

VICTORIAN INSTITUTE OF TEACHING

DECISION AND REASONS OF THE FORMAL HEARING

NUMBER: 020

REGISTERED TEACHER: Peter PAPAGEORGIU

PANEL MEMBERS

Susan HALLIDAY Chairperson

Heather SCHNAGL Registered Teacher

Kevin POPE Panel Member

ATTENDANCE: The teacher attended the hearing and was not represented.

Counsel Assisting: Ms Gail Hubble

DATE OF HEARING: 19 May 2005

DECISION OF THE PANEL:

On 26 May 2005 the Panel decided to cancel the registration of the teacher from the date of the decision.

EFFECT OF THE DECISION

The effect of the decision is that the teacher is not registered as a teacher in Victoria from 26 May 2005.

REASONS

BACKGROUND

On 31 December 2002 most teachers in Victorian schools were deemed registered as teachers under the *Victoria Institute of Teaching Act 2001* (the Act). The teacher was deemed registered pursuant to section 91(1) of the Act because he was registered with the Registered Schools Board under section 37 of the *Education Act 1958* immediately before the Act was proclaimed.

On 24 March 2004 the employer advised the Victorian Institute of Teaching (the Institute) that the teacher had resigned following his finding of guilt for theft. The Institute referred this matter to the Disciplinary Proceedings Committee, a committee of the Institute's Council on 14 July 2004 which referred the matter to a formal hearing. The formal hearing was held on 19 May 2005.

On 13 February 2004, the teacher was found guilty without conviction of theft and fined \$1000. In addition the teacher's former employer provided a detailed list of allegations totalling some 18 additional thefts, primarily of money.

The issues to be determined in this matter are

- whether a finding of guilt of theft constitutes serious misconduct and/or unfitness to teach and
- if so, what would be the appropriate penalty.

THE LAW

The disciplinary proceedings are set out in Part 4 of the Act. Sections 26, 27 and 28 of the Act provide:

26. Powers of inquiry

(1) The Institute may in accordance with this Part inquire into any information it receives under section 27 or 28 or any complaint that provides evidence of the serious incompetence of a registered teacher, serious misconduct of a registered teacher or that a registered teacher is unfit to be a teacher.

27. Employer to notify Institute of action against teacher

(1) The employer of a registered teacher must inform the Institute if the employer has taken any action against the registered teacher in response to allegations of serious incompetence of the registered teacher, serious misconduct of the registered teacher or that the registered teacher is unfit to be a teacher or any other actions that may be relevant to the registered teacher's fitness to teach.

28. Inquiry into criminal conduct

If the Institute is informed that a registered teacher has been convicted or found guilty of an indictable offence other than a sexual offence, the Institute must conduct an inquiry under this Part into the registered teacher's fitness to teach.

In this matter the teacher has been found guilty of the indictable offence of theft and his employer also advised the Institute of action taken by them as a result of the finding of guilt. The terms *serious misconduct* and *fitness to teach* are not defined in the Act. The Panel is aware of case law regarding disciplinary proceedings in other jurisdictions which refers to the terms *professional misconduct* and *fit and proper person*. The Panel has had regard to those cases and other case law on disciplinary matters to decide what is meant by the terms *serious misconduct* and *fitness to teach*.

The term *professional misconduct* has been considered by the courts in many cases. An early test set out in the case law is conduct:

which would be reasonably regarded as disgraceful or dishonourable by his professional brethren of good repute and competency.

Allinson v General Medical Council [1891-4] All ER 768

Misconduct is not concerned with the skills of the teacher but with the teacher's conduct. If the teacher displays character defects which illustrate that they cannot be trusted then their registration must be cancelled. The connection between misconduct and the practice of teaching is demonstrated when the misconduct of the teacher shows an attitude or characteristic inconsistent with the moral qualities required of a teacher.

It is relevant to observe that professional misconduct may extend to acts that even though not occurring in the course of practice, manifest the presence or absence of qualities which are incompatible with or essential for the conduct of practice.

Legal Practitioner Conduct Board v Morel [2004] SASC 168

A teacher's conduct may show a character defect that means the teacher is unable to meet the profession's standards of conduct or it may show that the teacher is unable to work satisfactorily with colleagues in the school setting. The person's character is assessed to see if they meet the high standards of honesty and ethical behaviour expected of a teacher and whether they are worthy of the level and extent of trust placed in a teacher by the community. It is the conduct of the teacher that will reveal any specific defect of character. That conduct does not have to arise during a professional relationship but can occur at any time. However if the conduct reveals a character defect incompatible with the standards set for teachers this may indicate an unfitness to teach.

Professional misconduct must in some way be related to professional practice. That connection must be real and substantial. *Fitness* on the other hand goes to the character of the person and whether they possess the requisite qualities to be a member of the profession.

The dividing line between personal misconduct and professional misconduct is often unclear. Professional misconduct does not simply mean misconduct by a professional person. At the same time, even though conduct is not engaged in directly in the course of professional practice, it may be so connected to such practice as to amount to professional misconduct. Furthermore, even where it does not involve professional misconduct, a person's behaviour

may demonstrate qualities of a kind that require a conclusion that a person is not a fit and proper person to practise.

A Solicitor v The Council of the Law Society of New South Wales [2004] HCA 1

A finding of professional misconduct and/or a finding of unfitness to teach are related but distinct issues. A finding of professional misconduct does not necessarily equal unfitness to teach and cancellation of a teacher's registration. Whereas personal misconduct that is not professional misconduct can demonstrate unfitness to teach.

A person who is fit to teach must show that they possess the knowledge to carry out their duties and responsibilities and that they possess *sufficient moral integrity and rectitude of character as to permit him to be safely accredited to the public, without further inquiry, as a person to be entrusted with the sort of work which the licence entails* as explained in *Siguenza v Secretary, Department of Infrastructure* [2002] VSC 46.

Professional misconduct has been described as misconduct that is sufficiently closely connected with teaching practice even if the conduct occurred outside that practice. Conduct outside of teaching practice which demonstrates *the presence or absence of qualities which are incompatible with, or essential for, the conduct of practice* may be professional misconduct and it also may be unfitness to teach (see *New South Wales Bar Association v Cummins* [2001] NSWCA 284).

According to the High Court, the purposes of disciplinary proceedings in relation to a profession are:

- to protect the public;
- to maintain proper standards of conduct for the profession; and
- to protect the reputation of that profession.

A conviction for a criminal offence does not of itself mean that a teacher's registration will be cancelled. As the High Court pointed out in *Ziems v The Prothonotary of the Supreme Court of N.S.W.* (1957) 97 CLR 279, the registration authority must determine the facts that lead to the conviction before deciding whether a person should be disqualified from being a member of their profession. The role of the Institute is not to punish the person. This has been done by the court. The conviction is of secondary importance. What is of significance is the circumstances which lead to the conviction. Many convictions would result in the disapproval of the public and colleagues but this does not mean that the teacher is not fit to teach.

In disciplinary matters the onus falls upon the Institute to prove misconduct or unfitness. Where the issue to be decided is whether the circumstances would justify the cancellation or suspension of registration, the onus of proving those circumstances would fall upon the Institute.

The standard of proof in disciplinary matters is the balance of probabilities. Due regard must be paid to the seriousness of the allegation and the grave consequences of a finding against the teacher. These considerations affect whether a matter has been proved to the reasonable satisfaction of a decision maker. Because a formal hearing into an allegation or complaint involves serious legal consequences for a teacher the test set out in *Briginshaw v Briginshaw and Another* (1938) 60 CLR 336 applies. That test is the

balance of probabilities that reflects the seriousness or the importance of the issue being considered (see *G v H* (1994) 181 CLR 387).

The rule set out in *Briginshaw* is that the ordinary standard of proof applies *subject only to the rule of prudence that any tribunal should act with much care and caution before finding that a serious allegation ...is established*. That is, a decision maker should carefully weigh the evidence, draw the appropriate inferences and then make findings of fact. The decision maker must then reach a correct and just conclusion.

The seriousness of an allegation made, the inherent unlikelihood of an occurrence of a given description, or the gravity of the consequences flowing from a particular finding are considerations which must affect the answer to the question whether the issue has been proved to the reasonable satisfaction of the tribunal.

Briginshaw

The reasonable satisfaction of the decision maker should not be based on inexact proofs, indefinite testimony or indirect inferences. The nature of the issue affects the process by which reasonable satisfaction is attained. The proof required will be stricter and mere suspicion is not enough.

DOCUMENTS CONSIDERED

The following documents were provided to the Panel

- Freedom of Information reply from Victoria Police 3/12/2003
- Freedom of Information request from the employer to Victoria Police 23/10/2003

Copy of Police brief obtained from the employer through their FOI request including

- Brief Head P (2 pages) 11/11/2003
- LEAP intent to summons report 22/10/2003
- Summary of charges
- Charge and Summons 16/11/2003
- Witness list
- Exhibit list
- Statement Senior Constable of Police (3 pages) 10/11/2003

Attachments

1. See 'photograph of money'
2. See 'photograph of ladies wallet'

- Copy letter to Acting Diversion Co-ordinator, Ringwood Magistrates' Court, from the Principal of the School 11/2/2004 (2 pages)
- Copy letter to the employer from the Principal 27/11/2003
- Victoria Police Certificate 26/08/1999
- Copy Report on School letterhead concerning the details of the theft on 15/10/2003 (8 pages)
 - Attachments
 - Photographs 'of meeting room'
 - Copy Reasons for Video Surveillance (4 pages)
 - Copy Printed screen dumps 3/11/ 2003(70 pages)
- Copy letter to the teacher from the employer 19/3/2004
- Copy letter of resignation from the teacher to the employer 15/3/2004
- Copy letter from the employer to the teacher 17/9/2003

- Copy request for written explanation to the teacher from the employer 26/2/2004 (14 pages)
- Witness statements provided to the employer in the course of its investigation under the *Teaching Services Act 1981* on 19 January 2004 by:
 - Witness 1
 - Witness 2
 - Witness 3
 - Volunteer
 - Witness 4
 - Assistant Principal 1
 - Principal
 - Colleague 1
 - Colleague 2
 - Assistant Principal 2
 - Canteen Manager
 - Office Assistant
 - Colleague 3
 - Colleague 4
 - Colleague 5
 - Colleague 6 (unsigned)
 - Colleague 7 (unsigned)

THE EVIDENCE

The Panel heard evidence from:

- 1) The teacher under affirmation.

The teacher admitted to all of the allegations listed by the employer relating to thefts of money (18 incidents) from Primary School A and Primary School B.

The teacher was employed as a teacher by College 1 in 2004. The teacher said that when he was interviewed to join the staff of College 1 in August 2004 he informed the Principal of School 3 that there had been some incidents at his previous school, and further that he may have been responsible for some of those incidents.

The teacher stated the reason for the thefts was that he and his wife were under significant financial strain due to the medical costs associated with IVF. The teacher said that he had investigated other ways of paying for this treatment but the bank refused an additional loan, and neither sets of parents were in a position to assist financially. The Panel heard that the teacher was not prepared to approach friends, as his wife was keen to keep their IVF treatment confidential.

At different times the teacher agreed that such thefts which he referred to as "incidents" or "lapses" were opportunistic. The teacher stated that in some cases he took personal possessions so that he did not have to purchase them.

He also agreed that some of the things he stole would have been supplied by the school.

Other evidence presented by the teacher, and witnesses which was not refuted by the teacher included that he and his wife

- owned a house worth approximately \$800,000 with a \$475,000 mortgage
- at the time of the thefts had two investment properties, one of which had since been sold,
- had employed a gardener at their home,

The teacher was aware of the distress his thefts had caused staff and that school procedures due to his thefts had to be tightened to try to prevent further thefts. He was also aware that other staff and children were under suspicion and questioned because of his actions. The school cleaner left his job as he believed that he was suspected of the thefts. But the teacher continued to steal from the school environment.

The teacher stated that he was sorry for his actions. However under questioning by the Panel the teacher agreed that he had not paid restitution to his victims. Nor had he approached the school to express his remorse for the distress he had cause to his colleagues, the students and the school community.

The teacher gave evidence that he did not seek help from a medical practitioner, nor a counsellor or psychologist. He did say that he shared his "lapses" with his local priest. He indicated that the priest had not suggested that he seek any other form of help, rather it was for him to seek forgiveness from God. The teacher indicated he took the priest's advice, and left it at that, despite still feeling poorly about what he had done.

While the teacher agreed that his actions could bring the profession into disrepute, he did not provide evidence that he understood the impact of his actions. He acknowledged that some might think he was not fit to teach because of his actions, but he believed that the guilt he was living with had been a lesson to him, and further that there had been no "incidents" at the Greek school where he taught on weekends, which indicated he was a fit teacher.

Witnesses

2) Witness 1 – registered teacher Primary School A

Under oath witness 1 gave evidence to the Panel detailing:

- the theft of \$450 from her wallet which was money she had withdrawn from her account to pay for repairs to her car.
- the theft of the ergonomic chair that she had been supplied and was the employer's property, from her desk which was later found at the teacher's desk with "an initial" written on it in texta

- the loan of a TV trolley in the school environment, to the teacher, which was never returned and disappeared from the school.

Following the theft of money, witness 1 outlined to the Panel the procedures undertaken to attempt to recover it. A Level 4 (Years 5 and 6 students) and teachers' meeting, attended by the teacher, was held where she outlined the significant impact of the theft on herself and her family, and the distress it was causing. Witness 1 also provided detailed evidence concerning the theft of her ergonomic chair and the disappearance of the TV trolley that she owned.

3) Witness 2 – registered teacher Primary School A

Under affirmation witness 2 gave evidence to the Panel detailing:

- the theft of her reading resources, her personal property, from her packed boxes (which had been packed to move classrooms).
- the theft of stationery items – stapler, hole punch, textas and boxes of triangular pencils.

Colleague 10 outlined the distress that she as a staff member felt about the theft of her personal items. She also provided insights to feeling very uncomfortable and violated because her personal property had been searched. She detailed the impact that the thefts on her, both financially and emotionally. She was distressed that her students had seen her upset and crying as a result of the thefts. She raised concern about the impact on her students. As the teacher in the classroom next door, she stated that the teacher must have been aware of her distress, yet he did nothing to ease that distress. Witness 2 also attested to the impact of the thefts on the Primary School A community. The school had worked hard to build trust, which was completely violated by the action of one staff member – the teacher. She stated that children were never directly accused of the thefts, but they were aware of them, had been involved in discussions about the thefts.

Staff got to the stage, she stated, that they did not trust one another and they stopped sharing with each other. "Teaching is built on trust, a whole ethos of caring" she stated and the trust that had existed within the school community and amongst staff and students had been destroyed by the teacher.

The thefts had a big impact on the Primary School A community. Whilst initially the significant impact was on the small number who had experienced losses, later it spread to the community creating a great deal of emotional hurt. There was evidence that children still raise the teacher who stole things.

4) Witness 3 - registered teacher and Principal of Primary School A

Under affirmation witness 3 gave evidence describing the actions he took to determine who was responsible for the thefts at his school. He outlined

- the procedures taken to investigate the thefts
- the revised security procedures that had been instigated as a result of the thefts
- in consultation with the employer, the installation of video surveillance had been viewed as necessary and was then activated in the 'time-out' room

The Principal described the conduct of the teacher as absolutely reprehensible, saying he was "preying on the trust in a professional environment and using it for his own gain". He noted that within teaching the need for trust amongst colleagues is paramount for their professional role. Trust and honesty were vital in a school community and enabled the school community to focus on the students' learning. While staff tried to continue to focus on children, they suffered a great deal. Further the reputation of the school was put at great risk, and the on-going viability of the school, and continued enrolment, were also put at great risk by the actions and choices of the teacher.

The Principal's evidence concurred with others, when he noted that the actions of the teacher had a significant impact on staff morale leading to an environment in which staff felt, on a daily basis, that they were under emotional distress. Now, some 18 months later the impact is still felt at the school with many staff still having issues and some requiring counselling and support.

In his evidence the Principal contrasted the trust level required of a teacher and that of other school staff, stating that a teacher required the highest level of trust. By his actions the teacher had violated that trust.

5) Witness 4 – registered teacher and former Principal of College 1

Interviewed by telephone under affirmation witness 4 gave evidence regarding his appointment of the teacher to the staff of College 1 in August 2004. He stated that the teacher had done relief teaching at the College 1 for some time, prior to being appointed. Whilst without his notes, he said that he did not recall any conversation between himself and the teacher where the teacher had indicated that there had been any incidents of theft or other concerns where he was previously employed, nor any discussion where the teacher had indicated that he may have been responsible for any incidents of theft or admissions to other matters of concern. He stated that on either count he would have most surely followed up on such comments, which he did not, as he was not aware of such things.

DISCUSSION OF EVIDENCE

The teacher admitted that he had personally committed the thefts of money as per the allegations over a two and a half-year period. This confession extended to the stolen monies amounting to approximately \$4000 in cash from the staff and students of Primary School A and a staff member at Primary School B.

The evidence of financial distress did not explain the teacher's theft of stationery, personal items and resources from his school colleagues however, and when questioned he agreed that taking such things involved a cycle of taking things and greed. The Panel heard evidence that the teacher took personal stationery items from colleagues' desks and boxes of possessions, namely

- a box of textas from a box containing personal belongings from witness 2
- a box of triangular pencils also from a box of personal belongings of witness 2
- a TV trolley from witness 1
- a personal stationery set (rainbow coloured) from the desk draw of witness 1 (also containing hair bands and clips)

While the teacher said that he was sorry for his actions, the evidence he presented showed no legitimate remorse. There was no evidence of personal action that he had initiated in order to demonstrate an interest in apologising, or to pay back, or give back what he had stolen. The teacher has not offered an apology to the school, its Principal or any of the staff, children or parents, for his actions. The evidence showed that he had not made any offer of restitution. When questioned about why he had not, the teacher explained that this was because he had been told not to contact any Primary School A staff. He did agree that he had been informed in writing that any contact with the school was to be through the Principal, and that in fact there were options available to him to apologise, pay back or give back what had been stolen, none of which he had utilised.

The evidence indicated that the teacher was involved in several meetings about the thefts and knew the distress and anxiety they were causing. On a regular basis he viewed the impact his behaviour was having on his colleagues, the children and the school community.

The Formal Hearing was the first occasion the teacher admitted to the thefts, and he did so under oath. Until confronted with the video evidence of the theft on 15/10/03 the teacher did not cooperate with the police, nor did he admit to any thefts. According to documentation submitted, despite video evidence, the teacher had lied to the police.

When written to by the former employer outlining the list of allegations against himself inviting him to respond, the teacher chose not to, again despite the video evidence against him.

Whilst conveying regularly to the Panel a sense of wishing to do something to alleviate the damage caused by the thefts and trouble he had caused, he had actually done nothing at all. He stated that this was due to the shame and embarrassment.

In obtaining his current full time employment at College 1, the teacher claimed to have made some admissions to the employing Principal, witness 4. These statements were not confirmed by the Principal. The teacher in his evidence said that he had been 60%-65% honest in his employment interview providing some information about the past "incidents". The former Principal College 1 was unable to recall specific details but clearly stated that, had the teacher said that "there had been some 'incidents' at his

former school” and further that he “was possibly responsible for some of those incidents” he would certainly have investigated such comments further, without any hesitation, which he did not do.

School staff gave evidence about the extremely negative impact of the thefts on the school and themselves personally and as members of the school community. School became a very difficult place to be, people were in a constant state of tension, and teachers were nervous about entering each other’s classroom; in fact they wouldn’t – they’d stand at the door and discuss what needed to be said from a distance.

Suspicion also fell on the students, especially those in Year 4 in 2002 and Year 5 in 2003 as these had been the year levels in which the thefts had occurred. The teacher failed to demonstrate a sound grasp of why this was inexcusable, and did not acknowledge or show remorse for allowing such an inappropriate situation to continue – a situation where children came under suspicion due to his personal choice to continue to thief.

The evidence presented also demonstrated that the teacher’s professional actions since his conviction had not been honest. In seeking and obtaining his current employment, the teacher did not disclose his criminal activity to his employer, which he knew he was required to do, and he did not accurately explain why he left his previous employment to the Principal of College 1. The teacher, despite telling the Panel that he had offered College 1 information about the thefts and the possibility that he was responsible for some such incidents, appears to have lied under oath, given the evidence of the former Principal of College 1, which was sought at late notice near the end of the hearing.

FINDINGS OF FACT

After considering all the evidence the Panel made the following findings:

- The teacher was responsible for thefts of money, furniture, stationery and personal items from colleagues, for which no apology had been made, no restorative action had been taken, and limited remorse was demonstrated
- The thefts were conducted in the course of his professional employment seriously damaging the morale and trust of the staff at Primary School A and ultimately having a negative impact on the children and risking the reputation of the school.

FINDINGS PURSUANT TO SECTION 42(2) OF THE ACT

- By his actions the teacher did not display the standard of honesty and integrity required of a professional teacher.
- The behaviour of the teacher means that he is guilty of serious misconduct.
- The teacher is not fit to teach because of his conduct.

CONCLUSION

Teachers need to be competent and of good character. The teacher’s competence as a teacher is not in question. Teachers are also required to conduct themselves appropriately, to display moral integrity and to execute their duties in an honest way. They are required to have a clear understanding of right and wrong and to ensure that

they act as they duly ought to. Teachers are expected to lead and develop young people by positive example, and further students, parents and members of the education community are deserving of teachers, who in a position of power and influence, are trustworthy.

The teacher's repeated thefts and their impact on the school community could only be described as disgraceful and dishonourable. His conduct failed to meet the required standards and brought disgrace upon the teaching profession. The good repute of teachers was seemingly of little interest to him for quite an extensive period of time, with self interest and greed superseding his ethical and legal responsibilities as a citizen in the privileged position of a teacher.

The teacher's conduct equates to serious misconduct due to both the nature and repetition of the incidents presented to the Panel. Further, despite the impact on colleagues, children and the school community that he witnessed and was involved in discussing on many occasions, the teacher continued to break the law by stealing. This placed the reputation of the school at risk, and allowed others to fall under suspicion and suffer.

It is the considered view of the Panel that the teacher also lied under oath when presenting what had been discussed during his most recent successful recruitment interview to work on a permanent basis at College 1.

It is the view of the Panel that this teacher has lost the respect and confidence of the profession because of his conduct and deceitful activity and should no longer be able to exercise the privilege, duties and responsibilities that come with being a teacher. The teacher has engaged in serious misconduct. This serious misconduct was sustained for a significant period of time. Further his deceitful behaviour was witnessed by the Panel during the hearing.

Despite the provision of many opportunities to reflect on his behaviour, while at Primary School B and subsequently, the Formal Hearing was the first time where he acknowledged he was responsible for the incidents that had been recorded.

Whilst the teacher told the Panel that he felt guilty and embarrassed about his actions, he displayed limited and superficial remorse in the view of the Panel. His only remedial action to date was to discuss the matters with his priest, so he stated under oath. He has not sought assistance from medical practitioners nor counselling. He has not made any effort to offer restitution of any type for any of the thefts or compensation for the impact on the school community.

The teacher's only explanation for the monetary thefts was the financial need occasioned by IVF treatment. Whilst this may have some element of truth associated with it, he did not call any witnesses to support his statements. His difficult financial issues were not corroborated by independent evidence. In addition, the explanation of financial need was not a plausible explanation for the non monetary thefts – namely the stationery items, chair and TV trolley. The teacher himself admitted that these actions were motivated by greed.

By showing no regard for both the privacy and property of his colleagues and stealing money from students and staff, the teacher did not display the character required to be a teacher and engaged in serious misconduct in the workplace. As schools are organisations based on integrity it is vital that teachers are honest and trustworthy in their dealings with colleagues, students and parents – he not only failed to be honest with all parties, he exploited the trust they extended to him, repeatedly. His calculated behaviour was destructive of the necessary relationships that need to be developed between teachers and students, parents and colleagues.

It is noted that –

- parents must be able to feel confident that a teacher will care for their child appropriately providing a positive role model
- other teachers must be able to trust a teacher to behave appropriately and in the best interests of students, parents and colleagues
- members of the education community must be able to have confidence that those engaged as teachers are trustworthy and a credit to the profession.

The Panel is of the view that the teacher falls short of meeting these requirements, and despite stating he feels guilt and embarrassment, he has not done sufficient to demonstrate remorse, nor taken action to remedy the damage he has done. His complete disregard for his legal and civic obligations, and the damage he has done to the profession, is in the view of the Panel still well beyond his personal comprehension of the situation.

The Panel recognises that these events occurred some time ago; however the timeframe has also provided the teacher with ample time to demonstrate remorse and initiate means by which to remedy the situation – neither of which has happened. Lying to the Panel under oath about the information provided in his most recent recruitment interview with College 1 has not enhanced the teacher's credibility. Nor has it demonstrated a willingness to be honest given that he had a public opportunity to demonstrate that he was no longer engaging in deceitful behaviour.

Noting that the teacher is not before the Panel to be punished, rather the Panel is tasked with hearing the matter in its role to protect the public and the profession, it is the considered view of the Panel that the teacher is unfit to teach.

DETERMINATION

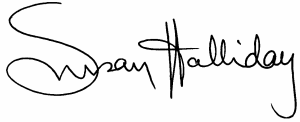
On 19 May 2005 the Panel decided to cancel the registration of the teacher from the date of the decision because the Panel found the teacher guilty of serious misconduct and not fit to teach.



Susan HALLIDAY, CHAIRPERSON

A handwritten signature in black ink that reads "Susan Halliday". The signature is written in a cursive style with a large initial "S".

Per:
Heather SCHNAGL, REGISTERED TEACHER

A handwritten signature in black ink that reads "Susan Halliday". The signature is written in a cursive style with a large initial "S".

Per:
Kevin POPE, PANEL MEMBER