



DISCIPLINE CASE SUMMARY

- a. Samuel James Van Ieperen
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- b. Conduct unbecoming a member of the British Columbia College of Teachers.
- c. The hearing was held December 15, 2009, at the College's offices in Vancouver, British Columbia. The report and recommendations of the Hearing Sub-Committee (the "Committee") were presented to Council on June 4, 2010, in accordance with section 22 of the *Teaching Profession Act*. This matter originated as a Registrar's Report under section 28(4) of the *Teaching Profession Act*.
- d. Mr. Van Ieperen was employed as a secondary school teacher in September 2005 when the incidents took place. On September 27, 2005, he was arrested and charged with one count of possession of child pornography, contrary to section 163.1(4) of the *Criminal Code of Canada*. On March 13, 2009, the Supreme Court of British Columbia found that there was a Charter violation of Mr. Van Ieperen's rights under sections 8 and 10 of the *Canadian Charter of Rights and Freedoms*. As a result, the evidence discovered by police on Mr. Van Ieperen's computer was excluded as inadmissible. Consequently, Mr. Van Ieperen was acquitted of the criminal charge against him. In December 2009, he entered into a Statement of Agreed Facts and Disposition (the "Agreement") with the College. In the Agreement, Mr. Van Ieperen did not expressly admit to having possessed child pornography or to conduct unbecoming a member of the College. However, he did not contest the facts as outlined in the Agreement and was not opposed to a finding of conduct unbecoming a member for the purpose of the College proceedings.
- e. The Committee unanimously accepted the facts agreed to by Mr. Van Ieperen as set out in the Agreement. Although Mr. Van Ieperen did not expressly admit to the possession of child pornography, the Committee concluded from the facts that he was in possession of child pornography on his home computer and that such conduct constituted conduct unbecoming a member of the College. The Committee found that the possession of child pornography was clearly a breach of Standards 1 and 2 of the College's *Standards for the Education, Competence and Professional Conduct of Educators in British Columbia*.
- Standard 1: Educators value and care for all students and act in their best interests.** Even though Mr. Van Ieperen's behaviour was unrelated to his students, the Committee found that he violated the basic moral and ethical requirement of teachers, namely that they not engage in conduct that is harmful to children in their off-duty conduct as well as in their professional duties.
- Standard 2: Educators are role models who act ethically and honestly.** Educators understand that their individual conduct contributes to the perception of the profession as a whole. In addition, educators are accountable for their conduct while on duty, as well as off duty, where that conduct has an effect on the education system. Further, the Committee found that the possession of child pornography by a teacher seriously undermines the integrity, dignity and credibility of the teaching profession. It is a long-held tenant in the teaching profession that the possession of child pornography, even outside of the member's teaching role and in his



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or her private life, violates the trust that the public expects of the “out-of-classroom” behaviour of its teachers and that this conduct amounts to a breach of trust of a most serious nature.

- f.** The Committee considered and accepted the jointly proposed penalty. In a finding of guilt, the Committee agreed that Mr. Van leperen not be issued a certificate of qualification for an indeterminate period and for a minimum of 10 years. Mr. Van leperen’s certificate of qualification was cancelled in November 2009 for non-payment of fees. The Committee stated that even if Mr. Van leperen were to re-apply for a certificate of qualification after the 10-year minimum, there would be no guarantee that he would be a successful candidate. Mr. Van leperen would have to prove that he was fit and proper to be a teacher in British Columbia upon re-application with the College. With respect to publication, the Committee recommended that publication of a case summary with the member’s name be made. In the matter of costs, the Committee recommended that the College not assess costs for the disciplinary proceedings against Mr. Van leperen.
- g.** The College Council considered the report and recommendations of the Committee and determined to accept the recommendation and reasons as to penalty, costs and publication.