

THE ALBERTA TEACHERS' ASSOCIATION

REPORT OF THE HEARING COMMITTEE
OF THE PROFESSIONAL CONDUCT COMMITTEE

IN THE MATTER OF CHARGES OF UNPROFESSIONAL
CONDUCT AGAINST STEVEN PETER JAMES KRAHN

The hearing committee of the Professional Conduct Committee of the Alberta Teachers' Association reports that charges of unprofessional conduct laid against Steven Peter James Krahn of Edmonton, Alberta were duly investigated in accordance with the *Teaching Profession Act*. The hearing was held in Barnett House, 11010 142 Street NW, Edmonton, Alberta, Canada on Tuesday, October 31, 2017 at 0900.

Professional Conduct Committee members present as the hearing committee were [REDACTED]

[REDACTED], presented the case against the investigated member. The investigated member, Steven Krahn, was not present and was not represented by counsel.

CONSTITUTION/JURISDICTION

There were no objections to either the composition or the jurisdiction of the hearing committee.

CHARGES AND PLEA

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

1. Steven Peter James Krahn is charged with unprofessional conduct pursuant to the *Teaching Profession Act* in that he, while a member of the Alberta Teachers' Association, during the [Date Redacted] school year, ridiculed Student A by making references to [Subject Redacted], thus failing to treat the student with dignity and respect, contrary to article 4 of the Code of Professional Conduct.
2. Steven Peter James Krahn is charged with unprofessional conduct pursuant to the *Teaching Profession Act* in that he, while a member of the Alberta Teachers' Association, during the [Date Redacted] school year, made inappropriate comments to students including a veiled reference to jiggling breasts, and/or questioning students about dating, and/or referring to a student's cold sore as herpes, thus failing to treat students with dignity and respect and be considerate of their circumstances and failing to maintain the honour and dignity of the profession, contrary to articles 4 and 18 of the Code of Professional Conduct.

3. Steven Peter James Krahn is charged with unprofessional conduct pursuant to the *Teaching Profession Act* in that he, while a member of the Alberta Teachers' Association, during the [Date Redacted] school year, criticized his principal, [Name redacted], by posting a comment on Facebook, in which Krahn referred to [Gender Redacted] as bitchy, thus failing to maintain the honour and dignity of the profession, contrary to article 18 of the Code of Professional Conduct.

The investigated member entered a plea of guilty to each of the charges by written submission.

PROCEDURAL MATTER

The committee received an application by the presenting officer to amend Charge 2 so that it reads in accord with the charge in the submission on plea (Exhibit 4) and the agreed statement of facts (Exhibit 5). The committee granted the application and the amended charge, as below, was read into the record.

2. Steven Peter James Krahn is charged with unprofessional conduct pursuant to the Teaching Profession Act in that he, while a member of the Alberta Teachers' Association, during the [Date Redacted] school year, made inappropriate comments to students including a veiled reference to jiggling breasts, and/or questioning students about dating, and/or referring to a student's cold sore as herpes, thus failing to maintain the honour and dignity of the profession, contrary to article 18 of the Code of Professional Conduct.

WITNESSES

There were no witnesses called.

EXHIBITS FILED

- Exhibit 1—Notice of hearing and the Canada Post confirmation of delivery, on October 5, 2017
- Exhibit 2—Proof of Krahn's membership in the Association from September 1, 1997 to August 31, 2014 inclusive
- Exhibit 3—Declaration of awareness of rights, signed by Krahn, dated October 3, 2017
- Exhibit 4—Submission on plea, signed by Krahn, dated October 3, 2017
- Exhibit 5—Agreed statement of facts, signed by Krahn and [REDACTED], dated October 3, 2017
- Exhibit 6—Joint submission on penalty, signed by Krahn and [REDACTED], dated October 22, 2017 and October 2, 2017 respectively
- Exhibit 7—List of precedent cases
- Exhibit 8—Letter to the hearing committee signed by Krahn, dated October 22, 2017
- Exhibit 9—Four letters in support of Krahn

EVIDENCE ADDUCED AND EXHIBITS FILED INDICATED THAT:

1. Krahn was a member of the Association, during the 2013/14 school year. (Exhibit 2)
2. Krahn taught primarily [Subjects Redacted] to [redacted] students in [Location redacted]. (Exhibit 5)
3. Krahn had 19 years of teaching experience. (Exhibit 4)

Charge 1

4. During the [Date Redacted] school year, Krahn repeatedly teased and ridiculed Student A [redacted]
5. [redacted]
6. In another instance, Krahn wrote a poem on the board to teach rhyming patterns. Within this poem he made fun of Student A [redacted] (Exhibit 5)
7. [redacted]
8. [redacted]
9. Krahn demonstrated that he was aware that his behaviour was inappropriate because he, in front of his students, slapped his own hand and stated "Bad Mr Krahn." (Exhibit 5)
10. On March 11, 2014, Student A e-mailed Krahn. In his e-mail, he wrote "I don't appreciate your comments please stop its harassing Thanks Student A (sic)." Krahn did not reply to Student A's e-mail. (Exhibit 5)
11. On May 12, 2014, Student A's mother e-mailed the assistant superintendent of schools and complained about Krahn's inappropriate treatment of her [child]. (Exhibit 5)

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12. Student A's mother complained that Krahn had made inappropriate comments on more than one occasion about her [child], in front of his classmates, and in a poem on the board at the front of the classroom. She commented that Krahn's comments were "degrading, inappropriate and unacceptable," and that Krahn had clearly "overstepped his boundaries." Student A's mother noted that in the week prior to her complaint, her [child] had expressed feeling sick to [Gender Redacted] stomach. The implication here was that the stomach ache was in relation to issues at school. (Exhibit 5)
13. Krahn went on a medical leave in the spring of 2014. (Exhibit 5)

Charge 2

14. During the first week of October 2013, Krahn was teaching a [Subject Redacted] class and referred to the Caribbean Islands as the "Giggly Islands" noting that when early explorers encountered the area, they noted that the female inhabitants of the islands did not wear clothing on their torsos, and that their breasts were "giggly." (Exhibit 5)
15. Krahn pled guilty to a charge of making a veiled reference to jiggling breasts. (Exhibit 4)
16. Krahn teased several students about dating, asking personal questions such as "Have you kissed this person?" (Exhibit 5)
17. A student reported to the school principal that, "If people are dating, (Krahn) would make jokes and would want to know everything about it." This included disclosing student crushes, which would result in student embarrassment and strained the emerging student relationships. (Exhibit 5)
18. In response to questions at a January 2014 meeting, regarding teasing students about their relationships, Krahn said that while he admitted his most recent behaviours, he didn't clearly recall being warned about these same behaviours in the previous year.
19. Krahn wrote in his response subsequent to the meeting that he had now ceased teasing student about their relationships. (Exhibit 5)
20. In another incident in April 2013, Krahn responded to a student who was disappointed with the grade [Gender Redacted] had just received on [Gender Redacted] returned assignment. In [Gender Redacted] response, Krahn told the student that [Gender Redacted] poor grade was due to "herpes," referring to the student's cold sore. (Exhibit 5)
21. When asked by the school principal about his comment on herpes, Krahn denied making the comment. Krahn was directed by the principal to refrain from discussing the matter further and said there should be no repercussions for the student who reported the matter to the principal. (Exhibit 5)

22. Krahn attempted to apologize to the student who had a cold sore after the principal's request to refrain from discussing the matter further. (Exhibit 5)

Charge 3

23. On August 23, 2014, Krahn posted a reply to a question on Facebook. The question asked was, "What makes a man walk away from his mind?" Krahn replied, "Teaching for a bitchy principal." (Exhibit 5)
24. Krahn was asked to remove the post and he complied. (Exhibit 5)

DECISION OF THE HEARING COMMITTEE

Charge 1—Guilty

Charge 2—Guilty

Charge 3—Guilty

REASONS FOR DECISION

Charge 1

1. By his own admission, Krahn failed to treat Student A with dignity and respect when he ridiculed Student A through repeated references [Subject Redacted].
2. The Code of Professional Conduct, article 4, states "The teacher treats pupils with dignity and respect and is considerate of their circumstances." Krahn failed to do so by making repeated degrading comments and other public gibes to a [Age Redacted] student about his [Subject Redacted] in front of his peers.
3. Krahn's repeated statements of ridicule were incorporated by him into multiple classroom lessons and grew to include an embarrassing nickname for Student A. Krahn's behaviour was reflected in the actions of Student A's peers who took to chanting about Student A's [Subject redacted] in the school hallway and locker room. Students have a right to expect that their teachers will not ridicule or harass them [Subject redacted]
4. Krahn's behaviour had a significant and deleterious impact on Student A. Student A was detrimentally affected; he characterized the comments as "harassing" and reported feeling ill to a parent.

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5. The profession and the public expect teachers to ensure that students feel comfortable and safe in their learning environment by treating them with dignity and respect. Through his actions, Krahn repeatedly failed to do so.
6. Teachers are expected to take the utmost of care to be considerate of students' circumstances and to refrain from inappropriate and harmful teasing or degrading comments. Through his actions, Krahn repeatedly failed to do so.

Charge 2

7. By his own admission, Krahn failed to uphold the honour and dignity of the profession when he made inappropriate references to breasts, the inappropriate comments to students about dating and reference to herpes (cold sores).
8. Krahn engaged in persistent, careless and cavalier references to socially sensitive matters in the classroom. Through his actions, Krahn failed to maintain the honour and dignity of the teaching profession.
9. Krahn's behaviour failed to maintain the honour and dignity of the profession in the eyes of his pupils and was disrespectful of others. Teachers are expected to act as role models for students by treating others with respect, and by maintaining professional boundaries in teacher-student interactions. Krahn engaged in a pattern of inappropriate classroom behaviour which failed to maintain the honour and dignity of the profession.
10. Krahn's behaviour was unbecoming of a teacher. The profession, public and pupils expect teachers to refrain from undignified behaviour in the classroom and to maintain a decorous learning environment free from harassment and degrading comments directed toward students. Krahn failed to do so on numerous occasions.

Charge 3

11. By his admission, Krahn referred to his principal as "bitchy" in a Facebook post.
12. To publically air criticisms of a school principal does not honour the profession. Teachers are expected to maintain the honour and dignity of the profession by refraining from posting inappropriate comments on social media about their colleagues.

SUBMISSION ON PENALTY

The committee received a joint submission on penalty recommending

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1. for Charge 1, a letter of severe reprimand, a declaration of ineligibility for membership in the Association for a period of one year and a recommendation to the minister of education that Krahn's teaching certificate be suspended for a period of one year.
2. for Charge 2, a letter of severe reprimand
3. for Charge 3, a letter of severe reprimand

It was proposed that all three severe reprimands appear within one letter.

██████████ reviewed pertinent factors for the committee to consider, including the nature and gravity of the charges; Krahn's experience as a teacher; that Krahn had no previous complaints of unprofessional conduct; the harm and relative vulnerability of those impacted by Krahn's behaviour; the consequences that Krahn has already faced, including changes in employment; mitigating circumstances related to Krahn's health; and the need to both deter future behaviour and maintain confidence in the profession. ██████████ noted that Krahn was cooperative with both the investigating and presenting officers.

PENALTY

The committee imposed as penalty

1. for Charge 1, a letter of severe reprimand and a declaration of ineligibility for membership in the Association for a period of one year and a recommendation to the minister of education that Krahn's teaching certificate be suspended for a period of one year.
2. for Charge 2, a letter of severe reprimand
3. for Charge 3, a letter of severe reprimand

The committee directed that all three severe reprimands be incorporated into one letter.

REASONS FOR PENALTY

Charge 1

1. The committee recognizes its responsibility to give due deference to a joint submission on penalty by carefully considering the submission on its merits and deviating from the joint submission only if it is unfit, unfair or contrary to the public interest.

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2. Krahn had a responsibility to treat his students with dignity and respect at all times. Krahn repeatedly failed to do so even though, as the evidence demonstrated, he knew his behaviour was inappropriate.
3. Krahn's behaviour was egregious, persistent, harassing and caused harm to Student A, who was a vulnerable[Age Redacted] student.
4. Krahn's repeated and persistent focus on Student A's [Subject Redacted] may have served as a catalyst for, or escalated, other students' inappropriate behaviour towards Student A.
5. A period of ineligibility for membership in the Association and a recommendation to the minister of education for a suspension of teaching certificate is a substantial penalty and expresses a profound sanction by the committee.
6. A period of ineligibility for membership in the Association and a recommendation to the minister of education for a suspension of teaching certificate is intended to serve as both a specific and a general deterrent.
7. Krahn was an experienced teacher who should have known that his behaviour was inappropriate. There is evidence that Krahn was aware the student was uncomfortable and that Krahn was aware he should not be engaging in this behaviour but he continued to do so. Therefore, a substantial penalty is warranted.
8. The committee carefully considered that there was some evidence of a health condition which may have contributed to Krahn's behaviour or lack of judgment at the time of the events in the charge. (Exhibits 8, 9)
9. The committee considered numerous precedent cases with similar facts or context. The penalty proposed in the joint submission on penalty fell within the range of the most pertinent cases the committee was asked to consider. (Exhibit 7)
10. The committee considered Krahn's additional submission (Exhibit 8) in which he asked the committee to consider refraining from a recommendation to suspend his teaching certificate so that he could continue his work at the private school in which Krahn is currently employed. The committee determined there was no merit in imposing a penalty which would effectively differentiate between the protection accorded to students in public, separate or Francophone schools, whose teachers are required to hold membership in the Association, and those students in private schools, which don't require teachers to hold membership in the Association. Therefore, the committee declined to fulfill Krahn's request and instead ordered a recommendation to suspend his teaching certificate.
11. The committee considered letters of support that were submitted at the penalty phase, but determined that they did not substantively mitigate the wrongdoings and merit a reduced penalty.

12. The committee also considered the personal and family circumstances of Krahn, [REDACTED]
[REDACTED]
[REDACTED] The committee carefully considered these aspects but determined that the sanction must not only balance fairness to the member but protect pupils and the interests of the public.
13. The committee determined that the sanction proposed in the joint submission was fit, fair and in the public interest.

Charge 2

14. The committee recognizes its responsibility to give due deference to a joint submission on penalty, by carefully considering the submission on its merits, and deviating from the joint submission only if it is unfit, unfair or contrary to the public interest.
15. Krahn engaged in a pattern of inappropriate classroom behaviour which failed to maintain the honour and dignity of the profession. His behaviours were repeated, widespread and were witnessed by numerous pupils and therefore, a severe reprimand is warranted.
16. The profession, the public, and students expect that teachers will maintain the honour and dignity of the profession at all times. Through his behaviour, Krahn demonstrated that he was unwilling to uphold this expectation and so a significant penalty is required to serve as a specific and general deterrent.
17. The committee determined that the sanction proposed in the joint submission was fit, fair and in the public interest.

Charge 3

18. The committee recognizes its responsibility to give due deference to a joint submission on penalty, by carefully considering the submission on its merits, and deviating from the joint submission only if it is unfit, unfair or contrary to the public interest.
19. The committee reviewed a substantial number of previous cases and noted that in cases similar in act and context, a letter of severe reprimand was a common penalty. Therefore, the committee determined that this charge is similar enough to warrant a similar penalty.
20. The committee considered that the principal's reputation could have been negatively affected by Krahn's careless social media post. Krahn's action created the potential for professional harm, and therefore necessitates a significant penalty.

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21. Teachers are expected to act in a manner that maintains the honour and dignity of the profession in all aspects of their lives, including their use of social media. The committee determined that a letter of severe reprimand would serve as a general and specific deterrent.
22. The committee determined that the sanction proposed in the joint submission was fit, fair and in the public interest.

Dated at the City of Edmonton in the Province of Alberta, November 14, 2017.

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

