



DISCIPLINE CASE SUMMARY

a. A Respondent (A-11-05)

b. Conduct Unbecoming a Member

c. The hearing was held on November 10, 2005, at the College's offices in Vancouver, B.C. This matter originated as a Registrar's Report under Section 28(4) of the *Teaching Profession Act*.

d. The Respondent admitted that he engaged in sexual relations with an adult female, which led to a conviction for sexual assault that was later overturned by the Supreme Court of British Columbia. Further, he was charged with breaching a court ordered undertaking to not communicate either directly or indirectly with the adult female. He sent her gifts and notes and approached her workplace. This charge was subsequently stayed by the court.

e. The Hearing Sub-Committee (the "Committee") accepted the Respondent's admission of guilt and found him guilty of conduct unbecoming a member.

f. The Committee considered the submissions presented by counsel on penalty, publication and costs. It was agreed that the appropriate penalty be a reprimand and that costs not be assessed. In the matter of publication, the Committee decided that the Respondent's name not be released to the public. The Committee concluded that publication of a case summary and notification pursuant to Section 36 of the *Teaching Profession Act* achieves the protection of the public interest, maintenance of standards and the communication of those standards to the public and membership. The Committee was also satisfied by an informed medical opinion, that the Respondent's fragile psychological condition would be significantly damaged by publication. Further, the Committee determined that publication would likely breach a court order protecting the name of the victim given the nature of the community in which the conduct occurred.