



## DISCIPLINE CASE SUMMARY

a. Brett Anthony Nelson (DOB: 1960.08.19)

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b. Conduct unbecoming a member

c. The hearing was held on March 29, 2004, at the College's offices in Vancouver, B.C. The report and recommendations of the Hearing Sub-Committee (the "Committee") were presented to Council on June 18, 2004. This matter originated as a report from the Ministry of Attorney General under section 28(4) of the *Teaching Profession Act*.

d. The respondent admitted to engaging in sexually related behaviour with a grade 11 female student. He was charged with sexual exploitation under section 153 of the Criminal Code and found guilty by a jury. In March 2004, the sentencing judge granted him a conditional discharge.

The inappropriate sexual contact occurred during a period of one-month.

e. The Committee accepted the respondent's admission of guilt and found him guilty of conduct unbecoming a member.

The Committee determined that the sexual relationship between the respondent and his student breached the trust relationship between an educator and a student. Engaging in sexual contact with a student is among the most severe forms of misconduct for a teacher.

f. The Committee considered the submissions presented by counsel on penalty, publication and costs. The Committee considered the evidence, taking into account the extenuating circumstances that had occurred in the respondent's personal life and the fact that he showed remorse and sought counseling to deal with his personal issues. The Committee decided that given the severity of the breach of the trust relationship, the respondent's certificate be cancelled and his membership terminated. In regards to costs, the Committee found that the respondent cooperated fully and that costs not be assessed. In the matter of publication, the Committee concluded that there were no mitigating circumstances against publication of the respondent's name.

Council considered the report and recommendations of the Committee as well as counsel submissions. It was agreed that the respondent's certificate be cancelled and his membership terminated. It was also agreed that the respondent's name be published and no costs be assessed as he cooperated fully in the process.