



DISCIPLINE CASE SUMMARY

a. A Respondent A-09-06 (Certificate Issued: 1991.06.03)

b. Conduct unbecoming a member of the College.

c. The hearing was held on September 13-17, 2004, at the College's offices in Vancouver, B.C. and in Prince Rupert, B.C. on May 16-20, 2005. The final phase of the hearing was held on September 20, 2006, at the College's offices. This matter originated as a report under section 16 of the *School Act*.

d. The Hearing Sub-Committee (the "Committee") found that the Respondent, between 1977 and 1983, engaged in inappropriate conduct of a sexual nature with the complainant who was occasionally his student and who later became his stepdaughter. The inappropriate conduct included sexual touching and/or removing part of her clothing. The Committee found that there was insufficient proof that the Respondent engaged in inappropriate conduct with a friend of the complainant.

e. The Committee was unanimous in its decision that the Respondent exhibited behaviour towards the complainant which constituted conduct unbecoming a member of the College. Upon reviewing the evidence, the Committee found the complainant's testimony reliable, consistent and unshaken by cross-examination.

With respect to the complainant's friend, the Committee was also unanimous in its decision that the allegations against the Respondent were unfounded, given the lack of corroborated evidence and inconsistent and unclear testimony.

Although the Committee found that the Respondent was a responsive and intelligent witness, they agreed that his testimony lacked consistency which led them to question the credibility and reliability of the Respondent's evidence.

f. The Committee considered the submissions presented by counsel on penalty, publication and costs. It was unanimously decided that the Respondent's certificate be suspended for an 18 month period commencing the date of the Committee's decision on verdict. The Committee acknowledged the nature and gravity of the offence and the adverse impact that it has had on the complainant, however, it determined that the penalty of cancellation should be reserved for the more serious offences. The Committee believes that a suspension is sufficient to maintain public confidence in the teaching profession and to act as a persuasive deterrent to other teachers. Further, the Committee unanimously agreed that a nominal sum be assessed to the Respondent due to an adverse finding and that the Respondent's name not be made public so as to protect the identity of the victim.

g. The Respondent appealed the decision on verdict and penalty on October 20, 2006, to the British Columbia Supreme Court. On August 11, 2008, the Respondent filed Notice of Abandonment of Appeal.