

REPORT OF THE HEARING PANEL  
OF THE PROFESSIONAL CONDUCT COMMITTEE

IN THE MATTER OF CHARGES OF UNPROFESSIONAL  
CONDUCT AGAINST PAUL J MacLELLAN

The hearing panel of the Professional Conduct Committee of The Alberta Teachers' Association reports that charges of unprofessional conduct laid against Paul J MacLellan 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 Wednesday, January 21, 1998.

Professional Conduct Committee members present as the hearing panel were: [REDACTED]  
[REDACTED] the case  
against the accused.

On behalf of the accused, the prosecuting officer supplied documents to the hearing panel. In the documents, the accused requested that the hearing panel accept his plea in the form of a written submission. In the documents, which included an agreed statement of fact, the accused indicated that he would not be present and would not be represented by counsel. (Exhibits 3 and 4)

Based on the submission by the accused, which included a plea of "guilty" to all four charges, the hearing panel proceeded.

CONSTITUTION/JURISDICTION

There were no objections to either the constitution of the hearing panel or its jurisdiction to hear the case.

PLEA

The following charges were read by the secretary to the hearing panel:

1. Paul J MacLellan is charged with unprofessional conduct contrary to the *Teaching Profession Act* in that he, on the 10<sup>th</sup> day of October, 1997 in [REDACTED] plead guilty to and was convicted of an indictable offence under the Criminal Code of Canada to wit: On or about the 12<sup>th</sup> day of March,

Report of Hearing Panel of PCC  
Paul J MacLellan, p 2

1997, at or near [Location Redacted], Alberta, did unlawfully obstruct, interrupt or interfere with [Name Redacted], in the lawful use, enjoyment or operation or (sic) property, contrary to section 430(1)(D) of the Criminal Code of Canada.

2. Paul J MacLellan is charged with unprofessional conduct contrary to the *Teaching Profession Act* in that he, on the 10<sup>th</sup> day of October, 1997 in [REDACTED] [REDACTED] plead guilty to and was convicted of an indictable offence under the Criminal Code of Canada to wit: Between the 1<sup>st</sup> day of January, 1996, and the 1<sup>st</sup> day of January, 1997, both dates inclusive, at or near [Location Redacted], Alberta did unlawfully obstruct, interrupt or interfere with [Name Redacted] in the lawful use, enjoyment or operation of property, contrary to Section 430(1)(D) of the Criminal Code of Canada.

3. Paul J MacLellan is charged with unprofessional conduct contrary to the *Teaching Profession Act* in that he did not treat [Name Redacted], a student at [School Redacted], with dignity and respect and was not considerate of [gender redacted] circumstances.

4. Paul J MacLellan is charged with unprofessional conduct contrary to the *Teaching Profession Act* in that he, a member of The Alberta Teachers' Association, failed to act in a manner which maintains the honor and dignity of the profession by his conduct in relation to [Name Redacted] and [Name Redacted]

The hearing panel accepted the accused's plea of "guilty" to the four charges.

WITNESSES

No witnesses were called.

EVIDENCE ADDUCED FROM EXHIBITS FILED INDICATED THAT:

1. P MacLellan was a member of The Alberta Teachers' Association from September 1981 until March 31, 1997. (Exhibit 5)
2. P MacLellan was employed by [School Division Redacted] at the time of the offences. (Exhibit 6)

Report of Hearing Panel of PCC  
Paul J MacLellan, p 3

3. P MacLellan was a teacher at [School Redacted] during the 1996/97 school year. He taught in the special education program. P MacLellan resigned his teaching position effective March 31, 1997. (Exhibit 4)
4. While a member of The Alberta Teachers' Association, on or about March 12, 1997, P MacLellan videotaped a [gender redacted] teacher assistant. The teacher assistant was under the supervision of P MacLellan in his role as a teacher. The videotaping occurred in a shower room at [School Redacted] without the knowledge or consent of the teacher assistant. (Exhibit 8)
5. The teacher assistant discovered the video camera which had been placed by P MacLellan in a location adjacent to the shower. (Exhibit 8)
6. When the teacher assistant confronted P MacLellan, he admitted to having placed the video camera in the shower room. (Exhibit 8)
7. The teacher assistant took the videotape and viewed it. In addition to [redacted] being videotaped in the shower room, the teacher assistant discovered a tape segment that included a [Age Redacted][gender redacted] student in a separate shower facility in [School Redacted]. The student being videotaped was in P MacLellan's class. (Exhibit 8)
8. The teacher assistant took the videotape and presented it to school board officials. The police were called. Subsequently, P MacLellan was charged. (Exhibit 8)
9. On October 10, 1997, P MacLellan plead guilty and was convicted of two indictable offences under part XIX of the Criminal Code of Canada, the conduct to which those two indictable offences related having occurred while he was still a member of The Alberta Teachers' Association. (Exhibit 7)
10. There was extensive media coverage of the details surrounding the incidents at [School Redacted] and P MacLellan's conviction in court. P MacLellan was identified as both a teacher and a former teacher. (Exhibit 9)

### PENALTY

The hearing panel of the Professional Conduct Committee imposes the following penalty:

Charge 1- that P MacLellan's eligibility for membership in The Alberta Teachers' Association be suspended for 5 years; that a recommendation be made to the minister of education that P MacLellan's teaching certificate be suspended for five years; and, that P MacLellan be fined \$1,000.

Charge 2- that P MacLellan's eligibility for membership in The Alberta Teachers' Association be suspended for 5 years; that a recommendation be made to the minister of education that P MacLellan's teaching certificate be suspended for five years; and, that P MacLellan be fined \$1,000.

Charge 3- that P MacLellan's eligibility for membership in The Alberta Teachers' Association be suspended for 5 years; that a recommendation be made to the minister of education that P MacLellan's teaching certificate be suspended for five years; and, that P MacLellan be fined \$1,000.

Charge 4- that P MacLellan's eligibility for membership in The Alberta Teachers' Association be suspended for 5 years; that a recommendation be made to the minister of education that P MacLellan's teaching certificate be suspended for five years; and, that P MacLellan be fined \$1,000.

The suspensions are concurrent. The fines are cumulative to a total of \$4,000.

### REASONS FOR PENALTY

1. P MacLellan was convicted of two criminal offences for conduct occurring while still a member of The Alberta Teachers' Association. Accordingly, P MacLellan engaged in unprofessional conduct within the meaning of sections 22(2) and 40(2) of the *Teaching Profession Act*. Teachers convicted of indictable offences bring dishonor and disrepute to the profession.
2. Through his actions, P MacLellan did not treat a student and a colleague with dignity and respect. His actions were totally inappropriate for a person who holds a position of authority and trust.

Report of Hearing Panel of PCC  
Paul J MacLellan, p 5

3. Proceedings associated with P MacLellan's convictions resulted in significant negative publicity for the profession.
4. Evidence indicates that P MacLellan has accepted responsibility for his actions and is remorseful.

Dated at the City of Edmonton in the Province of Alberta, Wednesday, January 21, 1998.

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

