

THE ALBERTA TEACHERS' ASSOCIATION
DECISION OF THE HEARING COMMITTEE
OF THE PROFESSIONAL CONDUCT COMMITTEE
IN THE MATTER OF CHARGES OF UNPROFESSIONAL
CONDUCT AGAINST DAVID GORDON STAWN

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I. PREAMBLE

The hearing committee of the Professional Conduct Committee of the Alberta Teachers' Association reports that charges of unprofessional conduct laid against David Gordon Stawn of Edmonton, Alberta were duly investigated in accordance with the *Teaching Profession Act*.

The hearing was originally scheduled to commence, in person, at Barnett House at 11010 142 Street NW, Edmonton on January 19, 2021 for a period of four days. Due to the Coronavirus (COVID-19) pandemic restrictions, all parties were notified on January 13, 2021, that the hearing was being moved to an online, video conference format.

While there was initial concern from the parties that the hearing should take place in person, on Friday, January 15, 2021, [REDACTED] contacted the parties by e-mail with a proposal that the hearing be adjourned to a later date. [REDACTED] stated in [REDACTED] correspondence that the preference to proceed as an in-person hearing had been clearly heard from both parties, but explained that COVID-19 restrictions would ultimately determine whether this was possible. [REDACTED] asked that both parties agree to adjourn the hearing and to commit to waive any future objections about the delayed timing of the hearing. Both Lim and deGoeij sent their agreements by e-mail.

The hearing was ultimately rescheduled to a virtual format, via video conference, starting at 9:00 AM on the following dates:

1. Saturday, May 8, 2021, and Monday, May 10, 2021 through Thursday, May 13, 2021;
2. Monday, July 5, 2021 through Thursday, July 8, 2021;
3. Tuesday, September 7, 2021; and
4. Monday, October 18, 2021.

The participants were

1. Professional Conduct Committee members appointed as the hearing committee Stephani Clements (chair), Rick Kremp and Brice Unland;
2. Counsel to the hearing committee Ayla Akgungor of Field Law LLP;
3. Secretaries to the hearing committee [REDACTED] and [REDACTED];
4. Administrative secretary to hearing committee [REDACTED];
5. Presenting officer, Konni deGoeij
6. Co presenting officer, Shelley Magnusson; and
7. Investigated member, David Stawn, was present and was represented by Drew Jarisz and Linda Lim of Taylor Janis LLP.

II. PRELIMINARY MATTERS

1. The parties met via teleconference call on Thursday, November 26, 2020, at 4:30 PM to consider a request from deGoeij to allow student witnesses to testify via a closed-circuit video system. This would allow the student witnesses to be seen and heard by all present,

but prevent the student witnesses from seeing Stawn by limiting their access to only audio from the committee, presenting officers and Stawn's legal counsel.

2. Lim requested that the student witnesses be brought into the hearing room and stated the children would be happy to see Stawn. Lim also noted that it would be prejudicial to Stawn if he could not see his accusers. She argued the process would be unfair and may cause the committee to draw adverse inference from implementing such a procedure.
3. Akgunor advised the committee to consider whether granting the petition would:
 - a) create an unfairness in the process;
 - b) limit Stawn's ability to provide a full defence; and/or
 - c) limit the committee's ability to assess credibility of the witnesses.
4. The committee determined that granting the application would not create an unfairness in the process and would not limit their ability to determine or assess witness credibility as the committee would be able to observe the witnesses throughout their testimony. Further, the suggested process did not hamper the ability to cross-examine the student witnesses or observe them during cross-examination. The committee noted that similar applications had been granted in the past. The committee assured Lim that no adverse inference would be drawn.
5. The committee approved this request in principle and directed the secretaries to implement technology and strategies to fulfill the intent of the application. Ultimately, the secretaries implemented the committee's directive by utilizing a combined camera and speakerphone device called, "Meeting Owl." The meeting owl has a number of cameras that afford both a view of an individual who is speaking or moving as well as a 360 degree panoramic view of the room in which it is placed and allows the viewer to monitor the activity of all persons in the room. This ensured that all hearing participants could observe the individuals in the room with the student witnesses and be aware of whether anyone was speaking to or coaching a student witness during testimony.
6. At the commencement of the hearing on May 8, 2021, the committee ordered usage of gender neutral pronouns for students in the written decision. Further, the committee ordered a publication ban on the students' names and genders as well as the names of their parents. The committee also ordered that all non-party witnesses be excluded from access to the hearing until they had finished giving their testimony.
7. deGoeij raised a concern about Stawn's camera being turned off during the proceedings. Stawn's legal counsel argued that Stawn should have a choice in turning his camera on or off. The committee decided Stawn could choose to turn his camera off but had to turn the camera on during his testimony.

III. COMPOSITION/JURISDICTION

There were no objections to the composition of the hearing committee or its jurisdiction to hear the case.

IV. CHARGES AND PLEA

The following charges were read aloud by the secretary to the hearing committee:

1. David Gordon Stawn is charged with unprofessional conduct pursuant to the *Teaching Profession Act* in that he, while a member of the Alberta Teachers' Association, between 2016 and 2018, yelled at or shouted at students to manage or respond to their behaviour whereby his loud voice frightened students, thus failing to treat students with dignity and respect and be considerate of their circumstances.
2. David Gordon Stawn is charged with unprofessional conduct pursuant to the *Teaching Profession Act* in that he, while a member of the Alberta Teachers' Association, between 2016 and 2018, did not use Non-Violent Crisis Intervention (NVCI) holds and carried Student A by [their] wrists, temporarily suspending [them] off the floor while transporting [them] to the office, thus failing to treat students with dignity and respect and be considerate of their circumstances.
3. David Gordon Stawn is charged with unprofessional conduct pursuant to the *Teaching Profession Act* in that he, while a member of the Alberta Teachers' Association, between 2016 and 2018, did not use Non-Violent Crisis Intervention (NVCI) holds and carried Student B on two separate occasions by [their] wrists, temporarily suspending [them] off the floor while transporting [them] to the office, thus failing to treat students with dignity and respect and be considerate of their circumstances.
4. David Gordon Stawn is charged with unprofessional conduct pursuant to the *Teaching Profession Act* in that he, while a member of the Alberta Teachers' Association, between 2016 and 2018, engaged in physical contact with students when neither the child nor others were in immediate danger, thus failing to treat students with dignity and respect and be considerate of their circumstances.
5. David Gordon Stawn is charged with unprofessional conduct pursuant to the *Teaching Profession Act* in that he, while a member of the Alberta Teachers' Association, between 2016 and 2018, made critical comments about the professional competence or professional reputation of another teacher to administration, in a manner which was not consistent with professional responsibilities towards colleagues, thus failing to maintain the honour and dignity of the profession.

6. David Gordon Stawn is charged with unprofessional conduct pursuant to the *Teaching Profession Act* in that he, while a member of the Alberta Teachers' Association, between 2016 and 2018, engaged in actions toward colleagues in a manner which was not consistent with professional responsibilities towards colleagues, thus failing to maintain the honour and dignity of the profession.

Stawn verbally entered a plea of not guilty to all six charges.

V. EXHIBITS FILED

Exhibit 1—Initial notice of hearing and Canada Post confirmation of delivery on July 28, 2020

Exhibit 2—Notice of hearing to convene in May and Canada Post confirmation of delivery on April 12, 2021

Exhibit 3—Proof of Stawn's membership in the Association from September 1, 2006 to December 4, 2020

Exhibit 4—Resume of [REDACTED] "Behavioural Mental Health Specialists/Trauma Coach"

Exhibit 5—Exhibit binder from deGoeij

Exhibit 6—Exhibit binder 1 from Jarisz and Lim

Exhibit 7—Exhibit binder 2 from Jarisz and Lim

Appendix A of this written decision includes a detailed list of documents contained in Exhibit 5 to 7.

VI. LIST OF WITNESSES

A. Witnesses Called During the Guilt/Innocence Phase by deGoeij

1. [REDACTED] mental health strategist with the [REDACTED] introduced as an expert witness
2. [REDACTED] teacher, the [REDACTED]
3. [REDACTED] principal of [REDACTED] the [REDACTED]
4. Student C
5. [REDACTED] education assistant (EA), the [REDACTED]
6. [REDACTED] EA, the [REDACTED]
7. [REDACTED] EA, the [REDACTED]

8. [REDACTED] teacher, the [REDACTED]
9. [REDACTED] teacher, the [REDACTED]
10. [REDACTED] teacher, the [REDACTED]
11. [REDACTED] teacher, the [REDACTED]
12. [REDACTED] teacher, the [REDACTED]
13. [REDACTED] assistant principal at [REDACTED], the [REDACTED]
14. [REDACTED]
15. [REDACTED] teacher, the [REDACTED]
16. Parent A
17. Student A
18. Parent B

B. Witnesses Called During the Guilt/Innocence Phase Jarisz and Lim

1. David Stawn, the investigated member
2. [REDACTED] teacher, the [REDACTED]
3. [REDACTED] teacher, the [REDACTED]
4. [REDACTED] teacher, the [REDACTED]
5. [REDACTED] EA, the [REDACTED]

C. Witnesses Called During the Penalty Phase by deGoeij

1. Parent A
2. [REDACTED]
3. [REDACTED] Freedom of Information and Protection of Privacy (FOIP)
Coordinator at the [REDACTED]

D. Witnesses Called During the Penalty Phase by Jarisz and Lim

1. [REDACTED] retired principal
2. [REDACTED] teacher, the [REDACTED]
3. [REDACTED] EA, the [REDACTED]

VII. WITNESS TESTIMONY DURING GUILT/INNOCENCE PHASE

A. [REDACTED]

1. Upon introduction of the expert witness, [REDACTED] Clements stated that [REDACTED] works in the same school division and in a similar position as [REDACTED] [REDACTED] was sworn in to provide testimony about the extent of their relationship. [REDACTED] testified that [REDACTED] worked in a separate physical area and with a completely different cohort of students than Clements. [REDACTED] further testified that [REDACTED] and Clements would not often cross paths in their work except for perhaps being at the same system meetings. [REDACTED] stated that [REDACTED] has no personal relationship with Clements. [REDACTED] further confirmed that [REDACTED] had not come across Clements professionally in the last couple years and [REDACTED] has had no social interactions with Clements.
2. [REDACTED] does not supervise Clements and has no input into Clements' professional role. [REDACTED] and Clements do not report to the same person because they work in different areas. [REDACTED] was unsure who Clements reports to.
3. Jarisz objected to [REDACTED] as an expert witness. Given Clements and [REDACTED] had similar roles, Jarisz argued that there is a reasonable apprehension of bias. [REDACTED] submitted that it was clearly problematic for one colleague to be determining what weight should be given to the opinion of another colleague.
4. deGoeij argued that there is enough distance between their roles and their professional relationship such that a reasonable apprehension of bias would not arise.
5. The committee decided to allow [REDACTED] as an expert witness as [REDACTED] was not Clements' supervisor and they did not have any social connections. While Clements and [REDACTED] worked in a similar capacity, they were assigned to different areas of [REDACTED] with different specializations in the [REDACTED] school division in Alberta. There is no routine interaction between the two and their work does not overlap.
6. Jarisz requested that his objection be noted.

7. ██████ then gave evidence as to ██████ qualifications for the purpose of qualifying ██████ as an expert witness. ██████ reviewed ██████ curriculum vitae and confirmed that ██████ holds both a bachelor's and a master's degree. ██████ has worked for the ██████ for ██████ years as a behaviour and mental health strategist. ██████ research background includes understanding and assessing the behaviour of children and matching the behaviour to appropriate strategies. ██████ has worked in the role of behaviour strategist for ██████ years. ██████ is familiar with NVCI, Therapeutic Crisis Intervention (TCI) and the Mandt system (Mandt), which are all proactive, preventative de-escalation strategies. ██████ testified that restraints or holds are always the last resort when using de-escalation strategies. ██████ took the training for all of NVCI, TCI and Mandt so ██████ could determine the best approach to be used at the ██████.
8. On cross-examination, ██████ indicated that NVCI training for teachers depends on the individual school division. ██████ was not aware of when the use of NVCI started in the ██████. ██████ is not currently certified in NVCI. ██████ was certified in NVCI in 2018 and 2019.
9. ██████ is also familiar with the Zones of Regulation framework (Zones), which involves the use of colour-codes to regulate student behaviour. ██████ testified that the Zones are not a mandatory part of the curriculum for teachers. It is up to individual schools to decide whether to use the program.
10. deGoeij submitted that ██████ be qualified as an expert in the area of behaviour and mental health and specifically in the areas of NVCI, Zones, holds and restraints, and steps that should occur before moving to holds and restraints. Jarisz objected to ██████ qualification as an expert at all, noting that ██████ did not even have contemporaneous training in NVCI as ██████ was not certified in NVCI in 2021. Jarisz argued that, at most, ██████ expert opinion should be limited to the Zones.
11. The committee accepted ██████ as an expert witness in the areas of both NVCI and the Zones. The committee recognized that ██████ was not certified in NVCI in 2021 but was satisfied that ██████ had significant expertise in the area of NVCI, having been certified in the years shortly prior to the hearing, as well having reviewed and assessed multiple behaviour management strategies including NVCI, TCI, Mandt and the Zones. Further, ██████ has significant experience and expertise on behaviour strategies having worked in the area for ██████ years. Part of ██████ role was to coach teachers and work with administration to implement the strategies in the school setting and to educate teachers and administration on behaviour management strategies. The committee was satisfied that ██████ possessed specialized knowledge that may be necessary to the committee's determination of the charges.
12. Subsequent to ██████ qualification as an expert, an issue arose as to whether ██████ would be exempt from the witness exclusion order. At this point, Akgungor put forth

the case of *R v. Lindsay*, 2019 ABQB 372 (Lindsay) for the parties and the committee's consideration. Lindsay indicates that expert witnesses are often exempt from witness exclusion orders as they are a different category of witness and should generally be basing their opinions on the evidence before the court. As such, they must be in a position to hear the evidence that the court hears.

13. After reviewing Lindsay, the parties agreed that [REDACTED] could remain present throughout the hearing and that [REDACTED] should hear all the evidence led by both the presenting officer and by defence counsel. The parties agreed that [REDACTED] could provide [REDACTED] testimony at the conclusion of all other witnesses and the hearing proceeded in this manner.

B. [REDACTED]

1. [REDACTED] is a teacher with the [REDACTED] and has been for about [REDACTED] years. [REDACTED] started teaching students enrolled in the Individual Support Program (ISP) then moved to [REDACTED] and then to [REDACTED].
2. [REDACTED] came to [REDACTED] when the school opened in [REDACTED]. [REDACTED] is currently assigned to [REDACTED] at [REDACTED].
3. [REDACTED] testified that [REDACTED] had some knowledge of the Zones from [REDACTED] own reading but had not attended any professional development (PD) on it. [REDACTED] explained that the Zones included using a colour system of blue, green, yellow, red, so a child can use a colour to identify an emotion that they can't name or adequately express.
4. [REDACTED] introduces the Zones to [REDACTED] students in health class and notifies parents of this strategy. [REDACTED] noted that some other teachers used the Zones as well.
5. [REDACTED] testified that [REDACTED] was teaching Grade [REDACTED] and was a grade partner to [REDACTED] [REDACTED] school years.
6. [REDACTED]
[REDACTED] stated Stawn's classroom door was open and closed at different times.
7. [REDACTED] recalled Stawn repeatedly describing himself as a behaviour and literacy specialist and confirmed that his resume was consistent with [REDACTED] understanding of his training.
8. [REDACTED] explained that there were three Grade [REDACTED] classes in [REDACTED] school year. The teachers were Stawn, [REDACTED].

9. [REDACTED] testified that [REDACTED] was a colleague of Stawn but did not interact socially with him. [REDACTED] recalled one meeting with Stawn and [REDACTED] to discuss school supplies.
10. [REDACTED] stated Stawn had eventually stopped going to the school lunchroom and seemed close with the EAs.
11. [REDACTED] characterized Stawn's relationship with school administration as initially okay but the tension seemed to increase over time.
12. [REDACTED] was directed to a document which was entered as Exhibit 5, tab 79. [REDACTED] identified the document as notes [REDACTED] composed under the direction of the [REDACTED]
13. [REDACTED] clarified that the notes contained in Exhibit 5, tab 79 were not made contemporaneously but were made when [REDACTED] was directed by the [REDACTED] during their investigation of Stawn. [REDACTED] went on to explain that the last section of the notes had been amended after [REDACTED] spoke with [REDACTED] in that [REDACTED] had added the last two bullet points to [REDACTED] notes.
14. [REDACTED] documented an incident between Stawn and one of his students, Student A. Student A was being defiant and [REDACTED] observed Stawn pick Student A up by their wrists with their feet dangling in the air.
15. [REDACTED] was uncertain of the date the incident occurred. [REDACTED] confirmed that [REDACTED] did not make contemporaneous notes or speak to Stawn or anyone else about the incident with Student A.
16. [REDACTED] was certain that Stawn carried Student A from the middle of his classroom to the hallway and then to the office.
17. [REDACTED] was certain both of Stawn's hands were on Student A's wrists.
18. [REDACTED] in Exhibit 5, tab 79, had documented another incident that occurred during a shared Grade [REDACTED] gym class. During clean-up, a student, Student C, had continued to play on their scooter and Stawn, while holding an active microphone, yelled at them to, "Stop!" and forcefully approached them. Stawn had continued to yell even when Student C became visibly upset and began to cry.
19. Directly after the incident, Stawn spoke to the class highlighting that compliance with the teacher's directive was imperative.
20. [REDACTED] testified that [REDACTED] did not believe that Student C was posing a danger to them self or anyone when the incident occurred.
21. [REDACTED] testified that Student C was a student in [REDACTED]'s Grade [REDACTED] class.

22. [REDACTED] in Exhibit 5, tab 79, had documented another incident in the gym between Stawn and one of his students, Student B. Student B was walking on a bench while talking to another student. Stawn began yelling at them to get off the bench and approached them in an angry manner. [REDACTED]'s class was separated from Stawn's class by the curtain, but [REDACTED] was in a position to view the events.
23. [REDACTED] in Exhibit 5, tab 79, had documented that Stawn yelled in his classroom on a daily basis and he used a colour system, "Red, Yellow, Green" to manage classroom behaviour. [REDACTED] noted that [REDACTED] had seen Stawn yell colours and approach a student forcefully.
24. [REDACTED] noted that upon several occasions [REDACTED] class would fall silent, [REDACTED] because Stawn was yelling.
25. [REDACTED] in Exhibit 5, tab 79, had documented an incident where [REDACTED] had walked Stawn's students back from the music room and one of his students, Student O, stated that Stawn would yell at them once they were back in the classroom because they were talking in the hallway.
26. [REDACTED] in Exhibit 5, tab 79, had documented that an incident occurred when [REDACTED] class was in the hallway to discuss one of their displays. Stawn came into the hallway to forcefully yell at one of his students to get back into the classroom. [REDACTED]'s students had stopped their discussion to listen to the exchange between Stawn and his student.
27. [REDACTED] in Exhibit 5, tab 79, had documented another incident with Stawn's student, Student E, [REDACTED] and noted that Student E told [REDACTED] that there was nothing positive in the school and Stawn hated them.
28. [REDACTED] in Exhibit 5, tab 79, had documented that [REDACTED] had observed Stawn physically remove a student, Student B, from his classroom twice. [REDACTED] noted that the second occurrence was on either February 9, 2018 or February 16, 2018. In both instances, [REDACTED] noted that Stawn had held Student B by their wrists and Student B's feet were off the ground. [REDACTED] did not see what happened prior to Stawn physically removing Student B.
29. [REDACTED] did not speak to anyone after [REDACTED] observed the first incident but [REDACTED] spoke with school administration when [REDACTED] witnessed it for the second time.
30. [REDACTED] was uncertain of [REDACTED] location when Student B was carried but was certain that Stawn held Student B by their wrists.

31. [REDACTED] was aware that Stawn used a Frequency Modulation (FM) system in his classroom but [REDACTED] did not address the noise issue with Stawn.
32. [REDACTED] in Exhibit 5, tab 79, had documented [REDACTED] had a good working relationship with the other Grade [REDACTED] teacher as they used a similar inquiry-based approach in their classrooms. When the other Grade [REDACTED] teacher went on [REDACTED] leave, [REDACTED] began mentoring the replacement teacher.
33. [REDACTED] stated that Stawn felt threatened by these working relationships.
34. [REDACTED] noted that [REDACTED] met with Stawn twice to try and improve their working relationship.
35. At the first meeting, [REDACTED] felt that Stawn deflected and ignored [REDACTED] feelings and [REDACTED] felt the meeting was unsuccessful.
36. [REDACTED]'s second meeting with Stawn included [REDACTED], school administrator. [REDACTED] noted that Stawn expressed feelings of isolation and a desire to have everyone work together. School administration directed [REDACTED] and Stawn to use the common gym class once a week to work collaboratively and build a positive working relationship. [REDACTED] noted that both, [REDACTED] and Stawn, agreed.
37. [REDACTED] testified that Stawn generally stopped bringing his class to the shared gym time. When [REDACTED] asked Stawn on why he was not bringing his class to the gym, Stawn told [REDACTED] that they were too busy or that his class was not acting appropriately enough to go to the gym.
38. On three or four occasions when their classes were in the gym together, Stawn would keep his class physically separated from [REDACTED]'s class, on the opposite side of the curtain.
39. [REDACTED] noted that initially, Stawn had encouraged [REDACTED] to become involved in Association activities and they would drive together to Association meetings. After a few months, Stawn had stopped associating with [REDACTED] during the meetings and their working relationship became strained.
40. [REDACTED] stated that Stawn's demeanour was very different at the end of the school day when students were picked up or when school administration was present. [REDACTED] described Stawn would be happy, light-hearted and charming at the end of school day and when school administration was present.
41. [REDACTED] recalled a disagreement with Stawn when [REDACTED] had put stickers with [REDACTED] name on [REDACTED] class books. [REDACTED] recounted how Stawn was unhappy and went to school administration to get sanction for a rule that would ban putting stickers on school

- books. Stawn then came to tell [REDACTED] was not following administrative rules. [REDACTED] noted that Stawn went to school administration about this before he spoke to [REDACTED]
42. [REDACTED] had a small room attached to [REDACTED] classroom that was used as a [REDACTED] storage room. It also housed a printer and art work.
43. [REDACTED] stated that in 2016, Stawn brought school administration into [REDACTED] classroom to complain about the neatness of the storage room. [REDACTED] noted that school administration then spoke to [REDACTED]
44. In 2017, [REDACTED] converted the storage room to a learning space. Stawn's art work and the printer were left in the room. [REDACTED] recalled in [REDACTED] testimony how Stawn had frequently visited the storage room during [REDACTED] instructional time which [REDACTED] felt was invasive.
45. [REDACTED] became apprehensive of Stawn. [REDACTED] stated that Stawn was well connected in the Association and [REDACTED] is a principal in the [REDACTED]. Further, Stawn is a literacy and behaviour specialist and repeatedly told others when he was presenting at conferences. Stawn also shared that he was trained in NVCI.
46. [REDACTED] stated that Stawn had alleged that [REDACTED] broke the Code of Professional Conduct (Code) when [REDACTED] complied with a directive from the [REDACTED] during their investigation of Stawn. [REDACTED] stated Stawn made a request of the Association for an investigation of unprofessional conduct about [REDACTED]. The investigation was completed and the executive secretary determined that the conduct could be resolved through the Invitation process, an alternate dispute resolution process.
47. [REDACTED] had trusted the school division process but ultimately learned that it was not consistent with the Code. [REDACTED] stated that [REDACTED] now fully understands section 13 of the Code.
48. [REDACTED] in Exhibit 5, tab 79, had documented that Stawn had initiated two FOIP requests against [REDACTED]. The first request came in June 2018, during report card writing and individualized program plan (IPP) meetings, and the second request came on the first day of school in 2021. [REDACTED] believed the requests to be strategic.
49. [REDACTED] testified that [REDACTED] had taught students with oppositional defiance disorder (ODD) in [REDACTED] class and they could be challenging.
50. [REDACTED] also noted that it might be appropriate to yell in some situations but the yelling should not continue once the danger had passed.

51. ██████ stated in ██████ testimony ██████ was, and continues to be, fearful of Stawn. In ██████ words, "A male teacher who is a behaviour specialist thinks it's okay to treat students this way?"
52. ██████ testified that ██████ loved children and would not wait a year to act if ██████ felt a child was subject to harm.
53. ██████ admitted that ██████ did not speak to Stawn even though ██████ felt students were at risk. ██████ stated ██████ was fearful of Stawn.
54. ██████ added that Stawn had never threatened ██████ directly but ██████ felt anxious and unsafe because of Stawn's treatment of kids and ██████ had observed him yelling at school administration.
55. ██████ shared ██████ also felt unsafe with Stawn and that ██████ had spoken to ██████ on the phone.
56. ██████ characterized ██████ as an acquaintance but not a friend.
57. ██████ shared that ██████ spoke with ██████ from time to time but ██████ no longer taught at ██████.

C. ██████

1. ██████ is a principal with ██████. ██████ has over 30 years of experience as a teacher with most of it at ██████ school level. ██████ had previously opened ██████ School before opening ██████.
2. ██████ provided details of ██████ education and training including ██████, and NVCi certification. ██████ was certified in NVCi but was unable to update the holds training at this time due to restrictions arising from COVID-19 as holds training must be held in person.
3. ██████ outlined that ██████ communicated with staff at meetings but ██████ preferred face-to-face communication. ██████ testified that ██████ liked staff to drop in and believed staff would characterize ██████ as open and accessible.
4. ██████ testified that Stawn liked e-mail and while ██████ preferred in person conversations, ██████ never told Stawn to stop e-mailing ██████.
5. ██████ testified that the school philosophy is "Every child, every day." The school philosophy is lived within ██████ by nurturing a space where kids and teachers could safely take risks. ██████ described ██████ as a values-based rather than

rules-based school. The focus is on providing welcoming and inclusive learning spaces.

6. [REDACTED] reviewed a number of Alberta Education documents related to behaviour management, inclusive classrooms and student placement within schools. [REDACTED] described how the guidance in the documents was operationalized at [REDACTED]. [REDACTED] uses a strengths-based and solutions-focused approach and implements restorative versus punitive practices when it comes to behaviour management. Individualized approaches are used for students with complex needs. [REDACTED] noted that students need to feel safe and secure or their learning will be at risk.
7. With respect to the use of restraints for the management of student behaviour, [REDACTED] indicated that restraints should be used minimally or not at all. The only time a child should be held is if there is a potential for the student to harm themselves or others. These occasions will be very rare. If a teacher at [REDACTED] used a restraint on a student, the teacher would need to record the hold in the log in Power School and report what had occurred to the parents. Parents should also be made aware of the antecedent behaviour. [REDACTED] as principal of [REDACTED] would also expect to be informed about what happened.
8. [REDACTED] testified, that as principal, [REDACTED] had responsibility to provide a safe and positive work environment for staff.
9. [REDACTED] spoke to [REDACTED] process of documentation when dealing with staff discipline. [REDACTED] outlined how the process could be as simple as discussion with the individual which would lead to a process of moving forward. If the matter was not easily resolved it might lead to further actions. [REDACTED] was mindful of the safety and well-being of the children and issues that concerned children could be escalated immediately. [REDACTED] noted [REDACTED] had only written two letters of reprimand in [REDACTED] career.
10. [REDACTED] detailed the role of an EA. An EA could provide support for one student or for a group of students. There were EAs in many classrooms.
11. [REDACTED] testified that the criteria for being assigned an EA include students with complex special needs, pre-existing special needs or often when a child is moving from kindergarten to Grade 1 because the children are unknown at that time. Stawn was eligible for an EA in the 2016/17 year because there were students in his class with behavioural challenges and students who used medication for behavioural challenges. These same challenges were not present in Stawn's classroom in the 2017/18 school year and therefore he was not eligible for an EA.
12. [REDACTED] testified that not every student was on an IPP. IPPs had to be in place for students identified as mild, moderate, severe or profound but it was school practice

to implement an IPP prior to formal identification. [REDACTED] testified that there were about 70 students on IPPs at [REDACTED] and described 30 – 40 of them as “severe.”

13. [REDACTED] noted a document for individualized behaviour support plan (IBSP) had increased in usage as more EAs became available over the years.
14. When [REDACTED] opened, only 3 EAs were available to the school. That number has increased over time.
15. [REDACTED] identified that in 2016/17 school year there was a student, Student A, who was flagged from [REDACTED] as having behavioural issues. [REDACTED] noted that Student A was placed in Stawn’s class. At the beginning of the school year, Stawn had 23 students which grew to 24.
16. [REDACTED] outlined [REDACTED] training in NVCI. [REDACTED] had been trained early in [REDACTED] career when [REDACTED] was at [REDACTED]. [REDACTED] had maintained [REDACTED] certification until the COVID-19 restrictions were implemented. Due to the restrictions, [REDACTED] was not able to recertify with respect to the in person part of NVCI training.
17. [REDACTED] attested that not everyone had NVCI training and it was not mandatory for teachers. Many EAs had NVCI training. [REDACTED] was clear that holds should only be used rarely and that someone who was not certified in NVCI should be not be restraining a student. [REDACTED] clarified that was a general rule and clearly in a life-or-death situation restraint might be warranted even if the individual was not NVCI certified.
18. [REDACTED] spoke about an incident early in the 2016/17 school year that involved two EAs. [REDACTED] further explained that the concern was raised when [REDACTED] shared a resource with [REDACTED], the EA in Stawn’s classroom without going to Stawn first.

[REDACTED] objected that this evidence was hearsay and not necessary. The committee accepted the testimony and confirmed that appropriate weight would be applied.

19. [REDACTED] testified that [REDACTED] had been told that [REDACTED] had reported to another teacher, [REDACTED] that [REDACTED] was afraid of being in Stawn’s classroom.
20. [REDACTED] investigated the matter and determined that [REDACTED] was not afraid of Stawn. [REDACTED] told [REDACTED] that [REDACTED] was not afraid of Stawn and [REDACTED] was mistaken.
21. [REDACTED] sought advice from central office on how to proceed with this matter.

22. [REDACTED] further stated that [REDACTED] had expressed concerns about Stawn but was careful to not disclose information that would conflict with professional obligations under the Code.

At this point, [REDACTED] interjected, asking if the witness was reading rather than providing unencumbered testimony. The witness scanned [REDACTED] room with [REDACTED] webcam to demonstrate that no papers were evident or proximate to [REDACTED].

23. [REDACTED] testified about a meeting [REDACTED] had scheduled with [REDACTED] and Stawn concerning an incident that involved a student. The incident occurred in December 2016 when Stawn's and [REDACTED]'s classes attended gym together. At the meeting, [REDACTED] shared [REDACTED] view that Stawn was loud and disturbing and was yelling across the gym at one of [REDACTED] students.
24. [REDACTED] directed Stawn to reach out to the student and parent to apologize as a result of the meeting. [REDACTED] stated to Stawn yelling was not allowed.
25. [REDACTED] described [REDACTED] intended administrative practice was to have a supportive team environment where everyone was aligned to support children and families.
26. [REDACTED] stated that [REDACTED] preferred staff communicate with [REDACTED] so school administration is aware of all incidents at school.
27. [REDACTED] testified about the classroom amplification systems in the school noting they were similar to other FM systems.
28. [REDACTED] remembered that the FM system was not intended to provide raw amplification.
29. Staff had been provided with PD about the system but there were glitches. If teachers were experiencing problems with their FM systems, the teacher was to report the issue right away so that a work order could be put in and the consultants could come and fix the problem quickly.
30. [REDACTED] assigned management of the FM system to [REDACTED] [REDACTED] assistant principal.
31. [REDACTED] did not recall Stawn ever speaking with [REDACTED] about his FM system.
32. [REDACTED] outlined that the school used cross grade and class groupings citing physical education, reading and forest walks as examples.

33. [REDACTED] testified that [REDACTED] believed that Stawn had special training in early childhood education and had extensive history presenting at conferences including the beginning teachers' conference.
34. [REDACTED] had contacted two of the references listed in Stawn's resume.
35. [REDACTED] reviewed [REDACTED] role in staff supervision and evaluation. [REDACTED] described [REDACTED] role as providing feedback and guidance to all staff, evaluating teachers for probationary or continuing contract status, being in classrooms and knowing what is happening, and being open and available as a coach and a mentor.
36. [REDACTED] stated that [REDACTED] or [REDACTED] had been in Stawn's classroom, "for sure once a week" and frequently in the hallways near Stawn's classroom.
37. [REDACTED] noted that Stawn would have his classroom door closed at times but it was not locked.
38. [REDACTED] testified that Stawn's classroom was well arranged, open and warm. He had plants, soft seating, carpet, lots of books and small group learning areas.
39. [REDACTED] described Stawn as not "warm and fuzzy" but he was clear and attentive to his students and they seemed to respond to him.
40. [REDACTED] was aware that Stawn utilized a stop light tool as a cueing system in his class but was uncertain if he used more of the Zones.
41. [REDACTED] had heard Stawn yell, "Stop" and [REDACTED] had addressed the issue with him.
42. [REDACTED] stated that Stawn's second year in the school, 2017/18 school year, was markedly different from his first year at [REDACTED]. In Stawn's first year, things were collegial, but strain began to develop in the second year.
43. [REDACTED] recalled speaking with him in September of the second school year about being disrespectful of school administration.
44. [REDACTED] testified that Stawn believed that [REDACTED] and the EAs were aligning against him.
45. [REDACTED] testified that [REDACTED] had come to [REDACTED] at the beginning of the second school year for advice on how to have a good start with Stawn.
46. [REDACTED] did not follow up with [REDACTED] had arranged the meeting with Stawn.

47. [REDACTED] stated that Stawn had complained that [REDACTED] and the [REDACTED] teacher were aligned against him.
 48. [REDACTED] testified that Stawn had asked for school division mediation before using school resources to resolve the conflict. [REDACTED] felt that since [REDACTED] was being evaluated for certification, involvement in a central office process would add to [REDACTED]'s stress. Stawn agreed to have [REDACTED] involved.
 49. [REDACTED] stated that [REDACTED] had never utilized the formal mediation process available through human resources (HR). [REDACTED] felt that the formal process was for issues that could not be resolved at the school level.
 50. [REDACTED] acknowledged that Stawn had issues with both [REDACTED] and [REDACTED], and Stawn wanted to use the formal mediation process.
 51. [REDACTED] testified about an issue that arose when the school was provided with additional funding of \$36,000.
 52. [REDACTED] proposed that the money should be used to hire an additional 0.5 full time equivalent EA.
 53. [REDACTED] stated that Stawn and another teacher, while they were out at lunch, had made comments behind [REDACTED] back criticizing [REDACTED] use of the additional funding. [REDACTED] described Stawn as becoming counter-cultural in the 2017/18 school year and their relationship became one of distrust.
- [REDACTED] objected that the individuals that [REDACTED] was referring to were not going to be produced as witnesses and it was unfair to Stawn. The committee determined that the story would have to be corroborated to have any weight.
54. [REDACTED] stated that a teacher, [REDACTED], had left a meeting in Stawn's classroom as [REDACTED] felt the meeting had become disrespectful to school administration. [REDACTED] identified to [REDACTED] that a first-year teacher, [REDACTED], was at the meeting in Stawn's classroom. [REDACTED] met with [REDACTED] to speak [REDACTED] about the Code.
 55. [REDACTED] also stated that [REDACTED] was contacted by [REDACTED] deputy superintendent to notify [REDACTED] of negative comments that were made about [REDACTED] and the new grant money. The comments were posted on Twitter by Stawn. The deputy superintendent had also advised [REDACTED] to not worry and leave the matter alone.
 56. [REDACTED] testified that instead [REDACTED] chose to meet with Stawn to address the issue. They met outside of school at a restaurant for dinner. [REDACTED] explained to Stawn that the Twitter comments were damaging to [REDACTED] and to the school division.

57. [REDACTED] recalled that Stawn stood by his comments and would not change them. He told [REDACTED] [REDACTED] had been brainwashed by the deputy superintendent.
58. The grant money ended up being utilized as [REDACTED] had originally proposed.
59. [REDACTED] testified that on December 15, 2017, Stawn requested a meeting with [REDACTED]. [REDACTED] arranged coverage for Stawn and met with him.
60. [REDACTED] recalled Stawn sharing concerns about students in the YMCA out of school care program (YMCA) and shared his view that the students were demonstrating sexualized behaviour.
61. [REDACTED] felt Stawn was aggressive and demanding at their meeting and his demeanour was very different from their previous dinner meeting. [REDACTED] described Stawn as agitated, upset and disrespectful. He would continually talk over [REDACTED] and cut [REDACTED] off. [REDACTED] stated that at the meeting, Stawn continued to outline his concerns about school administration not being supportive of him and continued to demand an EA for his classroom. At the end of [REDACTED] meeting with Stawn, [REDACTED] felt intimidated and vulnerable. [REDACTED] heart was pounding and [REDACTED] hands were shaking when [REDACTED] picked up the phone to deal with an urgent issue after [REDACTED] meeting with Stawn.
62. [REDACTED] testified that this was the first time in [REDACTED] career that [REDACTED] felt attacked by a male colleague. [REDACTED] began to have concerns about Stawn being with students.
63. [REDACTED] did not contact HR but instead turned to a trusted individual.
64. [REDACTED] vaguely recalled sending an e-mail to Stawn (Exhibit 6, tab 57) where [REDACTED] made overtures to move forward after the December meeting. [REDACTED] stated in [REDACTED] testimony, that [REDACTED] now regrets not initiating a discipline process with Stawn at that time. At the time, [REDACTED] chose to try to build a relationship rather than reprimand Stawn.
65. [REDACTED] further expounded that the e-mail offered supports to Stawn which took the form of [REDACTED] meeting with students in the classroom. [REDACTED] also began to provide literacy support for nine of Stawn's students in the mornings. School administration also liaised with the YMCA director where they identified some issues with transition between the program and the school.
66. [REDACTED] clarified that Stawn had some support from school administration from when the bell rang at 8:45 AM to 9:00 AM and from 9:00 AM to 10:00 AM the group of nine students would be taken from Stawn's class for literacy support.

67. [REDACTED] was directed by [REDACTED] to a document, tab 35 of Exhibit 5, intended to be entered as an exhibit. The document contained notes prepared by [REDACTED]

[REDACTED] objected to the document being entered on the basis that the notes were hearsay given that they were statements made outside of the proceeding. He argued that there was no reason for the document to be entered when the witness could be examined directly.

[REDACTED] further argued that the notes were not contemporaneous, and the exhibit would blur the line between hearsay and actual recollection. The committee accepted the notes as an exhibit.

68. [REDACTED] highlighted a section of the notes, where Stawn had suggested that [REDACTED] condoned the physical removal of students from an assembly. [REDACTED] asserted this was entirely untrue.

69. [REDACTED] further commented on Stawn's characterization of the school as being toxic to Stawn bringing toxicity into the school.

70. [REDACTED] testified that another teacher, [REDACTED] contacted [REDACTED] about a concern [REDACTED] had with something another teacher had done.

71. [REDACTED] told [REDACTED] to not disclose the information until [REDACTED] had spoken with the teacher first.

72. [REDACTED] understood that [REDACTED] came into school the next day, which was [REDACTED] day off, to meet with Stawn.

73. [REDACTED] recalled that during a meeting with the [REDACTED] teacher, [REDACTED] became aware of [REDACTED] and Stawn standing at [REDACTED] office door and looking upset. [REDACTED] felt [REDACTED] looked afraid.

74. [REDACTED] ended [REDACTED] first meeting and went with Stawn and [REDACTED] into a meeting room.

75. [REDACTED] recalled Stawn challenging [REDACTED] about what [REDACTED] knew in advance. [REDACTED] used motions on [REDACTED] body to describe how Stawn had handled a child the day before. [REDACTED] described how Stawn had physically lifted Student B under their chin and moved them across the work room to the middle space.

[REDACTED] interjected that the testimony was hearsay and [REDACTED] was providing testimony of what [REDACTED] was told.

76. [REDACTED] recounted Stawn's strong reaction to [REDACTED]'s comments. [REDACTED] noted that Stawn had become aggressive but did not refute [REDACTED]'s statements.
77. [REDACTED] stated that Stawn asked [REDACTED] why [REDACTED] hadn't helped. [REDACTED] recalled [REDACTED] saying the event happened quickly and [REDACTED] had no opportunity to help the child.
78. [REDACTED] testified that [REDACTED] had told Stawn that "we don't put hands on students."
79. [REDACTED] stated that Stawn wanted a meeting with [REDACTED] the next morning. [REDACTED] described the meeting as confrontational where Stawn yelled.
80. [REDACTED] cleared the office and phoned HR. [REDACTED] relayed that a male teacher had moved a child with a hand under their chin. [REDACTED] was directed to not tell the parent and that an investigation would ensue.

[REDACTED] objected to [REDACTED] referring to Exhibit 5, tab 35 on the basis the document was hearsay and was someone else's account of an incident. Further the document was not made contemporaneously.

[REDACTED] explained that the document was prepared the day following day on February 20, 2018, with the understanding that Stawn would be returning to school on February 26, 2018, and [REDACTED] could review it with him. [REDACTED] argued that only the first page of the document was contemporaneous, and the rest was about prior incidents. [REDACTED] testified that [REDACTED] included those incidents as Stawn had broached them at the meeting with [REDACTED]

The committee determined that the document would be entered as Exhibit 5, tab 35 and that the committee understood the definition of hearsay. [REDACTED] noted that during the testimony, [REDACTED] was not directed to refer to the document.

81. [REDACTED] was directed to look at another document, tab 36 of Exhibit 5, intended to be entered as an exhibit. The document was a chronology of events prepared by [REDACTED] to assist [REDACTED] in preparing for school division and the Association investigations, including one investigation about [REDACTED]. The chronology was constructed from e-mails and [REDACTED] day timer entries.

[REDACTED] objected to the document on the basis it was hearsay evidence. The committee noted the objection and accepted the document as Exhibit 5, tab 36.

82. [REDACTED] confirmed that [REDACTED] knew the student referenced in the notes, dated February 2018, and met with the student.

83. [REDACTED] stated that Stawn did not return to school after this meeting and [REDACTED] was not provided with a reason why.
84. [REDACTED] identified the documents identified as tab 38 of Exhibit 5 as letters from [REDACTED] to Stawn advising him of a school division investigation.
85. [REDACTED] was directed by [REDACTED] to a document intended to be entered as an exhibit.

[REDACTED] objected to the document as it appeared to be a letter of reprimand for issues that were before the committee and the district could not usurp the role of the committee. [REDACTED] agreed that the committee could not rely on the findings of the school board and would have to make their own, independent findings. The committee accepted the document as Exhibit 5, tab 39.

86. [REDACTED] continued with [REDACTED] testimony and explained that the letter of reprimand was developed with the involvement of school division's staff relations and the findings in the letter were from the [REDACTED] investigation.
87. [REDACTED] stated that [REDACTED] inbox was being inundated by e-mails from Stawn and parents. [REDACTED] noted that the volume of e-mails from Stawn were much higher than from other staff. However, [REDACTED] conceded that [REDACTED] had not asked Stawn to cease communicating incidents to [REDACTED] by way of e-mail.
88. [REDACTED] identified an e-mail from Stawn advising [REDACTED] he may have to disclose criticisms of [REDACTED] in the course of the [REDACTED] investigation.
89. [REDACTED] testified that [REDACTED] felt that the tone of the e-mail from Stawn was similar to his demeanour during the December meeting. [REDACTED] felt Stawn was not taking responsibility for his actions that contributed to the state of relationships.
90. [REDACTED] testified that [REDACTED] never told Stawn what he could or could not do in his classroom.
91. [REDACTED] noted that the e-mails entered in tabs 43, 44, 45 and 50 of Exhibit 5 contained concerns about Student E, a student in Stawn's class, having negative interactions with other students. [REDACTED] added that part of the plan for Student E was for them to never be unsupervised in unstructured settings.
92. [REDACTED] was directed to Exhibit 6, tab 54. It was an e-mail from Stawn to [REDACTED] about sexualized behaviour Stawn had observed in some of his students. [REDACTED] stated that this type of behaviour would be unusual and the solution would be to add lots of supports. [REDACTED] did not believe that Stawn's observations were accurate.

93. [REDACTED] did not recall the e-mails in Exhibit 6, tab 55 to 57, but admitted that [REDACTED] must have received them.

[REDACTED] objected to a submitted document, tab 57 of Exhibit 5, on the same basis as earlier objections. The committee accepted the document as an exhibit.

94. [REDACTED]'s testimony identified Exhibit 5, tab 57, as an e-mail from [REDACTED] to the deputy superintendent and HR.

95. [REDACTED] explained, in [REDACTED] testimony, that [REDACTED] and [REDACTED] packed up Stawn's materials from school and that Stawn returned various materials in excessive packaging.

96. [REDACTED] testified that Stawn returned the school philosophy, gift books and symbolic items. [REDACTED] felt that the method in which the materials were returned would be considered harassment.

97. [REDACTED] stated materials were returned from Stawn's [REDACTED]. [REDACTED] and sent the materials through the school division mail.

98. [REDACTED] testified that some boxes had bizarre markings such as [REDACTED] name written repeatedly around the bottom edges of the boxes. [REDACTED] also testified that small items were returned in very large boxes.

99. [REDACTED] stated, in her testimony, that it was common for teachers to receive cards and notes at the end of the school year. [REDACTED] also gave gifts to [REDACTED] child's teachers and this practice was most evident at the elementary level.

100. Exhibit 5, tab 40 was a letter from [REDACTED] deputy superintendent, to [REDACTED] chief superintendent of schools, outlining Stawn's administrative transfer from [REDACTED]. While [REDACTED] was involved in Stawn's transfer from [REDACTED] school, [REDACTED] was adamant that the transfer was not to another school.

101. [REDACTED] explained in [REDACTED] testimony about the function of an area in the school called the middle space. [REDACTED] highlighted that it was a multipurpose area and offered a place to gather that was not in an office. [REDACTED] noted that First Nations, Métis and Inuit parents might have had negative experiences from their own schooling and the middle space was created to provide a safe place.

102. Further, [REDACTED] testified that if a student had to be removed from a room, school administration would escort the student to the middle space to defuse.

103. ██████ was directed to e-mails in Exhibit 5, tab 65 and 66. The e-mails were from Stawn about misbehaviour by Student B, including a version of the event where Stawn carried Student B to the office. ██████ did not believe ██████ was in school on the day the e-mail was sent and that the e-mail must have been lost. ██████ did not recall if ██████ responded to the e-mail entered as Exhibit 5, tab 66.
104. ██████ vehemently denied that ██████ was lying about not seeing Exhibit 5, tab 65.
105. ██████ vehemently denied that ██████ withheld information from the Association investigator to protect ██████ and ██████ staff.
106. ██████ vehemently denied that ██████ was colluding with ██████ to conspire against Stawn.
107. ██████ was directed to Exhibit 6, tab 7 which was an e-mail containing the text of an e-mail ██████ had addressed to ██████ on June 25, 2019. ██████ disagreed with ██████'s version of events. ██████ described ██████'s statements as being ██████'s own perspective. ██████ denied that ██████ and ██████ had spoken thousands or hundreds of times about Stawn. ██████ testified that the first time ██████ had read the letter was in September 2020.
108. ██████ confirmed that ██████ has a responsibility under section 13 of the Code to apprise a colleague of any concerns ██████ may have before reporting these matters to others.
109. ██████ could not recall when ██████ wrote the handwritten notes entered as Exhibit 5, tab 34.
110. ██████ was unwilling to replicate the look which ██████ stated Stawn had given ██████ during the ██████ investigation meeting that ██████ had characterized as a "death stare" but described it as Stawn's face appearing angry or murderous.
111. ██████ testified that ██████ had observed Stawn being disrespectful at staff meetings by yelling out "sign me up" or having his phone out and having to be told to put it away. He would also have side bar conversations that did not show compassion for the speaker.

D. Student C

1. Student C was a Grade ██████ student in ██████'s class in the 2016/17 school year.

2. Student C testified that Stawn yelled at them in the gym. Student C stated, "We were on scooters. I didn't stop right away. Stawn yelled until he was close to my face. I started crying."
3. Student C was directed to Exhibit 5, tab 84. They identified their signature and their words on the note that [REDACTED] wrote for them after Stawn had yelled at them in the gym. Student C testified that [REDACTED] wrote the note but the note simply recorded the student's own words.
4. Student C testified that they felt bad for not stopping their scooter when asked by Stawn and this is why they wrote the note to Stawn.
5. When asked if anyone was near them on their scooter, they said no.
6. Student C stated that Stawn would yell at his students a lot. When asked how they knew that Stawn was yelling if they were in [REDACTED]'s class, Student C said they could hear the yelling.
7. Since Grade [REDACTED] Student C has had really nice teachers. They explained that "really nice" meant not yelling and not being rude.
8. Student C stated that [REDACTED] had prepared them before their testimony. Student C confirmed that [REDACTED] had told [REDACTED] some of the questions in advance and that they had gone over the answers together. Student C confirmed that they would have had a hard time remembering if they hadn't gone over the answers beforehand because it had happened so long ago.

E. [REDACTED]

1. [REDACTED] has worked as an EA with the [REDACTED]. [REDACTED] had worked at [REDACTED] School and [REDACTED] School. [REDACTED] moved to [REDACTED] in 2016 when the school opened and continues to work at [REDACTED].
2. [REDACTED] stated that [REDACTED] had been trained in NVCi perhaps in 2015 but [REDACTED] certification has expired as [REDACTED] is now working with older children.
3. [REDACTED] stated that NVCi could be utilized when the kids are aggressive or not cooperating with the teacher. It was important to ensure that kids and everyone else was kept safe.
4. During the 2016/17 school year, [REDACTED] worked in Stawn's classroom to support Student A though [REDACTED] was not exclusively assigned to Student A.

5. In the following year, [REDACTED] moved to [REDACTED]'s Grade [REDACTED] classroom with Student A. The following year [REDACTED] moved with [REDACTED] and Student A to Grade [REDACTED] classroom. [REDACTED] had not been in other classrooms.
6. [REDACTED] was uncertain if an official diagnosis had been given to Student A and was unaware of Student A having a specific diagnosis.
7. [REDACTED] characterized [REDACTED] relationship with Stawn as professional but stated that [REDACTED] was scared the whole time.
8. [REDACTED] found Stawn to be very loud and stated in [REDACTED] testimony that he would yell and scream at the kids and this made [REDACTED] "very terrified."
9. [REDACTED] did not share [REDACTED] feelings with others as [REDACTED] was frightened and was new to the school. [REDACTED] stated [REDACTED] is still scared. [REDACTED] stated that Stawn was loud and not respectful to kids.
10. [REDACTED] said [REDACTED] observed Stawn sometimes lift kids by their waist when he was angry. [REDACTED] stated that [REDACTED] was not used to that kind of behaviour.
11. [REDACTED] identified Student A as a student that Stawn would lift. [REDACTED] would follow them to another room called the calming room across the hall from Stawn's classroom. [REDACTED] felt nervous and scared when Stawn lifted Student A and was "not comfortable at all."
12. [REDACTED] remembered Student A as being very hyper and naughty.
13. [REDACTED] stated that Stawn's lift of Student A was not one [REDACTED] recognized as part of [REDACTED] NVCI training.
14. [REDACTED] did not speak to anyone about the incident as [REDACTED] was away for a few days and [REDACTED] was scared.
15. [REDACTED] characterized [REDACTED] relationship with Student A as positive and stated [REDACTED] was kind to them. Student A would speak with [REDACTED] about [REDACTED]. Student A would share drawings and they would colour together.

[REDACTED] objected that the question asked of [REDACTED] was about Student A's time in Grade [REDACTED] and that a broad range of events can affect behaviour. Drawing a link between Student A's subsequent behaviour and their time with Stawn would be prejudicial. The committee ruled the testimony could continue and they would apply proper weight to the evidence.

16. ██████ testified that Student A's behaviour was similar in Grade ██████ and Grade ██████. Student A would hide in corners and under tables. ██████ acknowledged that Student A would run. ██████ was not able to identify specific triggers for Student A's behaviours.
 17. ██████ noted in ██████ testimony that Student A was unpredictable and would sometimes hit other children. It was not always clear what would trigger Student A's behaviour.
 18. ██████ recalled that ██████ was also an EA assigned to another Grade ██████ classroom. ██████ stated ██████ had no issues with ██████ and that there had been no problem between them in 2016.
 19. ██████ stated that Stawn and Student A did not have a good relationship. Student A would tell Stawn that they hated him and that Stawn was the "stupidest" teacher in the world.
 20. ██████ recalled Student A often being removed from class with ██████ trailing behind. Most often, Stawn carried Student A, usually by their waist. Student A would be kicking, crying and saying words about Stawn. ██████ felt Student A was an angry child. When Stawn carried Student A, Student A's feet were off the ground.
- ██████ objected when the witness was asked to compare ██████ time in Stawn's classroom with ██████ experiences in other classrooms. The committee allowed the testimony to continue but would carefully consider appropriate weight to apply.
21. ██████ characterized Student A as a "runner." If they disliked something, they would run away and hide. ██████ confirmed that Student A ran out of the school a couple times.
 22. ██████ reiterated that Stawn was not respectful to kids and was different than ██████ view of the other teachers in classrooms where ██████ had worked. ██████ was not aware of the Zones.
 23. ██████ explained that an EA would be assigned to a class when there was a difficult child. ██████ described ██████ job as to help the kids in the classroom as well as the teacher.
 24. ██████ testified that if ██████ observed a child at risk ██████ should report it. ██████ confirmed that ██████ had never reported Stawn's actions towards Student A.
 25. Further, ██████ confirmed that Stawn had never threatened ██████ or prevented or deterred ██████ from reporting concerns. ██████ never spoke to Stawn about his loud voice.
 26. When asked if ██████ had ever contacted ██████ to share a negative view of Stawn, ██████ admitted that ██████ knew ██████ and ██████ had contacted ██████ about Stawn. ██████ believed that ██████ was acting out of concern for ██████ ██████ was not cooperative with

██████ went further to clarify that █████ felt scared and terrified and kept █████ concerns to █████

27. █████ also testified that █████ experienced many headaches during █████ time in Stawn's class.

██████ objected that the witness had not advanced any medical evidence and the committee should not draw conclusions from this statement.

F. █████

1. █████ was an EA at █████ assigned to a Grade █████ class with █████ during the 2016/17 school year. █████ stayed with the same class when they moved to Grade █████ during the 2017/18 school year. █████ did not assume █████ would work with the same students in subsequent years but felt that █████ had a good relationship with the students and they were a spirited group.
2. █████ noted lots of behaviours in the Grade █████ class. █████ testified that █████ worked with a child with █████ issues that involved █████
3. █████ described █████ working relationship with Stawn as "good" but noted that they did not work together, other than their respective classes perhaps doing some walks together.
4. █████ testified that Stawn had told █████ that he had been a behaviour consultant in █████
5. █████ stated that Stawn's previous experience came up when █████ attended a follow up meeting about an incident involving a student. From █████'s perspective, the others in the follow up meeting began to compare expertise, thus Stawn's disclosure.
6. █████ recalled Stawn's classroom had lots of play centres and it was not organized in rows of desks.
7. █████ testified that Stawn used a colour system and █████ recalled him saying "Red Red Red." When █████ asked Stawn about the colours, he told █████ it was the Zones. █████ was somewhat familiar with the Zones but had no special expertise. █████ did not prefer the Zones system.
8. █████ testified that █████ could hear Stawn shouting loudly when █████ was in the hallway. He would be saying "Stop. Stop. Stop."
9. █████ went on to explain entry ways could be hectic as the students did not line up and that the hallways could be busy.

G. [REDACTED]

1. [REDACTED] has been an EA with the [REDACTED]. Previously, [REDACTED] worked as an EA in [REDACTED], initially in a Grade [REDACTED] classroom and then in a behaviour classroom. [REDACTED] moved to [REDACTED] after the [REDACTED].
2. [REDACTED] testified that [REDACTED] was trained in NVCI though [REDACTED] certification had expired during the COVID-19 pandemic. [REDACTED] stated that de-escalation was the first choice and that hands on was a last resort response.
3. [REDACTED] recalled using her NVCI training many times at [REDACTED]. [REDACTED] could not specify an exact number but did suggest that it was less now as [REDACTED] worked with older students.
4. [REDACTED] noted that Student P, the student [REDACTED] was assigned to support, needed lots of restraint in Grade [REDACTED].
5. [REDACTED] testified that Student P was in [REDACTED]'s class but that [REDACTED] had also been in other classes at times as EAs were moved if their student was away or there was greater need in another room.
6. [REDACTED] was familiar with the Zones and understood it was a program to help children name their emotions. [REDACTED] recalled using it with Student P in 2016. [REDACTED] did not believe that the Zones were used in [REDACTED]'s or Stawn's classrooms.
7. [REDACTED] did not have a relationship with Stawn other than going into his classroom when the other EA was away.
8. [REDACTED] recalled Stawn being straightforward with his students and did not have a great relationship with some of the students. [REDACTED] recalled Student A being tense and negative in Stawn's class.
9. [REDACTED] testified that they could hear Stawn shouting colours when [REDACTED] was in [REDACTED]'s classroom.
10. [REDACTED] testified that [REDACTED] understood the significance of the colours that Stawn yelled.
11. [REDACTED] observed Stawn removing Student A from the class. [REDACTED] testified that, at times, Stawn would pick up Student A under their arms and [REDACTED] specifically recalled one instance when Stawn had Student A's hands in the air and Student A was on their tippy toes. [REDACTED] went on to clarify that Student A's head was at Stawn's front and Stawn had his arm around Student A's wrists. Student A's feet were not on the ground.

12. [REDACTED] was not aware of the circumstances that lead to the incident.
13. [REDACTED] testified that [REDACTED] observed an occasion during an activity called, Books After Breakfast, where kids read. The Grade [REDACTED] and [REDACTED] classes were paired to read in the hallway. [REDACTED] watched Stawn direct a student by the shoulders from one group to another. [REDACTED] noted that the student's reaction to this was tears and hyperventilating and [REDACTED] could not speak to [REDACTED] after this happened.
14. [REDACTED] stated [REDACTED] shared the incident with [REDACTED] as [REDACTED] was [REDACTED] supervising teacher.
15. [REDACTED] testified that [REDACTED] was in the gym during a shared class with Stawn. The students were on scooters and Stawn called to them to stop. Student C did not stop and Stawn confronted them, sweeping the scooter aside. [REDACTED] testified that Student C cried and went to the side. [REDACTED] clarified that Stawn was by the door and Student C was towards the middle of the room. [REDACTED] was between the two but did not look at them directly until Stawn yelled. [REDACTED] looked at Stawn first and then Student C. [REDACTED] recalled there were other EAs in the gym but [REDACTED] was unsure of their exact locations. [REDACTED] noted that when Student C was on the scooter, there were two students behind them and one student about a metre in front. [REDACTED] explained that there was no danger of a collision as Student C was not going fast.
16. [REDACTED] shared that incident with [REDACTED] as well.
17. [REDACTED] testified that in an ideal situation, management of student behaviour was team-based and that the EA had to be able to rely on the teacher's decisions and the teacher had to rely on the EA's decisions.
18. [REDACTED] also stated that EAs could expect to have support from each other.
19. [REDACTED] testified to an incident with [REDACTED] that occurred during the first year at [REDACTED]. [REDACTED] came to [REDACTED] with issues [REDACTED] was having but stated, "not issues with [REDACTED] and me."
- [REDACTED] objected when [REDACTED] was asked to outline [REDACTED]'s issues. [REDACTED] argued that [REDACTED] had already attended and [REDACTED]'s response would be hearsay. The committee allowed the testimony to continue but would apply appropriate weight to [REDACTED] answer.
20. [REDACTED] recalled [REDACTED] had asked [REDACTED] about what [REDACTED] was doing to support more positive behaviours in students.
21. [REDACTED] stated that [REDACTED] had shared that [REDACTED] was just doing [REDACTED] job and then getting out of school.

22. ██████ stated that ██████ shared an Antecedent, Behaviour, Consequence (ABC) chart for recording student behavioural data. ██████ had used the chart in ██████ to help identify student triggers.
23. ██████ testified that ██████ did not use the chart and that it was not supported in Stawn's class.
24. ██████ believed that ██████ had expressed interest in the charts and so ██████ left the charts by the sink in Stawn's class.
25. ██████ recalled Stawn telling ██████ that it was wrong to give the charts to his EA unless it went through him.
26. ██████ testified the conversation with Stawn occurred in the classroom doorway. ██████ felt Stawn was upset and unhappy. ██████ testified ██████ was uncomfortable; ██████ was only trying to help and yet ██████ felt like a child being penalized.
27. ██████ recalled watching Stawn lift Student A and it gave ██████ flashbacks to childhood experiences with a friend whose mother used to lift her in a similar fashion.
28. ██████ stated that ██████ observed that Student A was often taken across the hallway to a breakout room or down to the office.
29. ██████ stated the time Student A was out of the room varied but ██████ did recall one instance when Student A played with Lego bricks for 45 minutes.
30. ██████ described that Student A's response to Stawn ranged from being quiet to yelling that they hated Stawn.
31. ██████ was aware that Student A had behavioural issues but did not know their diagnosis.
32. ██████ described instances when ██████ would restrain ██████ assigned student during 2016. ██████ practice was to restrain, hold and then walk. ██████'s student went to a special calming room. ██████ did not recall using the middle room with ██████ student.
33. In follow-up to each occurrence, ██████ made notes that were provided to the teacher and school administration but ██████ never contacted parents.
34. ██████ testified that Grade ██████ students occasionally cry but it is more common with ██████ students.

H. ██████

1. [REDACTED] is a teacher with the [REDACTED] and had been with the [REDACTED] since 2006.
2. [REDACTED] obtained [REDACTED] teaching credentials in [REDACTED] and worked as a behaviour assistant until [REDACTED] obtained [REDACTED] credentials in Alberta.
3. [REDACTED] testified that [REDACTED] had NVCi training previously when [REDACTED] was teaching in a specialized program called Interactions.
4. [REDACTED] briefly described a two-person lift taught during his NVCi training and expressed that [REDACTED] thankfully, never had to do a one or two person hold on a student. [REDACTED] went on to clarify that NVCi was focussed on de-escalation.
5. [REDACTED] had observed a two-person hold being used at a previous school but [REDACTED] was not trained in NVCi at the time and was not a participant in the lift.
6. [REDACTED] testified that using an NVCi hold could be warranted if you believed there was danger to the student or yourself but evacuating all other students out of the room and leaving the student in distress to de-escalate would be a preferred option before the use of a hold.
7. [REDACTED] testified that [REDACTED] was a colleague of Stawn's for about two and a half years.
8. [REDACTED] was unclear when Stawn had left the school.
9. [REDACTED] described [REDACTED] relationship with Stawn as being amicable, but their classrooms were far apart and they taught Grades [REDACTED] and [REDACTED] respectively so they did not have too much interaction.
10. [REDACTED] noted they usually chatted in the photocopy room.
11. [REDACTED] testified that [REDACTED] would be in the Grade [REDACTED] hallway when [REDACTED] would take Grade [REDACTED] classes for physical education during the time his Grade [REDACTED] class was receiving instruction in [REDACTED].
12. [REDACTED]'s Grade [REDACTED] students had also worked on a project with the Grade [REDACTED] students.
13. [REDACTED] was directed to Exhibit 5, tab 65, an e-mail from Stawn to [REDACTED] about Student B. [REDACTED] identified that [REDACTED] was the only [REDACTED] in the school at the time of the e-mail and was the person Stawn referenced in the e-mail.
14. [REDACTED] explained the acronym, BLA referred to Behaviour Learning Assistance.
15. [REDACTED] stated [REDACTED] remembered that [REDACTED] was in the hallway and had turned a corner. There [REDACTED] observed Stawn talking to a student who was about five feet away. The

student did not appear to be listening to Stawn. Stawn had then turned to [REDACTED] to ask for help, but before [REDACTED] could answer, Stawn lifted the student in a "cradle hold" and carried the student to a room. [REDACTED] opened a few doors as Stawn carried the student.

16. [REDACTED] believed that the student stayed in the room.
17. [REDACTED] in [REDACTED] testimony was explicit that [REDACTED] had not touched the student and suggested that the e-mail describing him as assisting Stawn was too strong a statement.
18. [REDACTED] did not report the events until asked by [REDACTED].
19. [REDACTED] testified that only Stawn and the student were in the hallway, that Stawn was talking and there was no apparent danger to anyone.
20. [REDACTED] did not observe the student hitting or kicking though they did squirm a little.
21. After the event, [REDACTED] came to understand that the student that was carried was Student B.
22. [REDACTED] shared that [REDACTED] did not make notes about the incident at the time.
23. [REDACTED] recalled that the incident [REDACTED] observed began outside Stawn's classroom but had no clear recollection about whether Stawn's classroom door was open.

I. [REDACTED]

1. [REDACTED] testified she is a [REDACTED] teacher with over 30 years of experience, 15 of which were with the [REDACTED]. [REDACTED] was assigned to teach at [REDACTED].
2. [REDACTED] was a colleague of Stawn at [REDACTED] for 2016/17 and 2017/18 school years.
3. [REDACTED]'s classroom was in the same hallway as Stawn's classroom but at the other end by the teacher's entrance.
4. [REDACTED] stated that [REDACTED] was currently certified in NVCi and had been for about 11 or 12 years. [REDACTED] was aware of the Zones but did not use it with a student unless a behavioural occupational therapist had recommended it for a particular student.
5. [REDACTED] testified that [REDACTED] had a professional relationship with Stawn.
6. [REDACTED] did not usually eat lunch in the staff room but did travel the hallway a bunch.

7. [REDACTED] testified that [REDACTED] sometimes heard loud yelling of colours from Stawn's room which sometimes made [REDACTED] students nervous. One student told [REDACTED] that [REDACTED] didn't walk the hallway alone because of the loud yelling. [REDACTED] testified that it was a [REDACTED] level objective for students to learn to walk the hallways alone.
8. [REDACTED] recalled an incident where there was a planned Edmonton Regional Learning Consortium (ERLC) PD event hosted by [REDACTED] at the school in the art room. [REDACTED] was one of the scheduled teachers for the session. [REDACTED] found [REDACTED] taking down the materials and discovered that the room had been double booked.
9. [REDACTED] testified that Stawn had been very upset and yelled at [REDACTED]. [REDACTED] stayed around because [REDACTED] was worried about [REDACTED] and wanted to make sure [REDACTED] was okay but did not report the incident to anyone or take any further steps.
10. [REDACTED] also recalled an incident when [REDACTED] was in the staff room during a preparation period.
11. [REDACTED] saw Stawn walk through the staff room carrying Student B by their arms and into the office. [REDACTED] testified that Stawn had Student B by their arms and was grasping their wrists.
12. [REDACTED] remembered Student B's feet were off the ground.
13. [REDACTED] recalled that no words were said and that Stawn was moving quickly. [REDACTED] testified that both school administrators were in the office area so [REDACTED] trusted that the incident would be handled and [REDACTED] had no reason to intervene.
14. [REDACTED] did not recall Student B making any sounds or having much expression on their face.
15. [REDACTED] could not recall the exact day of the incident.
16. [REDACTED] testified that her NVCI is up to date and the hold that Stawn was using did not match a one-person lift that [REDACTED] recognized.
17. [REDACTED] believed that Student B was big enough that a two-person lift would have been appropriate.
18. [REDACTED] could not identify the exact date of the Student B incident but was certain it had occurred early in 2018.
19. [REDACTED] could not identify the exact date of the [REDACTED] incident but was certain it had occurred early in the school year.

20. [REDACTED] did recall that [REDACTED] was perhaps 15 metres away from Stawn and Student B.
21. [REDACTED] did not approach Stawn about the noise level in his classroom even though the two of them spoke at times.

J. [REDACTED]

1. [REDACTED] is a teacher with the [REDACTED] with 20 years of experience. [REDACTED] had a part time assignment at [REDACTED] during the [REDACTED] school year to teach Grade [REDACTED] and Grade [REDACTED].
2. [REDACTED]'s classroom was down the hall from Stawn's, towards the [REDACTED].
3. [REDACTED] characterized [REDACTED] relationship with Stawn as good and shared that they [REDACTED] during staff meetings.
4. [REDACTED] had some knowledge of Stawn's behaviour training.
5. [REDACTED] utilized posters displaying aspects of the Zones to assist [REDACTED] students with naming emotions and de-escalating emotions. [REDACTED] explained [REDACTED] process for introducing the Zones to [REDACTED] students includes a description of parental contact.
6. On February 20, 2018, [REDACTED] stayed at school after the conclusion of [REDACTED] teaching duties and was working in the photocopier room.
7. [REDACTED] saw Stawn enter the workroom carrying a student. Stawn had one hand under the student's chin and the student's feet were off the floor.
8. [REDACTED] observed Stawn carry the student through the workroom, then through another door and into the middle space. Stawn put the child down, closed the door and then went to [REDACTED]'s office.
9. [REDACTED] testified that [REDACTED] went to speak with the student.
10. [REDACTED] recalled that the door to the middle space had a lever handle and was unlocked.
11. [REDACTED] testified that [REDACTED] was in shock after witnessing this event. [REDACTED] described herself as horrified as a teacher and a [REDACTED] [REDACTED] believed the student was in shock as well.

12. [REDACTED] testified that Stawn looked flustered or agitated. [REDACTED] did not recall any words being spoken and had no knowledge of what might have led up to the incident.
13. [REDACTED] went home troubled and decided to speak with Stawn the next day.
14. [REDACTED] waited until the classroom was clear and then spoke with Stawn.
15. Stawn stopped [REDACTED] until [REDACTED] could be present. [REDACTED] agreed and they moved into the middle space with [REDACTED]
16. [REDACTED] relayed what [REDACTED] had witnessed. [REDACTED] testified that Stawn did not deny anything but did ask [REDACTED] "Why didn't you help me?" [REDACTED] recalled [REDACTED] responded to Stawn by stating that the event happened too quickly, that [REDACTED] was in shock, that teachers don't put their hands on students and [REDACTED] NVC training was not up to date.
17. [REDACTED] recalled [REDACTED] telling Stawn that you don't put hands on students to which Stawn had replied, "You are not always available to help."
18. [REDACTED] then went to the parking lot and went home.

[REDACTED] was directed to Exhibit 5, tab 80. [REDACTED] objected to the exhibit as it was being used to bolster prior testimony. The committee allowed the exhibit but noted they would apply proper weight to the document.

In reviewing Exhibit 5, tab 80, [REDACTED] attested that [REDACTED] wrote the document on February 24, 2018, such that the notes may be considered contemporaneous.

19. [REDACTED] testified that Student B was in [REDACTED] Grade [REDACTED] class.
20. [REDACTED] recalled having a good experience with Student B but described them as having some "sass" that [REDACTED] could usually work around. [REDACTED] noted that classes were in session until March when the COVID-19 pandemic altered the school year.
21. [REDACTED] testified that log notes are something teachers use to make notes and to document significant issues.
22. [REDACTED] recalled Student A from [REDACTED] first year at [REDACTED] and in [REDACTED] Grade [REDACTED] class. [REDACTED] described Student A as having some challenges but also having many good days. [REDACTED] believed that Student A had a diagnosis of [REDACTED]

23. [REDACTED] recalled Student A as being occasionally defiant or fixating on a toy. [REDACTED] had an EA in [REDACTED] class but the EA was not specifically assigned to Student A.
24. [REDACTED] testified that Student A would sometimes become very frustrated and would run but not out of the school. [REDACTED] had the EA follow at a distance to make sure Student A was safe.
25. [REDACTED] testified that [REDACTED] and [REDACTED] teaching partner developed an IPP for Student A. [REDACTED] found that Student A responded best when faced with "if/then" options that allowed them some choice. Student A responded better when they had some amount of latitude.
26. [REDACTED] did recall that, at times, Student A would tell [REDACTED] "You're making me frustrated" and that [REDACTED] would ask if they needed space.
27. [REDACTED] outlined how [REDACTED] used Zones materials to help Student A regulate their emotions.
28. [REDACTED] identified Exhibit 5, tab 81 as [REDACTED] notes about Student A.
29. [REDACTED] testified that [REDACTED] was not currently trained in NVCi but had been certified several times in [REDACTED] career.
30. [REDACTED] stated the little room had also been called the "bubble room." In general, the room had fun stuff in it and Student A went there as a reward or to calm down. The room was a positive place for [REDACTED]. [REDACTED] did not believe that Student A manipulated [REDACTED] or the situation to go to the room.
31. [REDACTED] did believe that Student A had been diagnosed with [REDACTED].
32. [REDACTED] also recalled that Stawn did not prevent [REDACTED] from giving [REDACTED] side of the incident with Student B once [REDACTED] was present.
33. [REDACTED] stated that students can change and improve over years.

K. [REDACTED]

1. [REDACTED] is a teacher with the [REDACTED] with four years of experience. [REDACTED] began work as a [REDACTED] then as an EA and now works as a teacher.
2. [REDACTED] was a substitute teacher at [REDACTED] starting in [REDACTED] for a [REDACTED] teacher. [REDACTED] then moved to Grade [REDACTED] in [REDACTED] and then as Stawn's replacement from [REDACTED].

3. [REDACTED] testified that during [REDACTED] time in [REDACTED] [REDACTED] was in the same hallway as Stawn but further to the [REDACTED].
4. During [REDACTED] time in Grade [REDACTED], [REDACTED]'s classroom was across the hall and [REDACTED] [REDACTED] from Stawn's classroom. [REDACTED] could not recall if Stawn had his classroom door open.
5. [REDACTED] recalled having professional relationship with Stawn. [REDACTED] testified that [REDACTED] believed there was some tension between Stawn and other members of the staff.
6. [REDACTED] was directed by [REDACTED] to review a class list from [REDACTED]. [REDACTED] testified that students with 300 codes were English Language Learners (ELL). [REDACTED] could not recall which students might have an IPP, though [REDACTED] did identify one student as needing hearing assistance. [REDACTED] characterized the class as very good and a great class to teach. [REDACTED] could not recall ever needing to hold or restrain a student.
7. [REDACTED] recalled an incident with Student E who pulled another student's hair because they liked the hair which resulted in Student E's suspension. Upon their return to class, Student E was remorseful and changed their behaviour.
8. [REDACTED] believed the incident with Student E could be characterized as minor.
9. [REDACTED] stated that if [REDACTED] had been proximate to Student E [REDACTED] likely would have stopped their hand. [REDACTED] also believed that [REDACTED] would not have yelled as the classroom FM system would have ensured [REDACTED] voice was heard.
10. [REDACTED] also recalled an incident with Student B hitting another student. Student B then hid in their cubby.
11. [REDACTED] came to the classroom when that happened, calmed Student B down and removed them from the room. Student B returned to the room with [REDACTED] and apologized to their peer.
12. [REDACTED] was directed to review Exhibit 5, tab 33, which were Stawn's log notes about Student B. [REDACTED] noted their experiences with Student B were different from [REDACTED] experience and [REDACTED] had not seen those behaviours with Student B.
13. [REDACTED] identified there was an issue with Student B being agitated when Student B felt their peers were talking about them. [REDACTED] resolved the issue by moving Student B to a different spot in the classroom where it was quieter.

14. [REDACTED] went on to relate how Student B brought [REDACTED] which [REDACTED] has kept.
 15. Student B and Student E would, in subsequent years, stop by to visit and get snacks from [REDACTED]
 16. [REDACTED] during [REDACTED] testimony, became tearful when [REDACTED] recalled Student E [REDACTED]
 17. [REDACTED] spoke with Student B's [REDACTED] and recalled Student B's [REDACTED] telling [REDACTED] that Student B seemed like a different child with [REDACTED] as their teacher and that Student B loved Grade [REDACTED]
 18. [REDACTED] testified that in a Grade [REDACTED] health class, the students characterized Stawn as being mean and that they couldn't go to him for help. [REDACTED] redirected the class to a different topic.
 19. [REDACTED] testified that [REDACTED] with Stawn to a [REDACTED]
 20. [REDACTED] recalled Stawn expressing his dislike of [REDACTED]'s weather policy. [REDACTED] went on to state that Stawn apologized to [REDACTED] the next day for his comments.
 21. [REDACTED] told Stawn not to worry and that [REDACTED] understood he needed to vent.
 22. [REDACTED] was directed to review the log notes (Exhibit 5, tab 33) made by Stawn, between February 5, 2018 to February 21, 2018, about Student B's misbehaviours.
 23. [REDACTED] carefully reviewed the log notes and stated that some were more severe, some less and some about the same, specifying that Student B running on a bench was probably more severe and Student B kicking might be similar in severity to events in [REDACTED]'s class.
 24. [REDACTED] testified that in [REDACTED] experience it was unusual for students to complain about a teacher.
 25. [REDACTED] also clarified that [REDACTED] used a reward system which was a jar at the front of the class.
- L. [REDACTED] — [REDACTED] had advised the secretary to the committee that [REDACTED] had legal counsel. A preliminary discussion had ensued about the intended nature of the involvement of [REDACTED] counsel in this process. It was unclear prior to [REDACTED] testimony what exact role [REDACTED] counsel expected to take. At the outset of [REDACTED] testimony [REDACTED] advised that [REDACTED] had discussed matters with [REDACTED] counsel. [REDACTED] confirmed that [REDACTED] counsel would not seek an active role in the proceeding and that [REDACTED] counsel would only observe the process.

1. [REDACTED] was an experienced teacher with about 16 years of service. [REDACTED] had returned from [REDACTED] the beginning of the [REDACTED] school year and a year later moved to [REDACTED] when the school opened.
2. [REDACTED] is currently trained in NVCi and had been certified three times during [REDACTED] career.
3. [REDACTED] testified about a student, Student P, who had been initially assigned to Stawn's room but was moved to [REDACTED]'s room the third week of September. Partway through the year, Student P was moved into a behaviour management class.
4. Student P's behaviour was such that [REDACTED] had to rely on [REDACTED] NVCi training in working with [REDACTED].
5. [REDACTED] testified that on a couple of occasions, the room was evacuated due to Student P's behaviour. [REDACTED] would hold Student P in accordance with [REDACTED] NVCi training while the rest of the class was moved out and school administration was called in.
6. After each incident, [REDACTED] followed up with the parents so they were apprised of what had occurred.
7. [REDACTED] testified that she had used NVCi holds with three students during [REDACTED] career. [REDACTED] was never in a position to lift a child.
8. [REDACTED] understood the Zones to be a management tool to help children identify their emotional state but had no formal training with the Zones.
9. [REDACTED] testified that moving a child out of the red zone was a coregulation with the adult and the child working together to manage the red emotions as Grade [REDACTED] students often do not have the ability to self-regulate emotions.
10. [REDACTED] was aware that some teachers used the Zones but not everyone.
11. [REDACTED] worked with Stawn at [REDACTED] during the 2016/17 school year.
12. Stawn gave [REDACTED] the impression that he had extensive training in managing student behaviour.
13. [REDACTED] testified that there were three Grade [REDACTED] classes during the 2016/17 school year—[REDACTED] class, Stawn's class and [REDACTED]'s class. The classes combined for physical education classes as the school had limited gym space.

14. ██████ characterized ██████ relationship with Stawn as initially collegial but later it became strained.
15. ██████ noted that Stawn was loud in his interactions with his class and that caught ██████ off guard. During a supervision requiring, "all hands-on deck" Stawn told ██████ that he used yelling at kids as a strategy to startle kids to get them to be compliant. ██████ found this statement at odds with ██████ training.
16. Over the course of the school year, ██████ would hear Stawn yelling colours more and more such that ██████ class began to be interrupted by the noise.
17. ██████ recalled ██████ class asking, "What happens when they get to red?"
18. Student P moved from Stawn's classroom into ██████'s classroom shortly after that.
19. ██████ observed Stawn carry a student across the hall to the calm room.
20. ██████ observed Stawn carried a student by their wrists and cradled them like a baby off the ground.
21. The school had a scheduled activity called Books After Breakfast where all the students in Grades ██████ would move into the hallways to read.
22. ██████ observed Stawn physically moving students to different groups. ██████ watched Stawn pull a student back by the hood.
23. ██████ observed Stawn moving Student A by the wrists. Sometimes Student A would be yelling and other times they would be laughing like it was a game.
24. ██████ did not speak with Stawn about these incidents as ██████ was intimidated by him; it was a new school and they had just met.
25. ██████ believed that students were shocked to see Stawn moving students.
26. ██████ recalled being contacted by ██████ on a day that ██████ was absent from school. ██████ told ██████ a story about Student D who was moved by Stawn and that the student hyperventilated.
27. ██████ testified to an incident precipitated by ██████ speaking with ██████ during bus supervision. As both ██████'s and Stawn's class had students with severe behaviour issues, ██████ suggested to ██████ that she might wish to use a management tool that ██████ had used prior to joining the ██████

28. The situation escalated with [REDACTED] reporting that Stawn had directed [REDACTED] to not speak with [REDACTED].
29. [REDACTED] had come into [REDACTED]'s room to read to [REDACTED] students. After the reading, [REDACTED] approached [REDACTED] to speak about the incident. [REDACTED] had stated to [REDACTED] [REDACTED] was aware of the incident and directed [REDACTED] to resolve the matter with Stawn.
30. [REDACTED] and Stawn [REDACTED] to broach the subject. [REDACTED] recalled how Stawn's demeanour changed once the topic came up. He looked agitated and red.
31. Stawn informed [REDACTED] that [REDACTED] was bullying [REDACTED].
32. Stawn's understanding was at odds with [REDACTED]'s so [REDACTED] proposed they meet with all four of them together. Stawn declined the opportunity stating it would breach trust with [REDACTED].
33. Stawn sent [REDACTED] an e-mail that night apologizing.
34. [REDACTED] and Stawn exchanged pleasantries the next morning.
35. During supervision, [REDACTED] spoke with [REDACTED] inquiring about the bullying by [REDACTED]. [REDACTED] replied, "Why would you ask that?" [REDACTED] testified that [REDACTED] said [REDACTED] was terrified of Stawn.
36. The conversation between [REDACTED] and [REDACTED] was observed by Stawn.
37. [REDACTED] followed up with [REDACTED]. [REDACTED] told [REDACTED] that [REDACTED] denied [REDACTED]'s version of events and that [REDACTED] had an issue with Stawn.
38. [REDACTED] stated in [REDACTED] testimony, [REDACTED] felt betrayed and not believed. [REDACTED] then wrote a letter to [REDACTED]. [REDACTED] felt that [REDACTED] directed [REDACTED] to not raise [REDACTED] concerns with the Association as matters would be dealt with at school.
39. [REDACTED] attempted to access Association staff for assistance but did not return phone calls as [REDACTED] felt that Stawn was too connected to them.
40. [REDACTED] testified that things were calm until November when there was an incident in the gym with Student C.
41. [REDACTED] was putting balls away when [REDACTED] heard Stawn yelling, "Stop! Stop! Stop!" at Student C. [REDACTED] noted that Student C was crying.
42. At the end of the class, Stawn spoke to all students reinforcing that everyone must stop when he said so.

43. ██████ noted that ██████ ██████ ██████ and Stawn were all present in the gym.
44. ██████ did not view any events leading up to Stawn yelling at Student C. While ██████ accepted that it was possible Student C was zipping around, ██████ believed it was unlikely.
45. After class, ██████ met with Student C and helped them write a note to Stawn. ██████ went with Student C to deliver it. ██████ confirmed that the note ██████ assisted Student C with was entered as Exhibit 5, tab 84.
46. ██████ recalled that the discussion between Student C and Stawn included a review that Student C had been on a scooter and that there were three or four students around them.
47. ██████ recalled that no one was hit and that Stawn focussed on compliance with his directions rather than student safety.
48. ██████ recalled ██████ was troubled by this incident. When ██████ was reflecting on events later that night, ██████ came to believe ██████ had failed to protect Student C and that Stawn had suborned ██████ into covering for him.
49. ██████ requested a meeting with Stawn and ██████ for the next afternoon. ██████ recalled that Stawn had some confusion about the location for the meeting but the meeting was held.
50. ██████ shared ██████ feelings about the Student C incident with Stawn.
51. At the end of the meeting, ██████ told Stawn that students did not come to school to be yelled at.
52. After the meeting was over and Stawn had left, ██████ told ██████ that ██████ could come to ██████ with issues but ██████ did not believe ██████ or that ██████ could make a difference.
53. ██████ and Stawn kept distant for the remainder of the year. In ██████'s words, "Trust was broken."
54. ██████ testified that there was one e-mail exchange (Exhibit 5, tab 90) amongst staff at the end of the year about a student created playground game called "Red Butt" which involved students throwing tennis balls at another student who acted as a target. Stawn and ██████ had differing views about the danger of the game. Stawn felt the game was unacceptable and other teachers, including ██████, felt it was harmless.

55. A week before the commencement of [REDACTED]'s [REDACTED] [REDACTED] received a call to participate in a staff relations discussion at central office.
56. [REDACTED] made plans to do so in early July, but the date was postponed until after [REDACTED] returned from [REDACTED].
57. [REDACTED] did compile [REDACTED] notes about Stawn.
58. In February 2018, [REDACTED] was contacted by [REDACTED] about the [REDACTED] investigation of Stawn. [REDACTED] was told to submit documents to central office which [REDACTED] did.
59. While Stawn was [REDACTED], [REDACTED] stopped by the school a few times but believed that Stawn was monitoring [REDACTED] and had someone on staff reporting to him. [REDACTED] testified that the [REDACTED] investigator had knowledge of the dates and times [REDACTED] attended school and [REDACTED] wondered if [REDACTED] replacement, [REDACTED] had divulged the information.
60. In June of 2018, [REDACTED] received a FOIP request from Stawn.
61. [REDACTED] testified that on June 18, 2018, [REDACTED] requested the Association investigate Stawn for unprofessional conduct.
62. [REDACTED] stated that [REDACTED] had received e-mails from Stawn about [REDACTED] attacks on him and how [REDACTED] discriminated against him because of his [REDACTED].
63. [REDACTED] was directed to Exhibit 5, tab 86, a document containing [REDACTED] notes and reflections on [REDACTED] interactions of concern with Stawn from September 2016 to July 2018.

[REDACTED] objected to the document being entered as an exhibit in that it was hearsay and not contemporaneous. [REDACTED] clarified that [REDACTED] made notes at home and then assembled them into a document.

[REDACTED] objected to the introduction of the document whole sale and wanted it verified point by point. The committee noted the comments from [REDACTED] and accepted the document as an exhibit without verifying each line being mindful of applying proper weight to the exhibit.
64. [REDACTED] reviewed Exhibit 5, tab 91 and tab 92 which were e-mails between Stawn and [REDACTED]. [REDACTED] believed these e-mails followed the, "Red Butt" e-mail discussion. [REDACTED] had not previously seen the e-mails but believed they were connected to the meeting scheduled at the commencement of [REDACTED] but never took place.
65. [REDACTED] was directed to Exhibit 5, tab 93, a FOIP request made by Stawn, that compelled [REDACTED] to forward documents to the [REDACTED] FOIP coordinators.

66. [REDACTED] was directed to document intended to be entered as Exhibit 5, tab 88 which contained a letter (pages 3 and 4) that [REDACTED] had provided to [REDACTED]

[REDACTED] objected to the introduction of a letter within the document if [REDACTED] was going beyond confirmation that [REDACTED] sent it to [REDACTED]. [REDACTED] objected on the basis the document was hearsay and not contemporaneous. The committee noted [REDACTED]'s objections and directed the testimony to continue.

[REDACTED] explained that the document was going to the school division as part of an investigation, and [REDACTED] wanted to advise [REDACTED] that [REDACTED] was referenced in the document. [REDACTED] attested it was [REDACTED] usual practice to document events.

[REDACTED] objected that the document should be attested to statement by statement. He also objected to any statement that was not contemporaneous.

[REDACTED] was directed to review the document and then verify it. The document was accepted as Exhibit 5, tab 88.

67. [REDACTED] clarified that pages 2 through 26 were written as they happened. [REDACTED] testified that page 1 was written in February of 2018.

68. [REDACTED] clarified that Exhibit 5, tab 88 came from Exhibit 5, tab 86.

69. [REDACTED] clarified that within Exhibit 5, tab 86, a series of e-mails dated June 23, 2017 and June 25, 2017 were pasted into the text. [REDACTED] attested that if [REDACTED] made the accompanying notes a day or two after events it did not take from the statements being true.

70. [REDACTED] attested that the e-mail, in Exhibit 6, tab 7, to [REDACTED] was written when [REDACTED] was leaving [REDACTED].

71. [REDACTED] explained that [REDACTED] chose to write the e-mail when [REDACTED] realized that the July meeting with staff relations could not occur. [REDACTED] stated to [REDACTED] that [REDACTED] did not work on the document for days in advance.

72. [REDACTED] spoke to page 2, paragraph 3 of Exhibit 6, tab 7. [REDACTED] clarified that [REDACTED] had come to accept the [REDACTED] feelings that [REDACTED] had not believed [REDACTED] which led to [REDACTED] seeking [REDACTED].

73. [REDACTED] now understood that the letter encapsulated [REDACTED] feelings and anxieties about event [REDACTED] had witnessed and [REDACTED] concern that Stawn would seek retribution for [REDACTED] actions. Eventually, [REDACTED] understood [REDACTED] needed to seek a placement in a different school.

74. ██████ testified that ██████ statement that ██████ had tried hard to control the narrative of events was true.
75. ██████ explained that ██████ reference to, "hundreds of conversations" was not about events with Stawn but on the process and investigation.
76. ██████ identified Exhibit 5, tab 87 as the documents ██████ provided to legal counsel for the ██████. ██████ confirmed that ██████ wrote the document on October 2, 2018, as stated on page 1 of the exhibit.
77. ██████ attested that the exhibit was an accurate summary of ██████ feelings at the time but now ██████ felt differently. ██████ stated ██████ felt Stawn had attacked ██████ psychologically and had placed doubt and fear in ██████ mind in 2018. ██████ has now moved on and no longer thinks of things on "that level."
78. ██████ was certain the contents of Exhibit 5, tab 87 were not influenced by ██████ anxiety. ██████ refuted the idea of ██████ characterizing the events with Stawn as more inflammatory than they were or that ██████ had embellished ██████ recollection.
79. ██████ attested that ██████ had not lied to ██████ in ██████ letter but that the letter captured ██████ feelings and truth at that time.
80. ██████ stated ██████ had received a ██████ and detailed the elements of ██████
81. ██████ testified that some of ██████ when ██████ became aware of the FOIP requests and the Association's investigation of Stawn.
82. ██████ noted that it is common for elementary school teachers to receive gifts and cards at Christmas and holidays. The items ██████ treasured the most were the notes ██████ received from students and parents.
83. ██████ testified that, in ██████ opinion, students need a teacher who understands trauma and bullying. ██████ has taken additional professional development to fulfill that need.
84. In reviewing Exhibit 5, tab 86, ██████ testified that it was ██████ practice to keep notes on ██████ computer and to make the notes as events happened. ██████ explained that ██████ had not made notes about other staff because it was Stawn who caused ██████ fear. ██████ described the words on the page as "██████ truth."
85. ██████ testified that after the school division investigation, Stawn had filed a request for an investigation with the Association stating ██████ had breached the Code by providing documents to the school division without disclosing them to him first. ██████

stated the allegation was investigated by the Association and resulted in an [REDACTED] testified that [REDACTED] had breached the Code but the investigation did not end the with allegation going to a hearing.

86. [REDACTED] dissented with [REDACTED]'s characterization of multiple transports of students in [REDACTED] Grade [REDACTED] classroom. [REDACTED] stated that there were a number of instances that required transport of students in the first six weeks but then they reduced significantly for the rest of the school year.
87. [REDACTED] testified that there was minimal contact with Stawn after he left [REDACTED] but [REDACTED] continued to be fearful of him and had no trust in him. [REDACTED] acknowledged that Stawn had never threatened physical harm to [REDACTED] but [REDACTED] harboured those thoughts.

M. [REDACTED]

1. [REDACTED] is the current assistant principal at [REDACTED]. [REDACTED] is an experienced teacher and administrator who began [REDACTED] career around [REDACTED]
2. [REDACTED] testified at some length about the opening of the school, the school philosophy and the commencement of the first school year. The school philosophy allows every child's voice to be heard and wants to ensure that no child is left on the fringe.
3. [REDACTED] testified that school administration gifted teachers with a book that highlighted the overarching message or theme for the upcoming school year.
4. [REDACTED] had knowledge of the Zones and had used them in [REDACTED] classrooms.
5. [REDACTED] testified about the process for developing and reviewing an IPP and IBSP. [REDACTED] stressed the value and requirement for parental involvement.
6. [REDACTED] shared that review and support of the IPP and IBSP were part of [REDACTED] administrative assignment. [REDACTED] further explained the assignment of EAs to classrooms and their potential involvement with IPPs and IBSPs.
7. [REDACTED] recalled Student A had behaviour issues and likely had an IBSP. [REDACTED] stated that an IBSP would certainly have been in place once the learner support team (LST) was involved. [REDACTED] further stated that if a student was a "runner" the information would be in their IBSP and not in IPP. [REDACTED] asserted that an "all hands-on deck" strategy would be in place should a student chose to run.
8. [REDACTED] testified the expected procedure, if a student was held or restrained, would include a record in log notes, notification to school administration and notification to

parents. ██████ noted the process became formalized in 2019 and requires parent(s) be contacted on the day of the incident.

9. ██████ explained that an entry into the log notes system did not automatically flag school administration. ██████ stated the practice at ██████ was for the teacher to identify the issue to school administration and then the school administration would read the log notes. Teachers were not compelled to use that process but it was requested.
10. ██████ testified that the culture at ██████ was focussed on building positive relationships.
11. ██████ stated that there were no seclusion rooms at ██████ but the school had calming rooms, including a carpeted room with toys, a "bubble room" for sensory stimulation and a starlight room with a trampoline, liquid drip, crafts and Lego toys.
12. ██████ further testified that an adult should always be present with a student in the calming room and students should only be in the space for a specified period of time.
13. ██████ testified that prior to COVID-19 restrictions, the calming rooms would be kept unlocked.
14. ██████ reviewed Stawn's class list form 2016/17 school year (Exhibit 5, tab 29). ██████ provided details of the student coding which ranged from ESL students to students with severe behavioural disorders.
15. ██████ testified that Stawn's classroom was beautiful with soft spaces, centres, had blocks and books everywhere and art on display. Initially, ██████ felt welcome in Stawn's classroom.
16. ██████ stated that Stawn's interaction with his students had a different tone during his second year at ██████. ██████ recalled Stawn was physically more distanced with the students instead of working alongside them. ██████ went on to testify that Stawn's classroom had also become less welcoming and accessible.
17. ██████ testified that on one occasion Stawn declined a substitute teacher who was offered to various classrooms to provide relief to the teachers. ██████ interpreted Stawn's refusal as an example of him not wanting others in his classroom.
18. ██████ noted that ██████ office is proximate to the staff room. ██████ testified to an incident where Stawn "inadvertently" called another teacher a bitch. The incident arose when teachers were in the staff room discussing coffee cups they had been given, including an exchange about cups being regifted. One teacher had a coffee cup with a slogan on it. Stawn suggested the slogan should be "World's Biggest Bitch." ██████ recalled only Stawn and his friend had laughed at the comment.

19. ██████ added further detail to the coffee cup incident, ██████ stated that about seven staff were present in the staff room and the comment was made near the end of the lunch period. ██████ could not offer a specific day but was confident the incident occurred in the fall of 2017. When asked by ██████ if ██████ was present, ██████ did not recall ██████ being in the staff room that day.
20. ██████ stated ██████ later spoke with Stawn about the incident and Stawn laughed it off.
21. ██████ testified the coffee cup incident was the onset of the negative tone in the staff room. ██████ stated the staff room was joyful for the first year and negative thereafter.
22. ██████ testified about another incident involving ██████ in one of the boot rooms of the school. ██████ stated that another teacher had called out to ██████. "Hey ██████ I found your boots with your name on them!" and Stawn stated the boot should be labelled "chump."
23. ██████ spoke with Stawn afterwards and shared with him that ██████ felt he was challenging school administration. ██████ also felt disappointed and dismayed by the "chump" comment. ██████ recounted him telling ██████ he was so frustrated that he didn't know why he made such a comment.
24. ██████ stated that Stawn had apologized for his comment.
25. ██████ testified about the FM systems installed in ██████ classrooms. The FM system was not intended to increase the volume of the teacher's voice. The goal for the FM system was to level a teacher's voice throughout the classroom so it could overcome ambient sounds.
26. ██████ testified that school division's technical staff were scheduled to come to ██████ to adjust the decibels in the FM system so it clarified pronunciation without adding volume to the teacher's voice.
27. ██████ testified that school administration was aware of Stawn's concerns about congestion and chaos at the entry way near his classroom. ██████ added that school administration increased their supervision and ██████ assisted Stawn with transitioning his students from 8:45 AM to 9:15 AM.
28. ██████ stated ██████ was aware that the YMCA sometimes used the school gym before school.

29. ██████ testified, in response to a question, that appreciation cards given to teachers are a normal practice for school administration.
30. ██████ testified at some length about a particular student, Student E, who was initially placed in Stawn's class as Stawn's class list was smaller than the other classes and because Stawn had expertise in managing behaviour.
31. ██████ recalled working with Student E for reading intervention. ██████ noted that when ██████ was working with Student E, Stawn asked ██████ to work outside the classroom rather than inside.
32. ██████ outlined the support strategies for Student E. Staff accompanied Student E while they walked outside, coached Student E on how to navigate situations and increased Student E's supervision.
33. While Stawn desired that Student E should be assessed by a professional, ██████ supported a different view espoused by the behaviour consultant arguing that assessment would not provide useful assistance to Student E and the assessment was likely to be inaccurate.
34. ██████ stated that Student E was always on the LST list, and the goal was to find the right supports for ██████ rather than just attaching a diagnosis label.
35. ██████ reviewed exhibits of e-mails exchanged with Stawn and log notes about Student B. (Exhibits 5, tab 33, 65, 66 and 70)
36. ██████ stated that ██████ had several conversations with Parent B during the school year.
37. ██████ testified that when ██████ received notification from Stawn stating that ██████ had helped him transport Student B, ██████ assumed transport of Student B was compliant with the NVCi standards.
38. ██████ testified about Stawn returning school materials once he was ██████ and ██████ had gone into Stawn's classroom and packed 54 boxes of material. School administration took care to protect Stawn's privacy and security of his items.
39. ██████ testified that Stawn returned various items, one at a time and in a bizarre manner. ██████ noted the some of the packages were greatly oversized and labelled in a strange manner. ██████ was aware that ██████, after some time, had asked central office to intervene to stop delivery of items from Stawn to ██████ ██████ stated that Stawn returned the school keys, one at a time, and a few days apart.

40. [REDACTED] testified that occupational health and safety (OHS) was also part of [REDACTED] administrative assignment. [REDACTED] recalled one of the office staff asking if there should be an OHS scan of Stawn's classroom as [REDACTED] had noted a number of students asked to go home or complained of headaches while in the classroom. [REDACTED] did not believe that the issues were related to building health.
41. [REDACTED] testified that at the time [REDACTED] began to have concerns about Stawn transporting students, Stawn was copresenting sessions about behaviour management to other teachers.
42. [REDACTED] noted that while Stawn was in the classroom and had asked for additional EA support, no additional EA support was provided. After Stawn [REDACTED], an additional EA was assigned to the classroom.
43. [REDACTED] opined [REDACTED] would be surprised if an EA had testified that restraints were commonly used at [REDACTED].

N. [REDACTED]

1. [REDACTED] is [REDACTED]. [REDACTED] was a [REDACTED] in Stawn's classroom when [REDACTED] Grade [REDACTED] class. [REDACTED].
2. [REDACTED] recounted an incident in October 2016 when [REDACTED] was playing a math game in the classroom with a group of students, including Student A, called "Count the Sheep."
3. A playing piece fell on the floor and [REDACTED] asked Student A to pick it up.
4. [REDACTED] testified that Stawn removed Student A from the room by picking Student A up the hands and wrists.
5. [REDACTED] testified that it was "very weird and sudden." Student A had been initially resistant but was going to pick up the piece but before they could do so, Stawn had picked up the student.
6. [REDACTED] described Stawn's hold on Student A. Stawn had one hand on each arm and Student A's feet were off the floor as Stawn lifted Student A.
7. [REDACTED] stated that Stawn took Student A across the hall to another room and then held door closed as Student A while Student A screamed and kicked the door.
8. [REDACTED] did not talk to anyone about the incident except [REDACTED].

██████ objected to testimony about a conversation with ██████ because it was a second-hand statement and hearsay. The committee ruled the testimony continue and appropriate weight will be given.

9. ██████ testified that ██████ was certain that ██████ spoke with ██████ about Student A in 2016 but could not specify the exact date.
10. ██████ could not recall speaking of the incident again until the Association's investigation of Stawn's conduct.
11. ██████ recalled lots of colours being yelled out in Stawn's room. ██████ asked the students what the colours meant and they explained the colours related to their behaviour. Red meant they were in trouble, yellow was a warning and green meant they were behaving okay.
12. Parent Q had some knowledge of the Zones and NVCI as they were part of ██████
13. ██████ recalled ██████ being in the room at the time of the incident with Student A and the game piece.
14. ██████ stated ██████ was certain the incident occurred in October 2016 and was confident that it occurred between 9:30 AM and 10:30 AM as ██████ had to leave the classroom after that time ██████
15. ██████ stated ██████ had no knowledge of Student A's behavioural issues.
16. ██████ had a good relationship with Stawn and he wrote ██████ a letter of recommendation ██████.

O. ██████

1. ██████ was the ██████ teacher at ██████ during the time Stawn taught at ██████.
2. ██████ testified that classroom teachers would normally escort students to and from the ██████ room.
3. ██████ characterized ██████ relationship with Stawn as superficial and stated that ██████ classroom, ██████.
4. ██████ recounted an episode in which ██████ and Stawn had both booked the art room for the same period of time.

5. [REDACTED] had booked the art room for an area meeting and Stawn had booked the art room for a school activity to work on an art project. Stawn had already set up the art room with his materials when the conflict was discovered.
 6. [REDACTED] recalled Stawn became very angry and yelled at [REDACTED] [REDACTED] had to fight to hold in tears.
 7. Eventually, [REDACTED] area meeting was moved to a different room in the school.
 8. [REDACTED] also testified to another incident where [REDACTED] was tasked to take pictures throughout the school to document [REDACTED]'s commencement of the school year.
 9. [REDACTED] stated that [REDACTED] had advised classes during the morning announcements about [REDACTED] visiting classrooms in the morning. Stawn refused [REDACTED] entry to his classroom and informed [REDACTED] it was a bad time and asked [REDACTED] why [REDACTED] was visiting his class.
 10. [REDACTED] stated that [REDACTED] felt disrespected.
 11. [REDACTED] testified that parents often delivered cards and gifts to teachers.
- P. **Parent A**—[REDACTED] objected to this witness as they had not received notice the witness would be called. The committee was mindful that this witness was to be present as a support person during the following testimony of [REDACTED] child. The committee determined that delaying Parent A's testimony to after [REDACTED] child would taint the testimony and delaying the parent's testimony would create a hardship for the child. The committee ruled that this witness be disallowed.

Q. Student A

1. When Student A testified before the committee, they had just completed Grade [REDACTED]
2. They testified that they had been a Grade [REDACTED] student in Stawn's class. Student A did not recall their first interview with [REDACTED]
3. They did recall Stawn yelling and carrying them to the office.
4. Student A testified that Stawn carried them like a football. Student A then demonstrated the carry by posing with their arm in a loop and stating that their body was outstretched horizontally across Stawn.
5. Student A further testified that they had been transported by Stawn by being dragged by one arm where they had to be on their "tippy toes."

6. Student A recalled Stawn pushing them into the "bad room" and remembered that they felt "bad and upset and sad." Student A described Stawn pushed them really hard/shoved them into the "bad room" to the point where they would fall down.
7. Student A stated that they did not tell anyone about the incidents at that time as they "couldn't explain at that age and wanted to forget the bad things and move on."
8. Student A did not recall any other incidents at [REDACTED].
9. Student A reviewed a note (Exhibit 5, tab 85) they wrote to Stawn thanking him for his kindness, help and patience. Student A attested that what they wrote was not true.
10. Student A stated that the "bad room" was across the hall from Stawn's classroom but not directly across.
11. They confirmed that they did not recall their first interview with [REDACTED] but that [REDACTED] had interviewed them earlier that day. Student A confirmed that [REDACTED] told them that other people saw them being carried by Stawn. They did not recall if [REDACTED] told them the way that they were carried by Stawn. Student A confirmed that they remembered being carried by Stawn after speaking with [REDACTED].
12. Student A confirmed that they had run away from teachers.
13. Student A did not understand the meaning of ODD.

R. Parent B

1. Parent B is [REDACTED] Student B.
2. Parent B testified that Student B was in Stawn's Grade [REDACTED] class and upon Stawn's departure, continued with the replacement teacher, [REDACTED].
3. [REDACTED] reviewed an e-mail exchange between [REDACTED] and Stawn. The e-mail outlined Parent B's attempts to have open communication with Stawn. (Exhibit 5, tab 67)
4. Parent B stated that Student B attended the afterschool program at [REDACTED].
5. Parent B did not believe that Student B had any issues at [REDACTED].
6. Parent B testified that Stawn never notified [REDACTED] of any interactions where Student B was transferred.

7. [REDACTED] characterized Stawn's actions as, "manhandling," [REDACTED] child and was emotional when [REDACTED] stated that [REDACTED] child had been abused by someone who they should have been able to trust.
8. Parent B became aware of the nature of the incidents during the Association's investigation of Stawn.
9. Parent B continued to state that [REDACTED] felt betrayed by Stawn, the school and the school system as none of those parties truly shared with [REDACTED] the severity or extent of the interactions between Student B and Stawn.
10. Parent B testified that Student B had behavioural issues [REDACTED] during their time with Stawn.
11. Once Stawn left the school, Student B's behaviour changed and they no longer required [REDACTED]
12. Parent B admitted that [REDACTED] sometimes yelled at Student B, adding "I am [REDACTED] parent."
13. Parent B did not believe that Stawn had spoken with [REDACTED], who picked up Student B from school.

S. David Stawn

1. Stawn confirmed that he taught at [REDACTED] from September 2016 to June 2018.
2. Stawn began his teaching career [REDACTED].
3. Stawn outlined the efforts he made to complete his masters of education from [REDACTED].
4. Stawn relocated to [REDACTED]. He taught at [REDACTED] before moving to [REDACTED] in 2016.
5. Stawn stated that he was not a behaviour and literacy specialist. In his master's degree, Stawn focused on behaviour. [REDACTED]
[REDACTED]
[REDACTED]

6. Stawn testified he was trained in NVCi when he worked [REDACTED]. Stawn explained his training included identifying escalating behaviour and strategies to de-escalate and restrain a student. The most current language used for restrain is "transfer." Stawn stated that a young child could be moved by one adult.
7. Stawn testified that to be certified in NVCi, a two-day course had to be completed and recertification needed to be completed every two years. Stawn's certification lapsed while he was at [REDACTED].
8. Stawn testified that he was last certified in NVCi in 2007 when he taught at [REDACTED].
9. Stawn testified he had never been instructed to seek NVCi certification at [REDACTED].
10. Stawn explained he was familiar with the Zones. He learned of the system when he was in [REDACTED]. He testified that he used a colour system that was in a book about Zones.
11. Stawn gave an example of using Zones in his classroom. He stated that if a child was under a table, the teacher would get under the table with the yellow card.
12. Stawn continued that teachers in [REDACTED] used Zones and another system called, "First Steps."
13. Stawn testified that behaviour management is never just one strategy and he used multiple strategies.
14. Stawn spoke to his experiences at [REDACTED] where he used all "the tools in his kit." He had never had an issue raised with his practice.
15. Stawn testified that he was excited to move to [REDACTED] as it was a new building.
16. Stawn provided details of his classroom, including how he made his furniture match the colour system of the school, the fixtures and the centres he installed, and the books he purchased.
17. Stawn outlined that he started 2016 with a class of 16 students that grew to 24 students. He had a full time EA in 2016, but in 2017 he did not have an EA.
18. Stawn characterized [REDACTED] as the, "school with no rules" but he had his own expectations in his classroom.

19. Stawn did not recognize Exhibit 5, tab 13, the [REDACTED] document about the ABC method, but stated he was very familiar with it. Stawn testified that he received no training at [REDACTED] for the ABC method.
20. Stawn testified that [REDACTED] had a book that tracked [REDACTED] activities with Student A and they both tracked Student A's behaviour.
21. Stawn stated that he reached out to [REDACTED] in May and June of 2016 when he knew that [REDACTED] was another Grade [REDACTED] teacher hired at [REDACTED]. Stawn stated that communication with [REDACTED] was inconsistent which he attributed to [REDACTED] being busy.
22. Stawn testified that his time at [REDACTED] was the pinnacle of working together in his career.
23. Stawn testified that [REDACTED] already had established relationships (maybe 10 years) with staff [REDACTED] brought from [REDACTED] School.
24. Stawn spoke to always having classroom expectations and wanting students to be safe. Stawn outlined that he gave his students three chances.
25. Stawn stated that he gave kids lots of leeway and allowed them to work in hallways. He would use a timer and gave students five minute warnings. Stawn then demonstrated, to the committee, his typical vocal delivery with a soft gentle voice.
26. Stawn testified to using a headset in his class and stated that it reduced behaviour challenges and offered protection for the teacher's voice and hearing.
27. Stawn stated that no one told him he was too loud. Stawn said [REDACTED] had provided him with instruction on how to set up the FM system.
28. Stawn stated that he had Student A and Student P in his classroom at the start of the 2016/17 school year. He stated that he recorded his concerns in PowerSchool, software used for student record keeping. Stawn stated that Student P was reassigned from his classroom as he couldn't handle both students.
29. Stawn testified that in the 2017/18 school year he tended to record his concerns in e-mails to himself and as means to communicate with others.

30. Stawn identified Exhibit 5, tab 48 as an e-mail, dated November 28 2017, from him to [REDACTED]. The e-mail summarized a conversation they had about outside professional support for some of his students.
31. Stawn identified Exhibit 5, tab 50 as an e-mail he sent, dated December 1, 2017, to [REDACTED] about issues that had occurred with Student E that day. Stawn stated that this was the first time Student E had been aggressive and he hoped he had phoned Student E's parents. Stawn avowed he always gave a heads up to school administration. Stawn was unable to identify what follow up he was requesting or expecting from school administration.
32. Stawn identified Exhibit 6, tab 54 as an e-mail he sent, dated December 15, 2017, to [REDACTED]. In his e-mail, he wrote that he wished to meet with [REDACTED] about physically inappropriate behaviour in his classroom. Stawn explained that Student E was acting out in a sexually inappropriate manner and that Student M had told him Student B was putting doll toys "down there."
33. Stawn identified Exhibit 6, tab 55 as an e-mail he sent, dated December 15, 2017, to [REDACTED] about issues the lunch supervisor had with students in his classroom and how he would change students' seat assignments. Stawn testified that he wasn't in the school that day and he wasn't responsible for the lunch supervisors. Stawn was unable to clarify what response he was expecting from school administration.
34. Stawn identified Exhibit 6, tab 56 as an e-mail he sent, dated December 15, 2017, to [REDACTED] about contacting a parent and working together with the parent to address the student's behaviour. Stawn clarified the e-mail was for information purposes and he did not request a response.
35. Stawn identified Exhibit 5, tab 59 as an e-mail he sent, dated January 15, 2018, to [REDACTED] about his observation of students in the [REDACTED]. He stated the students were loud and acted in an unruly fashion and this behaviour was carrying over to his classroom. Stawn clarified that he had spoken with [REDACTED] and [REDACTED] but had not asked for a response in his e-mail.
36. Stawn identified Exhibit 6, tab 63 as an e-mail he sent, dated January 18, 2018, to [REDACTED] about Student E. In his e-mail, Stawn stated that it was Student E's fourth day of fighting during lunch that week and that Stawn was not responsible for his supervision. Stawn clarified he did not ask for a response from school administration.

37. Stawn identified Exhibit 5, tab 61 as an e-mail he sent, dated January 18, 2018, to [REDACTED] about escalating behaviour between Student E and Student K. Stawn testified that he sent the e-mail because he had no time during the day to speak with school administration and had to leave early to avoid driving in the dark. Stawn stated the e-mail was sent for informational purposes and a response was not requested.
38. Stawn identified Exhibit 6, tab 66 as an e-mail, dated January 23, 2018, that [REDACTED] sent to staff stating additional supervision for Student E was being provided.
39. Stawn provided testimony on how he found his class in the 2017/18 school year very challenging and that he was struggling. He noted that after he [REDACTED], an EA was brought into the class for the next teacher.
40. Stawn stated he was unaware of any concerns about his use of the Zones until he got the Association's investigation report in 2020.
41. Stawn testified that he never yelled at students but he did raise his voice if he felt it was needed.
42. Stawn recounted his discontent about students not lining up at the school doors and how the school entrances were chaotic. He stated it was his job to keep students safe and if he thought a student was a danger to themselves or others he would raise his voice. Stawn recounted an episode from the playground when a student was about to jump from the top of a play structure and he had to yell. He stated that [REDACTED] was supervising with him.
43. Stawn testified that a friend of his, [REDACTED], had lost [REDACTED] voice and damaged [REDACTED] hearing and because of this Stawn took steps to use a headset in the gym.
44. Stawn recalled that Student C was not his student in 2016/17 school year but was present during the shared gym time. He described how his class had gym every day of the week. Three of those gym days, his class was on their own in the gym; one of those days had three classes together in the gym; and the other day they shared the gym with another class.
45. Stawn stated that he had a desire for students to be active every day and he tended to have centres in the gym. He added that [REDACTED] had a more directed style during gym.

46. Stawn stated he had arranged centres on the day the incident occurred with Student C. There were scooter boards on one side and scoop balls on the other. He was with the students who were using the scooter boards and [REDACTED] was with the students who were using scoop balls. Stawn was wearing a headset as it was his day to lead.
47. Stawn testified Student C was across the room and not responding to Stawn's instructions. He saw Student C zooming across the gym while another student was backing up. Stawn yelled at Student C to stop however they only slowed down and knocked the other student down. Stawn acknowledged he yelled at Student C but didn't explain why to the other teachers. Stawn stated the situation was one of the most dangerous situations he had experienced. He stated it happened at the end of the day and he couldn't talk with Student C or their parent. Stawn stated that he did not file an incident report or contacted the other student's parents.
48. Stawn testified that he believed [REDACTED] was in the little room with Student A and was not in the gym.
49. Stawn stated that he believed he did talk to Student C's [REDACTED] and [REDACTED] was fine with his actions.
50. He did not recall saying, "Don't you agree [REDACTED]?" Stawn believed he was not being malicious when he spoke to Student C and [REDACTED]
51. He stated the event must have happened on a Monday. He stated he received a request to meet with [REDACTED] next morning. He was uncertain where the middle space was in the school. Stawn recalled [REDACTED] coming to him to say [REDACTED] was waiting for him. He went to the seminar room and noticed the middle space sign over the door.
52. He recalled the meeting being about his voice and not the danger to the student that was knocked down by Student C. He testified that the gym incident in the top five most dangerous events of his career.
53. Stawn stated that [REDACTED] was crying during the meeting and he did not go back to the combined gym class again. He was unaware that [REDACTED] had met with [REDACTED] after he left until [REDACTED]'s testimony. He felt the matter was resolved until he made a FOIP request.
54. Stawn recounted how Student B was a student in his class for the 2017/18 school year. He recalled he might have raised his voice once when Student B pulled a chair away from another student.

55. Stawn testified that in 2017 he again shared the gym space twice a week with [REDACTED] and arranged the gym in two sides with two different activities.
56. Stawn believed the chaos in the gym was related to the [REDACTED]. He asked the students to line up and not walk on the benches. Student B walked on the bench. Stawn admitted he was frustrated and approached Student B quickly.
57. Stawn testified about [REDACTED] not having kids line up to come into the school and the chaos that ensued. He stated that [REDACTED] was the school with no rules. He stated that seven classes used the same entrance and it was like a "Boxing Day" sale. Stawn stated that he had morning supervision four days a week and he and another teacher attempted to manage the door. He had concerns about a student with a walker using that entrance.
58. Stawn identified Exhibit 6, tab 74 as a screen shot of a conversation he had with [REDACTED] after he went on leave. The conversation included mention of the congestion in the boot room and a student had told [REDACTED] that the boot room was "CRAZY!!!"
59. Stawn testified that Student A was a student in class in the 2016/17 school year. Stawn knew Student A was to be in his class the five days before school started for the year. In preparation for having Student A in his class, Stawn read the previous school year's log notes on Student A and felt they documented some of the most aggressive and inappropriate behaviour he had ever seen.
60. Stawn recounted that he had met Parent A on a PD day prior to the start of the school year. Stawn had left the school to go to [REDACTED] to buy stuff at lunch and had returned to the school to meet with Parent A.
61. Stawn testified that he also had Student P in his classroom that same year. Stawn characterized Student P as the highest level of [REDACTED] he had experienced in his career. Stawn shared that he had knowledge of [REDACTED] because of presentation he had arranged and attended during his time in [REDACTED]
62. Stawn continued his testimony and stated that Student A had both an IPP and an IBSP. Stawn identified Exhibit 5, tab 31 as Student A's IPP. He noted "transitions" was an identified objective for Student A. He noted that staying for an entire gym class was another goal which Student A made progress on during the 2016/17 school year. Stawn testified that he was always worried Student A would run. Stawn stated one time, [REDACTED] followed Student A outside the school where Student A had run into the

street. He recalled another instance when [REDACTED] was unable to follow Student A due to [REDACTED]'s clothing choice and he had to leave class. He recalled another instance when he had to leave class to assist [REDACTED] with Student A in the boot room which resulted with Student A running to the little room.

63. Stawn outlined how he arranged his class and class structures to accommodate Student A. Stawn stated that creating the class arrangement had been challenging. Stawn noted that Student A's behaviour improved through the year.
64. Stawn admitted that he transferred Student A during the course of the school year when [REDACTED] ran into the road. Stawn testified that he used intuition and behavioural science to anticipate when Student A's behaviour would escalate. In assisting [REDACTED] with Student A, Stawn would take Student A's hand which would escalate the situation. Stawn placed Student A in a basket hold compliant with NVCI training. Stawn outlined that he held Student A under the arms or by the hands if Student A was flailing. Stawn noted there was a danger of being headbutted by a student. Stawn testified he never carried Student A by the waist. Stawn guessed that he transferred Student A less than 10 times during the year. Stawn clarified that he thought he may have transferred Student A three to five times in September.
65. Stawn denied taking Student A to the office but stated he only took Student A to the little room. Stawn reiterated that the little room was not for time out but calming as it had toys and games in it.
66. Stawn testified that Student A was not left alone in the room but when Student A was having a full episode Stawn would have to occasionally hold the door shut until Student A calmed down.
67. Stawn noted that the little room was also used by Student P and that [REDACTED] might have worked with Student P while Stawn was with Student A.
68. Stawn identified Exhibit 7, tab 70 as an internal confidential document about Student A.
69. Stawn testified that Student A improved through the school year and that Student A was one of his top five success stories during his career. Stawn identified Exhibit 5, tab 85 as a thank you card from Student A and their parents. Stawn characterized the card as one of the top two in his career.
70. Stawn testified that he transported Student B twice in February 2018.

71. During the first instance, Stawn said he had to leave the classroom around 9:00 AM and [REDACTED] and [REDACTED] were in the hallway during reading time. [REDACTED] and [REDACTED] kept an eye on his class. When Stawn returned, he noted that Student B was on the floor kicking in circles and [REDACTED] and [REDACTED] were moving their students away. Stawn felt this was a continuation of behaviour from [REDACTED]. Stawn testified that he asked [REDACTED] to help transport Student B to the office but instead they moved Student B to the little space and used a two person hold. Stawn recounted that [REDACTED] and [REDACTED] had looked to him to tell them what to do.
72. Stawn testified about the second time he carried Student B. Stawn stated that his class was having a good day so they went to the gym. He recounted that the students started to misbehave almost immediately, and Student B was very escalated. Stawn sent a student to the office for assistance but no one arrived from the office. At the end of the class, he recalled that during clean up Student B would not cooperate and was running on the benches. At that time, Stawn took Student B under the arms in a hold. He intended to take Student B to the office but they would not go so he took Student B to the middle space. Stawn testified that he carried them down the hallway, through the photocopy room and to the middle space where he placed Student B down gently. Stawn recalled having to open the door with one hand. Stawn recounted that he went directly to [REDACTED] after putting Student B in the middle space. Stawn recalled that the rest of his class was waiting outside the photocopy room door. Stawn testified that he had Student B under the arms as he had been taught in NVC training. He denied carrying Student B under their chin as described by [REDACTED]. Stawn also testified that Student B was not struggling and he had Student B's hands restrained as well. Stawn noted that directly after the incident was recess and Student B returned and went outside.
73. Stawn noted that his recollection of events was different from [REDACTED]'s recollection.
74. Stawn testified that Books After Breakfast was his idea and it was a version of buddy reading with multi-grade groupings in the hallway. Stawn stated that he resisted the efforts of other teachers to organize the activity more. Stawn stated that he felt responsibility for the activity and he patrolled the hallway. Stawn recounted a day when Student D was resisting reading. After three warnings, Stawn took Student D by the hand to escort them to Stawn's classroom where he left Student D to read.
75. In reference to his Twitter posts, Stawn testified that the posts had arisen as a criticism of government actions. He was aware of the nature of the grants as he was involved with the Association at the time. He stated he had been careful to not name anyone.

When he was at dinner with [REDACTED] and he realized [REDACTED] felt the posts were about [REDACTED], he went to the washroom and took them down. He believed the matter had been resolved until it came up in the Association's investigation report. Stawn noted that none of the grant money was used for an EA for his class.

76. In reference to the sexualized behaviour of his students, Stawn noted that the events took place close to Christmas. He recalled meeting with [REDACTED] and [REDACTED] felt the behaviour was normal for that age group. Stawn recalled getting an e-mail from [REDACTED] on Saturday stating [REDACTED] was there to support him but since it was close to Christmas and it was very hard to set up support. Stawn noted that in [REDACTED] there was a defined way to respond to this type of behaviour but not in Alberta. Stawn did not follow up in January. Stawn testified that he had booked parent teacher interviews early as he was booked for a presentation in [REDACTED]. He testified that [REDACTED] had misrepresented their meeting in [REDACTED] notes and had shifted blame to him. Stawn added that he was unaware of the stress he was under at the time but recognizes that now.
77. In reference to [REDACTED], Stawn testified that the shared gym class was not good for his class as they had significant behavioural issues. He stated that he went into the little room in [REDACTED]'s class to use the copier and if it was during instruction time it was most likely an emergency situation. He could not leave his class unattended to go to the copy room. Stawn noted that [REDACTED] never raised concerns with him. Stawn continued that he was always nice to [REDACTED] and [REDACTED] students. Stawn stated that any loudness in his voice was a result of the FM system.
78. Stawn testified that he was excited at the beginning of his time at [REDACTED] and he was eager to fit in. That changed as he came to believe the school was very competitive and [REDACTED] would arrange off site activities that he could not easily participate in. Stawn felt that [REDACTED] and [REDACTED] were excluding him from joint events as the school year progressed.
79. In reference to [REDACTED]'s testimony, Stawn testified that [REDACTED] had been assigned to three students at the start of the school year – Student P, Student A and another student with a physical disability. Stawn stated that moving Student P to [REDACTED]'s class was his idea. He felt that [REDACTED] and [REDACTED] were competing with him and they wished to show him how to deal with a behaviour challenged student. He stated that they began to instruct [REDACTED] on how to best manage behaviour and [REDACTED] shared with him that [REDACTED] was uncomfortable with that. The ABC chart showed up on Stawn's desk and he took it back to [REDACTED] and told [REDACTED] to bring things to him first. Stawn recalled [REDACTED] telling him [REDACTED] was terrified of [REDACTED] and [REDACTED]. He believes [REDACTED] was playing both sides.

80. At the meeting with [REDACTED] about the EAs, Stawn noted that [REDACTED] tried to instruct him on how to deal with EAs. Stawn testified that they had very different ideas and in his view, EAs were not teachers. Stawn continued that their meeting lost control and he reached out the next day and apologized, by text message, to [REDACTED]. Stawn stated he was tense as his class was misbehaving.
81. Stawn characterized his relationship with [REDACTED] as top ten relationships of his career and did not understand [REDACTED] was afraid in his classroom until the Association's investigation. Stawn identified Exhibit 7, tab 64 as a screen shot of part of Facebook Messenger message he got from [REDACTED] stating that [REDACTED] missed him at school.
82. Stawn identified Exhibit 5, tab 91 as an e-mail he sent to [REDACTED] that he received as part of a FOIP request. Stawn testified that the e-mail was in reference to the ball game, "Red Butt." Stawn had observed the game and believed that it was getting carried away and would result in student injury.
83. In reference to the return of materials, Stawn testified that he would have gone to the school to get his materials, but [REDACTED] and [REDACTED] had packed his items instead. Stawn stated that he had a lot of materials as he had spent about \$1,800 on materials for [REDACTED]. Stawn had retained his tax receipts so he was confident about the value. Stawn stated that he went on trip in [REDACTED]. Upon his return, he found his garage full of boxes such that his car had to be parked outside. He testified that he began to unpack the boxes from the outside in and it took some time. Stawn stated he would put things that were not his into a banker box to send back to [REDACTED]. As he reused the boxes, he put [REDACTED]'s name on the outside with a Sharpie pen. Stawn noted he had [REDACTED] send the boxes [REDACTED] using the school division's mail system. Stawn stated that the division mail system is not a moving service, so he did not overpack the boxes or send more multiple boxes at one time. After sending a few boxes, Stawn stated he received a message that he should discontinue sending directly to the school and instead he should send the boxes to [REDACTED] in school division's central office.
84. Stawn elaborated about the mug incident, recalling that it occurred in October 2017 and the tone of the verbal exchange was fun and jovial. He recalled giving a new mug to another teacher and someone had chimed, "regifted." He then made his, "bitch" comment to a colleague and everyone had laughed. Stawn testified that another teacher had come to him about the comment and notified him that the comment had upset their colleague. He recalled he had a conversation in the photocopy room the next day with his colleague and apologized. He believed the matter was resolved.

85. In reference to the boot incident, Stawn noted that relationships in the school had deteriorated and he couldn't do anything without being confronted by a colleague or coworker. Someone had seen [REDACTED]'s boot and suggested it should say, [REDACTED]. Stawn recalled saying it should be, "Chump." He thought he was being funny. Stawn recounted that [REDACTED] spoke with him the next day and expressed that [REDACTED] felt disrespected.
86. In reference to the art room booking incident, Stawn testified that he was sympathetic to [REDACTED]. He stated that it was not just an area for PD events but the school had also scheduled cross grade events that day. He had presumed that all the rooms were available. Stawn went to school early to set up and when he returned to the art room, [REDACTED] was moving his things to the "makers space." They had an argument. Stawn went to [REDACTED] who moved [REDACTED] to the staff room and gave Stawn the art room. Stawn recalled he met with [REDACTED] the next day for a mutual apology and "they hugged it out."
87. Stawn reviewed his log notes about Student B. (Exhibit 5, tab 33) Stawn testified that he had never been given instructions on how to input notes and was under the impression if something significant happened he would send an e-mail to school administration.
88. Stawn reviewed Exhibit 5, tab 81 which appeared to be strategies [REDACTED] had used with Student A. Stawn testified that [REDACTED] appeared to be using a reward system which he was not allowed to use. Stawn also stated that clearing the classroom when Student A was engaged in extreme behaviour was challenging and Student A could not be left alone in the room.
89. In reference to the FOIP requests, Stawn testified that through the [REDACTED] investigation, he became aware of additional material about him. He believed he had a right to know what was recorded. Stawn kept filing FOIP requests because he kept getting new material which was sometimes redacted.
90. Stawn reviewed Exhibit 5, tab 29 which was his class list from the 2016/17 school year. Stawn provided a detailed account of the challenges associated with many of his students. Stawn testified that he had no input on the creation of his class list.
91. Stawn reviewed Exhibit 5, tab 30 which was his class list from the 2017/18 school year. Stawn provided a detailed account of challenges associated with many of the students in his class that year. Stawn believed he got all of the students that should

have spent an additional year in [REDACTED] Stawn clarified that none the students on his class list were coded for behavioural issues.

92. Stawn identified Exhibit 5, tab 42, as an e-mail from Stawn, dated October 26, 2017, to [REDACTED]. The e-mail asked if all teachers should be in the hallway supervising as Stawn had felt other teachers were not assisting.
93. Stawn identified Exhibit 5, tab 43 as an e-mail chain, dated November 6, 2017, between him and [REDACTED] asking about an incident in music class that involved Student E.
94. Stawn identified Exhibit 5, tab 44 as an e-mail, dated November 7 2017, that Stawn had received from a parent about their child having issues with Student E's behaviour. Stawn had forwarded the e-mail to [REDACTED]
95. Stawn identified Exhibit 7, tab 67 as transition documents from [REDACTED] seven students who were in his class for the 2017/18 school year.
96. Stawn identified Exhibit 6, tab 65 as an e-mail chain, dated January 18 to 20, 2018, between him and a parent copied to [REDACTED] and [REDACTED]. The parent had shared an incident between their child and Student E. The e-mail had asked why Stawn never advised the parent that something had happened. Stawn stated he would follow up. In the last e-mail, the parent had requested an update as they had not heard from Stawn.
97. Stawn identified Exhibit 5, tab 72 as an e-mail, dated April 5 2018, from [REDACTED] to all staff asking them to notify [REDACTED] of their certification status in First Aid, Mental Health First Aid, NVCi and Workplace Hazardous Materials Information System (WHMIS) and to inform [REDACTED] if they needed or wanted training. Stawn noted this e-mail was sent after he was [REDACTED]. He could not recall any other requests about staff identifying training.
98. Stawn identified Exhibits 7, tabs 37 to 51 as cards and notes from various students at various schools to him.
99. Stawn identified Exhibit 7, tab 31 as a year-end card from [REDACTED] dated June 2017.
100. Stawn identified exhibit 7, tab 32 as the inside of a card from [REDACTED] and [REDACTED] thanking him for his work on progress reports, dated March 2017.

101. Stawn identified Exhibit 7, tab 33 as the inside of a thank you card from [REDACTED]. There was no date on the note but Stawn believed it was received sometime in the 2017/18 school year.
102. Stawn identified Exhibit 5, tab 76 as a thank you card, dated June 2017, from [REDACTED] and [REDACTED] thanking him for his work with students as captured in his year-end progress reports.
103. Stawn identified Exhibit 5, tab 37 as an e-mail, dated March 1 2017, from [REDACTED] to him thanking him for his support of another staff member and expressing that he was an asset at [REDACTED].
104. Stawn identified Exhibit 5, tab 77 as a card, dated January 2018, from [REDACTED] thanking him for meeting with [REDACTED] expressing appreciation for a PD session he was scheduled to provide in April 2018 and thanking for his assistance to [REDACTED] through the school year. Stawn stated that the PD session was about the connection between literature, art and curriculum. He noted his presenting partner had difficulty obtaining release for the session.
105. Stawn testified that he was aware of the Provincial policy on teacher growth and supervision. Stawn testified he did not create an annual growth plan during his time at [REDACTED] as no one had asked him for it and he was unsure what a teacher growth plan should be based on.
106. Stawn characterized himself as a reflective practitioner and he used his drive home for reflection. Stawn clarified that he would make quick notes on Post It notes and then compile them each day.
107. Stawn testified that if he observed an issue with a student from another class, his first instinct would be to assess danger before he got involved. Stawn restated [REDACTED] was the school with no rules and there was no clear procedure to follow for interventions.
108. Stawn stated that it was unclear to him if he should be responsible for things that happened during lunch. Stawn stated if something happened in music, he would tell [REDACTED] to make notes about it. He would only get involved if a parent came to him. He might have made notes in his own records for his student if an event involved them.
109. Stawn testified that he used his resume, Exhibit 5, tab 82, to apply for an [REDACTED]
[REDACTED]

110. Stawn clarified that his resume contained some summary statements and he had modified some language to suit an Alberta reader. Stawn confirmed that he had considerable experience in the areas of behaviour and learning, and inclusive learning. Stawn stated that his experience in [REDACTED] was equivalent to a consulting position in Alberta.
111. Stawn did not recall sharing information with his colleagues about his presentations. Stawn asserted that [REDACTED]'s recollection of him doing so was wrong and it was not in his nature to brag.
112. Stawn did recall speaking with [REDACTED] many times even though she was not an EA in his room. Stawn explained that [REDACTED] used his room during recess when [REDACTED] was assigned to a medically fragile student in Grade [REDACTED].
113. Stawn testified that he struggled during his second year at [REDACTED] and had not recognized his need for [REDACTED] until it was too late. Stawn continued that he felt ambushed by other staff as they came to him without warning to confront him about events. Stawn believed the staff communicated behind his back and conspired against him. Stawn felt that the staff was malicious and actively tried to make him, the victim, into the perpetrator.

T. [REDACTED]

1. [REDACTED] is a teacher with the [REDACTED] [REDACTED] began teaching in 2004 mostly in [REDACTED] and the strategies program.
2. [REDACTED] taught at [REDACTED] from [REDACTED] Stawn also taught at [REDACTED] at the same time as [REDACTED].
3. [REDACTED] testified that Stawn taught Grade [REDACTED] [REDACTED] and she taught Grade [REDACTED].
4. [REDACTED] had a common gym class with Stawn for one year.
5. [REDACTED] characterized [REDACTED] relationship with Stawn as very friendly. Their classes were [REDACTED] from each other with clear sight lines into each other's classrooms.
6. [REDACTED] clarified that [REDACTED] could see roughly the front third of his class from [REDACTED] classroom.
7. [REDACTED] testified that [REDACTED] had never been in Stawn's classroom to observe him though [REDACTED] did witness his gym instructions.

8. [REDACTED] also recalled observing Stawn reading to his class.
9. [REDACTED] never team taught with Stawn nor did [REDACTED] have a supervisory role over him.
10. [REDACTED] testified that Stawn used a classroom FM system.
11. [REDACTED] recalled that Stawn had a good relationship with his students and his classroom was a fun environment.
12. [REDACTED] stated that Stawn was well liked and friendly with many of the staff at [REDACTED]
13. [REDACTED] stated that [REDACTED] never heard Stawn yell or carry a student.
14. [REDACTED] stated [REDACTED] had no concerns about Stawn's behaviour.
15. [REDACTED] had never observed Stawn carrying a student and had never attended [REDACTED]

U. [REDACTED]

1. [REDACTED] is a teacher with the [REDACTED] who began [REDACTED] career in 2017 [REDACTED]
[REDACTED] [REDACTED] has been continuously employed since and [REDACTED]
2. [REDACTED] was teaching Grade [REDACTED] at [REDACTED] during the 2017/18 school year. [REDACTED] stated that [REDACTED] replaced [REDACTED] when [REDACTED] went on leave.
3. [REDACTED] confirmed that the three Grade [REDACTED] teachers during the 2017/18 year were Stawn, [REDACTED] and [REDACTED].
4. [REDACTED] had an EA assigned to [REDACTED] class for the 2017/18 school year. Initially, [REDACTED] was the EA in [REDACTED] classroom but later in the school year another EA was assigned to [REDACTED] class.
5. [REDACTED] characterized [REDACTED] relationship with Stawn as collegial.
6. [REDACTED] recalled Stawn assisted [REDACTED] with resources. Their classrooms were situated [REDACTED]
[REDACTED]
7. [REDACTED] testified that Stawn used a classroom FM system as did [REDACTED]

8. [REDACTED] noted that over the course of the year, Stawn's relationships with other staff grew distant and he was "on the outside."
9. [REDACTED] testified that while [REDACTED] found the culture at [REDACTED] to be welcoming and supportive for [REDACTED], [REDACTED] became aware of cliques as the school year progressed.
10. [REDACTED] testified that students entered the school in an unstructured and free flow manner. [REDACTED] found the entrances to be disorderly and recalled that some students ran through the doors.
11. [REDACTED] did not recall hearing Stawn yell at students.
12. [REDACTED] did not recall seeing Stawn transport a student.
13. [REDACTED] did not observe any behaviour in Stawn that would be concerning.
14. [REDACTED] was not and had never been trained in NVCI.
15. [REDACTED] reviewed processes for dealing with student misbehaviour. [REDACTED] stated that the process and [REDACTED] response would be dependent on the issue and the situation.
16. [REDACTED] testified that a lunch or recess supervisor might go to school administration or the classroom teacher for student issues. Any additional steps were dependent on the severity and nature of the event.
17. [REDACTED] characterized [REDACTED] relationship with [REDACTED] as similar to [REDACTED] relationship with Stawn.
18. [REDACTED] did not have a sight line into Stawn's room and [REDACTED] variously opened or closed [REDACTED] classroom door without a set pattern.
19. One of [REDACTED]'s students was [REDACTED] who liked to run to the small room so [REDACTED] class door would be shut to prevent the student from leaving.
20. [REDACTED] never had to transport that student.
21. [REDACTED] was unaware of [REDACTED] EA having NVCI training. [REDACTED] recalled that the EA would hug the student and provide body contact to assist the student with emotional regulation. At times, the EA would give the student [REDACTED]

22. [REDACTED] was unsure how many gym classes were shared each week.
23. [REDACTED] clarified that [REDACTED] was not in Stawn's class would pass by and felt that Stawn's classroom was structured for students.
24. [REDACTED] stated that a [REDACTED] volunteered on Fridays.
25. [REDACTED] felt that [REDACTED] got along with everybody and did not identify with any particular group at [REDACTED].
26. [REDACTED] stated that [REDACTED] worked with [REDACTED] grade group and would debrief after school with [REDACTED] grade group and the EAs.
27. [REDACTED] could not identify which month the staff division happened but was aware that the tenor of the staff changed through the course of the school year.
28. [REDACTED] noted that some staff seemed to be excluded and [REDACTED] felt that [REDACTED] was being left out at times.
29. [REDACTED] stated that [REDACTED] couldn't recall specific groups and attested that [REDACTED] was in [REDACTED] own group and everyone else's group.
30. [REDACTED] worked with Stawn from September 2017 until he left the school.

V. [REDACTED]

1. [REDACTED] is a teacher with the [REDACTED] [REDACTED] began [REDACTED] career in 2008. [REDACTED] taught Grade [REDACTED] at [REDACTED]. Stawn was teaching at [REDACTED] at that time.
2. [REDACTED] testified that it was a privilege to work with Stawn and that they got along great.
3. [REDACTED] viewed Stawn as [REDACTED] mentor.
4. [REDACTED] testified that [REDACTED] did not share gym classes with Stawn.
5. [REDACTED] stated that [REDACTED] was frequently in Stawn's classroom for informal peer observations and was steadily popping in and out of his classroom as [REDACTED] was interested in his teaching technique.

6. [REDACTED]'s class at [REDACTED] was in the same wing as Stawn though [REDACTED] had various classrooms during [REDACTED] time there.
7. During the three years that [REDACTED] was Stawn's [REDACTED], [REDACTED] never heard him yell at students or observed him transport a student.
8. [REDACTED] never observed any behaviour in Stawn that would raise a concern.
9. [REDACTED] noted that Stawn had a great relationship with his students.
10. [REDACTED] never taught at [REDACTED]

W. [REDACTED]

1. [REDACTED] was an EA at [REDACTED] [REDACTED] was assigned to [REDACTED]'s Grade [REDACTED] classroom. The classroom was [REDACTED] to Stawn's classroom.
2. [REDACTED] characterized [REDACTED] relationship with Stawn as good. [REDACTED] shared that Stawn was helpful to [REDACTED] and [REDACTED]
3. [REDACTED] related that Stawn was a nice guy with a dry sense of humour which could be intimidating at first.
4. [REDACTED] would occasionally supervise Stawn's classroom when he had to step out.
5. [REDACTED] recalled that there was an FM system in the classroom.
6. [REDACTED] testified that the class seemed pretty good but remembered his class had one student with behavioural issues.
7. [REDACTED] stated that Stawn's classroom was the only Grade [REDACTED] class without an EA, the other two Grade [REDACTED] classes had EAs assigned to them.
8. [REDACTED] recalled that Stawn was at [REDACTED] from September to the time of teacher's convention. He didn't return to school after teacher's convention.
9. [REDACTED] testified that a few staff were on stress leave and there was a rolling substitute in the school who took over for Stawn.

10. [REDACTED] testified that after Stawn left both school administrators starting helping in his classroom in the afternoons and then an EA from Grade [REDACTED] was reassigned to Stawn's class.
 11. [REDACTED] characterized Stawn's relationship with some staff as strained and suggested that he was viewed as a trouble maker.
 12. [REDACTED] stated that Stawn was left out from the staff.
 13. [REDACTED] testified that Books After Breakfast and recess were stressful times during the day as there was uncontrolled movement in the hallways.
 14. [REDACTED] noted that a Grade [REDACTED] student used a walker and would often get trampled when students used the entrance. [REDACTED] recalled Stawn questioning, "Why are we not changing this?"
 15. [REDACTED] testified that when Stawn raised the issue at staff meetings, school administration would shut down discussions and [REDACTED] considered this strange.
- [REDACTED] objected that the last testimony was hearsay and should be excluded. The committee allowed the testimony and stated they would apply appropriate weight.
16. [REDACTED] testified that [REDACTED] stated [REDACTED] "got pulled" because other staff tried to lever [REDACTED] away from Stawn and they were unsuccessful.
 17. [REDACTED] recounted [REDACTED] stating that [REDACTED] had tried to entice [REDACTED] to spy on Stawn and had offered a probationary contract to [REDACTED] if [REDACTED] agreed.
 18. [REDACTED] became worried about [REDACTED] own employment status as [REDACTED] felt that [REDACTED] would maintain employment if you were in [REDACTED] favour but [REDACTED] could ruin your career if you were not.
 19. [REDACTED] testified that the school was two-faced. It appeared warm and welcoming but had an undercurrent of manipulation, tension and back stabbing.
 20. [REDACTED] stated that if a staff member did not join in with the school administration's plans for a Halloween costume, "it was a hit against you."
 21. [REDACTED] testified that working for the [REDACTED] was [REDACTED] dream job and that at [REDACTED] was terrified and fearful that [REDACTED] would do something wrong and end [REDACTED] career.

22. [REDACTED] opted to take temporary contracts so [REDACTED] would have a pretext for leaving [REDACTED].
23. [REDACTED] stated that once [REDACTED] started working at [REDACTED] school, things were back to normal.
24. [REDACTED] testified that at [REDACTED] it was an "us or Stawn" mentality and if you weren't on [REDACTED]'s side you were "out."
25. [REDACTED] stated that [REDACTED] never heard Stawn yell, transport a student or anything that would raise a concern.
26. [REDACTED] stated that [REDACTED] was trained in NVCi and it was the [REDACTED]'s requirement for EAs. [REDACTED] stated [REDACTED] did not recertify in 2019 because [REDACTED].
27. [REDACTED] highlighted that NVCi outlined interventions to de-escalate a situation and restraint of a student was only invoked if there was danger and the student should be released as soon as the situation calms down.
28. [REDACTED] described a side-by-side NVCi hold but was uncertain about how to utilize a two-person hold.
29. [REDACTED] stated that the student would be held for a few seconds and then released.
30. [REDACTED] testified that, at most, a transfer would be holding the hand or shoulder of a student.
31. [REDACTED] was uncertain if there were rules about using NVCi holds once [REDACTED] training expired but stated that [REDACTED] would not do the holds after [REDACTED] NVCi certification expired.
32. [REDACTED] affirmed that [REDACTED] covered Stawn's class when he needed to step out and that the class was good during those short intervals.
33. [REDACTED] was not regularly in Stawn's classroom.
34. [REDACTED] noted that [REDACTED] and [REDACTED] had staggered breaks and that [REDACTED] would take over for [REDACTED] at lunch.
35. [REDACTED] recalled eating [REDACTED] lunch in the staff room.

36. ██████ testified that if ██████ observed an issue at recess, ██████ would speak to the teachers afterwards to fill them in on what had occurred.
37. ██████ testified that ██████ and ██████ were work friends.
38. ██████ stayed at school until 4:15 PM or 4:30 PM to clean up the classroom, set up for the next day and to debrief with ██████. Sometimes they would debrief in Stawn's classroom.
39. ██████ noted that it was usual for teachers to chat in the hallway at the end of the day before moving to their own classrooms.
40. In reference to the boot room, ██████ shared that ██████ student had a difficult time. ██████ could not provide specific examples of concerns as it would take too long.
41. ██████ clarified that ██████ statement about the student with the walker being trampled may have been too strong of a description but it was common for students to be shoved, pushed and hurt in the boot room.
42. ██████ did not report the incident because multiple teachers were present. ██████ stated that if someone in your classroom was crying you "dealt with it."
43. ██████ testified ██████ was not asked to spy on Stawn but that ██████ told ██████ that ██████ had been.
44. ██████ could not recall specific names of staff that had spoken of the cliques at the school.
45. ██████ stated there was tension and backstabbing at the school but with the passage of time, ██████ could not confidently recall specific examples.
46. ██████ testified that ██████ spoke to ██████ and ██████ about ██████ fears at ██████.
47. ██████ stated that you have limited people to turn to "if your boss doesn't have your back."
48. ██████ had not been evaluated by the ██████ but had seen school administration observe ██████.

V. [REDACTED]

1. [REDACTED] testified as to the general process of NVCI and stated the process is to identify trigger points, deescalate them and then go through a recovery phase.
2. In preparation for [REDACTED] testimony, [REDACTED] stated [REDACTED] had conferred with colleagues to confirm that there was minimal change in NVCI training between 2005 and 2013 and 2018.
3. [REDACTED] stated [REDACTED] had contacted the Crisis Prevention Institute (CPI), where NVCI training is developed and authorized. [REDACTED] reason to contact CPI was to verify the changes made to allowable holds between 2005 and 2012.
4. [REDACTED] testified the biggest change was the removal of the prone hold.
5. NVCI is focussed on prevention and is child-centred. Application of NVCI depends on the professionalism of adults who need to respond appropriately to those in their care. The training includes principles of safety and restraint is only considered when there is physical escalation.
6. Historically, NVCI began in the medical field in the 1990s and then shifted to the education field.
7. There is a recovery phase after a crisis to analyze and focus on future prevention.
8. The prone hold was removed in 2005 because it was leading to injury and there were some instances of death.
9. Generally, transfer and movement are discouraged as it leads to injury and harm. The model now is that restraint is a last, last, last resort and moving everyone else away is preferable. Restraint should be discouraged as it can lead to injury and harm. The level of risk needs to be considered and if a hold is used, it has to be justified.
10. [REDACTED] stated that in all [REDACTED] training and experience, dating back to 2006, there has always been a focus on documentation and notification to parents. The teacher's behaviour needs to be consistent and encapsulated in an IPP and an IBSP.
11. [REDACTED] further stated that there has been a growing impetus to report to school administration and the debrief should utilize an ABC approach.
12. ABC is the most popular documentation in current use.

13. ██████ testified that the descriptions of Stawn's actions did not match the principles of NVCI. ██████ indicated that the types of supports that can be given to a student needed to be assessed before escalation to a hold. ██████ described it as "what is the second, third, fourth step to be taken to assist the child? It is not a hold or transfer." ██████ could not remember holding or restraining a child in the last 25 years.
14. Ideally, the school environment would be structured to support all children and adults in a team approach.
15. ██████ reviewed Exhibit 7, tab 70 and confirmed that the psychological report recommendations for Student A would mesh with NVCI. ██████ noted that the report recommended de-escalation and support to the child to change future outlook and self-worth. The report stressed the need to create options that gave Student A positive choices.
16. ██████ testified that the Zones started as a curriculum by an occupational therapist for autistic children. Over the years, the Zones has been applied more broadly.
17. The intent of the Zones is to assist children in understanding which emotions they are experiencing. The system works best with normal and bright children. Children with lower cognitive abilities process much slower.
18. There is always a question about how each teacher uses the Zones as the system requires extensive and ongoing incorporation into the class.
19. To implement the system, there needs to be lots of interaction with students and support for students is needed. The Zones can be implemented by using a chart.
20. The colours referenced in the Zones are: red for stop, yellow for caution, green for good to go and blue for rest stop/ waiting area/ uncertainty.
21. ██████ testified that Stawn's approach had some partial fit with the Zones but ██████ could not evaluate fully as the context of what the colours meant to the students was unknown to ██████.
22. ██████ stated that the Zones is not a strategy but a curriculum. Just stating a colour to a child has no context.

23. ██████ stated that in the materials entered as exhibits and in all of the testimony ██████ heard, the physical response was not the least-restrictive response. There were no signs of opportunity to coach the student to do the right thing.
24. As an example, ██████ referred to the incident where Student A was asked to pick up a game piece on the floor. ██████ noted that first, Student A should have been given an opportunity to pick up the piece. If Student A did not pick up the piece, then they should be offered a re-do. It is important not to go immediately to a punitive step.
25. ██████ highlighted that having a relationship with the child is instrumental in supporting the child. If a teacher is yelling, screaming or being punitive towards a child, the relationship will get damaged.
26. ██████ noted that the physical environment that Stawn created in his classroom was beautiful.
27. ██████ also stated that if Student A's diagnosis was understood then it should have been known that yelling at Student A was going to be ineffective. Positive reinforcement is very important for students with Student A's diagnosis. Students with this diagnosis want to challenge authority and negative reinforcement strategies such as yelling or being punitive will worsen the behaviour.
28. ██████ testified that ██████ was familiar with a number of behaviour support and intervention programs, including NVC.
29. ██████ noted that there were considerable similarities between various intervention programs but each program used its own language.
30. ██████ also stated that there are common restrictions about using holds that can cause stress on the joints, such as holding a child by the wrists, or limit a child's breathing.
31. ██████ stated ██████ would never personally transfer a child or move them until the situation had de-escalated.
32. ██████ noted there was always a risk if you were not conversant with the child's history. The transfer might be a trigger and be counterproductive. Holds used on kids with trauma can impact and traumatize them more so they will constantly fight back.
33. ██████ restated that no prone holds should be used; no child should be lifted off the floor and their feet should never be off the floor; and that transfers lead to a greater

risk of injury, for both the adult and the child. Further, putting pressure on a child's joints to hold them down is an absolute no.

34. ██████ testified that ██████ was not currently certified in NVCI and had not been since 2018. ██████ was uncertain if ██████ had stated ██████ as ██████ last training date at the outset of the hearing.
35. ██████ outlined that ██████ had instructed NVCI.
36. ██████ also confirmed that there were no NVCI documents in the exhibits.
37. ██████ testified that while NVCI training is recommended it is not mandatory for teachers.
38. ██████ stated that ██████ believed the standing basket hold most closely resembled what Stawn was using in transporting the students.
39. ██████ did not support the idea of yelling as an effective way of acting when a student was at risk from another student.
40. ██████ testified that originally when the NVCI training was developed, hold and restraint were different but now these terms are synonymous.

VIII. WITNESS CREDIBILITY

Witness credibility in a case of this magnitude is critical in deciding the balance of probabilities; the determination whether something is more likely to have happened than not. The hearing committee heard testimony, under oath, from 27 witnesses and followed the same process in assessing the credibility for each witness.

The appearance of telling the truth is only one of the elements that enter into assessing the credibility of a witness. Opportunities for knowledge, powers of observation, judgment and memory, ability to describe clearly what has seen and heard, as well as other factors, combine to produce what is called credibility.

The hearing committee considered the credibility of witnesses carefully because of conflicts in the evidence. The committee examined the testimony in terms of its consistency with the probabilities that surrounded the existing conditions. The real test of the truth of the testimony that witnesses provided in this case had to be harmonious with the preponderance of the

probabilities which a practical and informed person would readily recognize as reasonable in that place and in those conditions.

The factors examined and considered for each witness in finding credibility are as follows:

1. Appearance and Demeanor: The tone and body language of the witnesses were examined by the committee for any concerns regarding confusion, partisanship, evasiveness, sarcasm and arrogance. Professionalism and general demeanor while testifying were also elements considered.
2. Ability to Perceive: The committee considered whether or not the witness was in a position to make the observation and was concentrating on the events at the time
3. Ability to Recall: The committee made judgments as to whether or not each witness had a good memory of the events in question. The committee considered how much time had passed since the events in question and whether or not the witness had reason to review their memory of the event since it was observed. It was noted when a witness had made specific notes (contemporaneous or otherwise) on the events in question.
4. Motivation: The hearing committee considered the motivation of each witness. Witnesses sometimes have a reason to remember a matter in a particular way. A witness may have something to gain or lose from the hearing. A witness may like or dislike a party to a hearing, which can influence their recollection or testimony. These motivation factors were considered for each witness.
5. Probability or Plausibility: A powerful indicator of the truth of a fact is if it's probable or plausible. The hearing committee applied collective common sense to the evidence of a witness in the assessment of probability and plausibility.
6. Internal Consistency: A common criticism on the testimony of a witness may be whether it is consistent throughout. Factors considered included whether general statements held up under more specific questioning, whether statements made under direct examination were consistent in cross examination, and whether the witness was materially consistent with prior statements they made. Where there was inconsistency, the hearing committee considered possible reasons to determine its significance.
7. External Consistency: The testimony of each witness was compared with externally proven facts. Inconsistencies were noted and assessed. A factor that was considered in regard to each witness was whether or not the witness had "selective memory." This came into play

when a witness testified that they had a very specific recollection of certain events but professed to have no recollection of other events that occurred around the same time.

CREDIBILITY ASSESSMENTS

A. [REDACTED]—Credible

As an expert witness [REDACTED] was an authority on the subject of behavioural management and positive behavioural support. [REDACTED] wrote a book related to behavioural intervention. The committee found [REDACTED] to be knowledgeable, calm and a credible witness.

The committee did not rely on [REDACTED] testimony beyond [REDACTED] description of NVCI, how it should be used and [REDACTED] opinion on whether Stawn's actions were consistent with NVCI.

B. [REDACTED]—Credible

The committee found [REDACTED] to be a confident witness, admitting when [REDACTED] couldn't recall specific details. [REDACTED] was in position to perceive the events in question. [REDACTED] may have been motivated by Stawn's complaints against [REDACTED] but [REDACTED] testimony was internally consistent, probable and plausible. The committee found [REDACTED] to be a credible witness.

The committee noted that [REDACTED] had some confusion with dates. In the committee's view, this is consistent with the passage of time and was not an attempt by [REDACTED] to be misleading in [REDACTED] testimony. The committee also noted that [REDACTED] was still at the beginning of [REDACTED] teaching career which is a complex and demanding time. The committee afforded [REDACTED] some leeway on the timing of [REDACTED] notes.

The committee accepted that defence had raised concerns about the timing of [REDACTED] notes but there was little uncertainty about [REDACTED] verbal testimony. The committee noted that [REDACTED] verbal testimony was often more fulsome and relied on those portions.

C. [REDACTED]—Credible

The committee found [REDACTED] to be confident, passionate about [REDACTED] school and knowledgeable about pedagogy. [REDACTED] was able to recall incidents and [REDACTED] evidence was internally consistent. [REDACTED] may have been motivated by the negative interactions with Stawn and [REDACTED] wish to clear [REDACTED] name. While much of the evidence given by this witness was hearsay, the committee gave weight only to [REDACTED] direct evidence about events in which [REDACTED] was involved. This addressed the objections made by [REDACTED] with respect to [REDACTED] providing hearsay testimony and using [REDACTED] notes as prior consistent statements to bolster credibility.

Testimony provided by [REDACTED] during the penalty phase was given little weight as it either added little additional information about working with Stawn being challenging or concerned Stawn using FOIP requests to access documents about himself, which is his right.

D. Student C—Credible

Student C was found to be a credible witness in that they were externally consistent with others, and they admitted when they could not clearly remember the events. While they were notably nervous in their testimony, which is to be expected of a minor witness, they clearly recalled the event in question and referred to a note that was created at the time of the event. The committee found them to be a plausible witness.

While it was suggested by [REDACTED] that the witness' testimony had been coached by the presenting officer, the committee was not inclined to accept this suggestion. Student C's demeanour and responses did not support that they were providing predetermined answers or that their responses were not genuine. Their behaviour was consistent with a nervous young person who was in a completely foreign environment. They presented as someone without guile. Further, it is to be expected that the presenting officer would meet with [REDACTED] witnesses in advance and prepare them for what to expect at the hearing.

E. [REDACTED]—Credible

[REDACTED] was in a position to perceive the events in question and [REDACTED] testimony was generally consistent with that of other witnesses. While [REDACTED] appeared to be afraid of Stawn, the committee did not feel that it affected [REDACTED] motivation. While Stawn testified that [REDACTED] told him [REDACTED] was terrified of [REDACTED] and [REDACTED], this specific issue was not put to [REDACTED] during [REDACTED] testimony. [REDACTED] was asked whether [REDACTED] had been contacted by [REDACTED] to share a negative view of Stawn, but not specifically whether [REDACTED] was afraid of [REDACTED] and [REDACTED]. Given that [REDACTED] had no opportunity to respond to the suggestion that [REDACTED] was "playing both sides," the committee has put little weight on Stawn's assertion that [REDACTED] was afraid of [REDACTED] and [REDACTED] and accepts [REDACTED]'s testimony that [REDACTED] was afraid of Stawn.

Accordingly, the committee is inclined to put significant weight on [REDACTED]'s testimony given that [REDACTED] fear of Stawn might otherwise cause [REDACTED] to paint Stawn in a positive light so as not to invite any further upset or anger on Stawn's part.

F. [REDACTED]—Credible

The committee found [REDACTED] to be a calm witness with the ability to perceive events due to proximity. [REDACTED] had good recall of the events and did not appear to have any motivation other than to answer the questions put to [REDACTED]. [REDACTED]'s testimony was consistent with that of others. The committee found [REDACTED] to be a credible witness.

G. [REDACTED]—Credible

While [REDACTED]'s interactions with Stawn were limited to the few times [REDACTED] worked with or around Stawn, the committee found [REDACTED] to be a credible witness. While there may have been some motivation by [REDACTED] to respond to being made to feel like a child by Stawn, the witness was plausible and externally consistent with other witnesses.

H. [REDACTED]—Credible

As a witness, [REDACTED]'s calm demeanor and confident recall of specific events led to the committee finding [REDACTED] credible. [REDACTED] was detailed and [REDACTED] testimony was consistent with that of others, aside from Stawn.

I. [REDACTED]—Credible

The committee found [REDACTED] to be a calm and clear witness with the ability to perceive events. [REDACTED] did admit to feeling scared for [REDACTED] colleagues in relation to Stawn. [REDACTED]'s testimony was consistent with other witnesses. The committee found [REDACTED] to be a credible witness.

J. [REDACTED]—Credible

The committee found [REDACTED] to be a credible witness. [REDACTED] ability to recall the events in question was enhanced by the strong feelings [REDACTED] felt at the time. [REDACTED] was engaged, and the committee believed that this added clarity to [REDACTED] recollection of the incidents. [REDACTED] was bothered by what [REDACTED] saw and was motivated to share it during the proceedings. [REDACTED] also made detailed notes shortly after the incident in question.

K. [REDACTED]—Credible

The committee found [REDACTED] to be a credible witness. [REDACTED] did not have a lot of interaction with Stawn but did [REDACTED]. [REDACTED] was confident and clear. [REDACTED] admitted when [REDACTED] could not recall details. [REDACTED] presented as having a neutral working relationship with Stawn.

L. [REDACTED]—Somewhat Credible

The committee found [REDACTED] to be somewhat credible. Many of [REDACTED] notes were made at the time the incidents occurred or shortly thereafter. [REDACTED] had very strong feelings at the time of the events which made [REDACTED] memories strong. [REDACTED] was honest when [REDACTED] could not recall and was explicit in [REDACTED] clarification about the anxiety [REDACTED] experienced and the impact it had on [REDACTED] feelings. The committee accepted [REDACTED] testimony where it outlined events and was corroborated by others. They viewed [REDACTED] perception of implications or intent as less credible. By [REDACTED]'s own admission, [REDACTED] no longer feels things "to that level" as compared to when [REDACTED] wrote to [REDACTED] about Stawn. The committee noted that [REDACTED] may have been motivated by [REDACTED] negative interactions with Stawn. As such, the committee placed little weight on documents authored by [REDACTED] and relied instead on [REDACTED] direct evidence given during the hearing.

M. [REDACTED]—Credible

The committee found [REDACTED] to be credible but relied on [REDACTED] testimony only for Charge 5 and 6. The committee was cognisant that this witness was conscious that [REDACTED] testimony may negatively reflect on [REDACTED]

N. [REDACTED]—Credible

The committee found [REDACTED] to be credible. [REDACTED] was present and proximate when Stawn removed a student from the room. [REDACTED] asked Stawn for a reference letter to assist [REDACTED] in seeking employment [REDACTED] which suggests that [REDACTED] did not have any animus against Stawn.

O. [REDACTED]—Credible

The committee found [REDACTED] to be a credible witness. [REDACTED] was forthright, clear and was externally consistent with other credible witnesses.

P. Student A—Credible

The committee found Student A to be credible. Student A was clear when they couldn't remember and clear in their statements about what they remembered. Similar to the other child witness, Student A presented as a child who was telling the truth as they knew it.

While it was again suggested by [REDACTED] that the witness had been coached by [REDACTED] the committee was not inclined to accept this precept. Student A's demeanour and responses did not

support that they were providing predetermined answers or that their responses were not genuine but instead were consistent with their identified learning challenges.

The committee was inclined to believe that Student A was prepped to understand the process but not directed in the content of their testimony.

Q. Parent B—Credible

The committee found Parent B to be credible. Parent B was clear in [REDACTED] answers. [REDACTED] evidence was internally and externally consistent.

R. [REDACTED]—Somewhat Credible

The committee found Stawn to be less credible than other witnesses. Stawn's recall and recounting of events was inconsistent with testimony provided by other witnesses.

In some cases, his testimony confirmed the general occurrence of events and details that other witnesses had shared, but Stawn's singular version always painted his actions and behaviour in a more positive light. For example, Stawn admitted to transferring Student A a number of times in the 2017/18 school year (less than 10 times or 3-5 times in September) but stated that the hold used was a basket hold compliant with NVCI training. Further, Stawn admitted to yelling at Student C but explained his actions by stating that it was "one of the most dangerous situations he had experienced." Similarly, Stawn admitted to transferring Student B twice in February 2018 but indicated that it was in response to very escalated behaviour.

Given the considerable external consistency in the testimony given by other witnesses, which differed from the testimony given by Stawn, the committee found his testimony to lack plausibility.

The committee was also concerned with what it viewed as a change in Stawn's demeanour during the course of the hearing. Stawn was largely soft spoken and careful in front of the committee. Stawn asserted that he did not engage in aggressive behaviour, yet his responses to questioning were occasionally combative or dismissive.

Stawn was adamant that he only acted out of concern when he believed students were in danger whereas the testimony of other witnesses and the circumstances described often did not reveal how any immediate danger was present.

S. [REDACTED]—Credible

The committee found [REDACTED] to be credible but [REDACTED] testimony was unrelated to the charges against Stawn. During argument, [REDACTED] submitted that [REDACTED] was called to provide character evidence only and little weight should be put on [REDACTED] testimony. [REDACTED] further noted that [REDACTED] had no direct knowledge of the events in question at [REDACTED] as [REDACTED] did not teach there at the time. The committee accepted that much of [REDACTED]'s testimony was irrelevant to these proceedings.

T. [REDACTED]—Credible

The committee found [REDACTED] credible, but it was unclear [REDACTED] was in a position to view events as [REDACTED] testified [REDACTED] kept [REDACTED] door closed for safety reasons. The committee noted [REDACTED] was a [REDACTED] teacher who was focussed on [REDACTED] own class.

U. [REDACTED]—Credible

The committee found the witness to be credible but [REDACTED] testimony was irrelevant to the conduct outlined in the charges in that [REDACTED] did not work at [REDACTED] or have the opportunity to observe Stawn or his interactions with staff or students at [REDACTED]

During argument, [REDACTED] submitted that [REDACTED] was called to provide character evidence only and little weight should be put on [REDACTED] testimony. [REDACTED] further noted that [REDACTED] had no direct knowledge of the events in question at [REDACTED] as [REDACTED] did not teach there at the time. The committee accepted that much of [REDACTED]'s testimony was irrelevant to these proceedings.

V. [REDACTED]—Not Credible

The committee did not find [REDACTED] credible. The committee noted that [REDACTED] tended to exaggerate. The committee found the portions of [REDACTED] testimony about [REDACTED] being asked to spy on Stawn to be improbable. [REDACTED] did not testify to this fact in [REDACTED] own testimony. The committee noted that [REDACTED] was likely under considerable duress due to [REDACTED]. [REDACTED] was in Stawn's room occasionally but he was not always present and [REDACTED] was not in a position to view large portions of the events captured in the charges.

IX. EVIDENCE ADDUCED AND EXHIBITS FILED INDICATED

1. Stawn was a member of the Alberta Teachers' Association at the time of the incidents in question. (Exhibit 3)

2. Stawn is an experienced teacher who began teaching in [REDACTED]. Stawn began teaching in Alberta [REDACTED]. (Exhibit 5, tab 82, Stawn's Testimony)
3. Stawn worked as a behaviour and learning teacher in [REDACTED] which he characterized as being equivalent to a consultant position in Alberta. (Exhibit 5-82, Stawn's testimony)
4. Stawn has a master of education from [REDACTED] with a focus on learning disabilities and early childhood education. (Exhibit 5, tab 82, Stawn's testimony)
5. Stawn presented at [REDACTED]. He presented on topics related to literacy, behaviour strategies and inclusion. (Exhibits 5, tab 82 and tab 83, Stawn's testimony)
6. Although Stawn's resume stated that he has NVCI training, Stawn testified that he had been previously certified in NVCI, but his certification wasn't current during his time teaching at [REDACTED] (Exhibit 5, tab 82, Stawn's testimony)
7. Stawn had a history of effective teaching practice prior to his time at [REDACTED] (Stawn's testimony)
8. Stawn taught Grade [REDACTED] at [REDACTED] during the 2016/17 and 2017/18 school years. (Exhibit 5, tab 82, Testimony from all)
9. [REDACTED] was a new school. Some teaching staff had previously worked together, including with the school leaders, [REDACTED] and [REDACTED] (Stawn's testimony)
10. Stawn's relationships with his colleagues became increasingly tense during his time at [REDACTED] ([REDACTED]'s, Stawn's and [REDACTED]'s testimony)
11. Although Student A was the only student in Stawn's [REDACTED] classes with a formal coding for an emotional-behavioural learning disability, other students did present challenging behaviour from time-to-time. (Exhibits 5, tab 29 and tab 30)
12. Stawn [REDACTED] and did not return to work at [REDACTED] for the remainder of the 2017/18 school year. (Stawn's testimony)
13. Stawn voluntarily requested to be placed on unassigned from duties May 1, 2018 until the conclusion of the [REDACTED] investigation into his conduct. (Exhibit 5, tab 38)
14. Following the [REDACTED] investigation, Stawn received a letter of reprimand. (Exhibit 5, tab 39)

Charge 1

1. Stawn used a classroom practice that included referencing colours: red, yellow and green that superficially resembled a tool from the Zones. Stawn would use the colours as a cueing system for behaviour management. (Exhibit 5, tab 79, Stawn's, [REDACTED] s, [REDACTED] s and [REDACTED] testimony)
2. As outlined in Student A's IPP, the system was intended to signal to the student to self-reflect on choices and to modify behaviour. (Exhibit 5, tab 31)
3. In practice, Stawn would often raise his voice and was characterized as yelling by both colleagues and students. Stawn's voice would be at a volume that would be heard by other classes. ([REDACTED] s, [REDACTED] s, and [REDACTED] s testimony)
4. Stawn's colleagues testified that they could routinely hear Stawn yelling, "Red" or, "Yellow" while they were in the hallway or other classrooms. ([REDACTED] s and [REDACTED] s testimony)
5. [REDACTED] testified that [REDACTED] classroom was [REDACTED] from Stawn's and that Stawn's yelling was a daily occurrence. ([REDACTED] s testimony)
6. [REDACTED] stated that [REDACTED] "heard David yell at children on more occasions that [sic] I can count – not just raising his voice – yelling in a very aggressive way towards students." (Exhibit 5, tab 86 and [REDACTED] s testimony)
7. Stawn's [REDACTED] testified that Stawn, "was very loud," and, "he would yell and scream when he got mad," and "It made me terrified." ([REDACTED] s testimony)
8. [REDACTED] s students were disturbed by Stawn's yelling and would ask [REDACTED] questions such as, "Why does he yell at them?" ([REDACTED] s testimony)
9. [REDACTED] spoke about how, on several occasions, Stawn's yelling had been so loud, that the children in [REDACTED] class stopped what they were doing, became silent, turned and [REDACTED] [REDACTED] Exhibit 5, tab 79)
10. [REDACTED] recalled one incident when [REDACTED] was walking one of Stawn's students, back from music class and the student told [REDACTED] that "Mr Stawn is going to yell at them when they returned to class." When [REDACTED] asked why, the student replied with, "Mr Stawn always yells at them." (Exhibit 5, tab 79)
11. [REDACTED] testified that from [REDACTED] classroom, which wasn't immediately adjacent to Stawn's classroom but was located in the same wing, that [REDACTED] could hear Stawn yelling

colours. [REDACTED] testified that [REDACTED] "were nervous" to walk past Stawn's classroom because of his yelling. ([REDACTED]'s testimony)

12. [REDACTED] testified that, during a health lesson to [REDACTED] Grade [REDACTED] students, [REDACTED] told [REDACTED] students that they could always approach adults for help to which one of [REDACTED] students stated, "But not Mr Stawn. He yells at us and is mean." [REDACTED] said that when [REDACTED] attempted to redirect the conversation the student replied with, "[REDACTED] you don't know. You weren't in his room," and other students concurred with [REDACTED]. ([REDACTED]'s testimony)
13. Stawn, like all teachers at [REDACTED], used an FM system in his classroom that was designed to enhance the clarity of his voice so it could be heard in all parts of the classroom, rather than to increase the volume of his voice. ([REDACTED]'s and [REDACTED]'s testimony)
14. Stawn explained that the classroom FM systems were not adjusted properly in his or other classrooms, which could he believed explained why his voice was perceived to be so loud. (Stawn's testimony)
15. [REDACTED] confirmed that there had been initial "glitches" with the FM systems. ([REDACTED]'s testimony)
16. [REDACTED] testified that the [REDACTED]'s technical staff were called to [REDACTED] to adjust the FM systems so they properly clarified teachers' voices. ([REDACTED]'s testimony)
17. Testimony about Stawn's pattern of yelling over his two years at [REDACTED] can't be fully explained by his classroom FM system being faulty. Issues with the classroom FM systems seem to have been relatively temporary in nature.
18. In the fall of 2016 when three Grade [REDACTED] classes were participating in a group gym activity using scooter boards, Student C wouldn't stop playing on their scooter when the class had been asked to stop. Stawn yelled at Student C while walking right up to them. ([REDACTED]'s and [REDACTED]'s testimony)
19. Stawn was yelling, "Stop! Stop! Stop!" at Student C. ([REDACTED]'s testimony)
20. Stawn continued to yell at Student C even after they became visibly upset and started crying. ([REDACTED]'s and [REDACTED]'s testimony)
21. Student C testified that Stawn yelled at them close to their face and that he made them cry. (Student C's testimony)
22. [REDACTED] confirmed that Stawn was yelling, "inches from" Student C's face. ([REDACTED]'s testimony)

23. Although there were other students around Student C when they were on their scooter, Student C was not going fast and there was no risk of a collision. (██████'s testimony)
24. Although Student C hadn't stopped riding ██████ scooter when asked, Student C was not in danger nor were they placing any other students in danger. (██████'s testimony)
25. Once the students had cleaned up their scooters, Student C, who was still crying, sat with the other students on the gym floor and Stawn told them over the gym's microphone, "It's important to clean up when we ask, isn't that right ██████?" (Exhibit 5, tab 79)
26. Immediately following this incident in the gym, ██████ assisted Student C with writing a note to Stawn on a Post-It which read, "I was sad when you yelled to stop. It made me feel sad. I know I was supposed to stop. Next time I will stop. Could you please tell me to stop next time instead of yelling." (Exhibit 5, tab 84, Student C's and ██████'s testimony)
27. ██████ facilitated a conversation between Stawn and Student C during which Student C's note was shared. During this conversation, Stawn focused on the need for Student C to be compliant with his directions and not on any safety concerns. (██████'s testimony)
28. ██████ was troubled by the incident and felt that ██████ had failed to protect Student C. ██████ requested a meeting with ██████ and Stawn for the following day. (██████'s testimony)
29. ██████ stated she "Facilitated a meeting with Mr. Stawn and ██████ regarding Mr. Stawn's verbal response to a child in the gymnasium. I communicated to Mr. Stawn 'children do not come to school to be yelled at.' My expectations about the safety and well-being of all children was clearly discussed in this meeting. A follow-up apology to both the child and the parent was an outcome agreed upon by all." (Exhibit 5, tab36)
30. In another shared gym class, one of Stawn's students, Student B, was standing on top of a bench talking to another student and when Stawn noticed this, he started yelling at Student B from across the room. (██████'s testimony)
31. In Stawn's recollection of this same incident, he described Student B as running on the bench. (Stawn's testimony)
32. While continuing to yell at Student B to get off the bench, Stawn walked towards Student B in a fast and aggressive manner until he was right in front of them. (██████'s testimony).

Charge 2

1. According to Stawn's 2016/17 class list, Student A had a severe social-emotional learning disability code. (Exhibit 5, tab 29)

2. [REDACTED] believed that Student A had been diagnosed with [REDACTED].
([REDACTED]'s testimony)
3. Student A's behaviour could be challenging and they displayed symptoms of [REDACTED].
(Stawn's testimony)
4. Student A could become upset and angry and, despite working with Student A for three years, Stawn's [REDACTED] could not identify specific triggers for Student A's behaviour and described them as "unpredictable." ([REDACTED]'s testimony)
5. Student A was "a runner." (Stawn's and [REDACTED]'s testimony)
6. In their testimony, Student A confirmed that they had run away and hid from their teachers.
(Student A's testimony)
7. Although Student A would sometimes run and hide when they were frustrated, they wouldn't leave the school. ([REDACTED]'s testimony)
8. Although Stawn testified that his NVC training was not current during his time at [REDACTED], he referenced his previous NVC training and "what he had been trained to do" at a number of points in regards to his actions at [REDACTED]. (Stawn's testimony)
9. In his testimony, Stawn referred to transporting students using appropriate NVC methods to help keep students and adults safe. He explained that holds are used if "fight or flight" is about to happen. (Stawn's testimony)
10. Stawn described a "basket hold" as a way to safely restrain a student. (Stawn's testimony)
11. If Student A was going to run, Stawn would put them in a basket hold. Stawn stated, "I never carried them by the wrists." (Stawn's testimony)
12. Across the hall from Stawn's classroom was a room equipped with toys and soft furniture and was intended to provide students with a safe space to calm down away from their regular classrooms. The room was given various names including "little room", "calming room," and "bubble room." (Stawn's, [REDACTED]'s, [REDACTED]'s, [REDACTED]'s, [REDACTED]'s and [REDACTED]'s testimony)
13. This room was not a seclusion room or a time-out space that was used to penalize or discipline students. The door to the room was never to be locked. (Stawn's testimony)
14. Stawn often put Student A in this room. ([REDACTED]'s testimony)

15. Student A referred to this space as the "bad room" and they felt "sad, upset and bad" about being taken there by Stawn. (Student A's testimony)
16. Stawn testified that he would take Student A by their hand and lead them into the little room.
17. Stawn testified that he never carried Student A by the wrists but he did admit to transporting Student A up to ten times during the school year. (Stawn's testimony)
18. Student A testified that Stawn would grab them by the wrists and he would "drag [them] by one arm." Student A had also demonstrated the action by holding both arms in the air and then reaching across to grasp their right wrist.
19. Student A testified that they had been transported by Stawn where they were on their "tippy toes." (Student A's testimony)
20. [REDACTED] testified that [REDACTED] had witnessed Stawn pick up Student A on a number of occasions. [REDACTED] specifically recalled one instance when Stawn had Student A's hands in the air and Student A was on their toes. ([REDACTED]'s testimony)
21. [REDACTED] recalled one incident in which [REDACTED] heard "Student A yelling, telling David he would not move. David proceeded to remove them from the room by picking them up by their wrists, feet dangling in the air." (Exhibit 5, tab 79)
22. In October 2016 while playing a math game Student A dropped a playing piece on the floor and was initially resistant to pick it up when asked by a [REDACTED] (testimony)
23. Although Student A was moving to pick up the piece, Stawn removed them from the classroom by their hands and wrists. Stawn had one hand on each of Student A's arms and lifted them so their feet were off the floor. ([REDACTED] testimony)
24. Stawn took Student A across the hall and then had to hold the door to the little room closed as Student A screamed and kicked the door. ([REDACTED] testimony)

Charge 3

1. According to Stawn's 2017/18 class list, Student B had no social-emotional learning disability coding. (Exhibit 5, tab 30)
2. [REDACTED] reviewed log notes made by Stawn about Student B and noted that [REDACTED] did not witness Student B demonstrate similar behavioural problems in [REDACTED] class. (Exhibit 5, tab 33, [REDACTED]'s testimony)

3. Student B's behaviour could be challenging at times and there were a number of incidents described in which Student B had problems with other students which could include hitting. (Exhibit 5, tab 66, [REDACTED]'s and [REDACTED]'s testimony)
4. [REDACTED] was able to resolve issues Student B had with other students by moving them to quieter places in the classroom or by seeking help from [REDACTED]. ([REDACTED]'s testimony)
5. [REDACTED] had a multipurpose room in the office that was known as the "middle space" which could be used if a student had to be removed from their class and needed a place to recover. ([REDACTED]'s testimony)
6. On February 1, 2018, Stawn reported to [REDACTED] in an e-mail, that he had [REDACTED] assist him with carrying Student B to the office. (Exhibit 5, tab 65).
7. Stawn testified that prior to transporting Student B to the office, Student B was in the hallway and was at risk of kicking other students. (Stawn's testimony)
8. This was not confirmed by [REDACTED] who testified that there were no other students near Student B before they were transported to the middle space by Stawn. ([REDACTED]'s testimony)
9. According to [REDACTED] Stawn asked [REDACTED] for assistance, but before [REDACTED] could answer, Stawn had lifted Student B and was carrying them to the office. ([REDACTED]'s testimony)
10. [REDACTED] was explicit that [REDACTED] did not touch Student B but [REDACTED] held some doors open as Stawn carried Student B to the middle space. ([REDACTED]'s testimony)
11. [REDACTED] recalled an incident in early 2018 when [REDACTED] was in the photocopy room and Stawn entered holding Student B by their arms and with their feet dangling off the ground. It's very likely that this is the same incident. ([REDACTED]'s testimony)
12. [REDACTED] observed Stawn physically remove Student B from his classroom on two occasions. In both cases, Student B was being held by their wrists and their feet were off the ground. (Exhibit 5, tab 79, [REDACTED]'s testimony)

Charge 4

1. At times, Stawn would pick up Student A under their arms and would drag them. ([REDACTED]'s testimony)
2. [REDACTED] said [REDACTED] observed Stawn sometimes lift kids by the waist when he was angry. [REDACTED] identified Student A as one of those students that Stawn would lift and that Student A would kick and cry while being carried. ([REDACTED]'s testimony)

3. Student A recalled Stawn yelling at them and carrying [REDACTED] to the office. They said Stawn carried them like a football and then demonstrated the carry. Student A posed with their arm in a loop and described their body as being outstretched horizontally across Stawn. (Student A's testimony)
4. [REDACTED] said, "I have seen [Stawn's] anger escalate from yelling at them to physically removing them against their will." (Exhibit 5, tab 79)
5. [REDACTED] testified that [REDACTED] had witnessed Stawn moving Student D by the hood on their clothing during a Books After Breakfast session. ([REDACTED]'s testimony)
6. Stawn refuted this assertion and said he had led Student D by the hand to his classroom to read. (Stawn's testimony)
7. [REDACTED] was not in the school during the Books After Breakfast incident involving Student D, but testified that [REDACTED] had witnessed Stawn physically move students to different groups including a time when [REDACTED] watched Stawn pull a student back by the hood on their clothes. ([REDACTED]'s testimony).
8. On February 20, 2018, [REDACTED] witnessed Stawn enter the photocopy room carrying a student to the middle space. Stawn had one hand under the child's chin and the child's feet were off the floor. ([REDACTED]'s testimony)
9. During a follow-up conversation with Stawn and [REDACTED], Stawn did not deny the incident had occurred but denied carrying the child under their chin. ([REDACTED]'s testimony)

Charge 5

1. Stawn complained to [REDACTED] about the cleanliness of the storage space in [REDACTED]'s classroom. ([REDACTED]'s testimony)
2. Stawn spoke to [REDACTED] about [REDACTED] apparently applying stickers with [REDACTED] name on to school books. ([REDACTED]'s testimony)
3. Stawn spoke to [REDACTED] about being concerned with how [REDACTED] and [REDACTED] were treating him. ([REDACTED]'s and [REDACTED]'s testimony)
4. In these incidents, Stawn did not share his concerns with his teacher colleagues before raising his concerns with [REDACTED]. ([REDACTED]'s testimony)
5. [REDACTED] was contacted by deputy superintendent because Stawn had made a Twitter post that was apparently critical of how [REDACTED] was administering grant funding. After meeting with Stawn over dinner, Stawn removed his tweet. ([REDACTED]'s and Stawn's testimony)

Charge 6

1. Stawn regularly provided [REDACTED] with unsolicited advice. ([REDACTED]s and Stawn's testimony)
2. Stawn explained that this was done in a spirit of collaboration. (Stawn's testimony).
3. [REDACTED] characterized the advice as condescending and provided an example of [REDACTED] putting up a bulletin board display in one manner and Stawn would suggest that [REDACTED] do so in an alternative fashion. ([REDACTED]s testimony)
4. [REDACTED] stated that Stawn had no supervisory or mentorship role with [REDACTED] but [REDACTED] felt as though he was supervising [REDACTED]. ([REDACTED]s testimony)
5. [REDACTED] provided [REDACTED] with an ABC chart which [REDACTED] had used at previous schools to help identify possible student triggers. ([REDACTED]s testimony)
6. Stawn told [REDACTED] that since [REDACTED] was [REDACTED] that [REDACTED] should not provide resources to [REDACTED] directly. Stawn told [REDACTED] to provide resources to Stawn to provide to [REDACTED]. ([REDACTED]s testimony)
7. [REDACTED] was only trying to support [REDACTED] and [REDACTED] felt uncomfortable and demeaned by Stawn's response. ([REDACTED] testimony)
8. Stawn and [REDACTED] both understood that they had booked the art room for different purposes on the same day. [REDACTED] had booked the art room for a meeting with external guests, and Stawn for an art station for 75 students who were going to rotate through. (Stawn's, [REDACTED]s and [REDACTED]s testimony).
9. [REDACTED] arrived in the art room to find that Stawn had already set up materials for his students. ([REDACTED]s and Stawn's testimony)
10. The discussion about the art room being double-booked became tense and resulted in Stawn yelling at [REDACTED]. [REDACTED] was very upset by this interaction. ([REDACTED]s and [REDACTED]s testimony).
11. [REDACTED]s meeting was moved to a different location in the school. ([REDACTED]s and Stawn's testimony)
12. During one meeting in her office, [REDACTED] felt threatened by Stawn's comment that "[REDACTED] lack of support would come back to haunt [REDACTED]". [REDACTED] testified that Stawn yelled at [REDACTED] during this exchange. ([REDACTED]s testimony)
13. On one occasion in the staff room, Stawn commented that a colleague's mug should read, "World's Greatest Bitch" instead of "World's Greatest Teacher." On another occasion, he

commented that the name written inside a pair of his colleague's boots should read, "Chump." ([REDACTED] s and Stawn's testimony)

14. There is no consensus about whether or not Stawn's comments in these two instances were intentionally malicious or if they were simply poor attempts at humour. In any case, Stawn apologized to [REDACTED] for these comments and did not deny making them. ([REDACTED] s testimony)
15. Following Stawn's departure from [REDACTED] Stawn returned school materials in a manner that [REDACTED] and [REDACTED] found disturbing. ([REDACTED] s and [REDACTED] s testimony)
16. Stawn returned over a dozen separate packages to [REDACTED]. These were delivered one-at-a-time through an inter-office mail or hand delivered by staff from the school where [REDACTED] worked. ([REDACTED] s and [REDACTED] s testimony)
17. Stawn explained that [REDACTED] and [REDACTED] had packed up absolutely everything in his classroom which resulted in boxes filling up half of his garage. The sporadic timing of materials being returned to [REDACTED] was a result of Stawn gradually reviewing the contents of these many boxes and repackaging the school's materials. (Stawn's testimony)
18. This rationale by Stawn doesn't fully explain why small individual items were returned in large boxes; why Stawn's school keys were returned one-by-one; or why one item, addressed to [REDACTED] had [REDACTED] name written multiple times on it over and over. ([REDACTED] s and [REDACTED] s testimony)
19. The return of school materials became so worrisome that [REDACTED] asked [REDACTED] to direct Stawn to no longer return materials to the school. ([REDACTED] s testimony)

X. DECISION OF THE HEARING COMMITTEE

Charge 1—Guilty
Charge 2—Guilty
Charge 3—Guilty
Charge 4—Guilty
Charge 5—Not Guilty
Charge 6—Guilty

XI. REASONS FOR DECISION

Charge 1—David Gordon Stawn was found guilty of unprofessional conduct pursuant to the *Teaching Profession Act* in that he, while a member of the Alberta Teachers' Association, between 2016 and 2018, yelled at or shouted at students to manage or respond to their behaviour whereby his loud voice frightened students, thus failing to treat students with dignity and respect and be considerate of their circumstances.

1. Multiple witnesses testified that Stawn yelled at his students.
2. Stawn's yelling was not limited to his application of Zones and the shouting of colours; Stawn yelled at other times as well.
3. Stawn's frequent yelling could be heard outside of his classroom.
4. Students in other classes could hear Stawn yelling and found it disturbing and frightening.
5. As a result of Stawn's yelling, students reported to their teachers in the school that they were nervous to walk by Stawn's room or didn't feel they could trust Stawn if they needed to ask an adult for help.
6. The explanation that the volume of Stawn's voice was an artifact of problems with the classroom FM systems not being adjusted properly in his or other classrooms, does not explain the continued pattern of yelling described by witnesses.
7. On one specific occasion, Stawn yelled at Student C in the gym when they wouldn't get off their scooter when asked. Stawn continued to yell at Student C as he crossed the gym towards [REDACTED] until he was very close to their face.
8. In another incident, Stawn yelled at Student B who was standing on top of a bench in the gym. Again, Stawn yelled at the student from across the gym while moving towards them.
9. Witnesses didn't corroborate Stawn's assessment that Student B or Student C were in danger or were at risk of hurting others before he starting shouting.
10. Witnesses testified that Stawn continued to yell at Student C and Student B well after he had their attention.
11. Teachers are permitted to choose whatever classroom management strategies they deem appropriate for their teaching context. Stawn's decision to use a colour-coded system based on the Zones to communicate with his students is not an issue, but the manner in which he implemented this system, through constantly shouting colours at his students, is very concerning.

12. The committee is satisfied that the evidence establishes a clear pattern of Stawn yelling at students. By all accounts, Stawn is an experienced teacher with purported expertise in the area of behaviour strategies. A teacher with Stawn's experience and expertise should understand that yelling is not an acceptable classroom management strategy.
13. Stawn's habit of yelling at very young students on a regular basis is inexcusable and reprehensible.

Charge 2—David Gordon Stawn was found guilty of unprofessional conduct pursuant to the *Teaching Profession Act* in that he, while a member of the Alberta Teachers' Association, between 2016 and 2018, did not use Non-Violent Crisis Intervention (NVCi) holds and carried Student A by [their] wrists, temporarily suspending [them] off the floor while transporting [them] to the office, thus failing to treat students with dignity and respect and be considerate of their circumstances.

1. Student A had a diagnosed severe social-emotional learning disability. There is no doubt that Student A's behaviour could be challenging and even unpredictable, however, teachers are expected to respond to even the most challenging student behaviour in a way that is considerate of their dignity and circumstances.
2. Stawn's rationale for moving Student A in most cases was because of their apparent defiance and to prevent them from running away. Other witnesses, including Student A, testified that Student A would sometimes run away when they were upset, but that Student A wasn't likely to leave the school.
3. [REDACTED] testified that [REDACTED] had observed Stawn move Student A and that both of Stawn's hands were on Student A's wrists and their feet were in the air as they were transported.
4. [REDACTED] testified that Student A was carried out the room by Stawn after Student A had dropped a game piece and had been initially resistant to picking it up. According to [REDACTED] Stawn had grabbed Student A by their wrists, their feet were off the floor and they were kicking and screaming. Stawn grabbed Student A and removed them from the room even though Student A was moving to pick up the piece.
5. [REDACTED] testified that [REDACTED] had witnessed Stawn pick-up Student A on a number of occasions. [REDACTED] specifically recalled one instance when Stawn had Student A's hands in the air and Student A was on their toes.
6. Student A further testified that they had been transported by Stawn where they were on their "tip-toes."
7. Stawn is a veteran teacher with a master's degree focussed on learning disabilities in early childhood education and work experience that includes time in a behaviour and learning

leadership role and as a conference presenter who offered sessions on behaviour and learning strategies.

8. Stawn testified that he had been previously certified in NVCI, but this certification wasn't current during his time teaching at [REDACTED]. Nonetheless, during his testimony, Stawn referenced his previous NVCI training and "what he had been trained to do" at a number of points in regards to his actions at [REDACTED].
9. Whether Stawn's certification in NVCI was current while he was at [REDACTED] is immaterial. There can be no doubt that Stawn possessed the experience and specialized knowledge required to know that transporting a student by their wrists with their feet off the ground is inappropriate. In the view of the committee, no reasonable teacher, regardless of their level of specialized training would find this manner of transporting a student to be acceptable.
10. Further, the expert witness, [REDACTED] testified that the description of Stawn's actions did not match the principles of NVCI. [REDACTED] noted that many interim steps should be taken to de-escalate behavior before moving to a restraint or transfer and that a hold or transfer should be a very last resort. In the committee's view, there was little evidence of attempts made by Stawn to de-escalate matters before he transferred Student A.
11. Stawn argued that other witnesses did not see the antecedent behavior and therefore could not assess whether there was risk of immediate danger to the student or others, the committee notes that the antecedent behavior of dropping a game piece and being asked to pick it up was witnessed by [REDACTED]. Further, and in any event, Stawn did not testify as to what steps he took to de-escalate the antecedent behavior before resorting to a hold or transfer.

Charge 3—David Gordon Stawn was found guilty of unprofessional conduct pursuant to the *Teaching Profession Act* in that he, while a member of the Alberta Teachers' Association, between 2016 and 2018, did not use Non-Violent Crisis Intervention (NVCI) holds and carried Student B on two separate occasions by [their] wrists, temporarily suspending [them] off the floor while transporting [them] to the office, thus failing to treat students with dignity and respect and be considerate of their circumstances.

1. Although they didn't have a social-emotional learning disability, multiple documents and testimony leave little doubt that Student B's behaviour could be challenging at times, however, teachers are expected to respond to even the most challenging student behaviour in a way that is considerate of their dignity and circumstances.
2. [REDACTED] testified that [REDACTED] witnessed Stawn physically remove Student B from his class on two occasions. In both instances, [REDACTED] described that Stawn had picked up Student B by their wrists and their feet were off the ground.

3. On one specific occasion, Stawn transported Student B to the office. [REDACTED] was in the workroom at this time and testified that Stawn entered holding Student B by their upstretched arms. [REDACTED] testified that Student B's feet were dangling off the ground.
4. In his testimony, Stawn asserted that, prior to being taken to the middle space, Student B was in the hallway and was at risk of kicking others. This was not confirmed by [REDACTED] who testified that there were no other students near Student B before they were transported to the middle space by Stawn.
5. Stawn indicated in his testimony that [REDACTED] assisted him in carrying Student B using a two-person hold. [REDACTED] denied that this was the case. Stawn admitted to transferring Student B on two occasions, one instance of which was the incident involving [REDACTED]. [REDACTED] similarly witnessed Student B being carried by Stawn on two occasions. On both these occasions, [REDACTED] described the hold as Student B being picked up by their wrists and their feet being off the ground. [REDACTED] described the hold [REDACTED] observed in a similar manner to [REDACTED]. In the committee's view, the preponderance of the evidence suggests that [REDACTED] did not assist Stawn with a two-person hold, rather Stawn transferred Student B by their wrists and this is the version of events that the committee accepts.
6. While Stawn argues that his version of events should be preferred because he sent a contemporaneous e-mail to [REDACTED] stating "I just had [REDACTED] assist me with carrying [them] to the office," the committee notes that the e-mail is not clear on the nature of [REDACTED]'s assistance. The assistance could refer to the act of opening the doors for Stawn, as described by [REDACTED] or the act of a two-person carry, as described by Stawn. Given this ambiguity, the committee is not persuaded that the e-mail unequivocally supports Stawn's version of events.
7. Stawn argued that this charge is unreasonable because it equates the failure to use NVCi to unprofessional conduct when NVCi training was not mandatory at [REDACTED]. However, as a veteran teacher with specialized academic preparation and expertise in behaviour strategies, Stawn is expected to know when and how to transport students safely, if necessary. Again, whether his NVCi certification was current at the time of his teaching at [REDACTED] is immaterial. A reasonable teacher would not transport a student in the manner he did Student B. It's inconceivable to imagine that a teacher with Stawn's expertise wouldn't make different choices in similar situations.
8. Further, as noted above, the expert witness, [REDACTED], testified that the description of Stawn's actions did not match the principles of NVCi. [REDACTED] noted that many interim steps should be taken to de-escalate behavior before moving to a restraint or transfer and that a hold or transfer should be a very last resort. In the committee's view, there was little evidence of attempts made by Stawn to de-escalate matters before he transferred Student B.

9. In addition, even if Student B was at some risk during the incident where Student B was running along or atop a bench such that a hold may have been justified, the hold used by Stawn was not consistent with NVCI principles, as noted by [REDACTED]
10. Finally, Stawn asked the committee to draw an adverse inference given that Student B was not called to testify. The committee does not find it necessary to draw an adverse inference in this case. Indeed, Stawn himself admits transferring Student B twice, although he disputes the manner in which [REDACTED] was transferred. As such, the adverse inference, if any were to be drawn, would be limited to the manner of transfer and not the fact of the transfer itself. Even if it drew an adverse inference based on Student B's failure to testify, there remain three independent witnesses ([REDACTED] and [REDACTED]) who directly observed Student B being carried by Stawn by their wrists. In the circumstances, even if it drew an adverse inference from the failure to call Student B, the committee would nevertheless be satisfied that the preponderance of the evidence supports the fact that Stawn carried Student B by their wrists on two occasions.

Charge 4—David Gordon Stawn was found guilty of unprofessional conduct pursuant to the *Teaching Profession Act* in that he, while a member of the Alberta Teachers' Association, between 2016 and 2018, engaged in physical contact with students when neither the child nor others were in immediate danger, thus failing to treat students with dignity and respect and be considerate of their circumstances.

1. [REDACTED] testified that, at times, Stawn would pick up Student A under their arms and would drag them.
2. [REDACTED] testified that [REDACTED] observed Stawn sometimes lift students by the waist when he was angry.
3. [REDACTED] testified that [REDACTED] witnessed Stawn carry Student B into the office with his hands under Student B's chin and that their feet were suspended off the floor. [REDACTED] testified that, "In [REDACTED] many years of teaching," [REDACTED] had "never seen a teacher carry a child in this manner." Stawn denied carrying Student B under the chin but described carrying Student B under their arms. While on one occasion, Student B was described as being on the floor and kicking in circles, it does not appear that Student B was in immediate danger. Other students were being moved away from Student B and were not in immediate danger.
4. Student A recalled Stawn yelled at them and carried them to the office. They said Stawn carried them like a football and then demonstrated the carry. Student A posed with their arm in a loop and described their body as being outstretched horizontally across Stawn. Stawn denied carrying Student A by the waist but nevertheless admitted transferring Student A less than ten times during the 2017/18 school year or three to four times in September. While there was evidence that Student A was a "runner," the evidence does not establish that Student A or others were in immediate danger at the time of the transfers.

5. [REDACTED] testified that [REDACTED] witnessed Stawn moving Student D by the hood of their clothing during Books After Breakfast. Stawn denied this action and instead testified that he took Student D's hand to escort them to the classroom. [REDACTED] testified that [REDACTED] had witnessed Stawn grab students' clothing hoods on other occasions. Whether Stawn moved Student D by the hood or by their hand, [REDACTED]'s evidence was clear that physical behaviour intervention should only be used as a last resort and in cases of imminent harm. Here, there was no evidence that Stawn attempted interim measures to manage behaviour before resorting to physical contact and there was no evidence that Student D or others around them were in danger at the relevant time.
6. Stawn again asked the committee to draw an adverse inference from the fact that Student D was not called as a witness. Stawn admitted to an interaction with Student D. The contest is over whether he moved Student D by their hand or their hood. Even if an adverse inference were drawn, such that Student D's evidence would be presumed to support the fact that Student D was moved by their hand, again, there was no evidence that Stawn attempted interim measures to manage behaviour before resorting to physical contact and there was no evidence that Student D or others around them were in danger at the relevant time.
7. As an experienced teacher with a specialized background in behaviour strategies, Stawn should know that physical interventions should only be used on students as an absolute last resort.
8. Despite his expertise, during his time at [REDACTED] Stawn demonstrated a pattern of being relatively quick to grab or move students when other, less invasive approaches had not been attempted. His students deserved better.

Charge 5—David Gordon Stawn was found not guilty of unprofessional conduct pursuant to the *Teaching Profession Act* in that he, while a member of the Alberta Teachers' Association, between 2016 and 2018, made critical comments about the professional competence or professional reputation of another teacher to administration, in a manner which was not consistent with professional responsibilities towards colleagues, thus failing to maintain the honour and dignity of the profession.

1. Through witness testimony the committee heard about a number of concerns which were brought to [REDACTED] by Stawn, including:
 - a) Stawn's concern with [REDACTED]'s and [REDACTED]'s treatment towards him;
 - b) Stawn's complaint to [REDACTED] about the cleanliness of the storage space in [REDACTED]'s classroom; and
 - c) Stawn complaint to [REDACTED] that stickers with teachers' names were not to be affixed to school books, as [REDACTED] was alleged to have done.

2. Although it's inappropriate that Stawn had these conversations with [REDACTED] before he addressed his concerns directly with the teachers in question, these are relatively minor incidents and do not meet the threshold of unprofessional conduct. In particular, the concerns with the cleanliness of the storage space and stickers are difficult to characterize as criticisms of professional competence or reputation.

Charge 6—David Gordon Stawn was found guilty of unprofessional conduct pursuant to the *Teaching Profession Act* in that he, while a member of the Alberta Teachers' Association, between 2016 and 2018, engaged in actions toward colleagues in a manner which was not consistent with professional responsibilities towards colleagues, thus failing to maintain the honour and dignity of the profession.

1. Stawn's was perhaps somewhat prolific in his e-mailing to administration and other staff at [REDACTED] but there is no clear evidence that this was done in an intentionally harassing or malicious manner.
2. Although Stawn filed a number of FOIP requests with [REDACTED] to gather documentation about himself, it is his right to do so. Testimony concerning the impact, timing or presumed motives behind Stawn's filing of FOIP requests were given no bearing. Stawn's explanation that he was trying to gather information to prepare for investigations and complaints made against him is equally plausible.
3. Although multiple witnesses corroborated that Stawn had said on one occasion that a colleague's mug should read "World's Greatest Bitch" instead of "World's Greatest Teacher," and on another occasion that he had suggested that the name written in a pair of colleague's boots read "Chump," there is no consensus about whether Stawn's intentions in these cases were intentionally malicious or simply misguided attempts at humour.
4. [REDACTED] testified that Stawn would give her constant unsolicited advice that [REDACTED] found to be condescending. Although Stawn described his intentions as being collaborative, [REDACTED] found his feedback overly critical given that Stawn wasn't assigned to supervise or mentor [REDACTED].
5. [REDACTED] testified that [REDACTED] was scolded by Stawn because [REDACTED] had shared a resource with [REDACTED]. Stawn asserted that [REDACTED] so [REDACTED] should not provide resources for [REDACTED] through him. [REDACTED] testified that [REDACTED] was only trying to support [REDACTED] and that [REDACTED] felt uncomfortable and demeaned by Stawn's response.
6. Stawn yelled at [REDACTED] when it was discovered that both had plans to use the art room on a given day. [REDACTED] testified that [REDACTED] had to compose [REDACTED] in the music room because this

confrontation with Stawn brought [REDACTED] to the verge of tears. [REDACTED] corroborated [REDACTED]'s testimony.

7. [REDACTED] testified that Stawn had yelled at [REDACTED] during a meeting in [REDACTED] office. [REDACTED] felt threatened by Stawn's comment that "[REDACTED] lack of support would come back to haunt [REDACTED]."
8. [REDACTED] and [REDACTED] testified that, following Stawn's departure from [REDACTED] that Stawn returned school materials in a manner that was disturbing and bordering on harassment.
9. Stawn's explanation that the way he returned materials to the school was due to him systematically unpacking and repacking boxes in his garage does not fully account for the odd manner in which single small items were returned in large boxes or school keys were returned individually. The envelope that Stawn labelled with [REDACTED]'s name over and over is not only bizarre, it is unsettling.
10. While the committee is not necessarily concerned about Stawn's prolific e-mailing, the FOIP requests or the "Bitch" or "Chump" comments to the extent that they were misguided attempts at humour, the committee is satisfied that Stawn yelled at both [REDACTED] and [REDACTED] and that this is conduct which is inconsistent with professional responsibilities towards colleagues. Similarly, Stawn's admonishment of [REDACTED] for providing resources to [REDACTED] failed to demonstrate a collegial approach. Further, the committee is satisfied that the manner in which the boxes were returned was designed to be at least unsettling to [REDACTED] and was not conduct which was consistent with the professional responsibilities of teachers. Further, Stawn's comment towards [REDACTED] in reference to their age difference, in that context, was considered to be unprofessional.
11. Teaching is a collegial and collaborative profession. The manner in which Stawn interacted with his colleagues at [REDACTED] ranged from passive-aggressive to aggressive and contributed to Stawn's colleagues being distrustful and even frightened of him. [REDACTED] testified that Stawn's impact on the school's culture was becoming "toxic."
12. Stawn's conduct towards his colleagues didn't demonstrate the consistent, honourable and respectful manner of interacting that all teachers and school staff should rightly expect from members of the teaching profession.

XII. WITNESS TESTIMONY DURING PENALTY PHASE AND SUBMISSION ON PENALTY

█████'s Submission On Penalty

In █████ submission, █████ called three witnesses and provided █████ recommendations on penalty.

A. Parent A

1. Parent A is the █████ of Student A and was called by █████
2. Parent A stated that █████ had been present during the testimony of █████ child.
3. Parent A stated █████ was sad that █████ child had to testify.
4. Parent A continued that █████ was horrified that the incidents of █████ child's treatment in Stawn's class did not come to light until years later.
5. Parent A noted that the incidents between Student A and Stawn began to come to light when Student A was in Grade █████ Student A was fearful of school administration at their new school.
6. █████ stated that Student A felt they were in trouble and would cause harm to Stawn if they spoke about what happened.
7. █████ stated that while Student A had some episodes of sadness in █████ it was not until Grade █████ when Student A's serious issues with authority emerged.
8. Parent A felt Student A ended Grade █████ "kind of broken."
9. █████ confirmed that █████ child continued to have issues in Grade █████
10. Parent A stated that █████ was aware that █████ child had been diagnosed with █████
11. Parent A felt angry and betrayed that Stawn had carried █████ child and never notified █████
12. █████ believed that █████ child was failed by everybody. █████ stated that the school was not a safe place for █████ child.
13. █████ felt that █████ had misled █████ child by telling them that Stawn was someone they could trust and that they were safe in school.

14. Parent A stated that [REDACTED] believes Student A has suffered long term harm from Stawn's actions. Student A's willingness to trust has diminished and that [REDACTED] has suffered a similar effect.
15. Parent A noted that [REDACTED] child has required [REDACTED] which the family is funding from its own resources.
16. Parent A testified that [REDACTED] felt that Stawn should not be in the classroom.
17. Parent A regretted sending a thank you card to Stawn at the end of Student A's Grade [REDACTED] year, even though it was sent just as a general courtesy.

B. [REDACTED]

1. [REDACTED] stated that Stawn's FOIP requests were a traumatic experience for the school staff.
2. [REDACTED] stated that [REDACTED] had personally received nine FOIP requests from Stawn and [REDACTED] felt the FOIP requests were strategic.
3. [REDACTED] stated that [REDACTED] carried a burden of responsibility for not having been able to identify issues with Stawn's behaviour earlier.
4. [REDACTED] recounted how issues about Stawn were raised at a parent council meeting in May and [REDACTED] was questioned about how [REDACTED] could ensure this would never happen again.
5. [REDACTED] spoke to [REDACTED] discomfort during the process of testifying in this matter.
6. [REDACTED] believed that trust in the school and [REDACTED] leadership has been eroded in the community because of Stawn.
7. [REDACTED] stated that [REDACTED] continues to fear for [REDACTED] staff.
8. [REDACTED] conceded that [REDACTED] did not fear physical harm from Stawn but feared emotional harm.
9. [REDACTED] stated that [REDACTED] now locks [REDACTED] office door on weekends and is fearful of retaliation by Stawn.
10. [REDACTED] stated that [REDACTED] continues to suffer detrimental effects on [REDACTED] work and health because of Stawn.

- C. [REDACTED] is the FOIP coordinator for the [REDACTED] [REDACTED] objected to this witness being called on the basis that [REDACTED] could not speak to the impact or relevant evidence in this matter, and that any statements would be hearsay and untested as the witness was not called during the guilt/innocence phase.

As the committee did not rely on the FOIP requests to find unprofessional conduct, the committee determined that the witness's testimony would not be relevant and should not be allowed.

- D. [REDACTED] in her submission on penalty recommended the following penalty be imposed on Stawn:

Charge 1 – Suspension of membership in the Association for 3 years and a fine of \$3,000.00

Charge 2 – Suspension of membership in the Association for 3 years and a fine of \$3,000.00

Charge 3 – Suspension of membership in the Association for 3 years and a fine of \$5,000.00

Charge 4 – Suspension of membership in the Association for 3 years and a fine of \$8,000.00

Charge 6 –letter of severe reprimand and a fine of \$3000.00

That any suspension of membership in the Association be served concurrently, for a total of 3 years.

That a recommendation be made to the minister of education to suspend Stawn's teaching certificate for a period of 3 years.

That any fines be cumulative, for a total of \$22,000; where one-third should be paid within 30 days of the receipt of the written report, and the balance to be paid within 90 days of receipt of the written report.

That Stawn's membership in the Association be suspended until all fines have been paid.

That Stawn not be allowed to present workshops or presentations, on his own or with others at any function, convention, or event where Association members will be present for a period of 3 years. Should he do so, a fine of \$10,000 should be levied for each instance and a recommendation that Stawn be declared permanently ineligible for membership in the Association.

[REDACTED]'s Submission On Penalty

In [REDACTED] submission, [REDACTED] called three witnesses and provided [REDACTED] recommendations on penalty.

A. [REDACTED]

1. [REDACTED] had been a teacher for over 30 years, including time as the principal of a K-4 school in [REDACTED]
2. [REDACTED] stated that [REDACTED] retired in [REDACTED], but amended this to [REDACTED] under cross examination.
3. After [REDACTED] retirement, [REDACTED] worked with [REDACTED] coordinating student teacher placements. In particular, [REDACTED] responsibilities included overseeing 2-4-week practicum placements in Stawn's class, prior to his assignment to [REDACTED]
4. [REDACTED] was not privy to the full process for assigning cooperating teachers.
5. [REDACTED] stated that in [REDACTED], [REDACTED] was in Stawn's classroom about once a week for approximately 80 minutes at a time. [REDACTED] believes that [REDACTED] visited Stawn's classroom about 5 times, as Stawn's class was challenging and the student teacher assigned to Stawn was struggling.
6. [REDACTED] stated that [REDACTED] purpose was observe the interactions between the student teacher and the students during [REDACTED] visits. During a 4-week placement, the student teacher could be teaching up to 50 per cent of the time.
7. [REDACTED] observations were made when the student teacher was leading the class, though the cooperating teacher, Stawn, was present.
8. [REDACTED] explained that cooperating teachers could step in if the student teacher missed something or needed support. [REDACTED] had observed Stawn directing students to a quiet place in the class.
9. [REDACTED] stated that Stawn was firm, but communicative and helpful to student teachers. [REDACTED] felt the student teachers grew during their practicum and Stawn had interacted positively with them.
10. [REDACTED] was not conversant with the policies of the [REDACTED]
11. [REDACTED] confirmed that [REDACTED] times observing Stawn's class was when the student teacher was teaching. [REDACTED] did not observe Stawn teaching students.

B. [REDACTED]

1. [REDACTED] has 32 years of teaching experience at the Grade [REDACTED] level. [REDACTED] worked with Stawn for six years beginning in [REDACTED] at [REDACTED]

2. [REDACTED] recalled there was a team of four or five teachers that instructed Grade [REDACTED]
3. [REDACTED] described collaborative biweekly meetings with grade teacher. The meetings included planning activities, discussions of teaching philosophy, and reading and collaborative assessments.
4. [REDACTED] recalled that Stawn had a lot of knowledge about early childhood literacy.
5. [REDACTED] stated that [REDACTED] teaching practice had benefitted from working with Stawn.
6. [REDACTED] added that [REDACTED] felt Stawn was a role model for young teachers.
7. [REDACTED] stated that [REDACTED] was not always in agreement with Stawn but the team tended towards consensus.
8. [REDACTED] recalled Stawn being friendly and easy to get along with.
9. [REDACTED] detailed [REDACTED] experiences with Stawn. [REDACTED] spoke of cooperative gym classes with Stawn which occurred twice a week with three classes combined. [REDACTED] stated that Stawn was good with students and could easily manage the large groups.
10. [REDACTED] recalled Stawn always being positive with students and staff. [REDACTED] recalled that Stawn always had advice for people.
11. [REDACTED] conceded that [REDACTED] only team-taught gym with Stawn. [REDACTED] explained that there were coded students that were prone to distraction or behaviour issues at gym.
12. The team arrangement, allowed a teacher to remove the child and speak with them.
13. [REDACTED] described leading a child by the hand into the hallway or escorting them to the office.
14. [REDACTED] did recall needing to call the office for assistance on any occasion.
15. [REDACTED] is not trained in NVCI and has not lifted a student.
16. [REDACTED] clarified that [REDACTED] experiences with Stawn were at [REDACTED]
17. [REDACTED] also explained that [REDACTED] went for lunch with Stawn a couple of times when he was at [REDACTED].
18. [REDACTED] stated that the lunches would have been with the two of them.

19. [REDACTED] stated [REDACTED] believed other teachers would have been present at after school social gatherings but couldn't recall details.

C. [REDACTED]

1. [REDACTED] is an EA with the [REDACTED] with 10 years of experience. [REDACTED] worked with Stawn at [REDACTED]
2. [REDACTED] spent mornings or afternoons in Stawn's class for about four years.
3. [REDACTED] recalled Stawn being wonderful.
4. [REDACTED] stated that Stawn was always "focused on the positive" with students. [REDACTED] shared that [REDACTED] tries to, "channel [REDACTED] inner David to this day."
5. [REDACTED] stated that Stawn never raised his voice with students, even in the hallway.
6. [REDACTED] recalled that Stawn was positive with staff and when he and another teacher left [REDACTED] he was missed.
7. [REDACTED] stated that the school staff felt Stawn represented them in Association matters.
8. [REDACTED] recalled that Stawn had a stop light at the front of his classroom and used the colours: red, yellow, green as management tools for noise level.
9. [REDACTED] recounted that Stawn was an engaging teacher and detailed a specific activity for literacy engagement using a picture to generate story ideas.
10. [REDACTED] also stated that Stawn was good at building structure in his classroom.
11. [REDACTED] stated that Stawn never yelled in the room.
12. [REDACTED] recounted that Stawn would attend Association meetings and he ran for an Association position.
13. [REDACTED] recalled Stawn advocating for a new collective agreement and being nonconfrontational but assertive in his manner.
14. [REDACTED] shared that [REDACTED] had experienced difficulties in [REDACTED] and Stawn had supported and advocated for [REDACTED] [REDACTED] stated that Stawn helped [REDACTED] personally and professionally.
15. [REDACTED] stated that [REDACTED] believed Stawn often used an FM system.

16. [REDACTED] stated that Stawn had training in special needs from his time in [REDACTED] and was a leader there.

D. [REDACTED] recommended a letter of reprimand for all charges.

XIII. PENALTY

After discussion, the hearing committee of the Professional Conduct Committee imposed the following penalty on Stawn:

1. Stawn be prohibited from presenting at any professional development event in the future that is sanctioned, organized or sponsored by the Alberta Teachers' Association.
2. For Charge 1—Letter of severe reprimand and a fine of \$1,500.
3. For Charge 2—Suspension of Stawn's membership in the Association for a period of one year, a recommendation to the minister of education to suspend Stawn's teaching certificate for one year and a fine of \$3,000.
4. For Charge 3—Suspension of Stawn's membership in the Association for a period of one year, a recommendation to the minister of education suspend Stawn's teacher certificate for one year and fine of \$3,000.
5. For Charge 4—Suspension of Stawn's membership in the Association for a period of one year, a recommendation to the minister of education suspend Stawn's teacher certificate for one year and a fine of \$6,000.
6. For Charge 6—A letter of severe reprimand and a fine of \$1,000.

Further, the hearing committee specified the following conditions on the penalty imposed:

1. The severe reprimands are to be issued in two letters.
2. The suspension of membership in the Association shall be served consecutively, for a total of three years, effective immediately.
3. The recommendation to the minister of education to suspend Stawn's teaching certificate for a combined period of three years.
4. One-third of the total fine shall be paid within 30 days of the receipt of the committee's written decision and the remaining balance shall be paid within 90 days of receipt of the

written decision. Failure to pay the fine within this prescribed timeline will result in Stawn being ineligible for reinstatement as a member of the Association.

XIV. REASONS FOR PENALTY

When considering penalty, the committee considered the Jaswal factors. The committee's reflection on each of these factors are as follows:

Nature and Gravity of the Charges (Including the Frequency and Severity of the Conduct)

1. The committee determined that Charges 1 – 4 were of a very serious nature given the age and vulnerability of the students involved and the number of times Stawn's yelling and movement of students was determined to have occurred.
2. Charge 6 was determined to be moderate to severe in nature due to the numerous interactions with colleagues in which Stawn acted in a manner that was unprofessional.

Age and Experience of the Teacher

1. Stawn is an experienced teacher with self-described expertise supporting students with complex behaviours. Despite editorial embellishments on his resumé, Stawn held a leadership role in this area of specialization in [REDACTED] and has presented behaviour strategies sessions at multiple teacher conferences.
2. Whether or not Stawn was certificated in NVCi during the incidents that led to the charges is moot; the manner in which he routinely employed physical interventions to transfer students isn't consistent with what a typical teacher, NVCi trained or not, would consider appropriate in similar circumstances.

Previous Character of the Teacher and Previous Convictions of Unprofessional Conduct

1. The incidents leading to the charges were limited to Stawn's time at [REDACTED]. Stawn seems to have had a successful teaching career until he began working at [REDACTED] in [REDACTED].
2. The committee did not hear any reports that Stawn had been investigated for or found guilty of any prior charges of unprofessional conduct.

The Age and Condition of Individuals Affected by the Conduct

1. Very young students at the earliest primary grades were the subjects of Stawn's unprofessional conduct under Charges 1-4. Additionally, some of Stawn's students, including Student A and Student B, struggled with behavioural issues which required that they be treated with increased understanding and care and made them even more vulnerable to Stawn's yelling and physical interventions.
2. Although Charge 6 concerned Stawn's conduct towards school colleagues, on some occasions, Stawn was found to have treated those who were more vulnerable due to their lack of positional authority and experience, such as EAs and beginning teachers, in a demeaning manner.

The Member has Already Suffered Serious Consequences as a Result of the Allegations

1. Although Stawn may have experienced a certain degree of reputational harm as a result of his conduct and the incidents that resulted in his charges, the committee is not aware of any serious penalties related to his income, seniority or continued employment. However, Stawn received a letter of reprimand following the [REDACTED] investigation into his conduct.

The Impact on the Individuals Affected by the Unprofessional Conduct

1. As a result of Stawn's yelling, students at [REDACTED] including students that were not in his class, were fearful and anxious of his yelling. [REDACTED] testified that [REDACTED] students "were nervous" to walk past Stawn's classroom because of his yelling. [REDACTED] testified that Stawn's yelling had such an effect on [REDACTED] child, that years later when another teacher raised their voice that [REDACTED] child was "triggered."
2. Stawn's relationships with students were significantly impaired by his conduct. [REDACTED] testified that [REDACTED] students told [REDACTED] that Stawn couldn't be trusted, saying, "[REDACTED] you don't know. You weren't in his room." [REDACTED] and [REDACTED] testified that Student A did not have a good relationship with Stawn and that Student A had even yelled that they hated Stawn.
3. While the committee didn't hear any conclusive evidence that students were physically harmed when Stawn moved them, there was some evidence of emotional harm. The committee heard that Student B required counselling. Student A testified that they didn't tell their parents about their experiences because they couldn't explain things when they were in Stawn's class. They testified that they, "wanted to forget the bad things and move on."
4. Stawn's colleagues were similarly impacted by the manner in which Stawn moved students was alarming. [REDACTED] testified that when Stawn grabbed Student A by the wrist that it

caused [REDACTED] to flashback to a traumatic experience [REDACTED]. [REDACTED] testified that [REDACTED] was in shock after witnessing such an event and said that [REDACTED] "was horrified as a teacher and a [REDACTED]"

5. In regards to his relationship with colleagues, the committee heard testimony from multiple witnesses who mentioned that, as a result of Stawn's conduct, they were anxious, apprehensive, or fearful of him.

Presence or absence of mitigating or aggravating circumstances

1. According to [REDACTED] Stawn willingly participated in interviews and provided the names of other individuals who could be interviewed during the initial investigation.
2. The committee didn't hear any testimony about external or personal factors in Stawn's life that might have resulted in a change in behaviour that would explain why his conduct at [REDACTED] was problematic but his work at previous schools was not. While Stawn testified that he struggled during his second year at [REDACTED] and had not recognized his need for [REDACTED] until it was too late, there was no [REDACTED] evidence presented to the committee which linked Stawn's conduct to any [REDACTED]
3. [REDACTED] was a new school with new staff. Some had previous working relationships with each other and with administration. Others, including Stawn, did not. The committee acknowledges that these situations can create some initially challenging interpersonal dynamics until the staff become more cohesive and the culture of the new school develops. Although these types staff dynamics are often relatively short lived, it's clear that Stawn remained a relative 'outsider' at [REDACTED]. [REDACTED] testified that Stawn had approached [REDACTED] to ask about the possibility of mediation through HR, but [REDACTED] didn't pursue this.
4. Although a number of witnesses provided positive testimony about Stawn's character during their time working with him at another school, they did not work with Stawn at [REDACTED] and were not familiar with the time period or incidents that resulted in the charges.
5. A number of thank you notes and cards to Stawn from students, their parents, and colleagues were introduced into evidence. The testimony of various teacher witnesses explained that receiving these sorts of notes is a common occurrence and is perhaps even an unwritten cultural expectation. As such, the committee didn't give these documents any significant weight.

6. Stawn's classes at [REDACTED] included a number of challenging students including some with behavioural coded designations. The committee doesn't not dispute the fact that teaching these students was sometimes difficult.

The Need to Promote Deterrence to Protect the Public

1. The public needs to be confident that teachers will respond to both every day and emergent situations with students in appropriate ways. Teachers must remain calm and reflective at all times and, if this isn't possible, they should remove themselves from the situation before acting in overly aggressive emotionally-charged manner. Stawn's reactive, and often times overreactive, approach seriously undermines this confidence.
2. The public has a right to expect that teachers aren't quick to yell at students and that teachers will only put their hands-on students as a last resort when there is imminent danger. Stawn's classroom management style, however, included shouting and physical contact as relatively frequent occurrences.
3. Students have every right to expect that their schools and classrooms will be safe, supportive, and welcoming learning environments. Stawn's pattern of yelling and physical contact with students failed to meet this basic right and honour the safety and dignity of the students in his care.

The Need to Maintain the Public's Confidence in the Profession

1. The public must have confidence that the Association will treat egregious behaviour by a teacher in a manner that reflects the frequency and severity of the behaviour and honours the considerable trust that the public puts in the teaching profession to investigate and police the conduct of its members. This ownership is especially important in situations where an investigated member is involved in Association business as a leader at the local level and as a presenter at Association conferences, as Stawn was. A member's unprofessional conduct is in no way excused by that member's volunteer service to the profession or their history of speaking at professional development events.
2. The public expects the Association to ensure that its members conduct themselves in a manner that is always professional, respectful, and centred on the best interests of students, regardless of their circumstances. Stawn's habit of being quick to yell or physically intervening is neither professional, respectful or student-centred.
3. Teaching is a collaborative profession that succeeds only when its members cooperate in open, respectful and honest ways. The public expects members of the profession to work in a collegial fashion even when there are differences of opinion or interpersonal issues to

resolve. Stawn's approach to problem-solving and conflict resolution with his [REDACTED] colleagues was often passive-aggressive or outright aggressive and this contributed to contributed to a culture of tension, distrust, and even fear. In his testimony, Stawn was often quick to criticize the apparent lack of respect others had for him, but he demonstrated no understanding of his own accountability for ensuring respectful interactions with his colleagues.

The Degree to Which the Conduct would Fall Outside the Range of Permitted Conduct

1. The charges against Stawn don't relate to a single one-off event with mitigating circumstances. They represent a pattern of egregious behaviour towards his students and his colleagues at [REDACTED]
2. Despite his years of experience and purported expertise in the area of behaviour strategies, Stawn repeatedly acted in a way that even the most novice teacher would find inappropriate.
3. After Stawn [REDACTED] and [REDACTED] was hired to teach his students. Although [REDACTED] testified that behavioural incidents still occurred, [REDACTED] didn't recall a need to hold or restrain any of the students. In [REDACTED] testimony [REDACTED] explained the approaches [REDACTED] used to respond to prevented the frequency of these incidents. While Stawn asserted in his testimony that he found EA and school administration support for his classes to be lacking and that he believed that these issues were somewhat improved during [REDACTED]'s time with his class, the committee cannot disregard the evidence that [REDACTED]'s approach to classroom management with Stawn's students resulted in a learning environment that was considerably more safe, caring and respectful.
4. Teachers are expected to be reflective practitioners who have a large degree of autonomous over the methods they use in their classes. Stawn's resumé and testimony from multiple witnesses suggest that he possessed considerable expertise in regards to working with students with challenging behaviours. Given this expertise, it's confounding that Stawn seemed to rely on a relatively small repertoire of behaviour strategies such as yelling colours, shouting and moving students which, ultimately did not appear to be effective.

The Range of Penalties in Similar Cases

1. The committee determined that the precedent cases presented by [REDACTED] were largely dissimilar to the incidents which underpin the charges against Stawn. The committee considered them useful only for understanding the breadth of penalties that had been decided in relatively recent hearings where members were found guilty of multiple serious charges.

Decision of the Hearing Committee of PCC re D Stawn, page 120

2. Conversely, the committee found that the precedent cases presented by [REDACTED] were somewhat anachronistic and included penalties that are relatively minor when compared against more contemporary decisions for similar charges.
3. On balance, the committee is of the view that its orders for penalty safeguard the public, serve the goals of general and specific deterrence and are proportional to the conduct engaged in by Stawn.

Dated at the City of Edmonton in the Province of Alberta, Thursday, December 16, 2021.

HEARING COMMITTEE OF THE PROFESSIONAL CONDUCT COMMITTEE OF
THE ALBERTA TEACHERS' ASSOCIATION

[REDACTED]

Stephani Clements, Chair

[REDACTED]

Rick Kremp

[REDACTED]

Brice Unland

APPENDIX A – EXTENDED LIST OF DOCUMENTS ENTERED IN EXHIBIT BINDER 5, 6 and 7

Exhibit #	Description of Exhibit
5	Exhibit Binder from [REDACTED]
5-1	The [REDACTED] – Early Years Board Policy [GGAJ.BP] (2009)
5-2	The [REDACTED] – Early Years Board Policy [GGAJ.BP] (2020)
5-3	The [REDACTED] – Students in Need of Specialized Supports and Services Administrative Regulation [HA.AR] (2012)
5-4	The [REDACTED] – Students in Need of Specialized Supports and Services Administrative Regulation [HA.AR] (2020)
5-5	The [REDACTED] – Inclusive Education Board Policy [HA.BP] (2012)
5-6	The [REDACTED] – Inclusive Education Board Policy [HA.BP] (2017)
5-7	The [REDACTED] – Student Placement Administrative Regulation [HB.AR] (2013)
5-8	The [REDACTED] – Safe, Caring and Respectful Learning Environments Administrative Regulation [HF.AR] (2012)
5-9	The [REDACTED] – Safe, Caring and Respectful Learning Environments Administrative Regulation [HF.AR] (2020)
5-10	The [REDACTED] – Safe, Caring and Respectful Learning Environments Board Policy [HF.BP] (2010)
5-11	The [REDACTED] – Safe, Caring and Respectful Learning Environments Board Policy [HF.BP] (2020)
5-12	The [REDACTED] Everyone's In Inclusive Learning – An Educational Strengths-Based Approach
5-13	The [REDACTED] Everyone's In Student Learning Supports – Effective emotional and behavioural documentation
5-14	The [REDACTED] Everyone's In Inclusive Learning – Creating Learner Centred Individualized Program Plans (October 2013)
5-15	The [REDACTED] Everyone's In Inclusive Learning – The Pyramid of Intervention, A Planning Tool & Helping Parents Participate (November 2013)
5-16	The [REDACTED] Everyone's In Inclusive Learning – People First Language (January 2014)
5-17	The [REDACTED] Everyone's In Inclusive Learning – Meaningful Social Inclusion (March 2014)
5-18	The [REDACTED] Everyone's In Inclusive Learning – Creating Welcoming and Inclusive Schools (September 2014)
5-19	The [REDACTED] Everyone's In Inclusive Learning – Supporting your child's IPP (October 2014)

5-20	The [REDACTED]: Everyone's In Inclusive Learning – Indicators of an Inclusive School: Alberta Education Guide (November 2014)
5-21	The [REDACTED]: Everyone's In Inclusive Learning – The Power of Peer Support Programs (April 2015)
5-22	The [REDACTED]: Everyone's In Inclusive Learning – The importance of fostering positive teacher-student relationships (October 2015)
5-23	The [REDACTED]: Everyone's In Inclusive Learning – Creating Partnerships with Educational Assistants (February 2016)
5-24	The [REDACTED]: Everyone's In Inclusive Learning – The Power of Positive Relationships to Manage Challenging Behaviour (September 2016)
5-25	The [REDACTED]: Everyone's In Inclusive Learning – Supporting Inclusive Education through Consultation (January 2017)
5-26	[REDACTED] "Curious Minds, Compassionate Hearts, Courageous Spirits" philosophy statements
5-27	[REDACTED] "Our Agreements"
5-28	Accountability Pillar Overall Summary for [REDACTED] (May 2018)
5-29	Stawn's class list for 2016/17 school year
5-30	Stawn's class list for 2017/18 school year
5-31	Individual Program Plan for Student A (Grade [REDACTED]) 2016/17 school year
5-32	Individual Program Plan for Student A (Grade [REDACTED]) 2017/18 school year
5-33	Log Entries regarding Student B (October 20, 2017–February 21, 2018)
5-34	[REDACTED]'s handwritten notes (2016-2018)
5-35	[REDACTED] computer processed meeting notes titled, "NOTES" re: a) Stawn and [REDACTED] (February 21, 2018) b) Stawn meeting about class size (December 15, 2017) c) Stawn and [REDACTED] (September, 2017) d) Stawn and list of children (January [2018]) e) Evidence of Support, Ongoing (no date)
5-36	[REDACTED] computer processed notes titled, "Ongoing Dialogue/E-mail Communication" (August 2016 – June 2018)
5-37	"You are a gem," e-mail from [REDACTED] to Stawn (March 1, 2017)
5-38	Letter from [REDACTED] to Stawn confirming that he was asking to be unassigned from duties (April 26, 2018)
5-39	Letter of reprimand from [REDACTED] to Stawn (June 28, 2018)
5-40	Memo from [REDACTED], to [REDACTED] regarding request from [REDACTED] that Stawn be administratively transferred from [REDACTED] (June 29, 2018)
5-41	"Classroom Sound Systems," e-mail from [REDACTED] to all [REDACTED] staff (October 15, 2017)

5-42	"Meeting kids outside our classrooms," e-mail from Stawn to [REDACTED] (October 26, 2017)
5-43	"[Student E]" e-mail thread between [REDACTED] and Stawn regarding Student E hitting Student F in the face with [REDACTED] hand in music (November 6, 2017)
5-44	"Fwd:" e-mail forwarded by Stawn to [REDACTED] and [REDACTED] from Parent G regarding their child, Student G and issues with another student, Student E (November 7, 2017)
5-45	"Bullying" e-mail from [REDACTED] aunt to Student H, to [REDACTED] and cc to Stawn (November 15, 2017)
5-46	"Re: gifted and talented" e-mail thread between [REDACTED] and Stawn (November 16, 2017)
5-47	"[Student E]" hits [Student G]" e-mail from Stawn to [REDACTED] and [REDACTED] (November 16, 2017)
5-48	"ILT" e-mail from Stawn to [REDACTED] recapping student supports (November 28, 2017)
5-49	"Re: Concerns" e-mail thread between Parent I, Stawn and [REDACTED] regarding Student I and Student E (November 29-30, 2017)
5-50	"[Student E]" e-mail from Stawn to [REDACTED] regarding Student E kicking Student I in class and hitting Student F at recess (December 1, 2017)
5-51	"[Student E]" e-mail thread between Stawn, [REDACTED], [REDACTED], [REDACTED] (Consultant - Psychology) and [REDACTED] Behaviour Consultant) regarding Student E's behaviour and possible assessment (November 30-December 4, 2017)
5-56	"Student J" e-mail from Parent J to Stawn regarding discipline strategies for his child (December 18, 2017)
5-58	"Observations" e-mail from Stawn to [REDACTED] (December 20, 2017)
5-59	"YMCA this morning" e-mail from Stawn to [REDACTED] and [REDACTED] (January 15, 2018)
5-61	"[Student K] and [Student E]" e-mail from Stawn to [REDACTED] and [REDACTED] (January 18, 2018)
5-64	"Re: [Student E], [Student K] and [Student L]" e-mail thread between [REDACTED], Stawn, [REDACTED] (EA) and cc to [REDACTED] (January 30, 2018)
5-65	"[Student B]" e-mail from Stawn to [REDACTED] and [REDACTED] regarding Student B's behavior and asking [REDACTED] for assistance with transporting Student B to the office (February 1, 2018)
5-66	"more on [Student B]" e-mail from Stawn to [REDACTED] and [REDACTED] regarding Student B being aggressive by hitting and kicking peers (February 1, 2018)
5-67	"[Student B]'s Behavior" e-mail from Parent B to Stawn regarding Student B's behaviour (February 1, 2018)

5-68	"Re: Follow-up on Student E" e-mail thread between [REDACTED] and [REDACTED] (Supervisor – Inclusive Learning) with cc to Stawn, [REDACTED] (Consultant – Education and Behaviour) and [REDACTED] (Occupational Therapy Consultant), [REDACTED] (Consultant – Psychology) (February 2 – 4, 2018)
5-69	"Re: [Student M]" e-mail thread between Stawn and [REDACTED] regarding completing an assessment for Student M (February 5, 2018)
5-70	"[Parent B]" e-mail from [REDACTED] to Stawn (February 5, 2018)
5-71	"Re: Touching Base – [Student B]" e-mail thread between Stawn and Parent B (February 16, 2018)
5-72	"Response Needed Please" e-mail from [REDACTED] to [REDACTED] staff asking who is trained in first aid; mental health first aid, NVCI, WHIMIS (April 5, 2018)
5-73	"confidential" e-mail from Stawn to [REDACTED] regarding division investigation and information that he may be asked to disclose (May 15, 2018)
5-74	"Confidential-Advice" e-mail from [REDACTED] to [REDACTED] and [REDACTED] regarding packages received from Stawn and a third FOIP request (September 7, 2018)
5-75	"Confidential-Advice" e-mail from [REDACTED] to [REDACTED] regarding the return of a glass bug container to Stawn and receipt of another box (September 11, 2018)
5-76	Thank you note from [REDACTED] and [REDACTED] to Stawn regarding his student progress reports (June 2017)
5-77	Thank you note from [REDACTED] to Stawn regarding working together; presentation in catchment area; and assistance to [REDACTED] (January 2018)
5-79	[REDACTED] computer processed notes and observations from 2016-2108 (September 27, 2018)
5-80	[REDACTED] computer processed notes regarding an incident between Stawn and a student (February 20 – 21, 2018)
5-81	[REDACTED] computer notes of strategies used to support Student A during the 2017/18 school year (October 2018)
5-82	Stawn resume
5-83	Information re: Edmonton Regional Learning Consortium (ERLC): Behaviour Strategies for Inclusive Classrooms workshop facilitated by Stawn and [REDACTED] scheduled for October 15, 2018
5-84	Handwritten note from Student C to Stawn regarding being yelled at
5-85	Card and note from Student A and their parents to Stawn thanking him and being a positive role model
5-86	[REDACTED] computer processed notes and reflections titled "Interactions of concern with David Stawn – September 2016-July 2018"
5-87	Letter from [REDACTED] to legal counsel [REDACTED] (October 2, 2018)

5-88	██████ notes provided to ██████ re the period October 5, 2016 – February 22, 2018
5-90	“Tennis balls thrown at peers” e-mail thread between Stawn and other ██████ teachers (June 23, 2017)
5-91	“David Stawn ██████” e-mail from Stawn to ██████ about the status of a meeting (June 26, 2017)
5-92	“Re: Confidential” e-mail thread between Stawn and ██████ about a facilitated conversation (June 28–29, 2017)
5-93	The ██████ FOIP Request Search Form [#2017-16-P] (June 19, 2018)
5-94	Ministerial Order [#042/2019]– Seclusion and Physical Restraint in Alberta Schools Standards (October 23, 2019)
5-95	Alberta Education – Guidelines for Time-Out in Alberta Schools (November 2019)
5-96	Alberta Education – Supporting Positive Behaviour in Alberta Schools, A Classroom Approach (2008)
5-97	Alberta Education – Supporting Positive Behaviour in Alberta Schools, An Intensive Individualized Approach (2008)
5-98	Alberta Education – Supporting Positive Behaviour in Alberta Schools, A School-Wide Approach (2008)
6	Legal Counsel to the Investigated Member’s Exhibits – Binder 1
6-7	“Private & Confidential” e-mail from ██████ to ██████ (June 25, 2019)
6-54	“Assistance” e-mail from Stawn to ██████ (December 15, 2017)
6-55	“Challenging lunch behaviour” e-mail from Stawn to ██████ (December 15, 2017)
6-56	“[Student J]” e-mail from Stawn to ██████ and ██████ (December 15, 2017)
6-57	“Checking in” e-mail from ██████ to Stawn cc to ██████ (December 16, 2017)
6-59	“[Student G]” e-mail from ██████ (Speech Language Pathology Consultant) to Stawn ██████, and ██████ (December 19, 2017)
6-63	“[Student E]” e-mail from Stawn to ██████ regarding Student E fighting for the fourth day (January 18, 2018)
6-65	“Re: Incident at Lunch” e-mail thread between Parent I, Stawn, ██████ and ██████ (January 18-20, 2018)
6-66	“Re: Eyes on at recess” e-mail from ██████ to ██████ teachers, ██████, ██████, and ██████ (January 23, 2018)
6-74	Screenshots of Facebook Messenger exchange between ██████ and Stawn (March 5 – April 11 [2018])

7	Legal Counsel to the Investigated Member's Exhibits – Binder 2
7-31	Note to Stawn from [REDACTED]
7-32	Note to Stawn from [REDACTED] and [REDACTED] (March 2017)
7-33	Note to Stawn from [REDACTED]
7-37	Card to Stawn from student
7-38	Valentine's Card to Stawn from student
7-39	Letter to Stawn from student
7-40	Letter to Stawn from student
7-41	Letter to Stawn from student
7-42	Letter to Stawn from student
7-43	Letter to Stawn from student
7-44	Two notes to Stawn: 1) from student and their parents; 2) from parent
7-45	Note to Stawn from parent and student
7-46	"Zoo" "Friends" card to Stawn
7-47	Christmas card to Stawn from a family
7-48	Card to Stawn from student
7-49	Card to Stawn from Student F and their family
7-50	Letter to Stawn from a family
7-51	Note to Stawn from student
7-64	Screenshots of text messages between [REDACTED] and Stawn (March 6–April 13 [2018])
7-67	[REDACTED] Transition Information for students: Student M, Student E, Student N, Student K, Student B, Student G and Student O
7-70	Psychological Report for Student A (September 21 2016)