

THE ALBERTA TEACHERS' ASSOCIATION
REPORT OF THE HEARING COMMITTEE
OF THE PROFESSIONAL CONDUCT COMMITTEE
IN THE MATTER OF CHARGES OF UNPROFESSIONAL
CONDUCT AGAINST JAMES ROY SCOTT

The hearing committee of the Professional Conduct Committee of the Alberta Teachers' Association reports that charges of unprofessional conduct laid against James Roy Scott of [Location Redacted] were duly investigated in accordance with the *Teaching Profession Act*. The hearing was held in Barnett House, 11010 142 Street NW, Edmonton, Alberta, Canada commencing on Tuesday, May 16, 2017 at 0900.

Professional Conduct Committee members present as the hearing committee were [REDACTED]
[REDACTED]
[REDACTED] presented the case against the investigated member. The investigated member, James Scott, was present and was not represented by counsel.

CONSTITUTION/JURISDICTION

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

PRELIMINARY MATTER

The committee heard an application from Hackman to order a publication ban on the use of names of the teachers identified as victims in the charges. There was no objection by Scott to this request. The committee granted the request for a publication ban.

CHARGES AND PLEA

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

1. James Roy Scott is charged with unprofessional conduct pursuant to the *Teaching Profession Act* in that he, while a member of the Alberta Teachers' Association and in a position of authority, during the 2013/14 school year, abused his position, given the power differential, in a relationship with a subordinate, namely [Teacher A], thereby failing to maintain the honour and dignity of the profession, contrary to section 18 of the Code of Professional Conduct.

2. James Roy Scott is charged with unprofessional conduct pursuant to the *Teaching Profession Act* in that he, while a member of the Alberta Teachers' Association and in a position of authority, between 2012 and 2014, abused his position, given the power differential, in a relationship with a subordinate, namely [Teacher B], thereby failing to maintain the honour and dignity of the profession, contrary to section 18 of the Code of Professional Conduct.
3. James Roy Scott is charged with unprofessional conduct pursuant to the *Teaching Profession Act* in that he, while a member of the Alberta Teachers' Association and in a position of authority, in 2009, made a sexual advance to a colleague, [Teacher C], thereby failing to maintain the honour and dignity of the profession, contrary to section 18 of the Code of Professional Conduct.

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

WITNESSES

There were no witnesses called.

EXHIBITS FILED

Exhibit 1—Notice of hearing and Canada Post confirmation of delivery on April 11, 2017

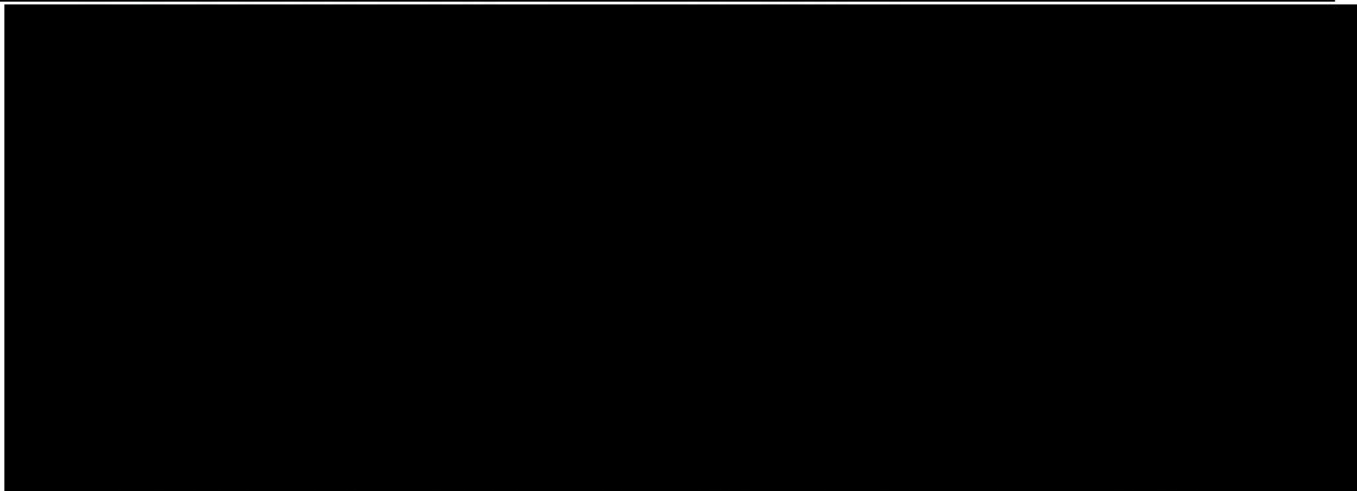
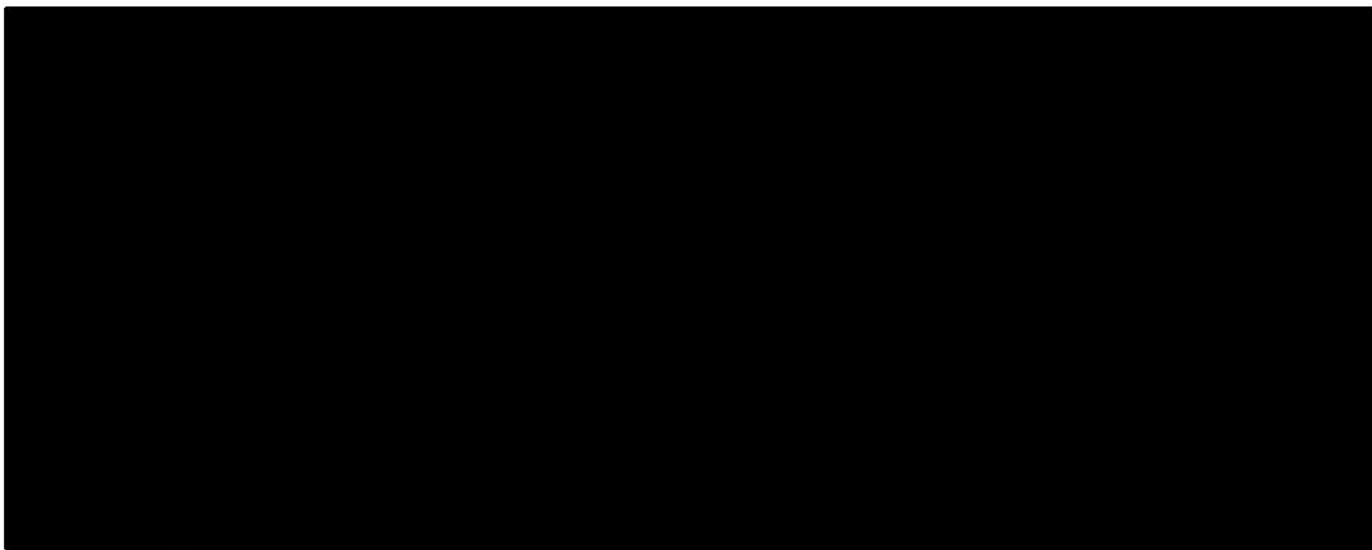
Exhibit 2—Agreed statement of facts, signed by Scott and [REDACTED], dated May 2, 2017

Exhibit 3—Letter from [REDACTED] [School Division Redacted], dated September 14, 2015

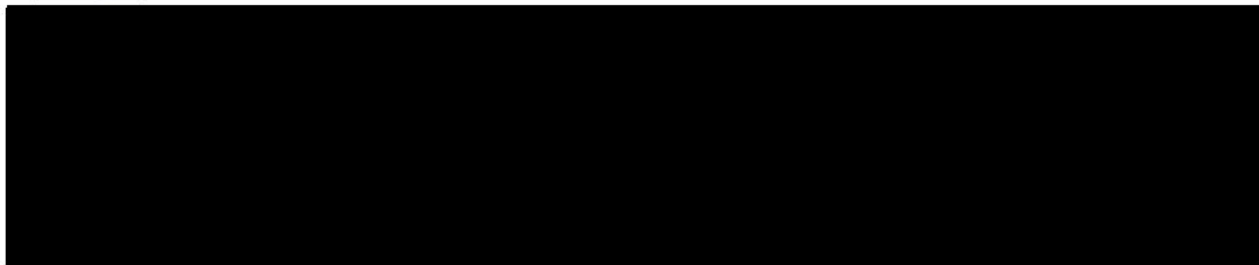
EVIDENCE ADDUCED AND EXHIBITS FILED INDICATED THAT:

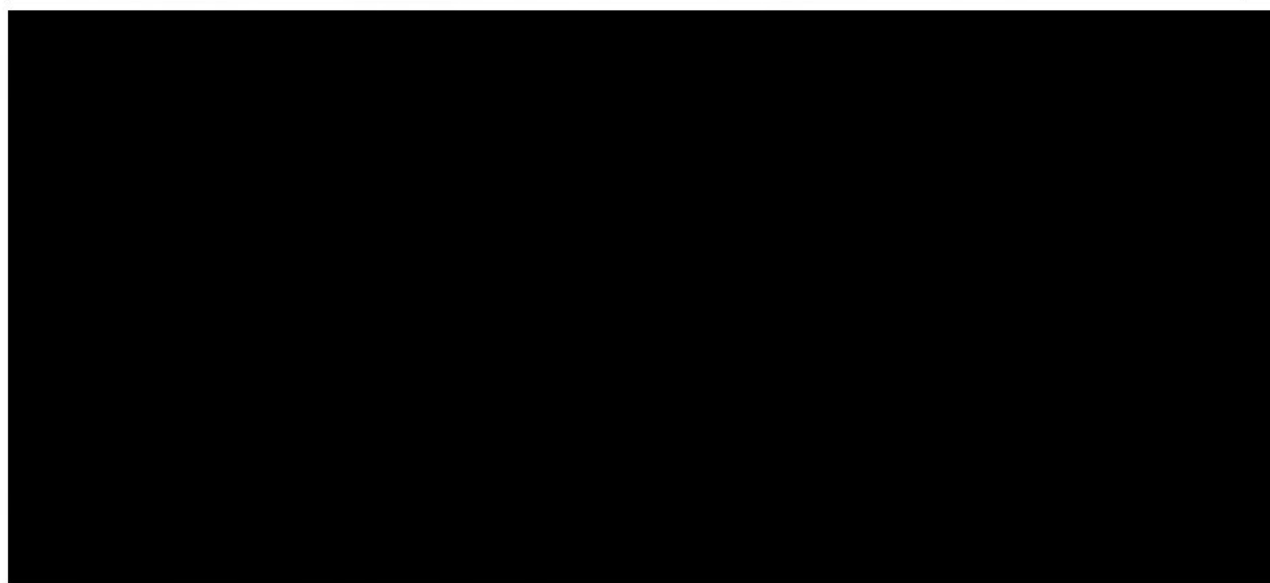
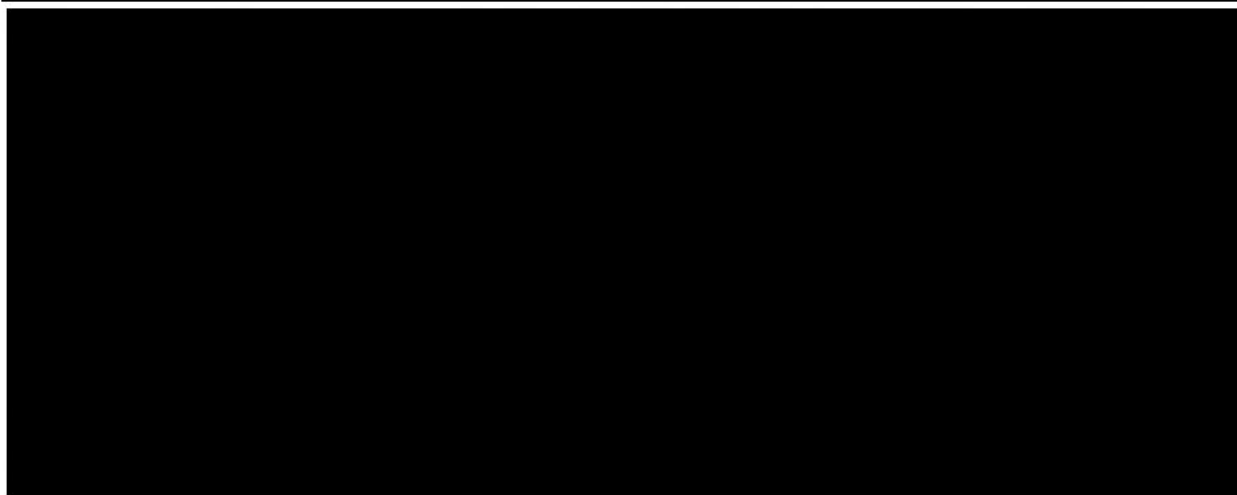
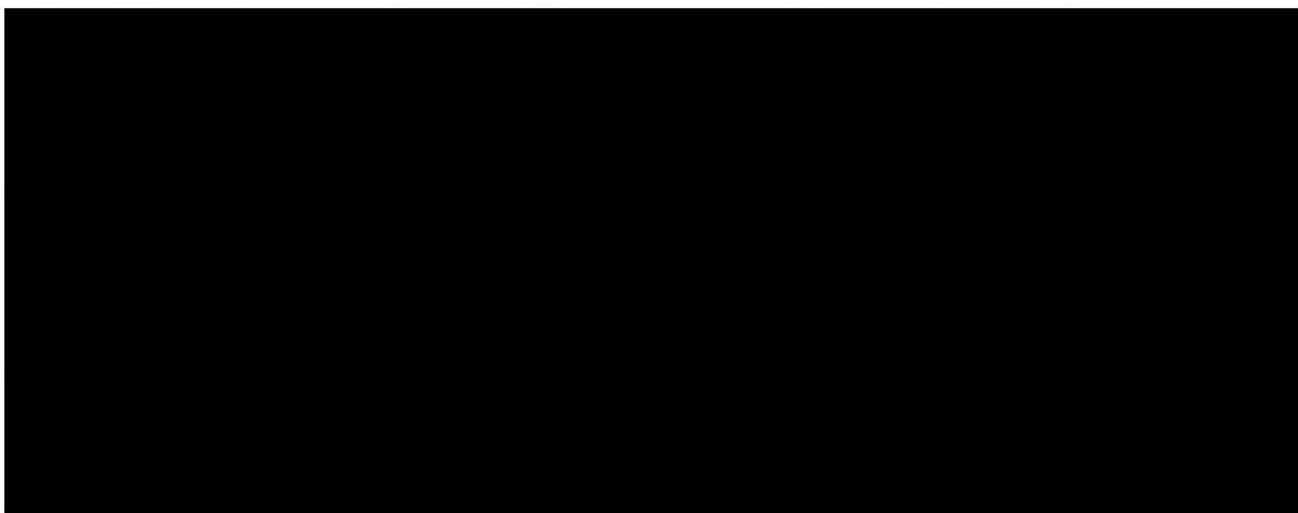
1. Scott was born [DOB Redacted].
2. Scott was a member of the Alberta Teachers' Association from September 1, 1997 until December 31, 2015 inclusive. (Exhibit 2, Appendix 6)
3. Scott was employed by [School Division Redacted] from September 1983 until December 31, 2015. (Exhibit 2)
4. Scott was employed first as a teacher for 20 years, then as the assistant principal of [School, Redacted] next as assistant principal at [School Redacted] and then as assistant principal at [School Redacted]. In 2011, he became a principal, first at [School Redacted] and, in 2013, at [School Redacted]. (Exhibit 2)

[illegible]



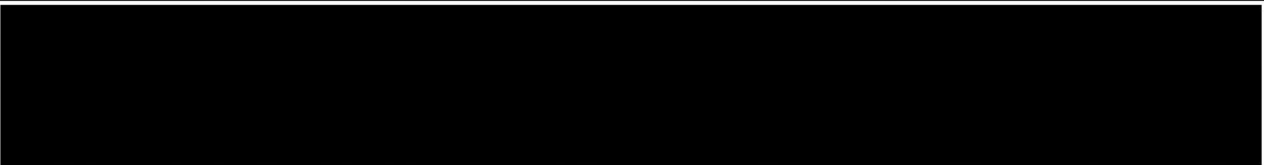
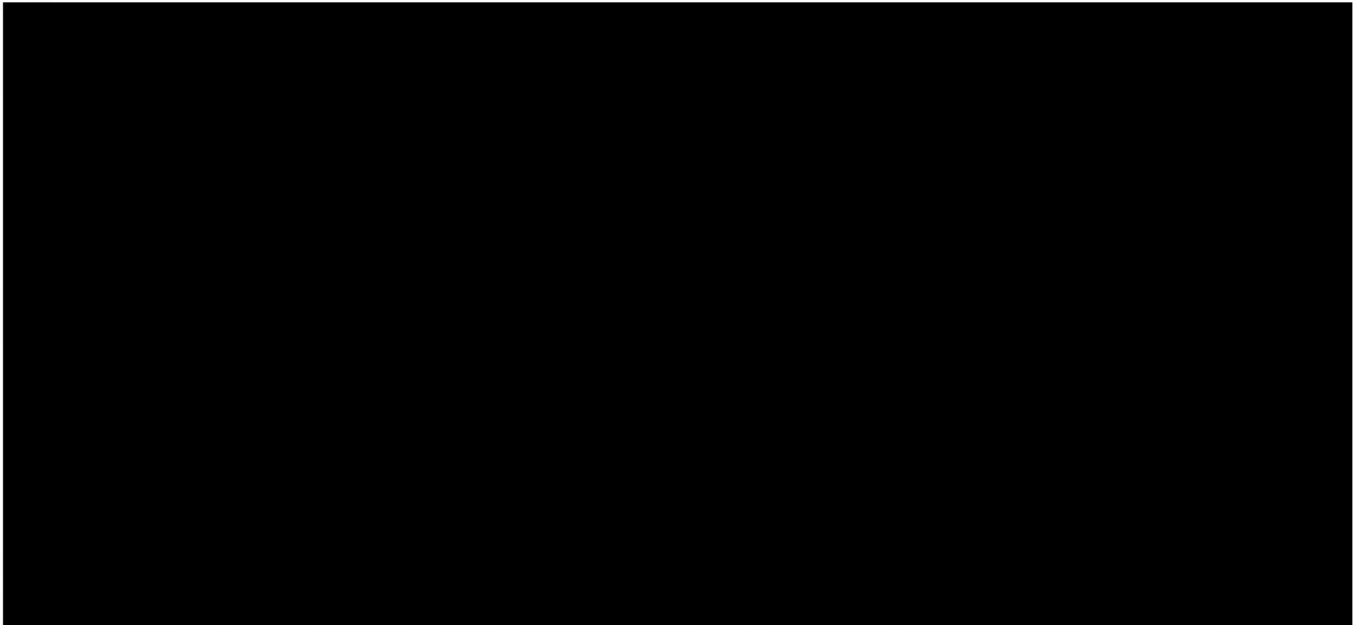
Charge 2







Charge 3



DECISION OF THE HEARING COMMITTEE

Charge 1—Guilty
Charge 2—Guilty
Charge 3—Guilty

REASONS FOR DECISION

Charge 1

1. By his own admission, Scott abused his position as a school principal to pursue a personal

relationship with Teacher A and exploited the power differential between principal and teacher. The profession expects that school administrators will abstain from exploiting the superordinate/subordinate relationships they hold with teachers.

2. Scott made unwelcome remarks, compromising invitations and requests to Teacher A which eventually poisoned the professional relationship. School principals are expected to set a professional example for their colleagues through appropriate relational behaviours and relational parameters. Scott failed to do so.
3. Following Teacher A's rejection of his inappropriate advances, Scott made comments to Teacher A which were belittling and confrontational or caused [Gender Redacted] to feel foolish; he admitted he was playing games with [Gender Redacted]. Scott's actions violated the expected boundaries of a professional relationship between school principal and teachers.
4. When Scott made jokes which contained sexual connotations, he used language in a way that did not uphold the honour and dignity of the profession.
5. Scott's actions caused Teacher A to feel extremely uncomfortable, caused [Gender Redacted] to believe that [Gender Redacted] job security had been jeopardized and destroyed [Gender Redacted] trust in Scott's ability to serve as [Gender Redacted] supervisor or as a referee for future job advancement. Through his actions, he did not uphold the honour and dignity of the profession because he compromised the expectations of a relationship between principal and teacher.

Charge 2

6. Through his repeated and unwelcome pursuit of an intimate relationship with Teacher B, Scott violated the boundaries expected in a professional relationship between school principal and teachers.
7. Scott used the power differential between Teacher B and himself to influence [Gender Redacted] career decisions. He discouraged [Gender Redacted] from accepting employment offers and instead, encouraged [Gender Redacted] to wait to obtain a position at his school. The profession expects that school administrators will abstain from exploiting the superordinate/subordinate relationship they hold with teachers.
8. Scott used his position of power to make overly personal and disparaging comments about Teacher B's appearance and habits of dress, comments which transgressed the professional boundaries between school principals and teachers.
9. Scott engaged in inappropriate conversations, invitations and requests in an attempt to further the personal relationship with Teacher B. This eventually caused [Gender Redacted] to feel manipulated and emotionally and mentally abused. Through these actions, Scott failed to uphold the honour and dignity of the profession.

10. Scott's actions caused Teacher B to feel uncomfortable and unsafe around Scott, and damaged Teacher B's trust in Scott's ability to serve as a mentor or supervisor for [Gender Redacted] or other teachers. Through his actions, Scott failed to uphold the honour and dignity of the profession because he failed to act appropriately given the relational power dynamics between principal and teacher.

Charge 3

11. While in a position of authority at the school and while in a mentoring relationship with Teacher C, Scott proposed a sexual relationship to Teacher C. He failed to uphold the honour and dignity of the profession because he attempted to exploit a mentoring relationship with a colleague for personal gratification.
12. Scott's actions profoundly upset both Teacher C and [Name redacted]. The profession expects that school leaders will not act toward colleagues in a manner that causes personal or marital distress. In causing this harm, Scott failed to act in a manner that upheld the honour and dignity of the profession.
13. Scott's proposition became known to Teacher C, [Gender Redacted] [Name Redacted] and Teacher B. Scott's actions tainted the dignity and honourableness expected within a professional mentoring relationship, which are expectations that these individuals would hold of school leaders.

SUBMISSION ON PENALTY

██████ recommended a penalty of a single letter of severe reprimand to address all three charges, a declaration of ineligibility for membership in the Association for a period of two years, and a recommendation to the minister of education to suspend Scott's teaching certificate for a period of two years. ██████ did not reference any precedent cases; indeed, ██████ said there were no available cases that were similar in nature or context. Therefore, ██████ argued, this case would be precedent setting.

██████ said due to the nature and gravity of the charges, a significant and severe penalty was warranted to serve as a general and specific deterrent to prevent future similar behaviours. Scott's actions deleteriously impacted the individuals involved, and he engaged in these behaviours from a position of power that effectively caused two [gender redacted] teachers to feel either that they were compelled to endure the behaviours, or that they were in a poisoned environment. Scott's actions occurred over a period of several years, involved three teachers in several schools and were largely repetitious and persistent. Scott demonstrated that he knew his actions could negatively impact the school environment; on several occasions he behaved covertly to avoid detection. Scott used his position to assist and/or to influence two of the teachers in their pursuit of career opportunities. ██████ noted that Scott had the obligation to ensure he was not in a supervisory position over individuals with whom he pursued an intimate or sexual relationship and should have taken steps to mitigate the power differential.

██████ addressed each of the factors that are generally accepted as those necessary for comprehensive consideration of penalty. Scott was an experienced teacher and school leader and should have known better. He had experienced significant consequences as a result of his actions, including loss of employment. Scott was fully cooperative with both the investigating and presenting officers and did not contest the statements nor offer rationalization for his behaviour. By taking responsibility for his behaviour and pleading guilty, Scott saved the three teachers from the further harm and embarrassment that would have occurred had they been called to testify. Scott had no previous discipline convictions.

Scott argued that the strongest possible written reprimand for each of the charges would be an adequate penalty. Scott said he now recognizes the significance of the power differential that existed during some of the events, an understanding that he did not hold previously. Scott said that, in retrospect, he recognizes he was unprepared for school administration, but he was not making excuses and agreed he was categorically wrong in his actions.

Scott argued that he has endured significant natural consequences consisting of the loss of his job and income, given he had intended to teach for 10 more years; the loss of his good reputation; and denial of appropriate end of career recognition, even though he was a very good teacher for many years. Scott noted that there was a significant impact on his family. He carries a heaviness with him every day because his actions affected teachers, who were people for whom he cared.

Scott told the committee he did not need a more severe penalty to understand his wrongdoing. He felt a suspension would be a blanket statement of condemnation that negated the good he had done in his career. Scott expressed a desire to teach again in the future. Scott submitted a letter of commendation from his supervisor that outlined his professional virtues as a school leader.

PENALTY

The committee ordered a penalty of

1. a single letter of severe reprimand to address all three charges,
2. a declaration of ineligibility for membership in the Association for a period of two years and
3. a recommendation to the minister of education to suspend Scott's teaching certificate for a period of two years.

REASONS FOR PENALTY

1. Scott's manipulative behaviour constituted an egregious abuse of his authority, given the power differential between him and the teachers, and a harmful violation of relational boundaries that the profession expects between colleagues. This necessitates a significant penalty that both expresses the distaste the profession holds for this type of behaviour and protects the profession from future similar behaviour by Scott.

2. Scott's actions were repeated over a period of several years. Scott was an experienced teacher and school administrator with significant school leadership experience in several schools. This was not a youthful indiscretion, but an insidious and premeditated pattern of behaviour that warrants a very significant penalty.
3. Scott adopted a stance of covertness to avoid detection by the school staff. This indicated that he knew he was creating an untenable situation that caused harm to others. For this reason, a significant penalty is required to serve as both a specific and a general deterrent.
4. Scott's interference with the career aspirations and choices of Teacher A and Teacher B caused them to eventually feel they were in a precarious position as a result of his abuse of power. Teacher A and Teacher B also expressed that they felt emotionally and mentally abused, and experienced a loss of trust in their principal. Teacher C and [Name Redacted] were also caused distress. The wide-ranging effects of Scott's deliberate choices require a significant penalty to address the harm to the profession and to the individuals.
5. The profession expects school leaders to act as role models for other staff and to act in a manner that is trustworthy and upholds the honour and dignity of the profession at all times. Scott's actions violated these expectations and besmirched the reputation of the profession among its own members. As a result, a significant penalty is in order to affirm the profession's expectations of its members.

Dated at the City of Edmonton in the Province of Alberta, Friday, June 16, 2017.

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

