

PRACTICE REVIEW HEARING COMMITTEE

HEARING DECISION IN THE MATTER OF VINCENT PAUL MASON

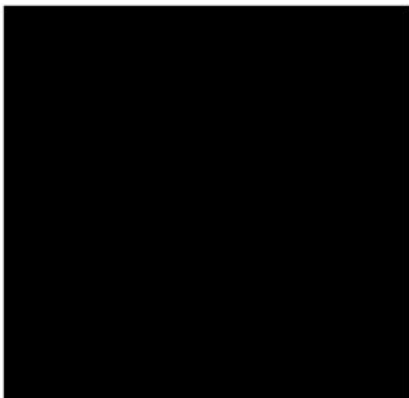
**HEARING HELD ON OCTOBER 31, 2022 – NOVEMBER 4, 2022
EDMONTON, ALBERTA**

The Practice Review Hearing Committee (the “Committee”), established in accordance with section 7 of the *Practice Review of Teachers and Teacher Leaders Regulation*, AR 92/2019 (the “*Regulation*”), convened to hear a complaint about the alleged unprofessional conduct of Vincent Paul Mason (the “Teacher Leader” or “Dr. Mason”).

The following were Members of the Committee:

- [REDACTED] Chair, Public Member;
- [REDACTED] Teacher Member; and
- [REDACTED], Teacher Member.

The hearing commenced on Monday, October 31, 2022 commencing at 9:10 a.m. in person, with [REDACTED] attending via video-conference. The hearing concluded after five days on November 4, 2022. In addition to the Committee, the following individuals were present during the hearing:



Registrar
Counsel to the Registrar
Teacher Leader
Counsel to the Teacher Leader
Secretary to the Committee
Secretary to the Committee
Independent Legal Counsel to the Committee

PRELIMINARY MATTERS

- [1] The Chair opened the hearing and asked the Members of the Committee and the parties to the hearing to introduce themselves for the record. The Chair explained the role of the Committee, and the role of independent legal counsel, [REDACTED].
- [2] The Members of the Committee stated they did not have any knowledge of Dr. Mason or the allegations, apart from the materials that were provided to them in advance of the hearing.
- [3] Dr. Mason was present at the hearing and was represented by legal counsel, [REDACTED] [REDACTED] Counsel for the Registrar, [REDACTED] and [REDACTED].

each confirmed their clients had no objection to the composition of the Committee.

- [4] The Chair provided an overview, for the benefit of all parties and observers, of the hearing process, and then asked if there were any preliminary applications to be made.

Preliminary Application

- [5] ██████ advised that ██████ had one preliminary application. ██████ requested that the hearing be closed to the public pursuant to section 21(2) of the *Regulation*. In support of ██████ application, ██████ noted that there were minors who would be discussed during the course of the hearing.
- [6] In the alternative, if the hearing were not closed, ██████ asked that the names of minors be anonymized and that all members of the public who were attending the hearing must identify themselves for the record. Upon a question from the Chair, ██████ noted that the request for the observers to identify themselves was to ensure that any mandate of the Chair could be enforced.
- [7] In response, ██████ advised that the Registrar opposed the application to close the hearing. ██████ noted that the minors who will be discussed are no longer minors, and the request pertained to a person other than the teacher/Teacher Leader. ██████ did not take any issue with disclosing who was in the gallery.
- [8] The Members of the Committee adjourned to deliberate upon the request.
- [9] After an adjournment, the Chair returned and rendered the Committee's finding. The hearing would remain open to the public, but the members of the public observing the hearing would be required to introduce themselves for the record, and the names of minors would be initialized in the transcript and the decision.
- [10] After this ruling, any members of the public who sat in the gallery were asked to introduce themselves on each day of the hearing. In addition, the Chair has directed the Court Reporter to use initials for any person who was a minor during the relevant time, and this decision will also use only initials for those individuals.

ALLEGATIONS

- [11] The Registrar's Notice of Decision dated November 12, 2020 outlined the three allegations against Dr. Mason ("the Allegations"), which fall into three categories:
1. Breaching Security Protocols in the Administration of Diploma Examinations;
 2. Dishonesty; and
 3. Falsifying Information.
- [12] More particulars about the Allegations can be found in the Notice of Decision.

EXHIBITS

[13]The following were entered into the record:

1. Exhibit A – Registrar v. Mason Exhibit Binder (206 pages);
2. Exhibit B – Registrar v. Mason Hearing Reference Binder (117 pages);
3. Exhibit C – Excel Spreadsheet – “Paul Mason PASI Results V3” (2 pages);
4. Exhibit D – “General Information Bulletin - Diploma Examinations Program”, 2018-2019 School Year (4 pages); and
5. Exhibit E – Document entitled “ASNs” (1 page).

MANDATE OF THE COMMITTEE

[14] The mandate of the Committee is to hear the evidence presented with respect to the complaint about the alleged unprofessional conduct of the Teacher Leader, Dr. Mason, to determine whether his actions constitute unprofessional conduct, as defined under section 26 of the *Regulation* and, if so, to make recommendations under section 27 of the *Regulation*, as noted below:

Finding — unprofessional conduct

26(1) The practice review hearing committee

- (a) may find the conduct of the teacher or teacher leader who is the subject of the hearing to constitute unprofessional conduct if, in the opinion of the practice review hearing committee, the teacher’s or teacher leader’s conduct
 - (i) is detrimental to the best interests of students, the public, teachers or teacher leaders generally, or
 - (ii) does not meet the professional conduct requirements,
- (b) must find the conduct of the teacher or teacher leader who is the subject of the hearing to constitute unprofessional conduct if the teacher’s or teacher leader’s conduct is the basis for a conviction for an indictable offence, or
- (c) if clauses (a) and (b) do not apply, may find that the conduct of the teacher or teacher leader who is the subject of the hearing does not constitute unprofessional conduct.

(2) If a teacher or teacher leader has been convicted of an indictable offence, a practice review hearing committee must make a recommendation to the Minister under section 27(3) and has no authority to investigate the conduct of the teacher or teacher leader on which the conviction is based except for the purpose of making a recommendation to the Minister.

Recommendations of practice review hearing committee

27(1) The practice review hearing committee may recommend that the Minister dismiss the complaint if the practice review hearing committee does not find

- (a) that the teacher or teacher leader who is the subject of the hearing is
 - (i) unskilled or incompetent in teaching,
 - (ii) unskilled or incompetent in carrying out the leadership duties related to a leadership certificate, or

(iii) unskilled or incompetent in carrying out the leadership duties related to a superintendent leadership certificate,

or

(b) that the conduct of the teacher or teacher leader constitutes unprofessional conduct.

(2) The practice review hearing committee may make a recommendation to the Minister under subsection (3) if the practice review hearing committee finds

(a) that the teacher or teacher leader who is the subject of the hearing is

(i) unskilled or incompetent in teaching,

(ii) unskilled or incompetent in carrying out the leadership duties related to a leadership certificate, or

(iii) unskilled or incompetent in carrying out the leadership duties related to a superintendent leadership certificate,

or

(b) that the conduct of the teacher or teacher leader constitutes unprofessional conduct.

(3) The practice review hearing committee may recommend that the Minister do one or more of the following:

(a) serve a letter of reprimand on the teacher or teacher leader;

(b) suspend one or more of the certificates of the teacher or teacher leader, with or without conditions;

(c) cancel one or more of the certificates of the teacher or teacher leader or cancel the certificate and issue a certificate of a different class, with or without conditions;

(d) order that the teacher or teacher leader be ineligible for one or more certificates for a definite or indefinite period of time, with or without conditions.

(4) If the decision of a practice review hearing committee

(a) relates to a teacher or teacher leader who has been convicted of an indictable offence, and

(b) does not contain a recommendation that the Minister cancel or suspend the certificate of the teacher or teacher leader,

the decision must include reasons why such a recommendation has not been made.

OPENING STATEMENTS

Opening Statement of ██████████

[15] Counsel for the Registrar, ██████████, introduced the Registrar's case.

[16] On February 3, 2020, ██████████, then the Executive Director, Provincial Assessment Sector, wrote to ██████████, Registrar, with a complaint relating to the conduct of Dr. Mason ("the Complaint").

- [17] The Complaint related to security breaches in Diploma Exam security, and Dr. Mason's admission that he had opened and perused a Diploma Exam over the December 2019 break.
- [18] The Complaint was investigated and ultimately, ██████████, Registrar, made the decision to refer the matter to a hearing in her Registrar by her Notice of Decision dated November 12, 2020 ("Notice of Decision").
- [19] This Committee was struck to hear the allegations against Dr. Mason.
- [20] There are three Allegations against Teacher Leader Dr. Mason which are found in the Notice of Hearing:
1. Breaching security protocols;
 2. Stopping dishonesty by failing to disclose the security protocol and withholding information when Alberta Education; and
 3. Changing marks.
- [21] ██████████ advised that it was planning to call six witnesses for its case, and that ██████ felt that at the conclusion the Committee would find that the conduct of Dr. Mason was sufficiently serious in nature and is detrimental to the best interests of students, public, teachers and Teacher Leaders in the Province of Alberta.

Opening Statement of ██████████

- [22] In response, ██████████ stated that relating to Allegations 1 and 2, both of those related to the Diploma Exams and Dr. Mason's actions relating to the opening of two exams.
- [23] In response, the Committee would hear about Dr. Mason's stellar career, along with evidence about his personal work and health stressors building up leading up to January 2020 that led up to these exams, and the Committee would learn that when he took these actions, that he was "not himself."
- [24] Importantly, Dr. Mason has admitted to a lapse of judgment in opening two Diploma Exams. Although he initially did not disclose the full particulars, shortly after the incident, he did admit everything to the Board of Trustees of ██████████ ("the Board").
- [25] Dr. Mason sincerely regrets his actions, he is remorseful, and he has been forthright once he made the admission to the Board.
- [26] ██████████ stated that the Committee will find that this was not a premeditated act, and that the Diploma Exam was not disclosed to anyone, or conveyed to anyone.
- [27] As a result of this conduct, Dr. Mason was terminated from his position as the Superintendent of ██████████, and regrets his actions.

- [28] Regarding Allegation 3, relating to Dr. Mason changing the marks of [REDACTED] on PowerSchool, [REDACTED] stated that this allegation related to training on PowerSchool that had occurred since 2018. During training, [REDACTED] suggested [REDACTED] use [REDACTED] marks to train [REDACTED] and suggested that Dr. Mason should use his own [REDACTED] marks to train himself.
- [29] [REDACTED] noted that the Committee would hear evidence about numerous training sessions, and that after some of them, the marks were to be restored to their original values. However, Dr. Mason made errors and forgot to restore the values on a couple of occasions, but these errors were not intentional and were mistakes that were made.
- [30] Dr. Mason would be calling three witnesses during his case: Dr. Mason, [REDACTED], [REDACTED], and [REDACTED], with the last two giving evidence virtually.

EVIDENCE ON BEHALF OF THE REGISTRAR

Evidence of [REDACTED]

Examination in Chief by [REDACTED]

- [31] After the close of opening statements, [REDACTED] was called and was affirmed as the first witness of the Registrar.
- [32] [REDACTED] is currently the Executive Assistant to the Superintendent and Board of Trustees for [REDACTED].
- [33] In [REDACTED] current role, which began in March 2022, [REDACTED] does administrative duties, including assisting with board meeting preparations.
- [34] Prior to March 2022, [REDACTED] was a [REDACTED] of [REDACTED] which was a position [REDACTED] held since November 2016.
- [35] In that role, [REDACTED] used a tool called “PowerSchool” to submit marks. PowerSchool is an online database for Grades 10 to 12, which is able to sync with the Alberta Education system. Once it is synced, the marks for each student in the system get stored and, once verified by the teachers, they are approved, and that gets pushed online to the Provincial Approach to Student Information (“PASI”) program, which is the official record of a student’s grades.
- [36] [REDACTED] would collect student demographic information, parent/legal guardian information, custody documents, ensure that students are enrolled in classes, help the Secretary to enroll students in classes, helping with report cards, and student attendance.
- [37] [REDACTED] worked in the [REDACTED] Building, which is part of the District Office, in [REDACTED]. [REDACTED] worked with Dr. Mason occasionally, as they were in the same office. [REDACTED] would see him in the office, and he could ask [REDACTED] for help on reports for board meetings.

- [38] ██████████ the Secretary Treasurer of the Division, was ██████ supervisor. The PowerSchool operators and secretaries looked to ██████ for support.
- [39] The Division began using PowerSchool in 2009. ██████ was originally trained in 2008, when they switched over from Win School. ██████ was working at ████████████████████ at that time – the school provided training, and they had professional development sessions to help them learn more about it. ██████ was a secretary and the PowerSchool Operator at this school from May 2006 to November 2016.
- [40] There were two PowerSchool secretaries. One was “demographics” and one was “marks and scheduling”. ██████ was the latter.
- [41] Within PowerSchool, ██████████ testified, there are different portals.
- [42] There is an ‘admin’ portal (secretaries, principals, counsellors) which means they have access to the students and staff. Within that portal, there are different roles within that. For example, the secretary role, has a lot of access because secretaries have to view and edit access to student information and parent information.
- [43] And then here is a ‘teacher’ portal where the teachers have access to the students that they teach, and the teachers have edit access for the course work that they do with that teacher, and for entering attendance. There is also a view level that allows access to demographic information, and access can be granted related to coursework, attendance and marks. Teachers and Teacher Leaders do not generally have the ability to access marks, or to edit marks.
- [44] In addition, the IT department has someone called a ‘technical coordinator’. This person would be the technical contact, who works with the data coordinator. The technical contact has the most access to PowerSchool.
- [45] When someone is hired, the IT department will assign them a role in PowerSchool depending on their role. The IT department would have given ██████████ permission when ██████ started using PowerSchool. If there are changes after they are hired, the employee would ask IT to change the access, or ██████████ was able to change their access.
- [46] The data coordinator, the IT department and the technical contact would have the most access. Usually, Teacher Leaders would have view level access – they can view marks, but they cannot edit marks.
- [47] Sometimes, a teacher would perhaps have forgotten to enter an assignment in, or an someone would have handed something in late, and in those cases ██████ would be approached to do some course corrections in PowerSchool. Sometimes a parent had complained about something, and that information would come to the Secretary to change the marks for the student.

- [48] The process to be followed was that the counsellor/teacher/Principal would come with a sheet showing the student's name, they would explain the mistake with the mark, and they needed the mark changed, and would ask [REDACTED] to do it. When [REDACTED] worked at [REDACTED] School, there was a specific written form for these requests.
- [49] At the District Office, if a secretary was newer and something had happened with a mark, they would occasionally ask [REDACTED] to help the secretary to do that change – more of on a training level. In [REDACTED] role at the District office (post-2016), [REDACTED] was occasionally asked to change marks from a training aspect.
- [50] Counsel for the Registrar took [REDACTED] to page 7 of Exhibit A. The document is an audit information from PowerSchool. Using this document as an example, [REDACTED] demonstrated the logic of a PowerSchool printout – how it runs chronologically from bottom up, how it shows each course and student, and how the mark must be 'approved' to be valid.
- *June 21, 2018 Session with [REDACTED] – Page 7, Exhibit A*
- [51] In June 2018, Dr. Mason approached [REDACTED], asking [REDACTED] how to change a mark in PowerSchool. [REDACTED] attempted to explain how to do it verbally, but the verbal explanation was not going well, so it was suggested that [REDACTED] bring up a child in the system. [REDACTED] decided to use [REDACTED] as an example.
- [52] Looking at page 7 of Exhibit A, in the first row, it shows who updated the record on the column 'Updated By.' [REDACTED] noted that for the [REDACTED] printout, you can see Dr. Mason accessing [REDACTED] mark, with [REDACTED] supervision, on June 21, 2018.
- [53] On that date, Dr. Mason unapproved [REDACTED] actual mark of 85%, then approved it, then unapproved it again, resulting in three entries. At the conclusion of this training session, [REDACTED] grade was not changed, but remained unapproved. Later, [REDACTED] went back into the system and approved the correct grade, 85%. This was all identified on page 7 of Exhibit A.
- [54] To [REDACTED] knowledge, there was no policy from the District on Superintendents changing marks.
- *May 10, 2019 Session with [REDACTED] – Page 8, Exhibit A*
- [55] Dr. Mason called [REDACTED] into his office. Dr. Mason said that he wanted more support on how to change a mark in PowerSchool, so [REDACTED] showed him how a mark could be changed, this time using [REDACTED] marks. This was logged in PowerSchool at page 8 of Exhibit A.
- [56] This meeting occurred on May 10, 2019. During this meeting, Dr. Mason unapproved [REDACTED] original [REDACTED] mark of 89%, and this time, Dr. Mason asked how you could change the mark. [REDACTED] told him, and watched as he changed it from an 89% to a 90%, approved it, and then unapproved it, and changed it back to 89%, and then re-approved the correct mark of 89%.

[57] After this meeting, as the verbal instructions were “not going very well”, Dr. Mason asked ██████████ to make a document to show him how it could be done. ██████████ complied, sending over a document to make a course mark correction, which was sent on May 13, 2019. The email and instructions were included as pages 1 to 6 of Exhibit A.

[58] At the time, ██████████ thought these requests were a little odd. ██████ had told him ██████ was not taking any holidays that summer (summer 2019), so ██████ would be able to make any changes if required or deal with any emergent issues. ██████ was also wondering why he was interested in this, as it was more of an administrative task, not a Superintendent role. At this time, Dr. Mason had his own administrative assistant, ██████████

▪ *June 21, 2019 Session with ██████████ – Page 11, Exhibit A*

[59] Later that summer, on June 21, 2019, Dr. Mason again asked ██████████ for assistance in how to change marks. He said that “summer’s here” and that there may be some issues, so he should know. ██████ again said yes to teaching him how to change marks.

[60] On that date, with ██████████ supervisions, Dr. Mason changed ██████ ██████████ original 85% mark in HCS1050 to unapproved status, changed the mark to an 86%, leaving that unapproved, and then changed the mark back to the correct mark of 85%, leaving it unapproved.

[61] A few days later, ██████████ went in and approved the correct mark. These entries are all noted at page 11 of Exhibit A.

▪ *July 5, 2019 Session – Page 10, Exhibit A*

[62] ██████████ did not testify about this, but it appears from Exhibit A, page 10, that Dr. Mason accessed ██████ ██████████ HSC1050 course again on July 5, 2019. The entries are recorded in the PowerSchool printouts at page 10 of Exhibit A.

[63] From the PowerSchool audit, Dr. Mason unapproved ██████████ original mark of 85% in this course, changed it to a 95%, approved the incorrect 95%, and then unapproved it, and changed it back to an 85%, and then approved the correct mark of 85%. This all occurred between 8:43 am and 9:05 am on July 5, 2019.

▪ *August 12 and 15, 2019 Session – Pages 17 to 19, Exhibit A*

[64] Later that same summer, in the “middle of August 2019”, ██████████ testified that Dr. Mason asked ██████████ to change a mark in the system.

[65] On page 17 of Exhibit A, there is course information about Dr. Mason’s ██████████ and ██████ Chemistry 30 mark (Course: SCN3796) from ██████ summer school session which had just ended on July 24, 2019.

[66] According to ██████████ testimony “in August of 2019 [Dr. Mason] had approached

me to ask if I could help him with a course correction that he had done for [REDACTED] and so he had indicated to me at that time that he had needed to do a course correction for [REDACTED] but was unable to finish the process and that if I could finish the process for him.” (Transcript, October 31, 2022, pp. 46-47).

[67] [REDACTED] responded saying [REDACTED] would, but asked what happened. Dr. Mason responded that “summer school was closed” and “[h]e wasn’t able to contact anyone at the schools, and he wanted it dealt with right away, so if I could just finish it.” [REDACTED] said “okay.” (Transcript, October 31, 2022, p. 47).

[68] [REDACTED] reviewed the PowerSchool entries and noticed that [REDACTED] mark had an unapproved status (Exhibit A, page 18). In that record:

1. The mark was originally approved with an 80% on July 25, 2019, by the secretary [REDACTED]
2. On August 12, 2019, at 9:42 am, Dr. Mason unapproved that mark;
3. Dr. Mason then changed the mark to an 83% with an unapproved status;
4. Dr. Mason then changed the mark back to the original 80%, but left it unapproved.

[69] [REDACTED] understood that he wanted [REDACTED] to approve it at the way it was (the correct 80%), and [REDACTED] did so. This is noted in the PowerSchool audit at page 18 of Exhibit A, where [REDACTED] goes into PowerSchool at 12:10 pm on the following day (August 13, 2019) and approved the 80% for [REDACTED] in Chemistry 30.

[70] Thereafter, [REDACTED] noted that it appeared that Dr. Mason went into PowerSchool on August 15, 2019. [REDACTED] was not with him at this time. At 7:35 am, Dr. Mason went into his [REDACTED] Chemistry 30 mark, again, and again unapproved the 80% mark. He then moved the mark up to an 83%.

[71] At this time, [REDACTED] testified that he “asked again, [REDACTED], can you approve it?” (Transcript, October 31, 2022, p. 48). So [REDACTED] went in and noticed the mark was increased to 83% from the original 80%, but [REDACTED] approved it. This is evidenced on page 17 of Exhibit A, where [REDACTED] goes into the system on August 15, 2019 at 1:11 pm/1:12 pm, and approves the incorrect mark of 83%.

[72] Dr. Mason did not ask [REDACTED] to change it back to an 80% at any point.

[73] In terms of Dr. Mason’s rationale, [REDACTED] confirmed that he had not given [REDACTED] very much information about why that change would be required, saying “No, very little information other than he needed to do a course change. [REDACTED] summer school was closed and he wanted it done right away before the fall started” (Transcript, October 31, 2022, p. 56).

[74] On page 17 of Exhibit A, on the third row, it shows “no” in the “Mark Approved” column, for [REDACTED] Chemistry 30 mark, just before [REDACTED] went into the system to approve it on August 15, 2019.

- [75] When asked why [REDACTED] may have been asked to approve this mark, [REDACTED] believed Dr. Mason was unsuccessful in approving the Chemistry 30 mark on his own, as it was taken in [REDACTED] Summer School, so there were different school codes, so [REDACTED] does not think he had access to approve marks for that school. [REDACTED] does not know why he was not given access, it was probably an oversight, but he would not have been able to approve a mark without that access.
- [76] Later, [REDACTED] reviewed the system to see what other changes Dr. Mason had made. For the following July changes, [REDACTED] did not assist him and was not aware of these changes at the time.
- *July 5, 2019 Session – Page 14, Exhibit A*
- [77] Reviewing the PowerSchool audit, [REDACTED] could see that Dr. Mason went into [REDACTED] English 10-1 course on July 5, 2019. [REDACTED] had completed this course the year prior – in July 2018. This is the same date that he was in his [REDACTED] HSC 1050 course (see above).
- [78] During this session, for which [REDACTED] was not present, Dr. Mason unapproved the original mark of 89%, changed it to a 90%, and it was sitting at unapproved for a while.
- *July 9, 2019 Session – Pages 13 - 14, Exhibit A*
- [79] Then on July 9, 2019, Dr. Mason logs in and moves [REDACTED] English 10-1 mark back and forth between 89% to 90%. By the end of the session on July 9, 2019, Dr. Mason had re-approved the grade at its correct value of 89%.
- *July 24, 2019 Session – Page 14, Exhibit A*
- [80] On July 24, 2019, Dr. Mason again accessed [REDACTED] English 10-1 mark. On that date, at 8:26 am, he unapproved the 89%, increased the mark to 90%, and then approved the incorrect grade of 90%.
- [81] The above changes to [REDACTED] English 10-1 marks all occurred before [REDACTED] was approached about [REDACTED] Chemistry 30 mark.
- *August 15, 2019 Session – Page 14, Exhibit A*
- [82] On August 15 2019, on the same date as his change of mark to [REDACTED] Chemistry 30 course, [REDACTED] noted that during this same time period (7:27 am – 7:30 am), Dr. Mason accessed [REDACTED] Math [REDACTED] class. This class had ended on June 27, 2019.
- [83] [REDACTED] final mark was completed on June 26, 2019 with an 81% and was approved by the school secretary on June 27, 2019 with 81%. On August 15, 2019, it was unapproved by Dr. Mason. The mark was then changed to 86%, and then Dr. Mason approved it on August 15, 2019 at 7:30 am at 86%. [REDACTED] was not asked to assist with this, but found it in a later audit.

- [84] This was done the same day as the Chemistry 30 mark change (August 15, 2019), but Dr. Mason did not ask [REDACTED] for help with this change.
- [85] [REDACTED] was never asked to change any of the marks back to their original marks.
- [86] Initially, [REDACTED] did not tell anyone about being asked to assist with the changes. [REDACTED] felt as though there would be a reason for these changes, so although [REDACTED] did not have a good feeling about it, but it must have been warranted. It was quite a short conversation, and so [REDACTED] felt it was not [REDACTED] place to ask. Later, in February of 2020, [REDACTED] reported it to [REDACTED] boss. [REDACTED]
- [87] In November of 2019, a co-worker [REDACTED] had approached [REDACTED] asking [REDACTED] how to order Diploma Exams for the District. [REDACTED] told [REDACTED] that [REDACTED] did not know, and asked [REDACTED] who asked. [REDACTED] told [REDACTED] that Dr. Mason had asked [REDACTED] to order them. [REDACTED] said that [REDACTED] should ask his assistant to see if [REDACTED] is aware of how this is done.
- [88] In [REDACTED] role, [REDACTED] did not know much about ordering Diploma Exams, but did recall some of the protocol from [REDACTED] job at a high school previously. [REDACTED] role at the District did not involve ordering any final exams.
- [89] In January 2020, the same co-worker, [REDACTED] approached [REDACTED] and asked if [REDACTED] could help send the Diploma Exams back to Alberta Education. [REDACTED] said that [REDACTED] could help, and they went to the room where the exams were being housed.
- [90] They took down the boxes from a shelf, and opened the box that they were in (they had to be taken out of the box to be sent back) and when they were taking the sealed exams out, they noticed that for two exams, the cellophane was broken and the exams were unsealed. The two unsealed exams were English 30-1 and Math 30-2.
- [91] [REDACTED] said [REDACTED] would report it to [REDACTED] supervisor. [REDACTED] did not tell anyone about it.
- [92] The exams had been stored in the Vault, a locked file room in the [REDACTED] Building. Anyone that worked in [REDACTED] office would have access. It was usually locked, but sometimes unlocked during the day.
- [93] Also in the Vault are business files, corporate files, HR files, photocopier, and a shredder. The photocopier and shredder can be used by the staff, throughout the day.
- [94] On page 12 of Exhibit A, there is a document labelled “[REDACTED] – Chemistry 30 Audit History – 2018-2019 – Semester 2 – [REDACTED] and [REDACTED] confirmed that to [REDACTED] knowledge, the [REDACTED] was Dr. Mason’s [REDACTED]. And on another document at page 16 of Exhibit A, [REDACTED] confirmed that the other [REDACTED] noted was [REDACTED] [REDACTED]

[95] To summarize [redacted] evidence, in the summer of 2018, [redacted] was first approached by Dr. Mason about changing grades. At that time, [redacted] demonstrated how to change grades using [redacted] [redacted] as examples. Later in 2019, he asked for instructions again, and [redacted] provided him with instructions by email. In 2019, [redacted] was also asked to approve a particular mark (Chemistry 30) because it was sitting unapproved. [redacted] later learned that other marks had been changed. [redacted] was not asked to change any of the grades back.

Cross-Examination by [redacted]

[96] [redacted] asked about [redacted] looking into other marks. [redacted] spoke to [redacted] the Investigator into this matter, and the interim Superintendent at the time before investigating other marks that Dr. Mason had changed. [redacted] is positive about that.

[97] In 2018 – 2019, [redacted] was a data coordinator, not a teacher, Principal or Teacher Leader. [redacted] just worked with the data in the computer system.

[98] [redacted] had no skill or training with respect to the numbers, or the curriculum behind the numbers. It's not [redacted] role to look into circumstances that may affect marks. It's not [redacted] role to look into whether assignments were incomplete or arrived late. It's not [redacted] role to look into course work behind a particular mark.

[99] [redacted] did not discuss with teachers or parents to understand how a mark was arrived at. It was [redacted] job to enter the marks, by someone associated with the student in the class, with authority.

[100] From time to time, [redacted] fielded questions in relation to PowerSchool, including training.

[101] [redacted] took vacation from time to time. Sometimes in the summer. During [redacted] absence, there would be another person in the office who could assist with PowerSchool. An IT person could fill this role.

[102] [redacted] is [redacted] [redacted] is [redacted] [redacted] only used [redacted] to train Dr. Mason, [redacted] did not use them to train others. [redacted] did not know that he would be practicing after [redacted] showed him how to do it. However, [redacted] noted that the trainings were not going well, which was why the emailed instructions went to Dr. Mason.

[103] [redacted] went through the students with [redacted] noting that each student has their own Alberta Student Number ("ASN").

[104] In page 7 of Exhibit A, it was a printout of [redacted] with [redacted] unique ASN. On the following page, [redacted]. was identified by [redacted] ASN.

[105] In page 12 of Exhibit A, there is a document for [redacted]. and [redacted] ASN is identified. On page 16 of Exhibit A, there is a reference for [redacted]. and [redacted] ASN is noted.

[106] [redacted] entered a one-page document which identifies the ASNs of each student noted

above. This was entered as Exhibit E.

- [107] On page 7, there is a PowerSchool Audit of [REDACTED] which was used during the first session with Dr. Mason on June 21, 2018. [REDACTED] was using the English 30-1 mark. If it is unapproved, it will not go on a student's transcript, but it will go to PASI.
- [108] In the middle of page 7 of Exhibit A, he was updating these documents in front of [REDACTED], and he was logging in with his own credentials. He would have known that there would be a trail. [REDACTED] noted this, for the first time, in [REDACTED] later training session in 2019.
- [109] In this training session in 2018, he did not finish it. He got called to something else, and it was left unapproved. So, 25 minutes later, [REDACTED] went back in and approved [REDACTED] correct mark, to ensure the mark was approved.
- [110] [REDACTED] did not have any record that Dr. Mason accessed marks again in 2018. [REDACTED] did not have record or information that Dr. Mason accessed his [REDACTED] marks in 2018. [REDACTED] did not recall any further training, or any instruction sheets. [REDACTED] does not recall seeing any notes. For 2018, it was just a few minutes of training on the system.
- [111] In 2019, [REDACTED] once again trained Dr. Mason on May 10, 2019. [REDACTED] went into [REDACTED] March [REDACTED] mark. [REDACTED] had an 89% originally, Dr. Mason unapproved it, changed it to 90%, and then approved that, then changed it back to 89%, and then approved that. This all happened between 11:52 am and 11:54 am on May 10, 2019.
- [112] Thereafter, on May 13, 2019, [REDACTED] sent Mr. Mason the instructions via email at 3:24 pm. It was sent on the work email.
- [113] There were two methods provided to change marks in PowerSchool (Exhibit A, pages 3 - 6). [REDACTED] explained the process included in the documents provided.
- [114] At this time, [REDACTED] took the witness to Exhibit C. The Registrar provided this document. It is a printout of an Excel spreadsheet. On page 2, there are Dr. Mason's entries for [REDACTED] entries. Also on page 2, there are Dr. Mason's changes noted for [REDACTED], [REDACTED]
- [115] In both cases, Dr. Mason did not approve the final marks for [REDACTED]. In both cases, the mark was inadvertently left unapproved. In [REDACTED] case, [REDACTED] approved it later that day, and in [REDACTED] case, [REDACTED] approved it a few days later.
- [116] On July 5, 2019, Dr. Mason and [REDACTED] worked again on [REDACTED] mark. In this case, the mark was returned to its original mark and was approved by Dr. Mason in that case, so it was not needed to be approved in a later session.
- [117] In Exhibit C, [REDACTED] then went through the first set of changes made on July 9, 2019 which were for [REDACTED] English 10 mark.

- [118] ██████ noted that in most cases, universities take grade 12 marks, but some universities may take grade 10 marks. Some even take marks starting in grade 9. However, in Canada, grade 10 is not usually considered.
- [119] ██████ noted that this was Dr. Mason practicing on ██████ English 10 mark. In the history of changes being made, you can see the changes going between 89 and 90 repeatedly. Ultimately, the mark was not changed back to 89 and was approved by Dr. Mason at the higher, incorrect grade.
- [120] In Column “I” of Exhibit C, it is called “Exit Date”, which is the date when the course was expected to end. In this case, the course was over on June 28, 2019. The report cards would have gone out already. The change was made, however, on July 24, 2019 by Dr. Mason. ██████ noted that it would not have made sense to change the mark after the fact, because the report card had already gone out.
- [121] On Exhibit A, page 12, it is the course information for ██████ Chemistry 30 mark. Dr. Mason did not access ██████ regular term Chemistry 30 mark. It could have been changed as he had training by this time, before ██████ had to take this course in the summer.
- [122] At this point, ██████ provided ██████ with Exhibit D, which is a document entitled “General Information Bulletin, Diploma Examinations Program” for the 2018 – 2019 School Year. On page 2, it published the dates of when the Diploma Exams were going to be written. Chemistry 12 was going to be written on August 12, 2019.
- [123] On the third page of Exhibit D there were significant dates for “August 2019 Administration” and ██████ noted that ██████ was aware that these are important dates. On August 20, 2019, the marks would be available on *MyPass*, allowing the students and the parents to see the marks.
- [124] ██████ confirmed that on August 15, 2019, Dr. Mason was in ██████ Math ██████ course from 7:27 am to 7:30 am, and the was in ██████ ██████ Chemistry 30 mark (summer school) on the same morning from 7:35 am to 7:35 am.
- [125] ██████ asked ██████ about ██████ evidence of obtaining the boxes with ██████ from the Vault. ██████ noted that ██████ believed there were a few boxes, maybe two, and that ██████ was assisting because the boxes were up high, and needed to be taken down.

Re-Examination by ██████

- [126] ██████ confirmed that if a mark was changed, it would be the school-based mark on the transcript for the student.
- [127] In Exhibit D, the August 20, 2019 entry which said “Diploma exam marks from the August administration are available on *myPass*”, this entry was for the Diploma Exam marks, worth 30% of the school-based work, and then later on the marks would be combined and available to students when school ends. Their final mark would be available on or after August 20.

[128] On August 15, 2019, if there were any changes made after that date, and it was approved, that mark would show up as the combined mark (diploma and school mark) by August 20, 2019.

[129] There was an objection to the last question provided and the question was retracted by [REDACTED]

Evidence of [REDACTED]

Examination in Chief by [REDACTED]

[130] [REDACTED] was sworn in as the following witness of the Registrar.

[131] [REDACTED] is currently the Executive Assistant to the [REDACTED], which is a position which [REDACTED] has been in for [REDACTED].

[132] Prior to that, [REDACTED] was the Executive Assistant to the [REDACTED], which [REDACTED] held for [REDACTED] prior to this job. These two jobs were in the District Office.

[133] Prior to that, [REDACTED] was a secretary at [REDACTED] starting in January 2008.

[134] [REDACTED] knew of Dr. Mason in passing during [REDACTED] jobs in the Division Office. [REDACTED] had a good working relationship with him.

[135] When [REDACTED] was working as a secretary at [REDACTED] School, as part of [REDACTED] role, [REDACTED] received Diploma Exams, and shipped them back to Alberta Education as well. Diploma Exams cannot be opened until the morning of the exam, just prior to the administration of it.

[136] In the high school, there was a locked file room, which was where the Diploma Exams were kept and they were also in a locked cabinet with a combination lock. [REDACTED] had access, along with the Principal and Vice-Principal.

[137] When they are sent back to Alberta Education, they get counted and put back into the box, but they do not break the cellophane.

[138] Any Grade 12 level diploma teacher can peruse the exam for the course that they teach. Nobody else. There were no teachers teaching kids working in the District Office.

[139] In [REDACTED] older role in the high school, [REDACTED] would sometimes need to ask for additional copies of the Diploma Exams. For example, for the humanities exam, if a student dropped down from 30-1 to 30-2, they may have needed additional exams. There is an online form to fill out to request more exams, and usually they would come within a day or two.

[140] [REDACTED] never asked for extra exams from the District Office. [REDACTED] did not know you could ask

the District Office for them, and they came quickly from Alberta Education in any event.

- [141] You could also get extra exams from other High Schools, but you would have to indicate this on the Principal Statement Return.
- [142] [REDACTED] began working in the District Office in around August 2019. In November 2019, Dr. Mason asked [REDACTED] to order additional exams. [REDACTED] ordered them. He did not tell [REDACTED] why he was ordering them.
- [143] [REDACTED] was not sure how [REDACTED] was going to order them, because if you are at a [REDACTED] School you send in your detailed academic registration.
- [144] Dr. Mason was not [REDACTED] immediate supervisor – [REDACTED] was supervised by [REDACTED]. Dr. Mason's assistant was [REDACTED].
- [145] While [REDACTED] was at the District Office, Dr. Mason did not ask [REDACTED] to do any administrative work for [REDACTED]. [REDACTED] assumed that he asked [REDACTED] specifically because [REDACTED] had ordered them at the high school in [REDACTED] previous position.
- [146] Dr. Mason was not a practicing teacher at the time. Only teachers teaching those grades are able to peruse the exams.
- [147] In Exhibit A, page 20, there is an email from [REDACTED] to exam.admin@gov.ab.ca. [REDACTED] received a response and [REDACTED] identified that [REDACTED] would look into if this is available.
- [148] [REDACTED] advised (Exhibit A, page 21) that they would not be automatically sending exams to the jurisdiction [District] office, so [REDACTED] said that [REDACTED] would send [REDACTED] email to the warehouse for that they will send extra copies.
- [149] [REDACTED] discussed ordering these Diploma Exams to the District Office [REDACTED] and [REDACTED] because they had been at the District Office for longer, and maybe they had ordered them in previous years. They told [REDACTED] they had never ordered them before.
- [150] Later on, [REDACTED] received the exams for Part A on December 18th. [REDACTED] asked [REDACTED] if there was a room where [REDACTED] could store them securely. He suggested a filing cabinet but other people needed to get into that filing cabinet. [REDACTED] put them in a desk drawer, that was locked, and [REDACTED] had the only key.
- [151] Dr. Mason asked [REDACTED] the following day if the exams had come. [REDACTED] said the Part A sections had come. He asked where they were located, and [REDACTED] said they were located in [REDACTED] desk. He told [REDACTED] to move them to the Vault.
- [152] The Vault is an office where everyone has a key to at the District Office. He did not tell [REDACTED] why. Initially, [REDACTED] put them in the middle, down at the bottom of the room, on the back wall. Later, [REDACTED] moved them to the top of one of the filing cabinets.

- [153] The Vault also held employee records, student records, financial records. There was a photocopier. It could be used by anyone at the District.
- [154] █████ did not show anyone where the exams were placed. █████ tried to put them there discreetly. After the exams were written, █████ returned Part A back to Alberta Education around mid-January. █████ had no issues sending Part A back.
- [155] On January 8, 2020, they got Part B of the Diploma Exams in all of the subjects – Math 30-1 and 30-2, Biology 30, Chemistry 30, Physics 30, Science 30, English Language Arts 30-1 and 30-2 Part B, and Social Studies 30-1 and 30-2 Part B. English and Social Studies have 2 parts: A and B. The other subjects only had Part B.
- [156] When the Part B exams arrived, they were in a brown box with red Alberta Education tape on it. █████ opened the box to confirm that they had what Alberta Education said they had sent. The exams were all wrapped in cellophane. █████ counted by the spines.
- [157] █████ returned the Math (30-1 and 30-2) and English (30-1 and 30-2) Part B exams on January 23, 2020. When █████ was going to get them down, the tape was pulled back and for a couple of the exam packages, the cellophane was open along the top for two packages: English 30-1 (Part B) and Math 30-2. █████ was with █████ during this time.
- [158] █████ spoke to █████ at this time. He told █████ to continue to prepare to send them out and he would look into it.
- [159] At the time the exams were opened, █████ did not know who had opened the exams. █████ was concerned that the exams were opened, and █████ told █████ █████ did not ask further other than what he wanted █████ to put on the Principal's Statement.
- [160] The Principal's Statement is a document that goes back to Alberta Education, and outlines any breaches or irregularities in the administration of the exam.
- [161] █████ did not know why Dr. Mason had sought to have █████ order additional exams.
- [162] In November 2019, █████ was not aware of the course that Dr. Mason's █████ was in. Only that Part B of the exams were opened.
- [163] █████ spoke with █████ about it and █████ asked whether █████ had reported it to █████ supervisor, and █████ had. █████ did not speak to anyone else about it other than an Investigator, afterwards.
- [164] Ultimately, █████ did find out who had opened the exams. It was Dr. Mason. █████ did not know why he would have opened the exams.

Cross-Examination by █████

- [165] ■ started at the Division Office in August 2019. Prior to that, ■ was at ■ School, with students. The Division Office had no students in it.
- [166] In ■ experience, at ■ they did not get exams from the Division Office.
- [167] ■ does not recall if Dr. Mason told ■ why the extra exams were ordered. ■ does not recall why he told ■ to put the exams in the Vault.
- [168] In Exhibit A, page 20, the email chain starts with an email from ■ to exam.admin@gov.ab.ca on November 13, 2019. ■ did not know how exams were to be delivered to the District Office.
- [169] The response, from ■ is from the following day on November 14, 2019. ■ went through the email exchange with ■
- [170] ■ then went through which exams ■ would have expected to receive in January 2020 and specifically discussed the exams listed on page 42 of Exhibit A. In that listing, the English version of the exams were expected to be received. Some of the French versions were not received, as that school did not administer those classes in French.
- [171] There was a discussion about where the Diploma Exams were located. They were moved to the Vault, which was a secure location in the District.

Re-Examination by ■

- [172] There were no questions arising. ■ was dismissed.

Evidence of ■

Direct Examination by ■

- [173] ■ was sworn in as the next witness for the Registrar, on the second day of the hearing.
- [174] ■ is currently the Director, ■. ■ has been in that role, in an official capacity, for two years, but was acting in that role starting five years ago.
- [175] Prior to that, ■ was Senior Manager, ■. Prior to being Senior Manager, ■ was a teacher for 19 years in the ■ School Authority, in ■ ■ was a ■ teacher for 15 years, and then was an assessment consultant for the last four years.
- [176] In ■ current role, ■ oversees the processes that surround the provincial achievement tests. They administer the upstream and downstream processes. That would include document production, copyright, printing, distribution, shipping, maintaining all the exam procedures,

rules and guidelines for the school authorities, including the “General Information Bulletin”, and dealing with other activities that take place during and after exam administration, including accommodation, exemption, field testing, marking, and so forth.

- [177] Diploma Exam guidelines are in the “General Information Bulletin” (“GIB”). That document also includes Diploma Exam security.
- [178] ██████ went through the steps relating to how the Diploma Exams are generated, printed, and shipped to schools. The school creates an exam sitting, they set a certain capacity, and then based on that capacity, the team builds a shipping manifest and sends the exams where they need to go.
- [179] At this point, the witness was directed to Exhibit A, page 28. This was a GIB from 2019-2020. Within the document, ██████ referred to the security rules for the exams.
- [180] When exams are shipped to schools, once a school receives shipment, they open a sealed box and review the contents of that package to ensure that everything they are expecting to receive is in there. Exams are bundled in bundles of 25 and shrink-wrapped. The schools must count the exams without opening the shrink wrapping. The reason for that is that nobody should be accessing the documents ahead of time.
- [181] The rules for perusal of exams are outlined at page 63 of Exhibit A and included in the GIB. Grade 12 teachers who currently teach the subject are eligible to peruse the January and June Diploma Exams. For example, if a Biology exam is being written at 9:00 am, biology teachers can review at 10:00 am the morning the exam is administered. Nobody else is entitled to peruse the exam.
- [182] The most important rule with respect to the handling of secured materials is that exams must be kept under lock and key. Security requirements for Diploma Exams are outlined in the GIB, at page 24, Exhibit A.
- [183] If an incident occurs during exam administration, it must be reported to ██████. On page 69 of Exhibit A, in the GIB, there is a section relating to Diploma Exam Procedures. In that document, there are the rules for Superintendents when it comes to Diploma Exam administration. Superintendents are to be aware of rules and procedures that must be followed in schools.
- [184] ██████ confirmed that it is forbidden to copy Diploma Exams. Each exam has a bar code, which means it is scanned out and scanned back in upon receipt. Schools must also fill out a shipping document to make sure that upon returning documents, they can account for every copy that was sent to them. The completed exams are returned to ██████ branch.
- [185] In some cases, Diploma Exams are sent to Division offices.
- [186] In the past, before the summer of 2019, school authority packages were sent out for every administration. If a school authority would have 8 high schools, each high school would get

their materials, but in addition to that, they would also send out a box to the Division office, which would have a few copies of each of the exams. If a school was short a copy, it was quicker to have someone at the District office run it to the school if that was required.

- [187] This practice was stopped in the summer of 2019. After [REDACTED] was in this job for a few years, [REDACTED] conducted an audit of the usage rate of these Division materials. There are costs to each shipment, and security breach possibilities. The vast majority were coming back unopened and unused anyway, so the practice was discontinued. However, Division offices were entitled to receive them upon request.
- [188] The same rules at the school apply to the Division. As no teachers work there, there should be nobody perusing them at the Division offices. However, in some school authorities there are 'central perusal requests' made by school authorities. If teachers are in smaller schools, they sometimes coordinate to have that perusal occur in common, under the supervision of a school principal or someone at the District office.
- [189] The central office can also generally expedited ship extra copies of exams to most areas, but in some more remote cases, where the school is outside serviced areas (for shipping) or well-serviced areas, they will honour the request to the Division office to ensure that each student has an exam before him or her for each sitting.
- [190] In terms of storage, the Division office would be required to store the exams in a similar fashion as in a school – under lock and key.
- [191] In January 2020, [REDACTED] the Assistant Superintendent of [REDACTED] contacted [REDACTED] to advise that there was a Diploma Exam security breach. [REDACTED] advised that a school authority had requested a package of exams to be sent out to the Division office. Upon preparing the materials to return them to Alberta Education, two of the exams had been opened. The shrink-wrap had been opened.
- [192] At this point, there was a discussion about hearsay evidence being provided to the Committee. Counsel for the Registrar noted that for an administrative tribunal is entitled to receive hearsay evidence, and that [REDACTED] had cases to that effect. Counsel for Dr. Mason also commented on the fairness of statements made by [REDACTED] who was not a witness before the Committee. The Chair ruled that the Committee would listen to [REDACTED] evidence, and would consider the weight of any hearsay evidence proffered.
- [193] [REDACTED] was advised that the English and Math 30-1 exams were opened.
- [194] In this case, [REDACTED] took the concern to [REDACTED] the Registrar at the time, to obtain advice on how to proceed. He had never dealt with a situation like this before.
- [195] They ([REDACTED] and [REDACTED]) decided that they needed to clarify what happened. The immediate concern was that they wanted to get to the bottom of it. After this, they spoke to advisors in the Assistant Deputy Minister's Office. They were concerned about the sensitivity of this matter. That office confirmed what had been agreed upon – to contact Dr.

Mason to find out what occurred.

- [196] Ultimately, ██████████ and ██████████ both interviewed Dr. Mason with regard to this incident over speakerphone. It was in late January, within the first 48 hours of finding out about the breach.
- [197] During that conversation, ██████████ asked Dr. Mason what took place and whether he was able provide an explanation as to how the exams were reviewed, and how the materials were handled. Was the content shared with anyone else? What was the reason? There was not supposed to be any perusal happening at the District office.
- [198] Dr. Mason said that he opened one exam, the English exam. He recalled that he did not look at the Mathematics exam.
- [199] Dr. Mason said that he did not share the content of the exam with anyone. He said that he did not copy the exams. He said that after perusal, he placed them back in the same room where they had been stored securely.
- [200] ██████████ was aware that ██████████ ██████████ ██████████ was in Grade 12 at that time. He looked up ██████████ school record to see whether there was any motive between having an exam reviewed at the District level. He discovered that ██████████ was enrolled in both Math 30 and English 30.
- [201] There was no specific discussion about ██████████ ██████████ during the interview with ██████████ ██████████ and ██████████ ██████████ came to know about ██████████'s enrollment from an email from ██████████ ██████████ who shared a screenshot of what classes ██████████ was enrolled in.
- [202] ██████████ recalled at the time that Dr. Mason asked what the next steps would be. ██████████ said something to the effect that they were trying to get to the bottom of it. ██████████ was not aware of ██████████ ██████████ ██████████'s university plans at the time.
- [203] Thereafter, ██████████ and ██████████ continued to converse. They provided the Assistant Deputy Minister office's team with an update on the conversation.
- [204] During his time with the Exam Administration Branch, ██████████ has had requests from Superintendents to have Diploma Exams. It is quite rare for a Superintendent to do it themselves, although it has happened in the past on a few occasions. However, in the recent past, they have sent out less than 10% of the number of exams that they sent to District offices than before.
- [205] At the time, they reviewed ██████████'s ██████████ records. ██████████ marks were quite high. It was difficult to ascertain if someone had gained an unfair advantage from viewing an exam, and you might see it in a discrepancy between a school-awarded mark and the Diploma Exam mark. If the marks were significantly different, it may demonstrate an issue. Because the school-awarded mark for ██████████ was high, this did not render any meaningful conclusions.

[206] Prior to this incident, ██████████ did not know Dr. Mason. He did not work with him in any capacity.

[207] As he looked into this matter, ██████ reviewed Exhibit A, page 69, which contained the Diploma Exam Administration Procedures for Superintendents. ██████ wondered whether there was a plausible reason that a Superintendent would not be aware of the rules. Then ██████ learned that Dr. Mason had held various roles within the school administration, including as an educator and school administrator (Principal). He should have known the protocols from his prior roles.

Cross-Examination by ██████████

[208] ██████████ confirmed that up until the summer of 2019, exams were regularly sent to District offices. ██████████ confirmed that the November 2019 session was the first session where exams were not automatically sent to the Division offices.

[209] There was no bulletin informing people of the change. It would not have been surprising to ██████████ if someone was unaware of the change.

[210] ██████ ██████████ the writer of the emails at Exhibit A, page 21, is ██████ assistant. ██████ was still working through the administrative logistics of the change.

[211] After the Allegations were issued, ██████████ does not believe that he told anyone about when that change occurred.

[212] At this time, the GIB at page 28 of Exhibit A was discussed between ██████████ and ██████████. At page 42 of Exhibit A, ██████ noted that was the Diploma Exam schedule for January 2020.

[213] In the GIB, it just says that the exams need to be in a “secured location” – it doesn’t say “lock and key”. ██████████ confirmed this is the wording in the GIB.

[214] Then Exhibit D, the GIB for the 2018/2019, was reviewed. On page 2, it noted that all of the Chemistry 30 exams were written on August 12, 2019.

[215] Exhibit D also includes significant dates. There is a deadline of August 20, 2019. Those dates are communicated to the best of the ability as to when marking would be completed. It is extremely rare for marks to come out by that date. Generally, marks can come out 1-2 days earlier than that date. They include the date to manage expectations.

[216] In this case, if the deadline is August 20, the marks would usually be available around August 18 or 19.

[217] By August 13, 2019, the examination booklets and answer sheets needed to be returned to Exam Administration, his office. And then it would take a week or so, at least, to mark the exams and post the marks.

- [218] The Exam Administration office is located in [REDACTED]. Having Division offices have exams could be useful for the Division offices to get exams to students who are in remote areas. In the [REDACTED] District, it may be easier to get to them if it is in a well-serviced area, but he acknowledged that in remote areas, it may be easier to send the exams to a Division office than a school.
- [219] [REDACTED] was aware that the [REDACTED] School Division had schools outside of [REDACTED], including in [REDACTED] and [REDACTED].
- [220] In the conversation with [REDACTED] and Dr. Mason, [REDACTED] agreed that Dr. Mason was forthright, that it was a lapse in judgment, and that [REDACTED] [REDACTED] had not seen the exam that he opened. He believed that [REDACTED] [REDACTED] [REDACTED] was a strong student, and [REDACTED] reviewed [REDACTED] school-awarded marks and they were strong.

Re-Examination by [REDACTED] [REDACTED]

- [221] [REDACTED] was informed that in the cross-examination, [REDACTED] indicated Dr. Mason had told [REDACTED] he opened “the exams”, but [REDACTED] clarified that Dr. Mason had only told [REDACTED] that he opened the English exam. He indicated during the call that did not know how the Math exam would have been opened or reviewed.

Evidence of [REDACTED]

- [222] [REDACTED] was sworn in as the following witness for the Registrar on the second day of the hearing.
- [223] [REDACTED] is currently [REDACTED]. In this hearing, however, the Registrar’s role was represented by [REDACTED] [REDACTED] as [REDACTED] is the complainant in this matter.
- [224] [REDACTED] has been in this position since late August 2021. Prior to this, [REDACTED] was the acting [REDACTED] from fall 2016 to spring 2017, and then [REDACTED] was in that role permanently from spring 2017 to August 2021. [REDACTED] has worked with Alberta Education since 2008.
- [225] In that role [REDACTED] [REDACTED] oversaw the administration of assessments and exams, the results reporting, the rules and procedures, and oversaw a large group of people who are administering assessments in Alberta.
- [226] Regarding Diploma Exams, [REDACTED] was overseeing the process. [REDACTED] would have direct relationships with two Directors: the Director of Diploma Exams, [REDACTED] and [REDACTED]. On a regular basis, [REDACTED] would go through any proposed changes to the procedures about the Diploma Exam with him, and ultimately, [REDACTED] would have to sign off for the rules and procedures of the GIB.

- [227] In [redacted] job, [redacted] had infrequent association with Dr. Mason. [redacted] disseminated information to Dr. Mason. If there were student academic misconduct, [redacted] may have discussed with him. [redacted] job is based in [redacted]
- [228] During a conversation with [redacted] [redacted] found out that there had been a breach of Diploma Exam security. [redacted] had told [redacted] about it. [redacted] found out about this in late January, 2020.
- [229] After [redacted] was advised, [redacted] emailed Dr. Mason, and asked him to have a phone conversation.
- [230] Around January 27, 2020, [redacted] and [redacted] had a call about the situation with Dr. Mason. [redacted] and [redacted] were in the same office during the call. During this call, they discussed the nature of the incident. Dr. Mason was forthcoming, regretted that they had to have this conversation, said that [redacted] had opened the exams early, and it was a tough conversation to have and it was an amicable conversation.
- [231] During the conversation, [redacted] recalled that Dr. Mason told them that he had opened English 30-1 for sure. [redacted] could not recall whether Dr. Mason had spoken during this call about opening the Mathematics 30-2 exam.
- [232] During this call, they did not discuss photocopying the exams. He told [redacted] that he had put them in the Vault in the District office. Dr. Mason acknowledged that [redacted] [redacted] [redacted] was in [redacted] at that time.
- [233] [redacted] has never had a conversation about a Superintendent opening exams before, so [redacted] was not sure about what next steps needed to occur. [redacted] needed to speak to [redacted] Assistant Deputy Minister (“ADM”) after that to find out next steps. ADM [redacted] advised [redacted] that this sounded like a complaint, and walked [redacted] through the process of making a complaint to Alberta Education. [redacted] said it was something to consider, but did not recommend a complaint.
- [234] Ultimately, [redacted] submitted a complaint to Alberta Education in early February 2020.
- [235] Several months later, [redacted] was being questioned by an Investigator in relation to the Complaint and learned about grades being changed. [redacted] did not learn this directly from Dr. Mason.
- [236] At the time, Dr. Mason was the Superintendent of Schools, [redacted] In that role, he is the Chief Executive Officer of the school authority, and is required to provide instruction and leadership and also business know-how, as well as to maintain a high standard of integrity and excellence.
- [237] A Superintendent is subject to the *Regulation*. In that document, there is a Code of Conduct which applies to Teacher Leaders. There is also a competency document – the Superintendent Quality Leadership Standard (“SLQS”) – which guides the competency expectations for a Superintendent.

[238] ██████ confirmed that the Diploma Examination rules are crystal clear – the exams were not to be opened in advance. An event of this type of incredibly irregular. Immediately the concern for ██████ was security. Dr. Mason advised that the exams were placed immediately back in the Vault and he was just curious about the contents.

[239] After that, ██████ reviewed the grades for ██████ and there was a 5-6% spread between the Diploma Exam mark and the school-awarded mark. On the surface, it did not appear as though ██████ obtained an advantage, but it would be impossible to ascertain.

[240] Finally, ██████ confirmed that Superintendents are subject to the Code of Conduct found in Schedule “A” of the *Regulation*.

Cross-Examination by ██████

[241] There were no questions on cross-examination.

Evidence of ██████

Examination in Chief by ██████ ██████

[242] ██████ was sworn in as the next witness for the Registrar on the third day of the hearing.

[243] ██████ has worked as an investigator with Alberta Education for 5 years. ██████ was the investigator for the Complaint.

[244] ██████ ██████ was directed to Exhibit A, page 103. This was a summary of the alarm printout for the District Office. ██████ ██████ copied and pasted those entries where Dr. Mason was identified as entering and exiting the building.

[245] The alarm printout demonstrated that the area was opened by Dr. Mason on Thursday, December 26, 2019 at 5:31 pm and then closed on the same day at 11:51 pm.

[246] The next day it was opened by Dr. Mason was Sunday, January 5, 2020, and it was opened at 9:00 am and closed again at 6:08 pm.

[247] The next day logged is Sunday, January 12, 2020, showed Dr. Mason opening at 7:52 am and closing at 11:16 am on the same day.

[248] And he following weekend, on Saturday, January 18, 2020, the alarm log showed Dr. Mason opening at 12:39 pm and closing at 5:07 pm.

[249] During ██████ investigation, ██████ interviewed Dr. Mason. He indicated during the interview that he had changed ██████ ██████ ██████'s marks in order to practice in the event that any parents required a change. He was adamant that he had changed it back to the original mark that it

was.

[250] █████ asked him about whether he had changed █████ mark and █████ said he did not recall changing that mark.

[251] █████ also interviewed █████ the Vice-Principal at █████ summer school, where █████ was attending classes that summer. █████ said █████ had not had a conversation with Dr. Mason during the summer of 2019. █████ said that during that summer, █████ would have been available to speak to Dr. Mason if █████ needed regarding █████'s mark, and █████ also said Dr. Mason had █████ personal cell phone.

Cross-Examination by █████

[252] █████ confirmed with █████ █████ that Exhibit A, page 103 (alarm printouts) only tracks who deactivated the alarm. It does not show who came into the building after the alarm was deactivated. It just shows the days when he was the first one in the building.

[253] He may have been there on other days, he just did not deactivate the alarm on those dates. He did not deactivate the alarm on December 30, 2019 or January 2, 2020 or January 11, 2020.

[254] During █████ investigation, █████ interviewed Dr. Mason on Zoom. █████ noted that he was forthcoming and remorseful.

[255] Part way through the investigation, which was commenced relating to the Diploma Exams, someone added additional allegations relating to the PowerSchool marks. Dr. Mason was not notified that the PowerSchool allegations had been added before █████ meeting with █████

[256] █████ asked █████ about █████ discussions with █████ █████ did recall speaking to █████ █████ about when █████ was teaching Dr. Mason to use PowerSchool. █████ based █████ investigation on what █████ █████ told █████ █████ did not ask for information from anyone else.

[257] █████ reviewed Exhibit C with █████ █████ confirmed that █████ did not create this document. █████ reviewed it with █████ █████ did not investigate a session on June 29, 2019 involving "█████". █████ did not recall █████ █████ advising that an error had been made.

[258] █████ █████ did not review all of Dr. Mason's access to the system when no changes were made.

[259] █████ █████ did not review █████'s enrolment history and the fact that █████ had taken Chemistry 30 in summer school. █████ confirmed that █████ had only received the information from █████ █████

[260] There was a discussion about █████ interview practices, and whether █████ █████ had sufficiently reviewed the matter relating to the PowerSchool entries, or if █████ had relied largely on the

information provided to [REDACTED] by [REDACTED] [REDACTED] [REDACTED] denied that [REDACTED] was intending to surprise or ambush Dr. Mason.

Re-Examination by [REDACTED] [REDACTED]

[261] After a brief adjournment, [REDACTED] [REDACTED] asked about [REDACTED] [REDACTED] investigative practices. [REDACTED] was entitled to look into additional information at the matter at hand. [REDACTED] was also entitled to interview Dr. Mason without providing the PowerSchool screenshots in advance of the interview.

[262] [REDACTED] [REDACTED] did not recognize Exhibit C. It was not [REDACTED] document. By memory, [REDACTED] did not believe that [REDACTED] looked into the screenshots during [REDACTED] investigation.

Evidence of [REDACTED] [REDACTED]

[263] [REDACTED] [REDACTED] was sworn in as the final witness of the Registrar on the third day of the hearing.

[264] [REDACTED] is the Superintendent of Schools with the [REDACTED] [REDACTED] began that role on February 19, 2020.

[265] [REDACTED] has been in the Division for 36 years. [REDACTED] spent 14 years in a teaching role and then moved into administration as a vice-principal, principal, and then as an associate superintendent in two different positions.

[266] Just prior to [REDACTED] position as Superintendent, [REDACTED] was the Associate Superintendent of Human Resources in the Division, a position [REDACTED] held for 3 years. In that role, [REDACTED] was responsible for all personnel, hiring, supervising of teachers, teacher leaders, and [REDACTED] oversaw issues as they arose. [REDACTED] engaged in leadership development.

[267] Prior to that role, [REDACTED] was the Associate Superintendent, Inclusive Learning in the Division, which [REDACTED] held for 6 years.

[268] Regarding Diploma Exams, [REDACTED] has no high school teaching or administrative experience. In 2017, the November break was developed. In that month, students can write Diploma Exams and a writing center had to be established. One was established at [REDACTED] School. Many of the school leaders were on November break, so a senior admin had to move in to supervise the writing center. [REDACTED] was chosen to supervise the writing center.

[269] In [REDACTED] current job as a Superintendent, [REDACTED] has obligations with respect to Alberta Education. [REDACTED] moved to Exhibit A, page 69, which is the GIB section relating to the “Diploma Exam Administration Procedures, Superintendents of Schools.”

[270] In [REDACTED] current role, [REDACTED] was one month into the position and then COVID-19 hit and schools were closed. Diploma Exams were not written in 2020. Diploma Exams were recommenced the following year. [REDACTED] is now more familiar with [REDACTED] role as a Superintendent when

Diploma Exams are being written.

- [271] Number 7 of that section of the GIB [REDACTED] follows often – [REDACTED] nominates teachers to mark the written exams. But most importantly, [REDACTED] reviews number 1, where [REDACTED] ensures that people within the school authority all ensure that they adhere to current expectations and requirements for the Diploma Exam. Second most importantly, [REDACTED] ensures that security is established within those writing centers, [REDACTED] three High Schools. If an issue arises, [REDACTED] has to meet with a parent or student to discuss concerns. [REDACTED] oversees the process, and then [REDACTED] moves it to the Principals, who oversee things from start to finish. [REDACTED] not in the writing centers, but [REDACTED] knows what is going on.
- [272] [REDACTED] currently works at the [REDACTED] District Office [REDACTED]
- [273] In [REDACTED] past 11 years in [REDACTED] Centre, they never had Diploma Exams at [REDACTED] Centre.
- [274] As a Principal at [REDACTED] [REDACTED] used PowerSchool for student demographics. At that time, even though [REDACTED] was a teaching Principal, [REDACTED] used the [REDACTED] Public report card. [REDACTED] does not have much experience with PowerSchool. [REDACTED] has people at Central Office and two IT people. [REDACTED] does not need to know about it.
- [275] [REDACTED] does not need to know about PowerSchool for [REDACTED] job. It is not [REDACTED] role to change marks. If [REDACTED] had to change marks, it would come through an appeal process, and [REDACTED] would be the last person that would determine that.
- [276] If there is a question around marks, it has to be parent to teacher, then parent to Principal, then in their administrative procedures, then an Associate Superintendent would oversee parent concerns, and then if a parent is not happy, it comes to the Superintendent for a final decision. If it was requested of [REDACTED] [REDACTED] would be in collaboration with the Principal, the teacher is not involved at this point, but the principal and [REDACTED] are speaking. [REDACTED] has never done it, but it is an extensive process.
- [277] The process would be the same for a regular school year and summer school. If there was a request to change a mark, [REDACTED] would call the summer school Principal, [REDACTED] would ask what was going on, [REDACTED] would ask a lot of questions about the rationale for the change. A summer school Principal would always be available through the summer months.
- [278] [REDACTED] learned about the breach relating to the Diploma Exams at a staff party in December 2019.
- [279] Superintendents oversee the education of all students and to ensure that the program of all studies are being met, and that there are sound instructional and assessment practices in place. In addition, there is a piece about effective governance, effective relationships with the Board, and discussions with the outside community.
- [280] During the December 2019 break, [REDACTED] was working on [REDACTED] doctorate. After Christmas, [REDACTED] went to [REDACTED] Centre and worked there on [REDACTED] doctorate. [REDACTED] was frequently at [REDACTED]

Centre after Christmas break – usually on December 26 and 27 – to work.

- [281] [REDACTED] did not have any encounters with Dr. Mason during that time.
- [282] Regarding the Diploma Exams, the Secretary Treasurer of the District [REDACTED] asked to speak to [REDACTED]. In [REDACTED] role as an Associate Superintendent [REDACTED], [REDACTED] gave advice on possible actions that he could take. [REDACTED] was aware that the Whistleblower/ Duty to Report was active. [REDACTED] encouraged the Secretary Treasurer to speak to the Board Chair to let him know that the Whistleblower/Duty to Report had been enacted in the office against the Superintendent.
- [283] [REDACTED] could not recall if the Diploma Exams were mentioned, only that the Duty to Report was enacted. This conversation would have been in January 2020. [REDACTED] was not aware that an investigation had been commenced.
- [284] On February 18, 2020, the Board Chair called [REDACTED] in the evening to tell [REDACTED] that they would terminate Dr. Mason. It was after a Special Meeting, and that they had placed [REDACTED] in the position of Interim Superintendent. [REDACTED] was to come in the next morning. [REDACTED] was not aware of the reason for the termination.
- [285] As a Superintendent, [REDACTED] is required to follow Alberta Education’s Professional Practice Standards, as well as the *Education Act*. [REDACTED] has the competencies within the Professional Practice Standards to ensure [REDACTED] is fostering active relationships, [REDACTED] has a commitment to professional learning, [REDACTED] is leading the learning, [REDACTED] creates the relationship with the Board for effective governance, [REDACTED] oversees First Nations, Metis and Inuit knowledge and education is prevalent in the school division. Instructional leadership is a key area to ensure that the education needs of the students are met.
- [286] [REDACTED] is looked upon as a [REDACTED] of integrity, a [REDACTED] of fairness, and it is a huge responsibility, not only in the education of students and employing the proper people. [REDACTED] has a 24/7 obligation to [REDACTED] practice standards. [REDACTED] governs 1,500 employees.
- [287] [REDACTED] [REDACTED] confirmed that [REDACTED] does not use PowerSchool in [REDACTED] current role. And that there is a process for change of marks that would involve the school’s Principal and the teacher before it would even get to the Superintendent.

Cross-Examination by [REDACTED]

- [288] [REDACTED] asked [REDACTED] [REDACTED] when [REDACTED] began in [REDACTED] role as Superintendent. It was in February 2020. Prior to that, [REDACTED] was an Associate Superintendent.
- [289] After Dr. Mason departed, [REDACTED] was the Interim Superintendent. Thereafter, [REDACTED] became the Acting Superintendent, then [REDACTED] had to go through a rigorous application procedure to become the Superintendent.
- [290] There were no Diploma Exams in 2020, but there were exams in 2021. They are doing the 2022 Diploma Exams this year.

[REDACTED]

[302] [REDACTED]

[303] [REDACTED]

[304] [REDACTED]

[305] [REDACTED]

[306] [REDACTED]

[307] [REDACTED]

[308] The Board of Trustees are elected individuals. The Superintendent reports to the Board, and he is the Board's only employee and he reported directly to them. There were three Chairs of the Board that he worked with: [REDACTED]

[309] At this time, counsel for Dr. Mason referred the witness to Exhibit A, page 109. This was a Superintendent Evaluation Report from June 2012. This was his first evaluation as a rookie Superintendent. On page 118, there is the conclusion of the Board, signed by [REDACTED]. [REDACTED] concludes that Dr. Mason "has modeled exemplary servant leadership in his first year as Superintendent" who has provided the Board with "open, honest, thorough and succinct communications during this evaluation period."

[310] On Exhibit A, page 121, there is another Superintendent Evaluation Report, dated June 2013. On page 132, the conclusions are listed with [REDACTED] signing as Chair. He "provided exceptional servant leadership in the past year" and that he has "become more confident" and "garnered the respect and support of his staff".

- [311] On Exhibit A, page 133 there is another Superintendent Evaluation Report, dated June 2014. On page 143, the conclusions are listed, now with ██████████ listed as the Chair. Again, he is noted to have provided “exceptional servant leadership over the past year.” He had “met or exceeded all of the Board’s quality indicators for his performance”. He was noted as having a “high performing team”, which he noted where his Associate Superintendents – he had ██████████ ██████████ ██████████
- [312] On Exhibit A, page 145, there is another Superintendent Evaluation Report, dated June 2015. On pages 155-156, the conclusions are noted. He is noted as having “provided excellent leadership over the course of the past year” and has “met and exceeded all quality indicators.”
- [313] Dr. Mason did not have the June 2016 Evaluation in his possession. He believed the conclusions were a “mirror image” of previous evaluations.
- [314] On Exhibit A, page 157 there is another Superintendent Evaluation Report, dated June 2017. On page 168, the conclusions are listed. ██████████ continued to be the Chair at this time. Dr. Mason is noted as having “exemplary” performance in the 2016-2017 school year. He discussed the rise in students – from 7000 to 11,000 students during his Superintendent term. There were 3 new schools opened, and all the schools needed additional space for all the new students.
- [315] When he left ██████████ ██████████ Division, they were the 12th largest school division in the province, and the second-largest ██████████ division. During this 2017 review, the Board noted his “strong leadership.”
- [316] On Exhibit A, page 169, there is another Superintendent Evaluation Report, dated June 2018. On page 179, ██████████ ██████████ was now the Chair and noted the Board’s conclusions. Dr. Mason is noted as providing “exceptional leadership and stability” in what is called a “very busy and challenging year”.
- [317] Dr. Mason noted that in May 2017, there was a new collective bargaining process put into place. As a result, a new clause was added to all school division’s collective bargaining agreements, which related to the number of instructional hours that a teacher could be allocated and how many hours that they would do other duties. It was generically called “907/1200”. That meant 907 hours in front of students, 1200 hours total including other duties.
- [318] In early June 2017, the Board of Trustees and Dr. Mason met with the registered bargaining agent. The agent explained the implications of 907/1200. It was supposed to be implemented in the next year, September 2017. Dr. Mason knew this would be contentious. The Board opted not to follow his recommendations, for financial and other reasons, and he was directed to implement it to the fullest extent as of September 2017. It was a very challenging year.

- [319] This program affected him personally. The implementation was new for their school division. For approximately half the schools, the rollout had no impact, because they were already at those levels. And for the other half, it was a significant impact. The ATA was not happy with the rollout. Working relationships took a significant hit. The previously normal relationship with other entities and people disintegrated. The ATA launched a number of grievances.
- [320] The ATA eventually launched an Alberta Labour Relations Board (“ALRB”) complaint against the Division based on the actions of himself, ██████████, ██████████ and ██████████ as well. There was a lot of commotion, a lot of people wanting information, and asking why.
- [321] In October 2017, Dr. Mason made himself available for a meeting with the ATA and any member, including teachers to share the explanation for the rollout and answer questions. None of the Trustees were available. On October 8, 2017, the meeting was to commence. At 3:30 pm, he got a call from the local ATA president saying the meeting was postponed.
- [322] There was supposed to be a bargaining unit general meeting within the next couple of weeks, and the ATA representative would ask the ATA if Dr. Mason could come to speak. However, the ATA decided a meeting like this would not be appropriate. Dr. Mason felt that he could not explain it to the teachers and staff.
- [323] Following the denial of meeting, all Principals come into the District office for their monthly meeting. They wanted communication about 907/1200 and it was added to the Agenda. After that discussion, the Principals suggested that Dr. Mason record a video explaining the rationale for the 907/1200 rollout. On a Monday, they closed school early and all staff were present, and the Principals would make staff available to watch the video. Dr. Mason said he would take it under consideration, and he later decided it was an appropriate action to implement.
- [324] Over that weekend, they recorded the video, which was 12 minutes, and the following Monday, it is sent to administrators to share with staff and he would come to answer any questions if needed. The video was shown, and there was a positive response.
- [325] The ATA took issue with the video. They launched an ALRB grievance. It was a very challenging time.
- [326] After the video, the tone of feedback about him took a significantly negative turn. The reaction was from the general public, teachers, and others. It was a significant hit to him. He had always considered himself as a pro-teacher administrator. His ██████████, and he wanted to ensure that teachers could do their job well.
- [327] This acrimony occurred in late 2019, and although ultimately the ALRB deemed the video to be totally appropriate, that ruling only came out in December 2019.
- [328] Back to the Evaluations, on page 180 is the Superintendent Evaluation Report, dated June

2019. On page 190, the conclusions of the Chair, [REDACTED], are listed. Dr. Mason is noted to have “provided exceptional leadership over the past year” and he had taken the opportunity to “grow from some adverse experiences”. It was noted that he holds himself to a “high standard” and that this benefits the entire Division.

- [329] In 2019, Dr. Mason approached the Board Chair for a letter of reference. He wanted a letter, with no end game in mind. He had been approached for other positions, but was happy. This letter was provided to him by the Board Chair, [REDACTED], on August 2, 2019. It is at Exhibit A, page 192. It contained very positive comments about Dr. Mason.
- [330] Again, in 2015, Dr. Mason had previously sought such a letter from the previous Board Chair, [REDACTED]. He had no end game in mind, but wanted these on his record.
- [331] He perceived that the Board Chairs had an excellent working relationship with him. He felt that they were very pleased with the quality of services that he was providing the District.
- [332] Dr. Mason noted that the ALRB hearing occurred in September 2018. They rendered their decision in December 2018. In January 2019, he was called to a Special Meeting of the Board. During this meeting, concerns about his conduct were outlined.
- [333] After the meeting, Dr. Mason was presented with a letter from the Board Chair, [REDACTED], dated January 11, 2019. It is at Exhibit A, p. 197.
- [334] Dr. Mason had a significant reaction to this letter. He felt that he had disappointed the people who he had worked for, and he was very distressed by this. Prior to this, he had a stellar record. He took it hard.
- [335] Dr. Mason went through the letter dated January 11, 2019. In particular, the ALRB made a few findings where conduct in the District violated the *Alberta Labour Relations Code*, in three instances:
1. [REDACTED] communicated to 17 principals on October 17, 2017. Dr. Mason was not involved in this communication.
 2. There was a text exchange between Dr. Mason and a Principal where he encouraged an ATA member’s “unleashing on [REDACTED] and failed to discourage such reporting on bargaining unit activities. Dr. Mason was involved in this text.
 3. The ALRB concluded there was an attempt by [REDACTED] and [REDACTED] regarding [REDACTED] with an attempt to influence the ATA’s internal administration. Dr. Mason was not involved in this.
- [336] Dr. Mason noted that the ALRB did not find there were any issues with the video that he had created. The letter (Exhibit A, page 198) noted that the video was “an appropriate and legal means to convey the views”.
- [337] Between his first evaluation in 2012 and 2019, the students that Dr. Mason was responsible for rose from 7000 to 10,000. When he had earlier referred to a higher number, he noted

that he was counting Kindergarten students as a full student.

- [338] Between 2012 to 2019, his budget increased from \$72 million to \$111 million. During this time, the number of schools he was supervising increased.
- [339] There was a discussion about the headings (“Leadership Practices”) in the Evaluations and Dr. Mason’s support of the 10 Leadership Practices. In addition to this, the Board would add additional goals and metrics for his role.
- [340] Dr. Mason discussed succession planning. He noted that his three Associate Superintendents would have been able to assume the duties of Superintendent, but that ██████████ would have been his choice.
- [341] During this time, between 2018 and June 2019, he had many stressors in his life. There was the tension and pressures resulting from the 907/1200 issue. His relationship with the local ATA was severed. He was receiving a lot of negative and inappropriate feedback from teachers and the community.
- [342] After the ALRB ruling, attacks took on a much more personal flavor. He would receive anonymous emails, from gmail.ca, which would include physical threats. He got numerous emails like this. He tried to reply and was not successful. He did not report this to the authorities. These emails were not entered into evidence.
- [343] On the last Saturday before Christmas, he and ██████████ were shopping in the ██████████. They were confronted by a drunk teacher. Dr. Mason ensured that ██████████ was safe, and then the teacher went on to threaten Dr. Mason, call his behavior shameful, and other things. Dr. Mason told the teacher that he could come speak to ██████████ during work hours and tried to de-escalate the situation.
- [344] After this, the focus turned to the safety of ██████████. They were threatening to get my ██████████ fired, and to have ██████████ thrown out of school. It was a very unsettling time.
- [345] While on holidays, the local detachment of the RCMP called him. They advised that a teacher in the Division had threatened to “blow [his] head off” on Facebook. The RCMP advised that they could not keep him safe, so they told him not to return to his home. He was very mad at this, and felt he did not sign up for this. He had not been on social media at the time. It was a very unhappy time. Neither the Facebook post nor the RCMP report was included in evidence.
- [346] In addition to this, the Division ended up at the bargaining table again. Support staff also wanted to establish a bargaining unit with CUPE as well. He had delegated this to another staff member, and caught their office off-guard. It took up a lot of time and energy to prepare for this negotiation. It was something completely new to them.
- [347] From July 19, 2019 to October 2019, there were over 36 meetings that he needed to attend with members of his senior team to prepare for CUPE negotiations. Priorities had to be

reshuffled.

- [348] That fall, there were also two new HR complaints. The first complaint was related to a substitute teacher who had some physical limitations who got into an altercation with an EA at the school who [REDACTED] was subbing at. The Principal at that school limited the number of assignments that the substitute teacher would be responsible for. He launched a HR complaint. That went to a hearing that fall – lots of time and energy went into the preparation of that hearing – and the school was ultimately successful.
- [349] After that, there was another HR issue related to a substitute bus driver who had been prescribed medicinal marijuana. The Division took the position that they could not have an impaired driver. The Division tried to find alternate work, but [REDACTED] ended up filing an HR complaint. This also was taking up a great deal of time and energy at this time.
- [350] Originally, Dr. Mason had worked under the *School Act*. Then the *School Act* was repealed and replaced by the *Education Act* around this time. All school policies and Board policies had to be revised, as did the administrative procedures, to align with the new legislation. This also took up a lot of time and energy.
- [351] Work pressures flowed into his personal life. His relationship with his [REDACTED] deteriorated. It disintegrated into non-communication. It was a “black time” for him as a [REDACTED]. His [REDACTED] was strained.
- [352] That spring, in 2019, he did not have his usual means of decompressing. He is a competitive runner and triathlete. He had injuries at this time, and needed to have two [REDACTED] procedures in January and April 2019, and then a [REDACTED] in February. He did not have his usual means to decompress.
- [353] He started to [REDACTED] on the weekends. He was [REDACTED] excessively. [REDACTED]
- [354] By the August 2019, he recognized that he was not doing well and was in over his head. He approached a local [REDACTED] but could not meet until August. He began a [REDACTED] [REDACTED]” program. He had never done this before in his life. Initially, the [REDACTED] [REDACTED] went well. But then the effects began to wane because of the business and the events of that fall.
- [355] August 2019 was a very busy time for him. In the first two weeks of July, he began preparing for the next school year.
- [356] Dr. Mason worked very hard. Never during his career did he ever take all of his holidays. Every year, due to business needing to get completed, he asked to be paid out for his holidays. On average, 75 nights a year he was not home for supper because of some school duty he had to respond to.
- [357] By Christmas 2019, he was still recovering from the three significant [REDACTED] procedures.

He was still feeling the negative feedback from the 907/1200 outcry, and he was reluctant to go out in public. Physically, [REDACTED]
[REDACTED] He was short with people.

[358] That fall, he had one humiliating incident that really caused a significant emotional response during his testimony. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[359] [REDACTED] At page 196, Exhibit A, [REDACTED] wrote a letter. The letter is included as an Exhibit in the hearing. In the letter, [REDACTED] notes that in May 2019, he began to experience a significant amount of [REDACTED]. [REDACTED] notes that in September 2019, he began to see [REDACTED]. Dr. Mason noted that it was in fact August, and only one [REDACTED].

[360] After Christmas 2019, he attempted to book an appointment with the [REDACTED] in early January. He could not book an appointment. By February 2020, they met and [REDACTED] recommended that he take [REDACTED] leave from work. He did not take it. By April 2020, he was not better.

[361] Dr. Mason then went over the letter at Exhibit A, p. 195. It was a letter dated February 11, 2020 which recommended [REDACTED] leave. He did not take it. He knew there was an upcoming board meeting to discuss the Diploma Exam issue. He wanted to meet with the Board to explain his actions. He did not want to take a [REDACTED] leave at this time.

[362] At this time, with the consent of all parties, there was an adjournment of Dr. Mason's evidence to allow his [REDACTED] [REDACTED] provide [REDACTED] evidence at a time convenient to [REDACTED]

Evidence of [REDACTED]

Examination in Chief by [REDACTED]

[363] [REDACTED] then attended via videoconference and was affirmed by the Court Reporter virtually.

[364] [REDACTED] is the [REDACTED] [REDACTED], and is [REDACTED] years old. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[365] [REDACTED] maintains a [REDACTED] GPA in [REDACTED] program. [REDACTED] is very successful. After graduating, [REDACTED] would like to do [REDACTED], [REDACTED].

[366] [REDACTED] last year of high school was in [REDACTED] During that time period, [REDACTED] did not have a relationship with [REDACTED] [REDACTED]
[REDACTED]

[367] [REDACTED] is aware of the allegations and their relationship to the Diploma Exams in 2020.

[368] [REDACTED] became aware of these Allegations at the end of August 2022. Before this, [REDACTED] had no awareness of any of these allegations.

[369] In January 2020, [REDACTED] was writing some of [REDACTED] Diploma Exams. [REDACTED] [REDACTED] did not discuss the contents of any Diploma Exams with [REDACTED]. He did not assist [REDACTED] or help [REDACTED] prepare for any of [REDACTED] exams.

[370] [REDACTED] then went through [REDACTED] high school marks, which are located at page 200 of Exhibit A. [REDACTED] confirmed that these are [REDACTED] high school marks as of May 17, 2021.

[371] [REDACTED] did some research into how [REDACTED] would be able to get into [REDACTED]. As far as [REDACTED] is aware, [REDACTED] takes the average of 5 courses. It must include Chemistry 30, Social 30 and Mathematics 30, and two other highest marks, which can be any Grade 12 course. Grade 10 or 11 courses cannot be used. As long as the average is high, the particular mark in any course does not matter.

[372] Under the heading “Languages” the 30-1 are [REDACTED] Grade 12 English marks. [REDACTED] got a school mark of 85%. [REDACTED] got 82% on [REDACTED] Diploma Exam for January 2020.

[373] Under the heading “Social Studies” [REDACTED] school mark is 93%. However, due to the pandemic, [REDACTED] did not write a Diploma Exam for this and so there is a “Full Exemption” for [REDACTED] exam mark for this course.

[374] Under the heading “Mathematics”, [REDACTED] school mark was 85% and [REDACTED] Diploma Exam mark was 81%. [REDACTED] did write a Diploma Exam in this class.

[375] Under the heading “Sciences”, [REDACTED] took Chemistry 30 in [REDACTED] second semester of Grade [REDACTED] and got a 77%. That was finished in June 2019. [REDACTED] got an exam mark of 63%. [REDACTED] [REDACTED] [REDACTED] [REDACTED] was not happy with the mark.

[376] [REDACTED] re-took Chemistry 30 that following summer (August 2019). In summer school, [REDACTED] school mark was 83% and [REDACTED] Diploma Mark was 73%. [REDACTED] was proud of [REDACTED]. That Diploma was written in mid-August and received the marks by the end of August.

Cross-Examination by [REDACTED] [REDACTED]

[377] [REDACTED] [REDACTED] asked [REDACTED] where [REDACTED] is living. [REDACTED] is in [REDACTED], and is attending [REDACTED] [REDACTED] College. [REDACTED] [REDACTED]

[378] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

[379] was attending ██████████, Alberta for high school.

[380] For Chemistry 30, ██████ did that through ██████ – an online summer school.

[381] When ██████ was in Grade 12, ██████ Diploma Exam counted 30% toward ██████ final grade.

[382] ██████ application to apply for ██████ was due in the fall of 2019. Preliminary marks were due at that time.

[383] For ██████ ██████ classes, the Diploma Exam would have been written in June 2019.

[384] ██████ confirmed that ██████ was unhappy with ██████ Chemistry 30 grade and re-wrote it in summer school. There was no particular mark that ██████ needed to obtain to get into ██████

[385] To get into ██████ the average of the 5 courses, which included Chemistry 30, was around an 80% average.

[386] ██████ did not see another mark for ██████ Chemistry 30 exam. ██████ got ██████ marks by the end of August 2019, along with the final marks for summer school. ██████ checked that right away.

[387] ██████ used ██████ summer grade for Chemistry 30 to apply for the ██████ program.

[388] Nobody shared the Diploma Exam with ██████ ██████ did not see any copies of the Diploma Exam ██████ ██████ or any copies, before ██████ wrote ██████ Diploma Exams.

[389] ██████ Chemistry mark, among all ██████ marks, is ██████ lowest.

Re-Examination by ██████

[390] ██████ did not have any follow up questions.

Continuation of the Evidence of Dr. Mason

[391] Thereafter, ██████ continued to ask Dr. Mason questions under oath.

[392] For many years, the District office had Diploma Exams shipped to it. Assistants always told him that they were stored in the Vault.

[393] The Vault is a room in the District Office which is at one end of the building. There are a series of movable ██████ with files on them. There are two doors – one north and one south – and a photocopier and shredder. The doors to the Vault were lockable, and were locked.

[394] Sensitive documents were stored there – banking, financial, HR files, staff files, graduating students' cumulative files for 7 years, ATA grievance material, criminal activity of local teachers. This was sensitive material, and confidential. There was no better place in the

building than the Vault for these types of documents.

[395] There are no students in the District Office.

[396] He knew [REDACTED] an assistant. [REDACTED] came to [REDACTED] Office around fall 2019. [REDACTED] was new to the Division Office in fall of 2019. In that fall, Dr. Mason discussed the Diploma Exams with [REDACTED]

[397] First, he spoke to [REDACTED] about the ordering of exams. He did not know that Alberta Education sent exams to District Offices automatically. He thought the office had to request them. He asked [REDACTED] if [REDACTED] had ordered exams.

[398] He did this because he thought it was something that the school divisions did each year. If a student showed up at a school to write an exam, and there were not enough exams, that was a major issue. As a mechanism to ensure there were enough exams, there was a “safety net” of extra exams available from the District office.

[399] In his Division, there were High Schools in [REDACTED] proper, as well as a High School in [REDACTED]

[400] The second conversation with [REDACTED] was asking whether the exams had arrived. [REDACTED] said that the exams were being stored at [REDACTED] desk. He suggested that they be stored in the Vault, which was the past practice. This conversation would have been around early December 2019.

[401] As far as he knows, the exams were moved to the Vault. He did not look at the exams prior to Christmas.

[402] After this, the balance of the exams arrived in 2020.

[403] On a Saturday morning, he went in to the office to prepare for the Senior Administration Retreat. He is in his office, working. There was an administrative assistant working, he says good morning to [REDACTED] then goes to his office to work.

[404] One topic at the retreat related to an ATA Grievance file. He goes to the Vault to get that file, and while he is in the Vault he sees the Diploma Exams. For a reason that he still cannot explain, he opened an exam packages for both English 30-1 Part B and Mathematics 30-2.

[405] After opening them, he photocopied both exams. And then once he realized what he had done, he was in a state of shock. He could not believe what he had done, and he immediately shredded the photocopies of the exams. Both the copier and the shredder were inside the Vault. No copies were left the Vault.

[406] He was familiar with the rules relating to the Diploma Exams, and knew what he did was wrong.

- [407] English Part A is the essay portion of a Diploma Exam. English Part B is the multiple-choice element of the Diploma Exam, and it is reading comprehension.
- [408] Only those two exams were opened. He did not disclose the contents to anyone. He did not disclose the contents to his [REDACTED] [REDACTED]. He did not assist [REDACTED] [REDACTED] or anyone, with the Diploma Exams.
- [409] He did not access English Part A. He did not access any other exams over the Christmas break.
- [410] About January 22, 2020, [REDACTED] came to him to advise that two exams had been opened. [REDACTED] believed that a particular individual had opened them. He knew that he could not let anyone else take the blame for this. He identified that he had opened the English exam.
- [411] During that conversation, he told [REDACTED] that [REDACTED] needed to reach out to Alberta Education and follow any policies and guidelines that needed to be followed. He also told [REDACTED] that [REDACTED] [REDACTED] was in those classes. He did not tell [REDACTED] that he had opened the Mathematics exam. He does not know why he did not tell him about the Mathematics exam – he felt paralyzed.
- [412] [REDACTED] came to see him the following day, January 23, 2020. [REDACTED] was conflicted and was thinking about his next steps. [REDACTED] felt that [REDACTED] had to speak to Alberta Education. It could not be ignored. He said that [REDACTED] could access [REDACTED] [REDACTED] grades to ensure that nothing untoward had happened. He gave [REDACTED] his full authority and blessing to do what had to happen.
- [413] [REDACTED] told him that [REDACTED] had reached out to [REDACTED]. Dr. Mason shared that he was sick about what had happened, he was embarrassed and mortified. He gave him full authority to ensure an incident like this does not happen again.
- [414] On January 27, 2020, he received an email from [REDACTED] asking to connect. On January 29, 2020, they arranged a teleconference with [REDACTED] [REDACTED] and Dr. Mason. During that conversation, Dr. Mason shared with them that he had opened the English 30 exam. That was not the full story. Dr. Mason said that he still does not know why he did not mention opening the other exam. He expressed his regret. He thinks he may have told them that he opened the exams over the Christmas holidays, but those exams arrived January 8, 2020 so they could not have been opened over Christmas holidays. He misspoke.
- [415] On January 29, 2020, [REDACTED] [REDACTED] the Board Chair informs him that a whistleblower complaint had been launched. [REDACTED] does not go into detail. [REDACTED] the Secretary Treasurer, who launched the complaint, was “a wreck”, and so [REDACTED] has been pulled away from being involved with this situation. Dr. Mason met with [REDACTED] on February 3, 2020. He was very emotional. They had a very close working relationship. Dr. Mason told him to ensure he did his duties, regardless of their relationship.
- [416] Vice Chair [REDACTED] and the Chair [REDACTED] [REDACTED] met with him on February 4, 2020. They

explained the investigation process and that he was obliged to participate. He tried to tell them everything at that point. They stopped him from telling the entire truth, and told him to wait to meet with the Board investigator.

[417] After that, on February 7, 2020, he met with the investigator and told the full story. He advised that he had opened both exams, and that he had copied them, and then shredded them.

[418] Thereafter, he met with [REDACTED] and shared the entire story with [REDACTED] as well.

[419] A Special Board Meeting was called for February 18, 2020. He had been directed to attend to explain his involvement with the Diploma Exams. This is with the complete Board, and he shared the complete story with the Board. His demeanor was remorseful, that he was sorry and regretful for putting the Division in this position, as well as himself.

[420] On February 18, 2020, after the meeting, Dr. Mason was asked to leave and [REDACTED] said [REDACTED] would contact him later that evening. That evening, [REDACTED] asked him to attend in the morning of February 19, 2020. During that meeting, he was advised that he was terminated. He was given some time to clean up his affairs. He contacted his [REDACTED], asking [REDACTED] to assist him in cleaning up his affairs. They wrapped things up just before noon. He provided his keys and his phone to Vice Chair [REDACTED]. At 3:00 pm, there was a short meeting to take care of some loose ends. He was not given a severance package.

[421] He had regrets, and he continues to have regrets to this day. He was remorseful and remains remorseful to this day. He did not want anything to happen at the Division, or to his family.

[422] He has had three jobs since then. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[423] He has had a few negative experiences. A teacher ran into him at the golf course asked him snidely how he enjoyed his “new station in life”. Later, the next year, the teacher came back and wanted to speak to [REDACTED] immediately. [REDACTED] could not speak to [REDACTED] on the first instance, and [REDACTED] said [REDACTED] would be back. When [REDACTED] came back, [REDACTED] found time to speak to [REDACTED] and [REDACTED] shared things about the Division. [REDACTED] wanted to return to a challenging conversation and why the current Superintendent would not meet with [REDACTED]

[424] He is nervous about going out in public. He goes out at 7:00 am. One Saturday morning, he ran into another retired teacher who wanted to know what “went down”. [REDACTED] noted that it was interesting and funny that they both had been “punted” from the Division. He excused himself from that conversation, and the person came back to him again to discuss it. It happens regularly to him in the community.

[425] He is aware that opening the exams was wrong. Not coming forward with the full particulars is wrong. He is remorseful and regrets that conduct.

- [426] During his investigation with [REDACTED] [REDACTED] he was not provided with information in advance of [REDACTED] meeting about accessing grades in PowerSchool. He felt blindsided and unprepared as he was not aware that he would be asked about it.
- [427] He did not ever intentionally inflate any marks, including [REDACTED] [REDACTED]
- [428] Long ago, he coordinated the rollout of PowerSchool in 2007. PowerSchool and PASI were teacher grade books. They could be uploaded in report cards, included communications with parents. It had a robust selection of features.
- [429] As Superintendent, he had to deal with PowerSchool and grades occasionally.
- [430] In the summer months, he worked in the office. His Division had a year-round school that started in August. It was a busy year. In the summer months, he would regularly have parents ask questions about [REDACTED] marks. Most of these queries, he would tell parents to wait until the school Administrator/Principal was back, and then it would be discussed. Dr. Mason gave examples of when parents would call and seek advice about grades.
- [431] He felt that he should be able to help parents address these types of situations. There might be implications tied to it – scholarships, entry into University, which needed to be addressed immediately and could not wait until he heard back from a Principal.
- [432] For example, in the summer prior to 2018, he had a phone call from a parent whose child had applied for an academic award – the [REDACTED] [REDACTED]. The child had left this until the last minute. [REDACTED] was looking for some support with a particular grade – a work experience grade. [REDACTED] was asking whether he could do anything about it. At that time, he said that [REDACTED] would have to wait for a school Administrator was back in August. So that child may have missed their window.
- [433] The same summer, a grade 12 student had graduated normally. In mid-August, [REDACTED] child was on a waitlist to get into a program at the U of A. The [REDACTED] is asking whether [REDACTED] can do anything on the child's standing. [REDACTED] shared a story that the student is normally strong, but the [REDACTED] had passed away, and their academic standing had been affected. [REDACTED] was asking if something could be done. He told [REDACTED] that there was nothing that he could do, if the school opened up later in August, the [REDACTED] can call then.
- [434] Ordinarily, you direct queries back to the school. He had reached out and nobody was accessible. These parents did not know [REDACTED] [REDACTED] and [REDACTED] role, and [REDACTED] was not a teacher. [REDACTED] would not have known what went into a grade. Dr. Mason had teaching experience in his past.
- [435] In 2018, [REDACTED] [REDACTED] educated him on how to change grades. He took lots of notes. [REDACTED] used [REDACTED] [REDACTED] as an example. His computer skills were not good.
- [436] In May 2019, he realized it that the end of the school year was coming. He wanted to revisit

it with [REDACTED] [REDACTED]. They looked at [REDACTED] [REDACTED] math grade. [REDACTED] had indicated an instruction sheet. He had also kept his handwritten notes. [REDACTED] emailed the instruction sheet to him thereafter.

[437] When they would meet, he always wanted a different scenario. In June 2018, it was a Diploma Exam scenario. In 2019, they did it with a core subject. Later in 2019, they did it with a one-credit course. He is beginning to ask more questions.

[438] He did not ask [REDACTED] [REDACTED] to increase [REDACTED]'s marks. He did not ask [REDACTED] to change [REDACTED]'s marks because the summer student principal was not available.

[439] He was aware that his login information in PowerSchool meant that his logins were being tracked. He was aware that anyone accessing the system would be tracked.

[440] It was discussed that some mistakes were made in his usage of the PowerSchool system, which he found very complex. There were many, many steps to complete a grade change. He noted that [REDACTED] went back in for the August 15, 2019 entry, but he did not recall being there for that.

[441] For the entries relating to [REDACTED] which were modified in July 2019, he chose the change from 89% to 90% randomly. The grades went approved/unapproved repeatedly in the system.

[442] In June 2019, he was being trained on [REDACTED] marks. He accessed [REDACTED] HCS course mark. He went in and [REDACTED] had an 85% and it was changed to an 86%, and then it was taken back to 85%. The decision to move it to 85% was arbitrary. At the end, he left it as 'unapproved' with the original mark of 85%. [REDACTED] then went in a few days later (June 24, 2019) and changed the mark back to 'approved.' Dr. Mason had not intended to leave the mark as not approved, and this error was made in the presence of [REDACTED] [REDACTED]

[443] In July 2019, Dr. Mason was trying to demonstrate his competence to [REDACTED] [REDACTED] on how to change grades. He used [REDACTED]'s mark for HCS mark. He was practicing with his instruction sheet and was going from 85% to 95%. At the conclusion of this session, [REDACTED]'s mark was returned to the original mark of 85% and was approved by Dr. Mason.

[444] On Exhibit A, page 12, he reviewed the PowerSchool printout for [REDACTED] [REDACTED] [REDACTED]'s regular term Chemistry 30 course, second semester [REDACTED]. He had not accessed [REDACTED] Chemistry 30 mark. If he had, this would have avoided [REDACTED] having to take the course in the summer. But he did not access this mark.

[445] Back on the spreadsheet marked Exhibit C, Dr. Mason reviewed the top entries which related to [REDACTED] [REDACTED] [REDACTED]. This was for [REDACTED] English 10 course. That is [REDACTED] Grade [REDACTED] course. In July 2019, when these marks were being accessed, [REDACTED] was in Grade [REDACTED].

[446] His intention in accessing this record was to practice the scenarios. When you look at when this course was selected, this is the first course that shows up on [REDACTED] detailed academic report. It was being changed from 89% to 90%. On July 5, he went from 89% to 90% and it was

left back at 89%. The choice of 90% for a mark was random. He was not successful in getting this mark approved. He did not follow [REDACTED] instructions fully. Later, on July 9, 2019, he accessed this mark again. Again, he moved [REDACTED] mark from 89% to 90% and back again. He was practicing again and trying to change the 'no' to a 'yes.' He then again accessed [REDACTED] mark on July 24, 2019 and again changed the mark from 89% to 90%.

[447] Ultimately, he left [REDACTED] mark at 1% higher, which was an unintentional mistake. He increased [REDACTED] Grade [REDACTED] mark by 1% one year later, and could not think of any benefit to doing so for [REDACTED]

[448] Still going through Exhibit C, Dr. Mason reviewed the next course for [REDACTED] [REDACTED] [REDACTED]. This was for [REDACTED] Chemistry 30 course. On August 12, 2012, he changed it from 80% to 83%. It was changed back to 80% but he could not get the mark approved. He chose the 3% increase randomly. On August 13, 2012, you can see that [REDACTED] [REDACTED] accessed the system and approved [REDACTED]s prior mark of 80%.

[449] Later, on August 15, 2019, he went back into the Chemistry 30 course for [REDACTED] [REDACTED] [REDACTED]. On that date, at 7:35 am, he accessed PowerSchool. This was a significant date for his family. [REDACTED] [REDACTED] had a successful [REDACTED] year that year. They had come second in the [REDACTED] so the family was on their way to [REDACTED] on the morning of August 15, 2019 for the start of the championship. [REDACTED] the family members were going to the tournament, and they had to leave early. His [REDACTED], a team manager, had to be in [REDACTED] at 11:30 am.

[450] That morning, the house was hectic. They got the vehicle loaded up, food addressed, all of his [REDACTED] [REDACTED] stuff was loaded. He had some time at the computer, and he had some time to look at [REDACTED] math grade and [REDACTED] chemistry grade.

[451] He was trying to practice on this day. Then his family was ready to go and his family left to [REDACTED]. He left [REDACTED] [REDACTED] mark in Chemistry 30 at 83% (the inflated grade) and [REDACTED] Mathematics 10 grade at 86% (the inflated grade). He left [REDACTED] [REDACTED] grade unapproved, but approved [REDACTED] [REDACTED] grade.

[452] Later that day, [REDACTED] [REDACTED] Chemistry 30 mark was approved by [REDACTED] [REDACTED] accessed it on PowerSchool at 1:11pm that same date. Dr. Mason did not instruct [REDACTED] to do so and had no discussions with [REDACTED] about it.

[453] He did not speak to [REDACTED] [REDACTED] about [REDACTED] [REDACTED] summer school principal. He did not reach out to the principal and had no reason to do so.

[454] During the time he accessed the mark for [REDACTED] Chemistry 30 mark, [REDACTED] was not aware of [REDACTED] Diploma Exam mark. [REDACTED] would not have been able to view the grade as [REDACTED] did not have that mark on the date when [REDACTED] was in PowerSchool (August 15, 2019).

[455] At this time, Dr. Mason reviewed Exhibit A, pages 193 – 194 which was a printout of the information for the [REDACTED]. He confirmed that the tournament (the [REDACTED] started on

August 15, 2019. It was a four-day event. He noted that the ██████████ played at 2:00 pm on August 15, 2019, which is his ██████ team.

[456] He wanted the Committee to know that his family was very focused on ██████████ during this time. He did not contact █████ ██████████ during this time, as █████ stated.

[457] On August 15, 2019, he also accessed his █████ ██████████ Mathematics 10 course. █████ had completed Mathematics 10 in Grade ██████████. There are different steps that must be taken for a diploma course from a regular course. He accesses the mark for a few minutes (from 7:27 to 7:30 am). He moved the grade up from 81% to 86%, a 5% increase. He approved the increased mark. This was a mistake, which Dr. Mason attributed to haste and wanting to leave for the tournament.

[458] There was no benefit to increase the mark. █████ is a bright kid, and does well academically. █████ got 90s in █████ math courses. He felt that ██████████ did not need any unfair assistance

[459] He did not ever intentionally increase ██████████ marks.

[460] With this, ██████████ concluded his direct examination of Dr. Mason.

Cross-Examination by █████ ██████████

[461] At the commencement of the hearing on day four (November 3, 2022), the Committee received word from Committee member █████ ██████████ that █████ was experiencing a delay. The hearing waited for some time, and then █████ ██████████ suggested that █████ could listen to the proceedings live prior to arriving at █████ computer. All parties agreed with this, and █████ ██████████ logged in and listened to proceedings, and then subsequently joined by computer.

[462] Once █████ ██████████ confirmed that █████ could hear the proceedings, █████ ██████████ took Dr. Mason to the June 2012 Superintendent Evaluation Report located at Exhibit A, page 109. █████ noted that the signature of █████ ██████████ was missing. Dr. Mason noted that the original is likely in his personnel file at ██████████ Centre.

[463] █████ ██████████ then reviewed the Board Motion at Exhibit A, page 119. █████ asked about the mechanics and Dr. Mason replied that generally, the Board of Trustees would make a motion resulting from his Report.

[464] █████ ██████████ then reviewed the subsequent Superintendent Evaluation Reports, noting that each of them were not signed, other than for 2019. Dr. Mason advised that the signed versions are all in his personnel file at ██████████ Centre. In each case, █████ ██████████ noted that the signed version was not in the Exhibit Binder.

[465] There is no June 2016 Report. Dr. Mason noted that such a report does exist, but it is in his personnel file at ██████████ Centre and he does not have a hard copy or electronic copy of the Report in his possession, so it was not provided.

- [466] When the evaluations were formalized, the Board directed the administrative assistant to share an electronic copy of the Reports with Dr. Mason. In their presence, the assistant would have emailed it to Dr. Mason. He did not ever receive a signed copy – the signed copies were located in his personnel file, and he was fine with the copies provided by the Board in June which were unsigned.
- [467] In June 2019, they sent him a copy of the unsigned copy, in the usual course. In June 2019, he had his assistant request a signed copy, which he obtained, and that is in Exhibit A.
- [468] He would have seen signed copies, and it went to the personnel file. Nobody gave him a signed copy, and he would not have asked for it. In June 2019, however, he got a signed copy.
- [469] Dr. Mason believes that the Reports are the final copies. These were the documents that were sent to him at the June meeting, and were signed in the August meeting.
- [470] At Exhibit A, page 191, he discussed the reference letter that he sought from a Board Chair, [REDACTED]. He had had various headhunters contact him, and if he wanted to look at other options professionally, he felt that letter would be important to have.
- [471] He also asked for such a letter in August 2, 2019. It was in the event that he was going to change positions.
- [472] The negative feedback against him started in 2017 and it escalated significantly following the ALRB Hearing in December 2018. There was a different twist or focus, and it came much more threatening, more personal, and took aim at [REDACTED].
- [473] He did not provide any copies of the menacing emails. It was the practice of the Division at that time that letters and emails must be disposed of - either deleted or shredded. He did not keep copies. In each case, he attempted to respond, but because they were all fake emails, they were all undeliverable. Emails all went to his work account, and the letters all were sent to the District office. The emails and letters were not provided to anyone.
- [474] Some of the letters went to the Board, and the Board would have them. Other letters that came to him, were either deleted or shredded. That is why there are no copies of these letters or emails in the hearing record.
- [475] In the emails, there were names (often using @gmail.ca). He did not recognize the names.
- [476] He did not share the emails or letters with the authorities and police. He thought he could handle it himself.
- [477] There was an RCMP file opened in relation to the threatening Facebook post. It was not requested from the RCMP and it was not provided in this hearing. This would have been in August, but he cannot recall the year.

- [478] A copy of the Facebook post was shared with him, but he does not know if he has it somewhere. It was not included as evidence.
- [479] In September 2017, 907/1200 was implemented and it was a rocky start to the school year. Prior to this, he enjoyed the challenges of the position. After that, it added a significant amount of stress and really changed the dynamic of the Division.
- [480] In Exhibit A, page 196, there is a letter from [REDACTED]. In June 2019, he began seeing [REDACTED]. That was when the stresses really began to build up for him. [REDACTED]
- [481] He saw a [REDACTED] in [REDACTED] named [REDACTED]. He saw [REDACTED] in September 2019 and then did not see [REDACTED] again until February/March 2020. He saw [REDACTED] quite a few times at that time, maybe half a dozen times, post-termination. He saw [REDACTED] more post-termination than pre-termination.
- [482] He did not ask his [REDACTED] to provide a letter. No documents from his [REDACTED] were included in the evidence provided to the Committee.
- [483] [REDACTED] gave him a letter dated January 11, 2019. He did not ask for this letter to provide it to his employer (p. 197). He got another letter, which he requested on April 20, 2020, post-termination (p. 196).
- [484] [REDACTED]
- [485] The Superintendent is the CEO, Chief Educational Officer, responsible for the education of the students in the District. You are the Board's only employee, and you have various responsibilities under the *School Act*. The Board had other expectations that he had to meet and exceed, and he had to follow the Alberta Education regulations, as well.
- [486] He oversees a number of people, of students, of schools. He did not feel that there was an aspect of power in his job – he worked under the principle of “servant leadership”.
- [487] Prior to telling his [REDACTED] in 2019, he told the Board that there were a number of stressors affecting his job. His senior administrative team also discussed this, and gave him a safe environment to vent.
- [488] Initially, he did not ask for help while he was feeling this stress and anxiety.
- [489] In early 2019 (January – March), his normal means of decompressing were taken away from him. He could not [REDACTED] due to [REDACTED] procedures. January was a [REDACTED] March there was a [REDACTED] procedure, and in April there was another [REDACTED] procedure. He could not [REDACTED] during this time. By the spring, due to his increasing [REDACTED], he realized it was escalating and attempted to find a [REDACTED].

- [490] He did not reach out to Alberta Education for assistance.
- [491] In early January 2020, ██████████ was Associate Superintendent of HR. He asked ██████ for clarification on his contract as to whether he had access to sick leave. He was struggling, and was not in a good place. He thought about taking sick leave, but did not do anything about it.
- [492] People look to the Superintendent as a leader. He agreed with ██████████ ██████████ He should have governed himself with integrity and ethics. He needed to ensure that no negative aspersions could make people question ██████████ ██████████ academic or sporting accomplishments. For example, ██████████ ██████████ went to school even on a snow day.
- [493] His requirement to uphold himself was in existence, regardless of his personal life stressors. He is aware that this is set out in the *Regulation*.
- [494] In November 2019, he had his own assistant, ██████████ ██████████ had been his assistant for 3-5 years. ██████████ was shared with the Board, and worked in the Division office.
- [495] He asked ██████████ ██████████ to order exams. He did not ask his own assistant, because it was not ██████████ job. ██████████ department was responsible for exams, and ██████████ ██████████ worked under him. ██████████ ██████████ was new in this role. That is why he asked ██████████ He saw ██████████ in the office at ██████████ and knew ██████████ had PowerSchool authorizations.
- [496] In November 2019, he asked ██████████ ██████████ to order exams. ██████████ was new to the role, he did not know if it was part of ██████████ duties, he knew they usually had extra exams, and so it was an “impromptu” question to ask ██████████
- [497] He was not aware of how long it would take for exams to come to the Division office, after a request. Prior to November 2019, Divisions did not request exams, they were automatically sent to Division offices. But he had thought they were being ordered.
- [498] He asked in November 2019, but the exams were to be written in January 2020. He recalled thinking the exams had arrived quite “early,” sooner than the exams.
- [499] He asked ██████████ ██████████ to put the exams in the Vault because that was the most secure location for them. The Vault was not always locked. He believes that everyone in the District office had a key to the Vault. He had a key. The Vault would have been locked every night, and wouldn’t be opened unless someone needed to get into the room.
- [500] He did not open Part A. He recalls opening them on Saturday, January 11, 2020. He recalled that another assistant who worked for ██████████ was in the office that day – ██████████ ██████████. Their offices were in a close location. There could have been others but ██████████ was the one he saw.
- [501] Generally, he usually ██████████ ██████████ at 7:00 am on Saturdays. He then goes into the office

after he is done [REDACTED]. Other people do go into the office during that time. Members of the senior administrative team are often in on the weekends.

- [502] [REDACTED] was enrolled in both of the courses that he opened Diploma Exams for – Math 30-2 and English 30-1. He was aware that [REDACTED] was enrolled in both of those courses.
- [503] He has no recollection as to why he opened the exams. He took the two exams out, he photocopied the exams, they were in his hand. He realized what he had done, it was wrong, and shredded the exams. Afterwards, reflecting on it, he stated he was “trying to.. to assist [REDACTED] in some way” (Transcript, November 3, 2022, p. 484).
- [504] He did not peruse the exams. He does not know what his intention was in copying the exams. He did not intend to bring them home. The exams did not leave the building.
- [505] He did not tell anyone about him opening, photocopying and shredding the exams.
- [506] He was generally aware of the Diploma Exam guidelines and rules. He had been more aware of the rules when he was a Principal. He knew that a teacher that had taught the course could peruse the exams. He confirmed that he is not a teacher teaching either of those classes.
- [507] On January 22, 2020, [REDACTED] contacted him about the exams. He told [REDACTED] that he had opened 1 exam. He offered that information to [REDACTED]. He spoke to him on January 23, 2020 and January 24, 2020. During those meetings, he encouraged [REDACTED] to report it and it needed to be done to the fullest extent.
- [508] On January 29, 2020, he spoke to [REDACTED] and [REDACTED] and told them that he opened one exam, not the other. He misspoke saying that it was over the Christmas break, but the exams would not have been there at that time.
- [509] He was aware that it was inappropriate to open and copy the exams. He was aware that there would have been a security breach.
- [510] Dr. Mason, in discussing the matter with [REDACTED] and [REDACTED] felt “paralyzed”. He only let them know about one exam.
- [511] He knew there would be consequences as a result of those actions.
- [512] Dr. Mason had assisted in the original rollout of PowerSchool. They approached a lot of teachers to assist with the rollout. He was aware that every person who had access would have a login.
- [513] However, each person’s login would have different privileges. He was aware that only certain people would have had access to changing marks. He was aware that [REDACTED] several people in the IT department [REDACTED], or [REDACTED] would all have mark changing abilities. He knew that if a person in IT had been sick, there were other people who could have assisted with changing grades.

- [514] When Dr. Mason was an Assistant Superintendent he did not have the privilege to change marks. He obtained the privilege to change marks in spring 2018, which he learned in this hearing, reviewing the Exhibits. He got that privilege because he asked [REDACTED] [REDACTED] to change marks. He thinks that [REDACTED] [REDACTED] likely gave him that authorization.
- [515] From 2012 – 2018, he did not have the privileges to change marks. He believes that access was granted by [REDACTED] [REDACTED] because he asked [REDACTED] to grant him access.
- [516] In a school, Principals (Administrators) would have access to change grades, and at least one administrative assistant. He does not think that a teacher could change grades.
- [517] Prior to May 2018, he had been approached by parents asking him to see if any action could be taken to “see if he could help them out”. Maybe because the child was applying for a scholarship, to access a school, to get into another stream. Primarily, these requests would come in over the summer months after the child received their marks in a report card, or in August when they are thinking about the next year of school.
- [518] He acknowledged that as Superintendent, he is not directly involved in teaching a course to a student. He would not be directly involved in evaluating a student.
- [519] Dr. Mason advised that he was a previous teacher and so he had context. In most cases, he could refer it back to a teacher. But in other cases, where something was at stake and there was a time crunch, and there was a sense from the parent hoping for some assistance. Using his expertise, he could look at curriculum and weighing the evaluation, and he could use “Blueprint” documents for Diploma Exams.
- [520] He stated that he would look at the broad contextual factors, including whether the student had personal factors like the death of a family member, and then use that to determine if a grade should be changed. He attempted to make the best-informed decision that he could. He would look at the totality of the situation, but would not always make the change because the parent requested it.
- [521] He identified that in some of these cases, there was a time crunch. He felt that if he could not reach a Principal, or got a voicemail, he would then be the one to make the change.
- [522] He may do a thorough analysis and investigation and if a change it was in the best interests of a child, there would be instances of a Principal was unavailable, then he could change a student’s grade.
- [523] He disagrees with [REDACTED] [REDACTED] testimony that Superintendents do not need to make changes to grades, due to the numerous requests made to him about changing grades during the summer months.
- [524] In the summer months, he was regularly asked to mediate grade changes, as Principal. In each case, he looked at the totality of the situation and did what he thought was reasonable

because the staff member was usually not reachable.

- [525] He noted that he did have contact information for all Principals when he was acting as Superintendent, and that some of them even live on his street.
- [526] Dr. Mason was a teacher-counsellor in ██████████ High School in ██████████, Alberta ██████████. After that, he became a Principal in ██████████. After he became a Principal ██████████ he always had teaching duties and responsibilities. He asked his Vice Principal, who did the scheduling, to keep him in the classroom each year. He would be assigned a particular class and it would be in his duties to be the dedicated teacher.
- [527] After 2003, when he moved in the ██████████ Central Office, he was no longer teaching. He has not taught to students directly since 2003.
- [528] Dr. Mason felt that in some instances, he was able to override the grade of a teacher in a class. He would use his knowledge of teaching and other contextual factors to make a change which he felt was in the best interests of a student. He did not find that this overrode the teacher's discretion.
- [529] He agreed that Principals were fairly well-versed in Diploma Exam protocols.
- [530] In his experience, Principals are not available during the summers. He respected their boundaries. He felt that work-life balance needed to be respected.
- [531] When he had been Principal, there was no formalized system in how to change grades. It was done informally as a conversation. He is now aware that at ██████████ school, the process is that a formal form would need to be signed to change a grade.
- [532] In June 2018, he first approached ██████████ to assist him with changing grades on PowerSchool. He wanted to know how to change a grade in a Diploma course. This occurred at the District office.
- [533] The following year, on May 10, 2019, he approached ██████████ again to confirm the process to change grades. He wanted a different scenario, a grade ██████████ course. This occurred at the District Office.
- [534] Later, they looked at a different scenario which was a CTS score for ██████████, which occurred during the day on July 5, 2019 during the day (between 8:43 am – 9:05 am). Later that day, on July 5, 2019, he was at home without ██████████ ██████████ and accessed PowerSchool from his home computer.
- [535] That evening, he accessed ██████████ ██████████ ██████████'s English 10 marks on PowerSchool between 5:46 to 6:36 pm, without ██████████ ██████████ present. He was practicing what he had learned earlier that day.
- [536] On July 9, 2019, he again accessed ██████████ ██████████ ██████████'s marks for English 10. Between

10:28 am and 10:36 am, he made changes to [REDACTED] English 10 mark. He moved it to a 90% and then back to an 89% during this session.

- [537] On July 24, 2019, he again accessed [REDACTED] [REDACTED] [REDACTED]'s marks for English 10. Between 8:26 am and 8:28 am, he changed the 89% to 90%, and approved the new mark. He was at home at this time and not with [REDACTED] [REDACTED]. He did not have [REDACTED] [REDACTED] instructions at this time.
- [538] He was not aware that the course mark would show up as a final grade for [REDACTED] if he did not change it back. He did not understand the significance of "Yes" or "No" in the Grade Approved column.
- [539] On Exhibit A, page 18, he accessed [REDACTED] [REDACTED] [REDACTED]'s Chemistry 30 mark on August 12, 2019. He advised that he chose this course because [REDACTED] [REDACTED] had taught him how to change a diploma course. This was [REDACTED] summer course, he was trying a different scenario. He was not aware that he needed a different level of access to access summer school marks. He assumed he had privileges for all schools, including summer schools.
- [540] At this time, he is back to work. He had a meeting earlier that morning, a lunch event, and so he was at the office but [REDACTED] [REDACTED] was not present. On August 12, 2019, it was at 80%. He changed it to an 83%, then it goes back to an 80%, and that was the end of his access on August 12, 2019.
- [541] He did not know when [REDACTED] would have completed [REDACTED] Diploma Exam. He found out during this hearing that on August 12, 2019, [REDACTED] was writing [REDACTED] Diploma Exam.
- [542] He was aware that [REDACTED] "wasn't happy with the grade. That's why [REDACTED] was taking chemistry again" (Transcript, November 3, 2022, p. 528). He and [REDACTED] [REDACTED] [REDACTED] were "not communicating very well" at this time. [REDACTED] was taking the course again, in summer school, which he felt was another layer of [REDACTED] commitment to [REDACTED] studies.
- [543] He was aware that [REDACTED] wanted to get into [REDACTED] since Grade 10. He knew that [REDACTED] was determined that [REDACTED] was going to strive to [REDACTED] and was striving actively, throughout [REDACTED] high school career, to accomplish that objective. He was aware that Chemistry 30 was a requirement to get into [REDACTED].
- [544] He believes that [REDACTED] [REDACTED] [REDACTED] would have taken summer school previously, but can't recall which classes specifically that [REDACTED] took.
- [545] He was not in the office on August 13, 2019. He did not have discussions with [REDACTED] [REDACTED] about approving the 80% mark on that day, although [REDACTED] did so in PowerSchool. He was on the way to [REDACTED] during this time (August 13 and 14, 2020) attending a conference. He was back in [REDACTED] at 3:00 pm on August 14th, [REDACTED].
- [546] On August 15, 2019, he did not go to the District Office in the morning. He lived in the [REDACTED] [REDACTED] [REDACTED] [REDACTED] had a meeting in [REDACTED]. It is 3.5 – 4 hours to

██████████ His evidence is that the morning of August 15, 2019, he was practicing changing grades at 7:35 am and then he had to leave for ██████████ ██████████

██████████ It was an extremely rushed morning.

[547] His evidence is that he is back in work mode at this time. While he is waiting for his family to go, he was doing work, and his family was ready to go sooner than he anticipated. He is initially in ██████████ at 7:27 am. They changed the mark from an 81% to an 86% and it was approved. It was not changed back to the original. He also accessed ██████████ ██████████'s marks at the same time for Chemistry 30. He wanted to attempt something new that day. He wanted to do “two grades at once” that day. He wanted to test his skills. The idea was to “do two different subjects at the same time.”

[548] He went to the ██████████ and forgot to change it back when he got back. The school year was about to start and he was busy.

[549] At the time, he was uncertain that a final, approved grade would show up on that student’s transcripts. He is not aware if the grade was actually ever changed back to the original grade.

[550] ██████████.

[551] On August 15, 2019, ██████████ approved ██████████ ██████████'s increased mark (83%) in Chemistry 30 to have the mark approved. He was not with ██████████ and did not speak to ██████████ that day. On August 13, 2019, ██████████ was also in the same course and approved the mark without ██████████ request or knowledge.

[552] He was not aware of when the course finished. He was not aware of when the Diploma Exam would have been. He was aware that ██████████ would have to write a Diploma Exam. The Diploma Exam for Chemistry 30 ultimately was written on August 12, 2019. He was not aware of this at the time.

[553] ██████████ ██████████ ██████████ ██████████. He was not aware at this time that ██████████ had written ██████████ Chemistry Diploma Exam. ██████████

[554] He was not concerned about ██████████ having high enough grades to get into ██████████ He did not feel that it was his responsibility to help ██████████ get into post-secondary. ██████████

[555] His evidence was that English 10 was the first course that appeared on ██████████ academic record. He was not aware that ██████████ had just completed ██████████ ██████████ Chemistry 30 and that the grades that he changed would be the final grades for ██████████

[556] He was not aware at that time as to when the final and diploma marks would show up.

- [557] He recalled an interview with [REDACTED] [REDACTED] in September 2020. During that interview, he told [REDACTED] [REDACTED] that he had changed [REDACTED] [REDACTED] mark but changed it back. He did not advise that he had changed [REDACTED] grade. He did not, at the time, recall that he had made changes to [REDACTED] grade. He could not remember. He felt ambushed by these requests as he did not have the underlying documentation when [REDACTED] was asking him about it.
- [558] He only began connecting the dots as to dates and time stamps when he was provided with Exhibit C about six months ago.
- [559] In August 2019, there was a ‘flurry’ of things going on. He was back into the swing of things. That year, there were quite a few meetings related to the CUPE negotiations. He had a conference in Canmore on August 13 and 14, 2019, and then [REDACTED] [REDACTED]. During this busy time, he was still focused on learning how to change marks on PowerSchool.
- [560] That summer, he had two parents contact him about grades. He had told one parent to speak to the Principal. In the other case, the parent was wondering “what could be done to help the child”. He counselled the parent to reach out to the school and discussed credit recovery.
- [561] [REDACTED] [REDACTED] asked why did Dr. Mason feel that he had to change marks by then? He did not change those marks. That conversation was best left at the school.
- [562] He knew about September 1 being a significant grade deadline. It was called “rollover” so he knew that was a significant date for students.
- [563] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]. He did not recall any conversations [REDACTED] about [REDACTED] Chemistry exam.
- [564] As Principal, he was in a different school division and had a different program for marks. He only began using PowerSchool when he started in [REDACTED]
- [565] Initially, he put off an interview with [REDACTED] [REDACTED] which was due to [REDACTED]
- [566] Dr. Mason did not clarify the fact that he changed [REDACTED] grades to [REDACTED]. Once [REDACTED] report was provided, he realized that [REDACTED] was right and that only happened when the report was put to him and he realized that he had in fact changed [REDACTED] [REDACTED] s grades.
- [567] There were no re-direct questions by [REDACTED]

Questions from the Committee

- [568] A Member of the Committee asked about the implementation of the 907/1200 and what made it so contentious. He was directed by the Board to implement it “to the fullest”. The Board was worried that it would be the thin edge of the wedge if it was not implemented to the fullest. Dr. Mason noted that it was a very challenging time for a number of reasons.

[569] Another Member of the Committee asked about whether the Board was identifying issues about Dr. Mason's conduct as it was evolving. He often met with the Board Chair and discussed issues. Some members of the Board were not happy with him, and there was some discontent about his requested pay increase. After being approved with a pay increase, he later declined the pay increase as the economy was not strong. It was tabled until later.

[570] Later, he felt that the Board may not honour his severance package in his contract. Overall, he got the sense that the Board was happy as of June 2019. He had a strong evaluation but thereafter, due to contractual issues, he wondered whether something was changing. Other than that, he had no telltale signs that he could know if he was on thin ice.

[571] Another member of the Committee asked whether there was a significant difference in steps to approve a grade, depending on the type of course. He was not certain, but believed that there are more steps involved if it's a Diploma course versus a Math 10 course.

[572] This concluded the testimony of Dr. Mason.

Evidence of [REDACTED]

Examination in Chief by [REDACTED]

[573] [REDACTED], the [REDACTED], appeared via videoconference and was affirmed by the Court Reporter, virtually, as the last witness for the Committee.

[574] [REDACTED]

[575] [REDACTED]

[576] [REDACTED]

[577] [REDACTED]

[578] [REDACTED]

[579] [REDACTED]

[580] [REDACTED] noted that Dr. Mason has limited capabilities with technology. [REDACTED]

[581]

[582]

[583]

[584]

[585]

[586]

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[588]

[589]

[590]

Cross-Examination by [REDACTED]

[591]

[592]

[593]

[594]

[595]

[596]

[597] There were no questions arising by [REDACTED]

[598] That concludes the case of Dr. Mason.

CLOSING SUBMISSIONS

Closing Submissions of [REDACTED] [REDACTED]

[599] [REDACTED] [REDACTED] began with a summary of the allegations against Dr. Mason which are before the Committee: breaching security protocols in the administration of diploma exams, dishonesty while employed as a Superintendent by failing to disclose a breach of security protocol and withholding information when Alberta Education questioned him, and falsifying information by changing or inflating his [REDACTED] and [REDACTED] marks in PowerSchool.

[600] The Registrar takes the position that all three allegations have been proven on a balance of probabilities and there is sufficient evidence to support these allegations, both by witness testimony and the documentary evidence.

[601] Regarding the breach of Diploma Exam security, Dr. Mason admits that he opened both exams. The question that arises is what was Dr. Mason's motive and intent. It is the

Registrar's position that this was a premeditated and intentional act.

- [602] Dr. Mason requested the Diploma Exams in November 2019, [REDACTED] [REDACTED]. This was the first time he asked to have the exams brought in. He asked an inexperienced assistant to obtain them, [REDACTED] [REDACTED] who was not his assistant. Initially when Part A of the exams arrived, the exams were locked in [REDACTED] [REDACTED] desk. [REDACTED] was the only one who had access to the drawer. [REDACTED] evidence was that the next day, Dr. Mason asked where the exams were being kept and told [REDACTED] to move them from the locked drawer to the Vault. He specifically went out of his way to ask [REDACTED] [REDACTED] to move the exams to the Vault. When Part B arrived, [REDACTED] [REDACTED] put those in the Vault as well, as [REDACTED] was previously instructed to do so by Dr. Mason.
- [603] There was no reasonable rationale as to why the Diploma Exams should have been moved to the Vault, nor why Dr. Mason made [REDACTED] [REDACTED] move the exams to the Vault. It should have made no difference to Dr. Mason where they were kept, particularly since [REDACTED] [REDACTED] desk was locked and he would not have had any reason to access the exams.
- [604] We heard from [REDACTED] [REDACTED] [REDACTED] [REDACTED] and Dr. Mason himself that the Vault was sometimes locked, but not always locked, and it was frequently accessed by many members of staff. There was a photocopier and shredder in the Vault. The exams should have been kept in a secure area. [REDACTED] was clear that exams must be kept under lock and key.
- [605] On January 11, 2020, a Saturday, Dr. Mason attended the District Office. He admitted in his testimony that he opened the English 30-1 Part B exam and Math 30-2 exams, and that he photocopied these two exams. He admitted that he was aware [REDACTED] [REDACTED] [REDACTED] [REDACTED] and in his cross-examination he admitted that maybe in that moment, he did think about wanting to help [REDACTED] [REDACTED].
- [606] Dr. Mason's testimony was that he did not immediately tell anyone about opening the exams, copying them and then shredding the copies. It was not until it was discovered by [REDACTED] [REDACTED] and then he was approached by [REDACTED] on January 22 (11 days later) that he advised he had opened one exam.
- [607] He was not forthcoming when questioned, and only admitted the opening when questioned. He did not admit that he had opened both exams, both to [REDACTED] and then later to [REDACTED] [REDACTED] and [REDACTED] over the phone. He did not admit to photocopying or shredding the exams.
- [608] In his position of authority and with his extensive experience in education, clearly he ought to have been aware of exam protocols and procedures, particularly given that they were clearly outlined in the GIB. As Superintendent, he was required to adhere to ensure exam security.
- [609] [REDACTED] in his evidence, went over the requirements in the GIB. Page 69 specifically relates to Superintendents. Superintendents are to review the GIB pertaining to diploma exam processes and procedures with school authorities and ensure proper procedures are

followed. Any irregularities must be reported.

- [610] It is clear that these GIB guidelines were breached by Dr. Mason, and it is the position of the Registrar that this was a premediated breach.
- [611] Regarding the changing of marks in PowerSchool, the Registrar takes the position that a Superintendent's scope of work does not include changing student's marks on PowerSchool, and therefore Dr. Mason had no reason to learn how to change marks.
- [612] ■■■■■■■■■■ the current Superintendent, testified that ■■■■ does not use PowerSchool to change marks, as there are assigned staff members that are capable of doing that.
- [613] Dr. Mason, in his testimony, confirmed that he was only granted access to change marks in PowerSchool by ■■■■■■■■■■ at some point when ■■■■ was training him on how to use PowerSchool in 2018, after he asked.
- [614] Prior to that, in the 6 years that he was a Superintendent, he did not have access to change any marks on PowerSchool and did not do so.
- [615] However, in 2018, ■■■■■■■■■■ ■■■■■■■■■■ ■■■■■■■■■■, Dr. Mason took it upon himself to inquire with ■■■■■■■■■■ on how to change marks in PowerSchool and continued to practice and learn how to do this in 2019.
- [616] His reasoning that over the summer, he may need to change marks due to scholarships and getting into programs, and he may not be able to speak to a Principal. He felt that he could ascertain the best interests of the child and utilize his prior knowledge of education and teaching, and therefore he was entitled and the proper person to change student's grades without teacher or Principal involvement.
- [617] ■■■■■■■■■■ noted that Dr. Mason has not directly taught students since 2003. He is not current in his teaching or his assessment practices. He does not work at a school, he works at the District office, which has no students.
- [618] It does not make sense for a Superintendent to unilaterally change a mark if a teacher or Principal is not involved. It undermines the teacher's practice and their judgment in assessing students, and it undermines the Principal's ability to review marks and negotiate these types of issues, if they arise.
- [619] After training with ■■■■■■■■■■ on ■■■■ own ■■■■■■■■■■ when the grades were returned to the correct values, Dr. Mason attempted to change ■■■■■■■■■■ English 10-1 grade. He said he used this because ■■■■ was finished this course a year ago and was the first that popped up. He was attempting to change the mark by increasing it by 1%. He changed it back to the original grade, so he knew to change it back.
- [620] However, when it came to Chemistry 30, this would not have been the first course that popped up. He would have had to search to find it. Unlike English 10-1, this was a course

which was current – changing this grade would have an effect. If the mark is approved, it will show up as a final grade on a transcript.

[621] [REDACTED]

[622] On August 15, 2019, he again accessed the mark and attempted to change the mark. He asked [REDACTED] to approve the change.

[623] There is a discrepancy in the testimony between [REDACTED] evidence and Dr. Mason's evidence in relation to him requesting that [REDACTED] approve the mark. [REDACTED] testified that Dr. Mason asked [REDACTED] for assistance to change the Chemistry 30 grade. Dr. Mason testified that he was at home that morning practicing changing grades on a busy morning and did not contact [REDACTED]

[624] If there is a discrepancy in evidence, or inaccuracy, it was up to counsel for Dr. Mason, [REDACTED] to cross-examine [REDACTED] on the inconsistency to verify [REDACTED] testimony and not to bring up this discrepancy only after [REDACTED] was on the stand. [REDACTED] noted this was not done.

[625] Regarding this discrepancy, [REDACTED] noted the following:

1. [REDACTED] has no motive, nothing at stake and nothing to gain by [REDACTED] testimony. There is no reason for [REDACTED] to be untruthful in [REDACTED] evidence.
2. On the other hand, Dr. Mason has a lot at stake. His evidence is for the most part self-serving, and he has not always been forthcoming when questioning, for example by [REDACTED] [REDACTED] or the investigator [REDACTED]
3. In addition, if Dr. Mason is correct, he is asking the Committee to believe that [REDACTED] [REDACTED] randomly decided to access [REDACTED] Chemistry 30 mark on August 13 and August 15, on [REDACTED] own, in both cases just after Dr. Mason access those same marks. This would be extremely coincidental.

[626] As such, [REDACTED] urged that [REDACTED] version of events be believed by the Committee, as it has more credibility than Dr. Mason's account. As such, the Registrar submitted that it was no coincidental but that Dr. Mason did in fact ask [REDACTED] to assist him to approve the marks, as [REDACTED] testified.

[627] On the same day, around the same time, Dr. Mason also accessed [REDACTED] Math 10-C mark. He was successful in changing the mark from an 81% to an 86%. The mark was never changed back. That final mark would have shown up on the transcript for [REDACTED] as an 86%, the wrong mark.

[628] If you believe Dr. Mason's testimony, he is asking the Committee to conclude that there was a series of coincidences that occurred, but no motive or intent on his part.

[638] Dr. Mason's evidence is that he was an exemplary Superintendent. The Registrar noted that the reports that were provided in evidence not signed, and that nobody provided character evidence about Dr. Mason other than himself.

[639] Dr. Mason's explanation for the exam behavior was that at the relevant time, he was stressed. However, the Registrar noted that he did not provide the emails, letters, or the RCMP report to corroborate this. Dr. Mason should have known, in entering the role of Superintendent of the District, that he would have a stressful job. It is a position of power, and comes with many challenges. This does not excuse misconduct.

[640] The Schedule attached to the *Regulation* sets out the high standards expected of teachers and teacher leaders. It includes conducting himself in a manner that maintains the honour and dignity of the profession, to not engage in activities that affect the quality of the teacher leader's professional service, to maintain a good reputation, and to foster and maintain open and honest communications.

[641] Dr. Mason fell far short of that standard, and the Registrar suggests a finding of unprofessional conduct in relation to all three allegations. Given that this relates to a position of power, the marks were the marks of [REDACTED] [REDACTED] and it included an admitted breach of exam security, this conduct warrants a more severe penalty.

[642] The Registrar is not aware of any previous similar cases to these facts. If the Committee makes a finding of unprofessional conduct, the Registrar suggested that an appropriate sanction should be made accordingly, with considerations for promoting general deterrence and preventing these types of offences from recurring in the future. A sanction is required to maintain and uphold the public's confidence in the practice review process and the overall profession.

[643] The Registrar requested, as a sanction, that the Committee recommend the following to the Minister pursuant to section 27(3) of the *Regulation*:

1. Cancellation of Vincent Paul Mason's Superintendent Leadership Certificate;
2. Cancellation of Vincent Paul Mason's Leadership Certificate; and
3. Suspension of Vincent Paul Mason's teaching certificate until June 30, 2023, subject to the following conditions:
 - To complete a course approved by the Registrar in professional boundaries (with an organization such as Breakview Training, that has a webinar approach);
 - To provide his consent to the above course administrator to communicate with the Office of Alberta Education Registrar regarding his attendance at and successful completion of the course content; and
 - Proof satisfactory to the Registrar of successful completion of the above course provided to the Registrar no later than 4 p.m. on July 7, 2023.

[644] To fail to comply with the conditions by July 7, 2023 will result in cancellation of Dr.

Mason's permanent professional certificate to teach.

[645] Those are all the submissions of the Registrar.

Closing Submission of ██████████

[646] ██████████ began by reminding the Committee of the burden of proof in the hearing. In administrative settings, the Registrar has the burden of proving each element of the allegations on a balance of probabilities.

[647] In considering the balance of probabilities, the Committee must ask: is each element more likely than not to have occurred? That determination must be made on the evidence before you - it must be based on the record and the testimony. It cannot be based on speculation or unproven theories.

[648] In this case, there are not a lot of issues in contention. The Registrar did not accept Dr. Mason's attempts to admit certain facts. He has expressed regret and remorse on multiple occasions, and has admitted certain elements of the allegations.

[649] In terms of the ordering of exams, it was alleged that Dr. Mason ordered the exams by virtue of a 'conspiracy theory'. However, the Committee heard in this hearing that ██████████ changed the protocols for when exams were automatically sent to Division offices without advising anyone, and exams did not come automatically anymore.

[650] It was reasonable for Dr. Mason to ask for exams. There were reasons for the District office to need exams, which ██████████ and Dr. Mason testified about. Those exams are going out to Divisional offices for good reason. There is no reason to suggest that Dr. Mason did anything improper in ordering the exams to the Division office. It was consistent with past practices and was reasonable to do.

[651] On Exhibit A, on p. 204, there is an email from ██████████ (prior counsel to the Registrar) sent an email to ██████████ where ██████████ identified that the exams being sent out to Divisional offices ceased in June 2019, not in 2017 as ██████████ had previously understood. He noted that it did change ██████████ previous understanding of the practice of sending exams to divisional offices.

[652] ██████████ reminded the Committee that the Registrar is required to maintain objectivity. The Registrar can withdraw allegations. And yet, we had to spend considerable time in this hearing speaking about Dr. Mason's request for the exams to be sent to the ██████████ Building.

[653] ██████████ alleged another loss of objectivity. The Vault was called the Vault for a reason – it held secure documents, including student records, HR records and financial records. There is no more secure location in the building. There is no evidence to suggest that there is a better place for exams to be kept. In addition, it was clear that there was no requirement in the GIB or elsewhere that the Diploma Exams be kept under "lock and key" – they were

required to be kept in a “secure place”, like the Vault. That was [REDACTED] evidence.

[654] Therefore, it was reasonable for him to ask [REDACTED] [REDACTED] to put them into the Vault, which was consistent with past practice and was the best practice for the exams.

[655] In addition, there is another red herring – the exams arriving in December 2019. [REDACTED] [REDACTED] gave evidence about the alarm system in the school, and [REDACTED] [REDACTED] spoke briefly about what was happening over the Christmas 2019 holidays. They were attempting to allege that Dr. Mason was doing something wrong over the Christmas holidays.

[656] [REDACTED] [REDACTED] admitted that the exams were delivered *after* Christmas. The exams delivered before Christmas were never touched by Dr. Mason. This is another example of a conspiracy theory, it should have been withdrawn and not raised in this hearing.

[657] Regarding the exams, Dr. Mason admitted to opening the exams. It was a momentary lapse of judgment. It was not premeditated, as is suggested by the Registrar.

[658] What happened on January 11, 2020 was completely out of character for Dr. Mason. He had entered the Vault for a different reason, made an error, and shredded the copies and did not disclose them to anyone, which is contrary to the premeditation theory of the Registrar.

[659] Regarding the evaluation reports during his time as Superintendent, at no time prior to this hearing did [REDACTED] [REDACTED] take issue with the quality of the evidence proffered by Dr. Mason. He did have some signed copies – the last one from June 2019 and two letters of recommendation. There is no evidence to suggest that those unsigned copies are not true copies. They are consistent with the one that is signed and the letters of recommendation.

[660] It is not up to Dr. Mason to track down every piece of paper to track down what he says, and it would take up too much hearing time. He was clearly having [REDACTED] [REDACTED] issues leading up to January 2020. This is a condition that was completely new to him and he was not able to manage his condition effectively.

[661] We heard uncontroverted evidence that he was a different person around Christmas 2019. Two witnesses other than him confirmed that he [REDACTED] at this time and [REDACTED] [REDACTED]. He was not himself. He had numerous stressors that were building up during this period of time. That information is not being included to excuse his behavior. It is provided to give extra context.

[662] We all have different reactions to different stressors. Everyone has a different tolerance level to stress. He was strong and was able to tolerate a lot, but eventually it even got to him. Things were happening to him because of his make-up, and things were happening at the time that changed his disposition.

[663] Before concluding, [REDACTED] again noted that the Registrar’s theory of premeditation does not take into account that the Part A exams were received and put into the Vault well-prior to Christmas, and Dr. Mason had access to the building and the Vault over the

Christmas break, but those exams were not opened.

- [664] Therefore, in relation to Allegations 1 and 2, Dr. Mason has acknowledged everything that he did from February 2020 to today.
- [665] Regarding Allegation 3, Dr. Mason is not denying that marks for [REDACTED] courses were left higher than when he first went into the system. The question is where he intentionally inflated those marks, as alleged.
- [666] Going back to the balance of probabilities, [REDACTED] asked the Committee to look at the evidence.
- [667] This is a process that started in 2018 when Dr. Mason first asked [REDACTED] to teach him how to change marks in PowerSchool. He gave evidence as to his reasons why he wanted to know that. He gave two examples of why he would do such a change. He did not have to make such changes in his time as Superintendent. But he had a good reason, in 2018, to have to learn the system.
- [668] If the Committee believes the Registrar's theory, it would have to conclude that Dr. Mason started this premeditated plan a year before he changed that marks. Is that more probable than not? Why would he start the process a year early?
- [669] He is not attempting to cover his tracks. He engages the assistance of someone in his office, so he is disclosing that he needs help. He also knew there would be an audit trail. It does not make sense that he would have a master plan in place since 2018, knowing that [REDACTED] knows, and that there is a computer audit trail.
- [670] The Committee may agree or disagree with his reasoning, but he wanted to learn the system for a reason other than something nefarious.
- [671] In addition, the Committee has evidence that Dr. Mason had difficulties with technology. Looking at Exhibit C, you can see [REDACTED] working with Dr. Mason on June 21, 2019, where they leave a session together with the marks unapproved. [REDACTED] acknowledged that was a mistake. They correctly lowered the mark to 85% but they did not approve the final mark. This mistake gets corrected by [REDACTED] at the school level, days later.
- [672] The Committee has evidence that this was not an easy program to use – the expert [REDACTED] made a mistake.
- [673] Going to the specific marks, the first mark relates to [REDACTED] [REDACTED], [REDACTED] Grade 10 mark had already gone out. It was only changed by 1%. It does not make sense that this was part of a premeditated plan to increase [REDACTED] grades.
- [674] On August 15, 2019, it was a busy morning for the family. It is not disputed that Dr. Mason left [REDACTED] marks higher than what they were when they started. It could have been a mistake, or forgotten. When he got back, he got busy with other things,

- 7. Whether the offending member had already suffered other serious financial or other penalties as a result of the allegation**
 - In the employment world, they call being terminated with cause ‘capital punishment’ – it’s the most severe punishment that an employer can give to an employee.
 - Dr. Mason has suffered reputationally, he has suffered in the community, he has suffered in his family [REDACTED]

- 8. Any impact on an affected party**
 - This is not applicable here.

- 9. The presence or absence of any mitigating circumstances**
 - Dr. Mason’s physical and mental health around the time of these allegations was put into evidence, and it was very poor.
 - He was clearly out of character.
 - He’s been remorseful, he has regret, and he’s been forthcoming since the transgressions.

- 10. The need to promote specific and general deterrence**
 - [REDACTED] identified that there is a clear need to express both specific and general deterrence in this case, to ensure that incidents like this do not occur in the future.
 - In this case, however, there was no harm. The exams did not leave the room, nor did the copies, and there was no disclosure.

- 11. The need to maintain the public’s confidence in the integrity of the profession**
 - There is a clear need to ensure the public’s confidence in the integrity of the profession and the Practice Review process.
 - There needs to be a sanction, that is acknowledged.

- 12. The degree to which offensive conduct would be clearly regarded as the type of conduct that would fall outside the range of permitted conduct**
 - This is a challenging heading, but there are no similar cases like this.
 - However, it is well outside the range of permitted conduct for a Superintendent, as noted above.
 - However, here there was no harm, no one got a benefit from the exams.

- 13. The range of sentence in other similar case**
 - There are no similar cases to this case.
 - Counsel for the Registrar did not go through the cases provided in Exhibit B, but those cases relate to the conduct of teachers. [REDACTED] noted that in both cases, these were repeated transgressions over a long period of time, and therefore they should be considered as more serious, premeditated, and that differentiates them from Dr. Mason’s conduct.
 - In the case of [REDACTED] (Exhibit B, page 96) there was a teacher who falsified PAT scored. There were a number of students over a long period

- of time. On page 99, the penalty was a letter of severe reprimand.
- In the case of [REDACTED] (Exhibit B, page 100) this teacher made changes to Provincial Achievement Tests over a number of years (hundreds of separate changes, with numerous students, over multiple years). The penalty here was a letter of severe reprimand and the fine was \$2,500.00.
 - Although not discussed in his presentation, the Committee was also provided with an Ontario Teacher's College decision relating to [REDACTED] [REDACTED] (Exhibit B, page 108) which related to [REDACTED] decision to remove an exam, with the intent of providing it to a student, and then decided not to provide it to the student, and another staff member found it. He pled guilty to the allegations. In that case, the Ontario Teacher's College required a live reprimand from the Committee, and a number of terms and conditions on his certificate, largely relating to the taking of a course.

[685] Based on all of the [REDACTED] factors, [REDACTED] suggested that the appropriate sanction would be a letter of reprimand. Dr. Mason has taken accountability for what happened in January 2020, and he has genuine remorse. He has suffered considerably. He has been unemployed since February 2020. Nobody benefitted from this happening, and there is no change of this happening again.

[686] This was a momentary blip in an otherwise excellent educational career of 29 years. It is not indicative of his general character.

[687] Regarding the sanction proposed by the Registrar, [REDACTED] submitted that there is no demonstrable evidence that a course, as suggested, would be of assistance here. Dr. Mason does not have evidence of a long pattern of this behavior. He has taken responsibility, and he has suffered enough. Therefore, a letter of reprimand would be appropriate.

Reply Closing Submissions of [REDACTED] [REDACTED]

[688] In response to the suggestion that Dr. Mason tried everything he could to avoid a hearing. [REDACTED] [REDACTED] noted that the Registrar had no choice but to bring this matter to a hearing. The Registrar has an obligation to be objective, but it also has an obligation to bring this matter to a hearing to protect the integrity of the profession.

[689] Counter to [REDACTED] submissions, there are no conspiracy theories about the investigation, but the evidence demonstrates that [REDACTED] [REDACTED] did a thorough investigation. It was impossible to make joint submissions.

[690] Going back to the [REDACTED] factors, the Registrar does not agree that this was an instance where there was no harm. The harm here is the harm it causes to the profession, which is significant. A teacher leader is in a position of trust and influence. There is the possibility of harm to the profession if it became known that conduct like this occurred.

[691] [REDACTED] [REDACTED] noted that the Committee does not have evidence before it on the reason for Dr.

Mason's termination. The allegations could have been part of it, but that occurred independent of this process.

[692] ██████ replied to various other comments made by ██████ in his closing submissions. ██████ noted that changing the grades could have started as practice, but ultimately it evolved into intentional grade changing.

[693] ██████ noted that the cases that are included in the binder are ATA decisions, but they are distinguishable and the Committee is not bound by those decisions. They highlight less severe situations, which include teachers and grade 6 students. In this case, there is a Superintendent, ██████ ██████ ██████ ██████, so there is more at stake.

[694] At this point, the Chair thanked all parties for their involvement and contributions and adjourned the hearing for the issuance of the recommendation.

DECISION AND RECOMMENDATION

[695] The Committee is aware that it is tasked with a two-part task pursuant to the *Regulation* in respect to hearings of this nature.

[696] The first task is to ascertain whether the Registrar, who holds the onus of proof, has factually proven each of the three allegations on a balance of probabilities. As discussed by both parties, balance of probabilities means that it must be more likely than not that the events in the allegations factually occurred.

[697] Once that has been completed and the facts have been ascertained on that standard, then the Committee must consider whether those facts, as found, constitute "unprofessional conduct" in accordance with the definitions found in the *Regulation*.

Part One -- Facts Found by the Committee

Allegation 1

[698] Allegation 1, as set out in the Notice of Hearing (Exhibit B, page 9), relates to Dr. Mason's breach of security protocols in the administration of the Diploma Examination.

[699] Based largely on Dr. Mason's own direct testimony, the Committee found that:

1. On January 11, 2020, Dr. Mason breached security protocols established by Alberta Education related to the administration of Diploma Examinations by accessing the English Language Arts 30-1 (Part B) exam and the Mathematics 30-2 exam.
2. Dr. Mason admitted to opening the two exams noted above, breaking the cellophane wrapper, photocopying both exams, and then subsequently shredding the copies of both exams.

3. This all occurred prior to the administration of the exams in January 2020.

[700] In the GIB for Diploma Examinations, a Superintendent is required to review the Bulletin and to “ensure that they adhere to the current expectations and requirements” (Exhibit A, page 69).

[701] Within the GIB, it specifically states that “all diploma exams and supporting materials are secured before, during and after a diploma exam administration and must be handled accordingly” (Exhibit A, page 59). In addition, it notes that “[c]opying of any secured diploma exam or supporting material in whole or in part is prohibited” (Exhibit A, page 59).

[702] In his testimony, Dr. Mason testified that he knew the security protocols with respect to the Diploma Examinations, and in his closing submissions, ██████████ acknowledged that he did not need the GIB requirements to know what he did was wrong.

[703] The Committee has found that those facts were established by the Registrar on a balance of probabilities.

Allegation 2

[704] Allegation 2, as set out in the Notice of Hearing (Exhibit B, page 9), relates to Dr. Mason’s dishonesty in relation to failing to disclose the security breaches outlined in Allegation 1 to staff at the school division and representatives from Alberta Education.

[705] Based largely on Dr. Mason’s own admissions in his direct testimony, but supplemented by the evidence of ██████████ and ██████████ the Committee finds the following facts:

1. Dr. Mason waited from the date when the exams were opened (**January 11, 2020**) until he was approached by ██████████ (**January 22, 2020**) to admit that he had opened one exam, English 30-1 (Part B), in breach of the security protocols. He did not come forth with this information prior to being confronted by ██████████
2. At this time, he was not fully transparent with ██████████ as he only admitted to opening one exam, English 30-1 (Part B), not the other exam.
3. After this discussion, Dr. Mason had a call with two senior Alberta Education officials, ██████████ and ██████████ the Registrar. This call occurred on **January 29, 2020**. During this call, Dr. Mason again only identified opening one exam, and not the other exam.
4. He only advised about opening the second exam, Mathematics 30-2, to when he spoke to the Investigator ██████████ on **February 7, 2020**.
5. Dr. Mason had multiple opportunities prior to his meeting with the Investigator to relay the critical information that he was the one who had opened both examinations. He did not do so.

6. Dr. Mason was aware, during this entire time, that he had breached security protocols. He would also have been aware that it was his job, in the most senior leadership role in the Division, to address and investigate security breaches of this nature.
7. Dr. Mason did not volunteer the information about opening the exams when it occurred.
8. In addition, Dr. Mason was dishonest with [REDACTED] [REDACTED] and [REDACTED] when he did not fully disclose all of his actions related to breaching the opening of two Diploma Exams.

[706] The Committee has found that those facts were established by the Registrar on a balance of probabilities.

Allegation 3

[707] Allegation 3, as set out in the Notice of Hearing (Exhibit B, page 9), relates to Dr. Mason inappropriately inflating [REDACTED] [REDACTED] [REDACTED] final teacher-awarded grades in PowerSchool to a higher percentage in three high school course subjects.

[708] On a balance of probabilities, the Committee found the following facts, based on multiple witnesses' testimony, including that of Dr. Mason, and on the agreed-upon documentary exhibits which formed part of Exhibit A:

1. On July 5, 2019, Dr. Mason accessed [REDACTED] [REDACTED] [REDACTED] English 10 mark on PowerSchool and changed [REDACTED] mark in English 10 from an 89% to a 90%, and then back to an 89%. He did not approve that mark.
2. On July 9, 2019, Dr. Mason accessed [REDACTED] [REDACTED] [REDACTED] English 10 mark on PowerSchool again. He raised [REDACTED] mark to 90%, approved it as [REDACTED] final mark, then unapproved it, and then decreases it again to the original 89%, approving it.
3. On July 24, 2019, Dr. Mason accessed [REDACTED] [REDACTED] [REDACTED] English 10 mark on PowerSchool once again. This time, he changed the mark approval to 'no', then moved the grade up to 90%, and then approved it.
4. In sum, Dr. Mason increased [REDACTED] [REDACTED] [REDACTED] English 10 mark from an 89% to a 90% and did not change it back.
5. On August 12, 2019 Dr. Mason accessed [REDACTED] [REDACTED] [REDACTED] Chemistry 30 summer school mark on PowerSchool. On this date, he unapproved [REDACTED] original 80% mark, changed the mark to 83%, and then changed the mark back to the original 80%, leaving it unapproved. Thereafter, [REDACTED] [REDACTED] went in to approve it.
6. On August 15, 2019, Dr. Mason accessed [REDACTED] [REDACTED] [REDACTED] Chemistry 30 summer school mark on PowerSchool. On that date, he unapproved the 80% mark that [REDACTED] [REDACTED]

- █████ had approved, moved the mark to 83%, and then left it unapproved. Thereafter, ██████ went in to approve it.
7. Therefore, Dr. Mason increased ██████ ██████ Chemistry 30 summer school school-awarded mark from an 80% to an 83% and did not change it back.
 8. On August 15, 2019, Dr. Mason accessed ██████ ██████ Mathematics 10 mark on PowerSchool. On that date, he unapproved ██████ original mark of 81%, changed the mark to 86%, and then approved the new mark.
 9. Therefore, Dr. Mason increased ██████ ██████ Mathematics 10 mark from an 81% to an 86% and did not change it back.
 10. In addition, in the final transcripts of Dr. Mason's ██████ ██████ which are in evidence, the incorrect marks of 90% in English 10 and 83% in Chemistry 30 (school-awarded) remain the marks that are were listed on ██████ Detailed Academic Report.

[709] As such, the Committee found that on a balance of probabilities, Dr. Mason did inappropriately inflate his ██████ marks in PowerSchool to a higher percentage in three high school course subjects.

[710] He had the training and the opportunity to change these marks back, and chose not to do so.

[711] These incorrect marks would have been the final marks in Alberta Education for ██████ ██████. In fact, in the evidentiary record (Exhibit B, pages 200 and 201), it is clear that on ██████ Detailed Academic Report that Dr. Mason's incorrect marks (a 90% in English 10 and an 83% school mark in Chemistry 30) remain ██████ marks in ██████ official high school transcript.

[712] The Committee agreed with the submissions of the Registrar and the testimony of ██████ ██████ the current Superintendent, that there is no valid need for a Superintendent to have the ability to change a student's marks unilaterally on PowerSchool.

[713] The Committee has found that those facts were established by the Registrar on a balance of probabilities.

Part Two -- Unprofessional Conduct

[714] After having found the facts referenced above, the Committee considered the definition of "unprofessional conduct" found in section 2 of the *Regulation*, which states:

Unprofessional conduct

2 Conduct that

- (a) is detrimental to the best interests of students, the public, teachers or teacher leaders generally,
- (b) does not meet the professional conduct requirements, or

- (c) is the basis for a conviction for an indictable offence
constitutes unprofessional conduct.

[715] In addition, the Committee considered section 26 of the *Regulation* which provides:

Finding — unprofessional conduct

26(1) The practice review hearing committee

- (a) may find the conduct of the teacher or teacher leader who is the subject of the hearing to constitute unprofessional conduct if, in the opinion of the practice review hearing committee, the teacher’s or teacher leader’s conduct
 - (i) is detrimental to the best interests of students, the public, teachers or teacher leaders generally, or
 - (ii) does not meet the professional conduct requirements,
 - (b) must find the conduct of the teacher or teacher leader who is the subject of the hearing to constitute unprofessional conduct if the teacher’s or teacher leader’s conduct is the basis for a conviction for an indictable offence, or
 - (c) if clauses (a) and (b) do not apply, may find that the conduct of the teacher or teacher leader who is the subject of the hearing does not constitute unprofessional conduct.
- (2) If a teacher or teacher leader has been convicted of an indictable offence, a practice review hearing committee must make a recommendation to the Minister under section 27(3) and has no authority to investigate the conduct of the teacher or teacher leader on which the conviction is based except for the purpose of making a recommendation to the Minister.

Allegation 1

[716] Reviewing the facts that have been found by the Committee for Allegation 1, it is clear that Dr. Mason inappropriately breached the security protocols relating to the Diploma Examinations in January 2020.

[717] This conduct is clearly detrimental to Teacher Leaders, in that it tarnishes the integrity and reputation of the role of Superintendent, and the District itself, which is led by the Superintendent.

[718] It is also detrimental to the interests of the students, the public and the teachers within the District, as the protocols for exam security were not respected by its foremost leader, and the community surrounding the school will need to re-establish the trust of its stakeholders when a person in a position of power abuses that trust. In addition, the interests of students in having a fair, secure and unbiased exam session is affected when a school division fails to ensure proper security protocols in respect of secured exams.

[719] This conduct breaches the Professional Conduct Requirements for Teachers and Teacher Leaders, attached to the *Regulation* as the Schedule (“Schedule”), which is another indicia of unprofessional conduct.

[720] Within the Schedule, it is clear that the conduct of Teacher Leaders, both on and off duty, bears directly on the community's perception of the ability of teachers and teacher leaders to fulfil their unique position of trust and influence. This is clear in the Schedule, as follows:

The conduct of teachers and teacher leaders, both on and off duty, bears directly on the community's perception of the ability of teachers and teacher leaders to fulfil their unique position of trust and influence. Society and the school community hold teachers and teacher leaders to a high standard of conduct. Teachers and teacher leaders are expected to conduct themselves with due regard to the honour, dignity, welfare, rights and best interests of students, parents, colleagues, their employer and the teaching profession.

[721] Teacher Leaders, and in particular Superintendents of a large school division such as [REDACTED] [REDACTED] Division, are expected to perform at a high standard of conduct, and must conduct themselves with due regard to the honour, dignity, welfare, rights and best interests of students, parents, colleagues and their employer and the teaching profession.

[722] In his conduct under this Allegation, Dr. Mason breached his unique position of trust and influence by opening two secured exams in his District Office. The Committee appreciates that he was under a great deal of stress at that time, but as his counsel confirmed, this is not an excuse for his behavior.

[723] In the Schedule, it identifies that a teacher leader, like Dr. Mason, must not "undermine the confidence of students in other teachers or teacher leaders" (section 3(a)). In his actions, he clearly undermined the confidence of students in the Division as to the secure storage and fair assessment practices of the Division, as well as undermining the confidence of teachers and teacher leaders in the Division about the security of the Diplomas Exams.

[724] The Schedule also requires that a Teacher Leader must "lead in a manner in keeping with ... the Superintendent Leadership Quality Standard, if applicable" (section 1(b)(ii)). Dr. Mason, as a Superintendent, was subject to the SLQS.

[725] In the SLQS, it requires a Superintendent is required to model "ethical leadership practices, based on integrity and objectivity" (SLQS, sec. 1(d)).

[726] In addition, a Superintendent must ensure "school authority assessment and evaluation procedures are fair, appropriate, evidence-informed and used to enhance learning, teaching and leadership" (SLQS, sec. 4(g)).

[727] These requirements in the SLQS, which were breached by Dr. Mason by opening two secured exams in advance of the exam sitting, are in place to ensure that Superintendents are aware of their responsibility to be the ethical leaders of the Division. If a Superintendent does not abide by the rules relating to assessment and evaluation practices, or is not modelling ethical leadership practices based on integrity and objectivity, it reflects poorly on the Division, on Superintendents in general, and on Alberta Education as a whole.

[728] For these reasons, the Committee finds that the facts found in relation to Allegation 1 constitute unprofessional conduct pursuant to the *Regulation*.

Allegation 2

[729] The facts found in Allegation two, expressed above, relates to Dr. Mason’s failure to disclose the security breaches outlined in Allegation 1 to staff at the school division and representatives from Alberta Education.

[730] This conduct does not meet the requirement of the Schedule, and therefore also constitutes unprofessional conduct on the part of Dr. Mason.

[731] The Schedule includes the following provisions:

4 In relation to the teacher’s or teacher leader’s employer, the teacher or teacher leader is required

...

(e) to foster and maintain open and honest communication with the employer and the members of the school administration,

5 In relation to the teaching profession, the teacher or teacher leader is required

(a) to conduct himself or herself in a manner that maintains the honour and dignity of the profession, and

(b) not to engage in activities that adversely affect the quality of the teacher’s or teacher leader’s professional service.

6 In relation to the school community as a whole, the teacher or teacher leader is required

(a) to conduct himself or herself in a manner that maintains the good reputation of the school and the employer,

[732] By choosing not to disclose a significant security beach for the January 2020 sitting of Diploma Examinations, Dr. Mason failed to foster and maintain an open and honest communication with his employer, the Board of Trustees, and the members of the school administration.

[733] Although Dr. Mason did ultimately provide the full details of the Diploma Exam security beaches to the Investigator, [REDACTED] [REDACTED] on February 7, 2020, it was a breach of his obligation to maintain that honest, open communication required of him as a teacher leader.

[734] In addition, as expressed above, it was not consistent with Dr. Mason’s requirements as a Superintendent in the SLQS to model “ethical leadership practices, based on integrity and objectivity” (SLQS, sec. 1(d)).

[735] A failure to disclose such a significant security breach, and then dishonesty to various members of the profession and Alberta Education, also does not demonstrate that Dr. Mason was conducting himself in a manner that maintains the honour and dignity of the profession (section 5(a)). The failures to disclose were also clearly activities which adversely affected the quality of the teacher leader’s professional service (section 5(b)).

[736] Finally, Dr. Mason's actions in not disclosing the security breach was an instance of him failing to conduct himself in a manner that maintains the good reputation of the school (or in this case, the Division) and the employer (in this case, the Board) (section 6(a)).

[737] For these reasons, the Committee finds that the facts found in relation to Allegation 2 constitute unprofessional conduct pursuant to the *Regulation*.

Allegation 3

[738] Allegation 3 relates to the facts, found by the Committee, that on several occasions, Dr. Mason inappropriately inflated [REDACTED] [REDACTED] [REDACTED] final teacher-awarded grades in PowerSchool to a higher percentage in three high school course subjects.

[739] In this case, the Committee finds that this is unprofessional conduct, as it is detrimental to a number of entities, including:

1. Students, in that the students in this case whose grades were in fact increased now have transcripts with incorrect grades, and possibly the suggestion that they may have had their marks adjusted [REDACTED]
2. The public, in the sense that the public could lose confidence in the marks that are reported by Alberta Education, if an individual who is not involved in the assessment or reporting of a student's grades can change them at any time without the involvement of the applicable teacher or Principal; and
3. Teachers, as grade adjustments by a Superintendent suggest that the teaching and assessment practices of teachers are secondary to the discretion of the Superintendent.

[740] In addition, this conduct is contrary to the Professional Conduct Requirements, in the following ways:

1. By increasing [REDACTED] [REDACTED] marks and leaving them increased, Dr. Mason could breach the relationship of trust with parents (2(a));
2. By changing the marks for [REDACTED] [REDACTED] and leaving them as incorrect, Dr. Mason did not provide parents with a candid evaluation of [REDACTED] progress (2(b));
3. Adjusting marks without the consent or involvement of any other school administration for [REDACTED] [REDACTED] was not an open and honest communication with members of the school administration (4(e)); and
4. By increasing [REDACTED] [REDACTED] marks, he did not conduct himself in a manner that maintains the honour and dignity of the profession.

[741] For these reasons, the Committee finds that the facts found in relation to Allegation 3 constitute unprofessional conduct pursuant to the *Regulation*.

Part Three -- Recommendation to the Minister

[742] The Committee considered the submissions of both parties regarding sanction. The Committee felt that the sanctions put forth by the Registrar were reasonable and well-considered, and the Committee plans to recommend to the Minister the sanctions proposed

by the Registrar (“the Sanctions”).

[743] The Sanctions represent a fair balancing of multiple interests.

[744] The Allegations in this case were all related to Dr. Mason’s heightened role of authority, as the CEO and the highest officer within the Division, and the exercise of his power flowing from that role, and so it was fair to remove the heightened responsibilities from him and to ensure that he does not hold a position of power in a school division again.

[745] However, the Sanctions do not restrict Dr. Mason from another role as an educator in the Province of Alberta, and recognize that he should be given another opportunity to work and to re-establish his career, so long as he meets the condition set forth.

[746] The conditions proposed, the taking of a course by next July, are reasonable and not unduly onerous, and would ensure the continued integrity of the profession to ensure that Dr. Mason is re-educated in professional boundaries. The Committee felt the conditions were a fair requirement for re-entry into the profession, as many of these allegations related to Dr. Mason’s lack of professional judgment.

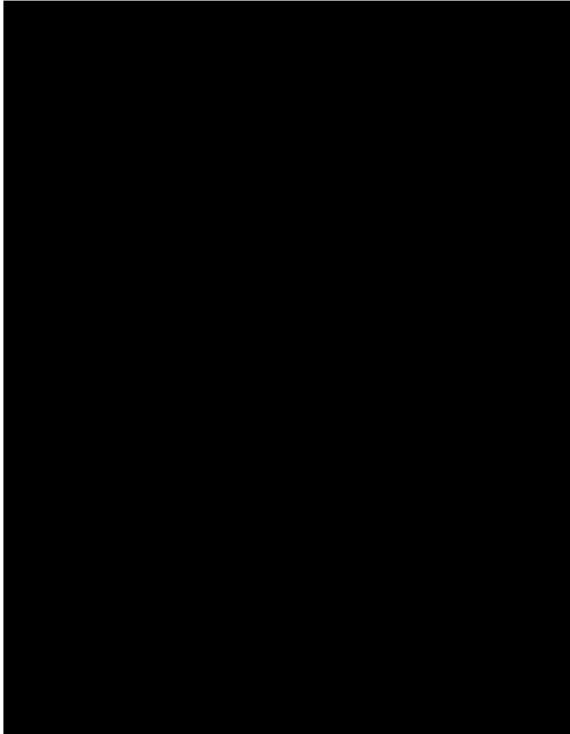
[747] The Committee was aware of the general deterrence that is required to ensure the continued confidence of the public in the leadership of Alberta schools, and in the administration of the secured Diploma Exams. As such, it would not be appropriate to impose the sanction suggested by Dr. Mason’s counsel, a letter of reprimand, as it did not align with the severity of the Allegations against Dr. Mason, and the high level of unprofessional misconduct that was found by this Committee.

[748] Therefore, due to the finding of unprofessional conduct on the part of Dr. Mason, as outlined above, the Committee recommends the following to the Minister, pursuant to section 27(3) of the *Regulation*:

- a. Cancellation of Vincent Paul Mason's Superintendent Leadership Certificate;
- b. Cancellation of Vincent Paul Mason's Leadership Certificate; and
- c. Suspension of Vincent Paul Mason's Permanent Professional Certificate certificate until June 30, 2023, subject to the following conditions:
 - i. Completion of a course approved by the Registrar in professional boundaries;
 - ii. Provision of Vincent Paul Mason’s consent to the administrator of the above-noted course to communicate with the Office of Alberta Education Registrar regarding his attendance at and successful completion of the course content; and
 - iii. Proof satisfactory to the Registrar of successful completion of the above course provided to the Registrar no later than 4:00 p.m. on July 7, 2023.
- d. Failure to comply with the conditions set out in subparagraph (c) will result in

cancellation of the Teacher's Permanent Professional Certificate after July 7, 2023.

Dated at the City of [REDACTED] in the Province of Alberta on this 15 day of December, 2022.



OPTION TO APPEAL – NOTICE TO THE TEACHER & THE REGISTRAR

The Teacher and the Registrar have fifteen (15) days of receipt of this decision to submit a notice of appeal to the Practice Review Appeal Committee, in accordance with section 29 of the *Regulation*.

The appeal must be in writing and must describe the finding or recommendation, or both, being appealed and state the reasons for the appeal.

The appeal must be addressed to:

██████████, Chair
Practice Review General Panel
c/o Governance Secretariat
44 Capital Blvd., 10044 – 108 Street
██████████ Alberta T5J 5E6

Or submitted via email to:
EDC.Governance@gov.ab.ca