



2021 TAHP 01
Decision issued: March 17, 2021
Citation issued: February 13, 2020
File No. [REDACTED]

IN THE MATTER OF THE *TEACHERS ACT*, SBC 2011, c. 19

AND

A HEARING CONCERNING

Aleksandr Vladimirovich Plehanov

(A Former Authorized Member under the *Teachers Act*)

REASONS FOR DECISION ON FINDINGS AND DETERMINATION

Written submissions of the counsel for the Commissioner filed: June 30th, 2020.

Written submissions of the Respondent: none

Panel: Teresa Mitchell-Banks, Ralf St. Clair and Alice Kedves

Counsel for the Commissioner: Michael Oland

Counsel for the Respondent: none

INTRODUCTION

[1] A panel was appointed by the Commissioner to conduct a hearing into a Citation issued by the Commissioner on February 13, 2020 (the ‘Citation’)¹. The Citation was issued under s. 56(1) of the *Teachers Act*, S.B.C. 2011, c. 10 (the ‘Act’). The hearing is by way of written submissions.

[2] Aleksandr Vladimirovich Plehanov (the ‘Respondent’) held an Interim Certificate of Qualification, No. [REDACTED]. It was issued by the B.C. College of Teachers (the ‘College’) under the *Teaching Profession Act* on January 23, 2007 and was valid from January 1, 2007 until June 30, 2011.

¹ Exhibit 1

[3] The Respondent then held a Professional Certificate of Qualification, No. [REDACTED]. It was issued by the College under the *Teaching Professional Act* on December 23, 2008, was valid from January 1, 2009 and continued under the *Teachers Act* as of January 9, 2012.

[4] The Respondent's certificate of qualification was cancelled on May 5, 2014 as a term of a Consent Resolution Agreement he entered with the Commissioner on May 3, 2014.

[5] The Citation alleges:

1) On January 8, 2016 Aleksandr Vladimirovich Plehanov (the "Respondent" in the proceedings before us), formerly an authorized person under the Act, was convicted by the Supreme Court of British Columbia of sexual assault, contrary to s. 271(1) of the *Criminal Code of Canada*.

- a. the victim was 6 years of age at the time of the offence
- b. Plehanov knew the child's parents through church
- c. Plehanov's appeal of his conviction was dismissed by the British Columbia Court of Appeal on December 19, 2019
- d. There is a publication ban under s. 486.4(2) of the *Criminal Code of Canada* restricting publication, broadcast or transmission in any way of evidence that could identify the Victim.

2) This conduct is contrary to Standard #2 of the *Standards for the Education, Competence, and Professional Conduct for Educators in British Columbia*, Fourth Edition, January 2012. Mr. Plehanov is guilty of conduct unbecoming a teacher under section 63(1)(b) of the *Teachers Act*.

PROCEDURE

Service of the Respondent

[6] Plehanov (the 'Respondent') has not filed any submissions in response to the Citation. The Panel must therefore determine, as a preliminary issue, whether the Respondent was properly served with the Citation.

[7] Ms. Maggie Sam, Legal Assistant to the Legal Services Branch, filed an affidavit² affirming the following:

On February 19, 2020, I sent a letter dated February 19, 2020 from Ms. Boyd to Aleksandr Plehanov (the "Respondent") to be sent to him by ordinary mail and by registered mail to his last known address at [REDACTED] BC. Enclosed with the letter was a copy of the citation in this matter, issued February 13, 2020, and a copy of the

² Exhibit 2

Commissioner's Rules for Disciplinary and Professional Conduct Inquiries. A true copy of the letter, the citation and the Commissioner's Rules were attached to the Affidavit as Exhibit "A".

On February 20, 2020, I reviewed an email from the Respondent to Ms. Boyd responding to the February 19, 2020 letter. I therefore believe that the Respondent received the letter. A true copy of the email is attached to this Affidavit as Exhibit "B".

Although the February 19, 2020 letter lists that it was delivered "By Hand", due to the Respondent's February 20, 2020 email indicating his receipt of the letter, I did not proceed to have the letter delivered by hand.

On or about February 24, 2020, I confirmed that on February 22, 2020, the Respondent picked up the copy of the February 19, 2020 letter sent by registered mail. A true copy of the Canada Post tracking details is attached to this Affidavit as Exhibit "C".

On or about March 25, 2020, I sent a letter dated March 25, 2020 from Mr. Oland to the Respondent by mail and email, enclosing a copy of the document disclosure index in this matter. A true copy of the letter and the document disclosure index are together attached to this Affidavit as Exhibit "D".

On March 25, 2020, I received an email from the Respondent in response to the letter and email sent earlier that same day, requesting to postpone this matter. A true copy of the email is attached to this Affidavit as Exhibit "E".

On or about March 26, 2020, I sent a letter dated March 26, 2020 from Mr. Oland to the Respondent by mail and email, requesting a pre-hearing conference be held in this matter. A true copy of the letter and my email are together attached to this Affidavit as Exhibit "F".

On or about April 2, 2020, I received a copy of a letter dated April 1, 2020 from the Acting Hearing Coordinator at the Professional Conduct Unit of the Ministry of Education sent to Mr. Oland and the Respondent, requesting availability to attend a pre-hearing conference. A true copy of the letter is attached to this Affidavit as Exhibit "G".

On April 8, 2020, I sent a letter dated April 8, 2020 from Mr. Oland to the Acting Hearing Coordinator by email providing Mr. Oland's availability for the pre-hearing conference. A true copy of the letter and my email are together attached to this Affidavit as Exhibit "H".

On April 24, 2020, I reviewed a copy of a letter dated April 24, 2020 and an agenda from the Acting Hearing Coordinator sent to Mr. Oland and the Respondent by email regarding details for the pre-hearing conference set for May 26, 2020. A true copy of the letter, agenda and email are together attached to this Affidavit as Exhibit "I".

On May 14, 2020, I reviewed a copy of a letter dated May 14, 2020 from the Acting Hearing Coordinator sent to Mr. Oland and the Respondent by email, reminding parties of the upcoming pre-hearing conference by teleconference. A true copy of the letter and email are together attached to this Affidavit as Exhibit "J".

On May 29, 2020, I reviewed a copy of an email from the Acting Hearing Coordinator sent to Mr. Oland enclosing the summary of the pre-hearing conference sent to Mr. Oland and the Respondent from the Commissioner for Teacher Regulation in this matter. A true copy of the email and the pre-hearing conference summary are together attached to this Affidavit as Exhibit "K".

On May 29, 2020, I reviewed a copy of an email from the Acting Hearing Coordinator sent to, Mr. Oland enclosing a Notice of Hearing sent to Mr. Oland and the Respondent from the Commissioner. A true copy of the letter and the email are together attached to this Affidavit as Exhibit "L".

On June 2, 2020, I reviewed a copy of an email from the Acting Hearing Coordinator sent to Mr. Oland enclosing the Order from the Commissioner. A true copy of the email and the Order are together attached to this Affidavit as Exhibit "M".

[8] By way of a letter dated April 24, 2020, from the Acting Hearing Coordinator, the Respondent and counsel for the Commissioner were advised that a pre-hearing tele-conference was scheduled for Tuesday, May 26, 2020 at 10:00am -12:00pm. The tele-conference was attended by Howard Kushner, Commissioner, Michael Oland, Counsel for the Commissioner, and Aleksandar Acimovic, Hearing Coordinator. The Respondent did not participate.

[9] We have reviewed the Affidavit of Ms. Sam and the attached exhibits and find the contents of her Affidavit to be supported by the attached exhibits. Mr. Plehanov did respond upon occasion and therefore the Professional Conduct staff of the Commissioner did have his correct contact information, both email and residential address.

[10] We find that the Respondent was appropriately served with the Citation, disclosure, information regarding the pre-hearing conference and all other materials necessary for him to participate fully in these proceedings. However, after March 26th, 2020, the Respondent chose not to respond to communications from Ms. Sam or counsel for the Commissioner nor to attend the pre-hearing teleconference.

ISSUE

[11] Whether the Respondent is guilty of conduct unbecoming a teacher under paragraph 63(1)(b) of the *Teachers Act*.

BACKGROUND

[12] On April 14, 2014, following information that the Respondent had been criminally charged, the Commissioner for Teacher Regulation initiated an investigation into the Respondent's conduct.³

[13] On January 8th, 2016, the British Columbia Supreme Court found the Respondent guilty of sexual assault, contrary to section 271(1) of the *Criminal Code*.⁴ A certified copy of the Respondent's conviction was obtained.⁵

[14] In his Reasons for Judgment, Mr. Justice Blok described the circumstances of the offence and his reasons for conviction. The following is a brief summary of the facts as found by the Court. The Respondent and the victim's family became acquainted through their church. The church had a type of mentorship service and it was through this that the Respondent joined the victim's family on three or four outings and visited their home on approximately five occasions.⁶

[15] On March 31, 2013, Easter Sunday, the family went to church and in the afternoon, they gathered at their grandparents for a large extended family gathering. The father drove the Respondent and his children, of which there were a large number, in his 15-seat passenger van. The van was surrounded by windows, with four bench seats, and doors that opened outward on the side and back of the vehicle.⁷

[16] At about 9 p.m. the father started to round his children up (they ranged in ages from 3 to 12) to take them home. He focused on the youngest ones first.

[17] The father took the victim ('X') who was six years old and two younger children to the van. X was told to sit on the bench seat at the very back of the van and not to move out of it. She sat in a booster seat with a seat belt. The father assisted two younger children, one in the second of the four benches and another on the first bench seat and secured them in their car seats. The older children delayed in coming back to the van and so they had to be retrieved. The Respondent was left to mind the three children in the van while the father went in search of the older children.

[18] The Court found on the evidence that X had got up to retrieve her little brother's candy which had fallen. She then tripped and the Respondent caught her and used the opportunity to sexually assault her on two brief but separate occasions with a short period of time before the father interrupted him.

[19] The Court found that the Respondent hooked his finger in the front of her pants with his fingers touching her groin over her clothing. The victim said he "kind of rubbed my bum" and "he was rubbing his whole hand on my bum" and "that part of his fingers (that is "more than the first

³ Affidavit of Stephanie Jackson, para. 3

⁴ Ibid. Exhibit 4, R. v. Plehanov, 2016 BCSC 322

⁵ Exhibit A attached to the Affidavit of Stephanie Jackson

⁶ Exhibit 4, R. v. Plehanov, 2016 BCSC 322 para.5

⁷ Ibid at para.7

knuckle”) went under her pants at the waist near the front while his palm was on her groin.”⁸ The Respondent did not testify.

[20] The Respondent was convicted of sexual assault of a minor person under 16.

[21] On October 31, 2017, the Respondent was sentenced to six months imprisonment and 24 months’ probation with multiple conditions. He was also made subject to orders: (1) prohibiting him for a period of five years following his release from incarceration from seeking, obtaining, or continuing any employment or volunteer work that involves being in a position of trust or authority over persons under the age of 16 years; (2) requiring him to submit to a DNA sample; and, (3) requiring him to register as a sex offender for a period of 20 years under the Sex Offender Information Registration Act.

[22] The Respondent appealed his conviction. On December 19, 2019, the British Columbia Court of Appeal dismissed his appeal.

[23] On June 26, 2020, Ms. Chu of the British Columbia Prosecution Service advised Ms. Jackson, a lawyer with the Legal Services Branch, that the British Columbia Prosecution Service had not received an application for leave to appeal to the Supreme Court of Canada, nor an extension of time within which to make such an application.⁹ Therefore, the previous decisions from the British Columbia Supreme Court and British Columbia Court of Appeal are in effect.

COMMISSIONER’S POSITION

[24] It is the position of the Commissioner that:

- (a) The conviction for sexual assault of a minor contrary to section 271(1)(b) of the *Criminal Code* constitutes conduct unbecoming a teacher under section 63(1)(b) of the Act.
- (b) The Certificate of Conviction proves the criminal conviction.
- (c) The Respondent engaged in conduct unbecoming a teacher under section 63(1) (b) of the Teachers Act and pursuant to the section has the authority to make a finding of conduct unbecoming
- (d) An adverse finding may be made even though the Respondent no longer holds a Certificate of Qualification. This is because Subsection 43(2) of the Teachers Act extends the jurisdiction of the Teachers Act to former certificate holders for the purposes of certain disciplinary matters, including conduct unbecoming
- (e) Conduct unbecoming is defined by the jurisprudence – The jurisprudence defines unbecoming a teacher as off-duty conduct that impairs or harms the teacher’s ability to

⁸ Ibid. at para.67

⁹ Ibid. para. 13-14

fulfil their professional responsibilities, or where the fact of the conduct would undermine public confidence in the educational system.

(f) The Respondent's conduct is a serious breach of the Standards.

(g) The Respondent's sexual assault of a minor is conduct unbecoming – By committing sexual assault on a six-year-old child, the Respondent engaged in behaviour that breached the Standards and constitutes conduct unbecoming in accordance with the jurisprudence.

Onus and Standard of Proof

[25] The onus is on the Commissioner to prove the conduct and that it constitutes one or more of the adverse findings set out under subsection 63(1) of the Act. The Supreme Court of Canada in *FH v McDougall*, 2008 SCC 53 (“FH”). In that case, the Supreme Court of Canada wrote at para 49: ... in civil cases there is only one standard of proof and that is proof on a balance of probabilities. In all civil cases, the trial judge must scrutinize the relevant evidence with care to determine whether it is more likely than not that an alleged event occurred. The Court also concluded at para 46 that “evidence must always be sufficiently clear, convincing and cogent to satisfy the balance of probabilities test”.¹⁰

[26] This Tribunal is bound to follow the rulings of the Supreme Court of Canada. Therefore, the Commissioner must prove the allegations on a balance of probabilities based on evidence that is sufficiently clear, convincing and cogent.

ANALYSIS AND DECISION

The Certificate of Conviction and Proof of a Criminal Conviction

[27] A certificate of conviction is admissible as evidence under the Evidence Act to prove that a person was convicted of an offence. Subsections 71(1) and (5) of the Evidence Act are concerned with evidence of previous convictions and their admissibility in subsequent proceedings.

71 (1) In this section: "conviction" means a conviction

- (a) that is not subject to appeal or further appeal, or
- (b) for which no appeal is taken; [. . .]

(5) A certificate containing the substance and effect of the charge and of the conviction or finding of guilt, as the case may be, purporting to be signed by

¹⁰ Exhibit 5, Counsel for the Commissioner's Book of Authorities

(a) the officer having custody of the records of the court in which the offender was convicted or found guilty, or

(b) a person authorized to act for the officer,

is, on proof of the identity of a person named in the certificate as the offender, sufficient evidence of the conviction of that person or the finding of guilt against that person, without proof of the signature or of the official position of the person purporting to have signed the certificate.

[28] As noted, a certified Certificate of Conviction is attached as Exhibit A to the Affidavit of Stephanie Jackson.¹¹ The Certificate states that Aleksandr Plehanov, born [REDACTED] was tried and convicted of sexual assault contrary to section 271 of the *Criminal Code*. Therefore, the conviction of Aleksandr Plehanov is proven.

[29] Section 71(1) (5) also requires that identity be proven. Attached as Exhibit A to Ms. Sam's affidavit¹² is a letter to Aleksandr Vladimovorovich Plehanov enclosing the Citation issued February 13, 2020, TRB File No. [REDACTED] from which the rest of this process has flowed.

[30] Attached as Exhibit B to Ms. Sam's affidavit, is a copy of an email from the Respondent to Ms. Boyd, legal counsel for the Legal Services Branch of the Ministry of the Attorney General. The email is dated February 20, 2020, three months after the B.C. Court of Appeal dismissed his appeal.

From: Alex Plehanov

Sent: Thursday February 20, 2020 3:02pm

To: Maureen Boyd

Subject: Re: Teacher's license TRB file # [REDACTED]

Hi

Your attempts to interfere with my appeal process and my teacher certification status will be certainly a nice addition to the complaints I will be forwarding soon.

I was falsely accused and I have a legal right to fight allegations including going to the Supreme Court of Canada.

¹¹ Exhibit 3

¹² Exhibit 2

Status of my teacher certification is not my main concern right now and you could at least let me deal with the courts at the moment.

By proceeding with the hearing while appeal process is not complete you are giving more credibility my complaint (sic).

Thank you kindly

Alex Plehanov.

[31] From the contents of the letter, it is clear that the writer is Aleksandr Plehanov, that he is writing in regard to Teacher's license TRB file [REDACTED], and that he has been the subject of prosecution and an appeal.

[32] We find that the Respondent is the subject of the Certificate of Conviction and the criminal conviction of sexual assault against a minor is proven.

[33] Section 71(2) of the *Evidence Act* provides that a conviction in a Canadian court is admissible evidence to prove the person convicted of the offence did in fact commit it. More particularly, section 71(1)(2)(b) provides that "the commission of that offence is relevant to any issue in an action, proof of the conviction or finding of guilt, as the case may be, is admissible in evidence to prove that the person committed the offence, whether or not that person is a party to the action.

[34] By operation of statute, the Certificate of Conviction of the Respondent is admissible in these proceedings.

[35] The Respondent was found guilty by a criminal court of sexually assaulting the six-year-old child of a friend who had left the child (and two younger ones) momentarily in his care. His appeal from conviction was appealed and dismissed.

[36] Teachers hold positions of trust, confidence, and responsibility. It is on the basis of a teacher's position of trust and influence that we as a society hold teachers to high standards both on and off duty. This is particularly so as the public entrusts its children, a particularly vulnerable population, to the teaching profession at an early age.

[37] The sexual assault of a child by a teacher completely undermines the public's trust in the school system. No reasonable person who was informed of the Respondent's conduct would ever wish to leave a child in his care. Certainly, no fellow teacher would trust him. Nor would parents and children. The nature of the Respondent's conduct could erode the public trust in teachers and the school system.

[38] For the reasons mentioned in the case law and in the Standards, there is no question that the conduct of the Respondent in committing the sexual assault of a child is conduct unbecoming pursuant to s. 63(1) (b) of the *Teachers Act*.

Conduct unbecoming under Subsection 63(1)(b) of the Act

[39] Pursuant to section 63(1)(b), after a hearing, a panel may determine that an authorized person has been or is guilty of professional misconduct or conduct unbecoming a teacher.

[40] It is the position of the Commissioner that the Respondent is guilty of conduct unbecoming a former certificate holder. Section 43(2) of the Act extends the jurisdiction of the Act for former certificate holders for the purposes of some disciplinary matters including conduct unbecoming.

[41] The sexual assault which occurred on March 31, 2013, did not occur during the course of the Respondent's work as a teacher, but rather at a social gathering, when he assaulted his friend's six-year-old daughter. Nor does the Respondent currently hold a Certificate of Qualification which was cancelled on May 3, 2014, as a result of a Consent Resolution Agreement.¹³

[42] The Agreement was entered into as a result of investigations into numerous previous complaints that the Respondent had failed to respect the appropriate physical boundaries with Grades 2 and 3 female students, contrary to Standards #1 and #11 of the *Standards for the Education, Competence and Professional conduct of Educators I British Columbia*. Despite being disciplined the Respondent's inappropriate behaviour continued. In the Agreement, the Respondent agreed that his conduct constituted professional misconduct and conduct unbecoming. As a result, he agreed to cancellation of his Certificate of Qualification and his certificate was cancelled on May 3rd, 2014. He further agreed that he would not apply for, nor would the Director of Certification grant him, a Certificate of Qualification, and Independent School Teaching Certificate or a Letter of Permission for a period of 3 years from May 5, 2014.

[43] The Respondent has not sought a Certificate since and is therefore a "former authorized person" within the meaning of section 43(2) of the Act.

[44] Section 43(2) of the *Teachers Act* expressly extends jurisdiction to former authorized persons for the purpose of determining whether the former authorized person has been guilty of professional misconduct or conduct unbecoming a teacher.

[45] The Respondent is therefore subject to the jurisdiction of the panel to determine whether his sexual assault conviction (and the facts contained in the judgments of the courts), constitutes conduct unbecoming within the meaning of section 63(1) (b)

Conduct Unbecoming

[46] The *Teachers Act* does not define conduct unbecoming. However, the topic has been considered many times by courts across the country. Courts have held that off-duty conduct that

¹³ Affidavit of Maggie Sam, attached as Exhibit N

impairs a teacher's ability to carry out teaching responsibilities or undermines the public trust in the integrity of the school system constitutes conduct unbecoming. In *Ross. V. New Brunswick School District No 15*, [1996] 1 SCR 825 the Supreme Court of Canada explained:

Teachers are inextricably linked to the integrity of the school system. Teachers occupy positions of trust and confidence and exert considerable influence over their students as a result of their positions. The conduct of a teacher bears directly upon the community's perception of the ability of the teacher to fulfil such a position of trust and influence, and upon the community's confidence in the public-school system as a whole.¹⁴

[47] The Court went on to cite with approval the earlier British Columbia Court of Appeal case of *Shewan v. Abbotsford School district No. 34 (1987) B.C.J NO. 2495*. The Shewans were both teachers and husband and wife. A nude photograph of the wife, taken while off duty, was published by them in a magazine. The issue was whether the publication of such material by a teacher constituted conduct unbecoming and the significance of doing so while off duty. At paragraph 15 the court explained:

The reason why off the job conduct may amount to misconduct is that a teacher holds a position of trust, confidence and responsibility. If he or she acts in an improper way, on or off the job, there may be a loss of public confidence in the teacher and in the public school system, a loss of respect by students for the teacher involved, and other teachers generally, and there may be controversy within the school and within the community which disrupts the proper carrying on of the educational system.

[48] The British Columbia Supreme Court, in *Fountain v. British Columbia College of Teachers*, 2007 BCSC 830 ("Fountain") at paragraph 51 described conduct unbecoming as off duty conduct that has a negative impact on the teacher's ability to carry out his obligations as a teacher or where the conduct has a negative impact on the school system, for example, where the activities conflict with core values of the education system.

[49] In *Fountain*, the Court referred to the following comments by Justice La Forest of the Supreme Court of Canada in *Off Duty Conduct and the Fiduciary Obligations of Teachers* (1996-1998), 8 Educ & LJ 119 at 136-137, that off duty behaviour by teachers may cause demonstrable harm to the educational system, and to do so constitutes conduct unbecoming.

Certain kinds of outside activity, in other words, can result in demonstrable harm to the educational system. . . . including the risk that the misconduct may recur with resultant injury to students, the danger that students may be influenced by inappropriate role models, diminution of teaching effectiveness caused by loss of respect from students and the community and the public's loss of confidence in the educational system. It is these specific harms, and not the violation of a state-imposed moral code, that the prohibition of off-duty misconduct seeks to redress. BOA Tab 2 – Fountain at para. 63

[50] Even in cases where there is no direct evidence of impairment or harm caused by the off-duty misconduct, the Court found that depending on the conduct, harm could be inferred. After

¹⁴ At paragraph 46

reviewing the case law, the court (at paragraph 59) determined that the following factors were relevant in determining whether harm to the educational system could be inferred.

- (a) the nature of the conduct at issue;
- (b) the nature of the position;
- (c) whether there is evidence of a pattern of conduct;
- (d) evidence of controversy surrounding the conduct;
- (e) evidence that the private conduct has been made public; and
- (f) evidence that the private conduct has been linked by the member to the professional status of the member.

Standards of Conduct

[51] The Respondent's conduct must be measured against the *Standards for the Education, Competence and Professional Conduct of Educators in British Columbia*, (Fourth Edition, January 2012) (the 'Standards'), which were already in effect before the Respondent's sexual assault of a minor took place. Teachers conduct must meet the Standards in order to be issued and maintain a Certificate.

[52] The Commissioner argues that the Respondent's behaviour contravened both sections 1 and 2 of the Standards. They read as follows:

1. Educators value the success of all Students. Educators care for students and act in their best interests. Educators have a privileged position of power and trust. Educators are responsible for the physical and emotional safety of students...Educators do not abuse or exploit students or minors for personal, sexual, ideological, material, or other advantage.

2. Educators are role models who act ethically and honestly. Educators act with integrity, maintaining the dignity and credibility of the profession. They understand that their individual conduct contributes to the perception of the profession as a whole. Educators are accountable for their conduct while on duty, as well as off duty, where that conduct has an effect on the education system. Educators have an understanding of the education system in BC and the law as it relates to their duties.

[53] Previous cases involving teachers are clear that sexual assault is conduct unbecoming.

[54] In *Ontario College of Teachers v. Cameron*, 2008 ONOCT 11, a disciplinary committee of the Ontario College of Teachers was convened. Cameron had recently pleaded guilty to 8 separate criminal charges of gross indecency, indecent assault and sexual assault and attempt to have sexual intercourse with minors. All of these offences had taken place thirty years prior. The disciplinary committee found Cameron had failed to strive at all times to achieve and maintain the highest degree of professional competence to uphold the honour, dignity and ethical standards of

the teaching profession and further, that his conduct was disgraceful, dishonourable and unbecoming a member.¹⁵

[55] In *Ontario College of Teachers v Wood*, 2012 ONOCT 43, Wood was convicted of sexually assaulting a female adult whilst she was sleeping. Wood was sentenced to prison and a disciplinary Panel found that his conduct was unprofessional, disgraceful, dishonourable and conduct unbecoming a member.

[56] In the 1999 B.C. College of Teacher case of Daniel James Sullivan¹⁶ the disciplinary hearing panel found that a conviction for sexually assaulting a child constituted a “serious breach of trust” and was conduct unbecoming.

[57] Earlier, in the 1991 case of the BC College of Teachers and Randy Emerson Brodeur,¹⁷ the College found that convictions for two counts of sexual assault of a minor committed was conduct unbecoming.

CONSEQUENCES & COSTS

[58] Having found the Respondent guilty of conduct unbecoming under the *Teachers Act*, this panel is empowered to impose a penalty on the Respondent. The panel asks that counsel for the Commissioner and the Respondent advise the Hearing Coordinator of the Professional Conduct Unit whether submission on appropriate penalty should be submitted in writing or through an oral hearing. The panel directs that any submissions on costs be submitted in writing. The Hearing Coordinator of the Professional Conduct Unit shall set the deadlines for submissions.

¹⁵ At pages 6-7

¹⁶ BC College of Teachers Discipline Case Summary, Daniel James Sullivan (DOB 1936.09.20)

¹⁷ BC College of teachers Discipline Case Summary, Randy Emerson Brodeur (D.O.B.0 56/09/21)

For the Panel

Date: March 17, 2021

A handwritten signature in black ink that reads "Teresa Mitchell-Banks QC". The signature is written in a cursive style and is underlined with a single horizontal line.

Teresa Mitchell-Banks, Panel Chair

A handwritten signature in blue ink that reads "Ralf St. Clair". The signature is written in a cursive style and is underlined with a single horizontal line.

Ralf St. Clair, Panel Member

A handwritten signature in purple ink that reads "Alice Kedves". The signature is written in a cursive style and is underlined with a single horizontal line.

Alice Kedves, Panel Member