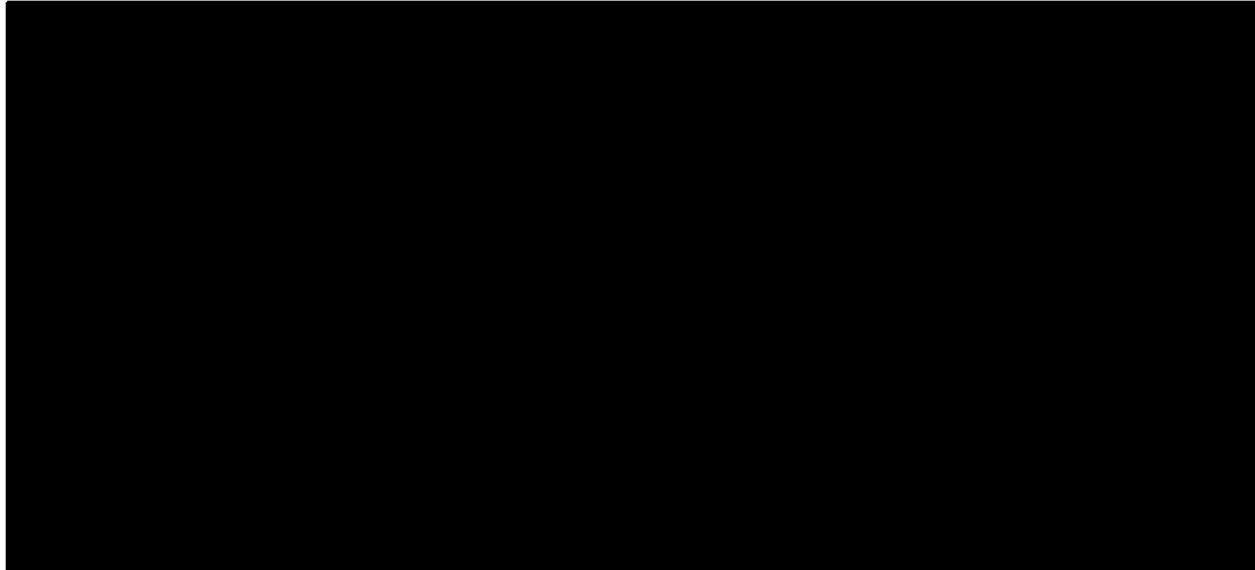
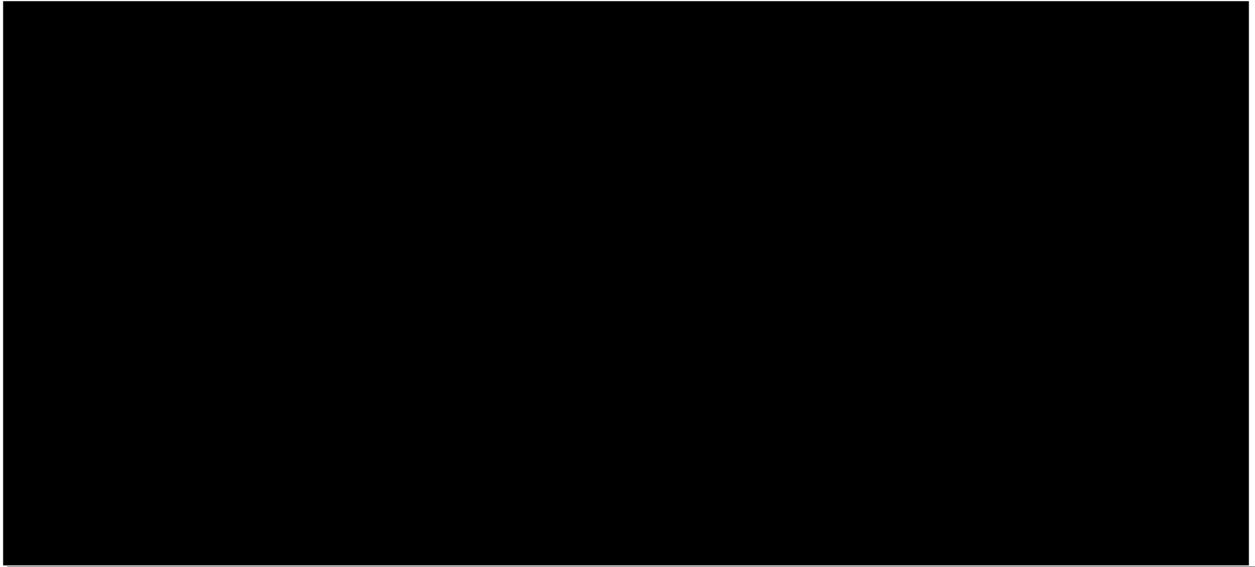
Witness B





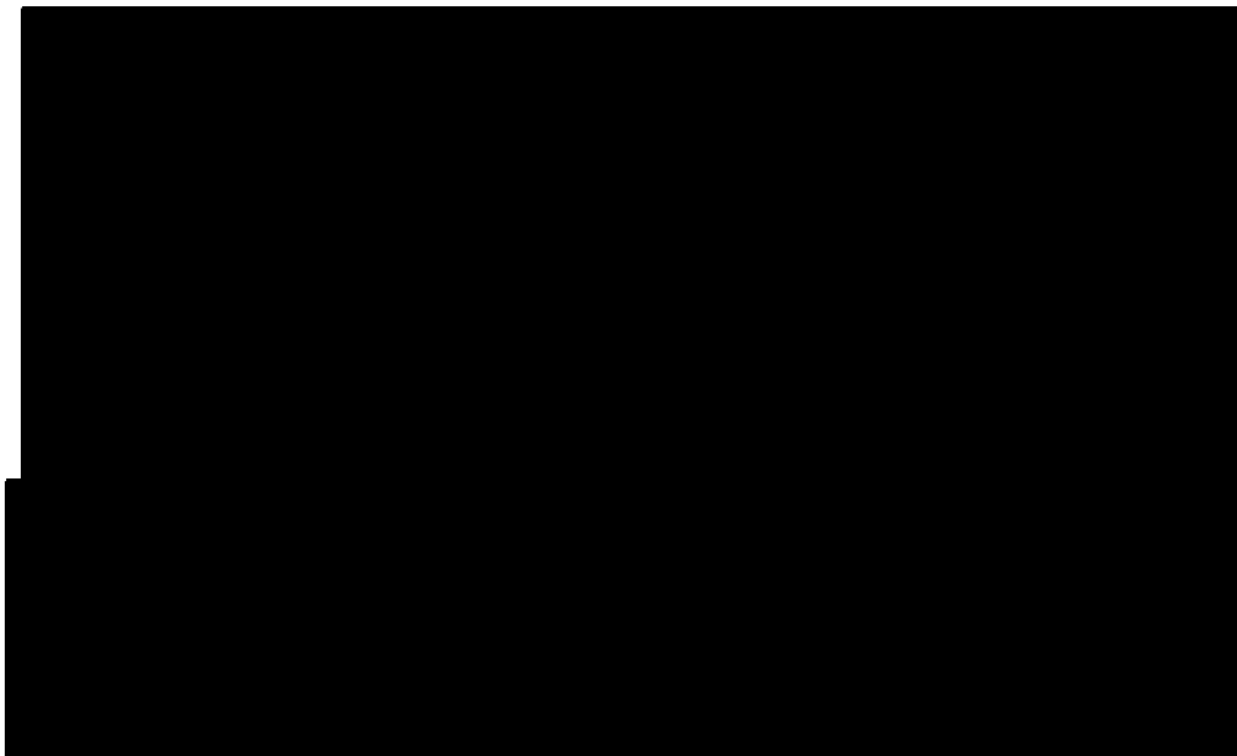
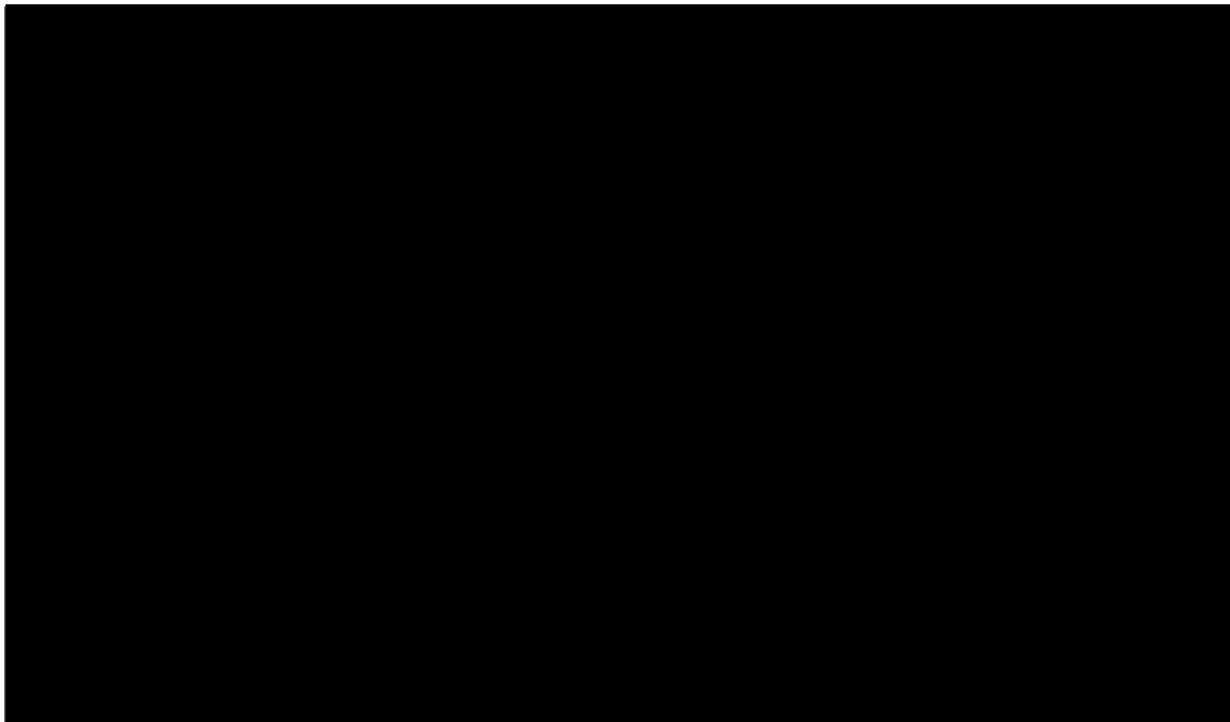
Witness C







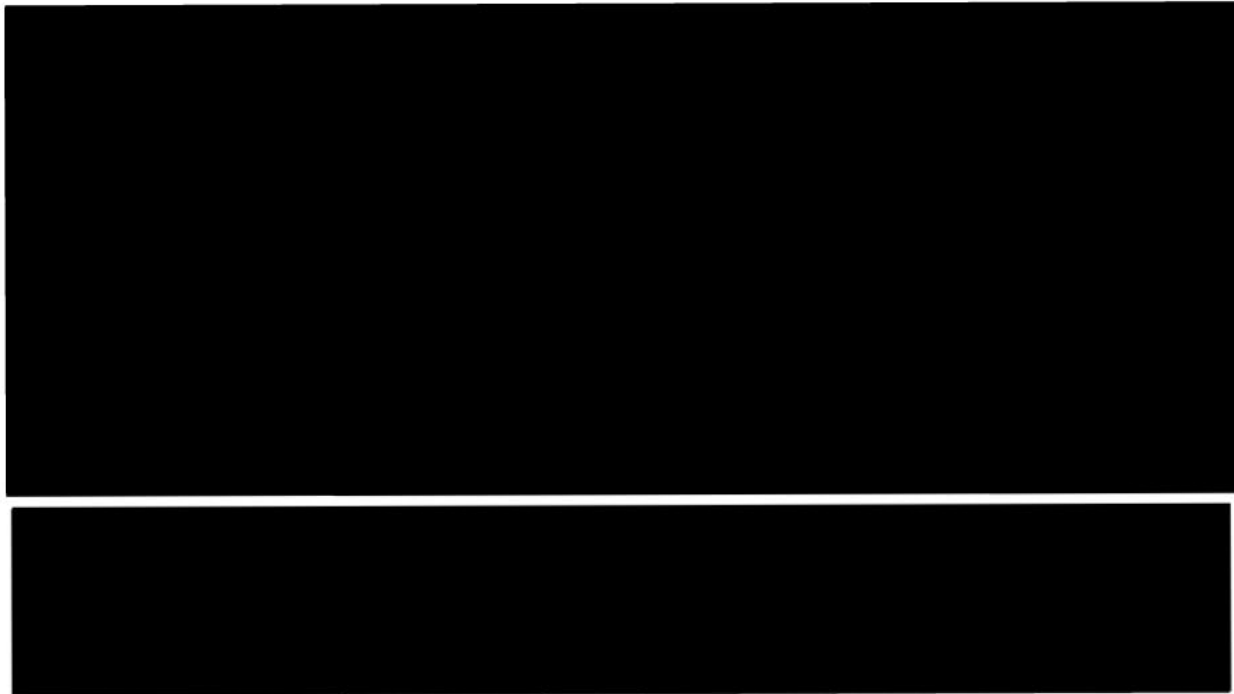
Shane Mazutinec (Exhibit 2)



[REDACTED]

[REDACTED]

[REDACTED]



DECISION OF THE HEARING COMMITTEE

Charge 1—guilty

REASONS FOR DECISION

1. Mazutenic had sex with a [Gender Redacted] student of [Age Redacted], in a closet, in his classroom. The profession expects that teachers will refrain from sexual and emotional exploitation of students. Mazutinec failed to do so and this was unprofessional.
2. Mazutenic cultivated a relationship with a demonstrably vulnerable student. He groomed this relationship with the student with the ultimate goal of sexually exploiting [Gender Redacted] and comfortable in his belief that any disclosure of same by [Gender Redacted] would likely be discredited. He exploited the power differential within the teacher-student relationship for his own gratification. The public and the profession expect teachers to refrain from exploiting students for their own gratification at all times.
3. It is solely the responsibility of the teacher to maintain appropriate teacher-student boundaries. Mazutinec failed to do so and this was unprofessional.
4. The committee balanced the more credible testimony of Witness A against Mazutinec's submission. It also considered the testimony of Witness B and Witness C. Witness B and Witness C's testimony was not related to Witness A's narrative, but was received by the committee as similar fact evidence of another incident. Similar fact evidence provides evidence that advances elements which support the charges. With similar fact evidence, the

probative value must outweigh its prejudicial effect. The committee determined that the testimony of Witness B and Witness C, as similar fact evidence, had sufficient probative value to outweigh any prejudicial effect because it augmented the plausibility of Witness A's testimony.

5. Mazutinec failed to treat the student with dignity and respect when he exploited [Gender Redacted] isolation and [Gender Redacted] need to develop a caring relationship with an adult.
6. Mazutinec failed to maintain the honour and dignity of the profession when he had a sexual relationship with a student.

#### SUBMISSION ON PENALTY

██████████ submitted to the committee that an appropriate penalty would be a recommendation to the minister of education to cancel Mazutinec's certificate, that Mazutinec be declared permanently ineligible for membership in the Association, and that a \$10,000 fine be imposed. ██████████ referred to three precedent previous cases with similar facts to support ██████████ penalty recommendation.

#### PENALTY

The hearing committee imposed the following penalty on Mazutinec:

1. A declaration of permanent ineligibility for membership in the Alberta Teachers' Association
2. A recommendation to the minister of education that Mazutinec's teaching certificate be cancelled and
3. A fine of \$10,000

#### REASONS FOR PENALTY

1. The public and the teaching profession will not tolerate a teacher who exploits or grooms a relationship with a student for sexual gratification. Therefore, the penalty of permanent ineligibility for membership and a recommendation for cancellation of certificate is appropriate because it protects students, the profession and the public from predatory behaviour such as that exhibited by Mazutinec.
2. Mazutinec had left his teaching position and did not intend to return to teaching, thus the ineligibility for membership in the Association and the recommendation for cancellation of certificate alone would not have a sufficiently significant impact. The committee determined that the maximum fine permitted under the *Teaching Profession Act* would address the repugnant behaviour and mete out the desired impact.

3. Teachers are in a position of power over students. Therefore it is a teacher's fiduciary obligation to protect students, not to exploit their vulnerability through the teacher-student relationship. Mazutinec's actions constituted egregious behaviour which breached trust and necessitates the most significant penalty.

Dated at the City of Edmonton in the Province of Alberta, Tuesday, April 19, 2016.

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

