

THE ALBERTA TEACHERS' ASSOCIATION
DECISION OF THE HEARING COMMITTEE
OF THE PROFESSIONAL CONDUCT COMMITTEE
IN THE MATTER OF CHARGES OF UNPROFESSIONAL
CONDUCT AGAINST RACHELLE DANDURAND

The hearing committee of the Professional Conduct Committee of the Alberta Teachers' Association reports that charges of unprofessional conduct laid against Rachelle Dandurand 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 on Tuesday, November 24, 2020.

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

COMPOSITION/JURISDICTION

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

CHARGES AND PLEA

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

1. Rachelle Dandurand is charged with unprofessional conduct pursuant to the *Teaching Profession Act* in that she, while a member of the Alberta Teachers' Association, on or about February 2019 to March 2019, engaged in messaging through social media with a [Gender Redacted] student in which Dandurand discussed alcohol and/or drugs and/or suicide and/or a desire to consume drugs and/or alcohol with the student upon [Gender Redacted] turning 18, thus failing to treat the student with dignity and respect and be considerate of [Gender Redacted] circumstances.
2. Rachelle Dandurand is charged with unprofessional conduct pursuant to the *Teaching Profession Act* in that she, while a member of the Alberta Teachers' Association, on or about February 2019 to March 2019, engaged in messaging through social media with a [Gender Redacted] student in which Dandurand discussed alcohol and/or drugs and/or suicide and/or a desire to

consume drugs and/or alcohol with the student upon [Gender Redacted] turning 18, thus acting in a manner which failed to maintain the honour and dignity of the profession.

3. Rachelle Dandurand is charged with unprofessional conduct pursuant to the *Teaching Profession Act* in that she, while a member of the Alberta Teachers' Association, on or about October 2018 to March 2019, engaged in messaging through social media with a [Gender Redacted] student in which Dandurand exchanged nude and/or partially nude photos and/or videos of herself including her breasts and/or buttocks and/or pubic region and/or engaged in the act of [REDACTED] thus failing to treat the student with dignity and respect and be considerate of [Gender Redacted] circumstances.
4. Rachelle Dandurand is charged with unprofessional conduct pursuant to the *Teaching Profession Act* in that she, while a member of the Alberta Teachers' Association, on or about October 2018 to March 2019, engaged in messaging through social media with a [Gender Redacted] student in which Dandurand exchanged nude and/or partially nude photos and/or videos of herself including her breasts and/or buttocks and/or pubic region and/or engaged in the act of [REDACTED], thus acting in a manner which failed to maintain the honour and dignity of the profession.

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

WITNESSES

No witnesses were called.

EXHIBITS FILED

- Exhibit 1—Notice of hearing and Canada Post confirmation of delivery, on September 29, 2020
- Exhibit 2—Declaration of awareness of rights, signed by Dandurand, dated September 15, 2020
- Exhibit 3—Submission on plea, signed by Dandurand, dated September 15, 2020
- Exhibit 4—Proof of Dandurand's membership in the Alberta Teachers' Association from July 1, 2018 to April 30, 2019
- Exhibit 5—Agreed statement of facts and acknowledgement of unprofessional conduct, signed by Dandurand and [REDACTED] dated September 15, 2020
- Exhibit 6—Appendix to the agreed statement of facts
- Exhibit 7—Joint submission on penalty, signed by Dandurand and [REDACTED] dated September 15, 2020

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- [REDACTED]
- [REDACTED]

Charge 3 and 4

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

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Dandurand discussed suicide with Student A. This is inappropriate and fails to maintain the honour and dignity of the profession.

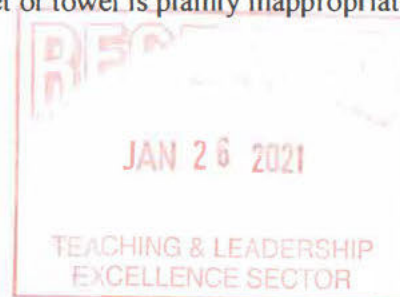
Charge 3

1. Dandurand submitted a plea of guilty and admitted her behaviour constituted unprofessional conduct. (Exhibit 3)
2. The evidence with respect to Charge 3 is somewhat unclear in terms of whether Dandurand exchanged nude and/or partially nude photos and/or videos of herself including her breasts and/or buttocks and/or pubic region with Student B. There is evidence that Dandurand sent between 20 and 50 photos which included herself in a bathing suit, in workout clothing, in bed with a blanket covering herself and a video herself covered by a towel. However, the evidence also seems to suggest that Dandurand was wearing clothing or covered by a blanket or towel in the photos. Nevertheless, the committee accepts that sending pictures to a student when in a bathing suit or covered only by a blanket or towel is plainly inappropriate and unprofessional.
3. Further, the evidence is clear that Dandurand received photos of Student B while [Gender Redacted] was in the [REDACTED] and that Dandurand spoke with Student B while she was [REDACTED].
4. Accordingly, the committee is satisfied that Charge 3 has been established on the balance of probabilities and that Dandurand contravened article 4 of the Code of Professional Conduct, in that she did not treat the student with dignity and respect and was not considerate of [Gender Redacted] circumstances.

Charge 4

- 1) Dandurand submitted a plea of guilty and admitted her behaviour constituted unprofessional conduct. (Exhibit 3)
- 2) The evidence with respect to Charge 4 is somewhat unclear in terms of whether Dandurand exchanged nude and/or partially nude photos and/or videos of herself including her breasts and/or buttocks and/or pubic region with Student B. There is evidence that Dandurand sent between 20 and 50 photos which included herself in a bathing suit, in workout clothing, in bed with a blanket covering herself and a video herself covered by a towel. However, the evidence also seems to suggest that Dandurand was wearing clothing or covered by a blanket or towel in the photos. Nevertheless, the committee accepts that sending pictures to a student when in a bathing suit or covered only by a blanket or towel is plainly inappropriate and unprofessional.

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- 3) Further, the evidence is clear that Dandurand received photos of Student B while [Gender Redacted] was in the [REDACTED] and that Dandurand spoke with Student B while she was [REDACTED]
- 4) Accordingly, the committee is satisfied that Charge 4 has been established on the balance of probabilities and that Dandurand contravened article 18 of the Code of Professional Conduct, in that she acted in a manner which failed to maintain the honour and dignity of the profession.

SUBMISSION ON PENALTY

1. [REDACTED] and Dandurand provided a written joint submission on penalty to the hearing committee recommending the following:
 - a. A letter of severe reprimand
 - b. A fine of \$5,000
 - c. A declaration that Dandurand be permanently ineligible for membership in the Alberta Teachers' Association
 - d. A recommendation to the minister of education to cancel Dandurand's teaching certificate.
2. [REDACTED] recommended to the hearing committee that the fine imposed be payable within six months as there were no timelines discussed with Dandurand for payment.
3. [REDACTED] referred to five precedent cases with similar facts to support the submission on penalty.

PENALTY

The committee ordered the following penalties to encompass all four charges:

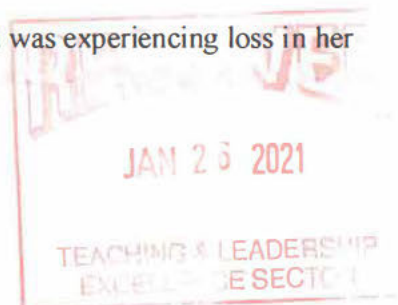
1. A letter of severe reprimand
2. A fine of \$5,000 payable within six months of receipt of the hearing committee's written reasons for decision
3. A declaration that Dandurand is permanently ineligible for membership in the Alberta Teachers' Association
4. A recommendation to the minister of education to cancel Dandurand's teaching certificate

REASONS FOR PENALTY

1. The joint submission on penalty identified various factors that the hearing committee considered: (page 3, Exhibit 7)

- a. The nature of the charges to be severe.
 - b. Student A and Student B were [Age Redacted] years old respectively at the time of the incidents.
 - c. Student A and Student B hid communication with Dandurand from their parents.
 - d. Dandurand's departure from the school resulted in Student A and B being subjects of rumours and speculations.
 - e. Dandurand was aware of the Code of Professional Conduct and her obligation to uphold it.
 - f. Dandurand was [Age Redacted] years old at the time of the incidents.
 - g. Dandurand was in her first year of teaching and had no prior convictions of unprofessional conduct.
 - h. Dandurand participated in the investigation and admitted guilt and unprofessional conduct on all charges.
2. Teachers have the responsibility to treat students with dignity and respect and be considerate of their circumstances. Dandurand's actions were egregiously inappropriate. Dandurand exploited her relationship with both students for her own emotional and/or sexual gratification. Dandurand was not considerate of the vulnerable and impressionable nature of the youth involved and their circumstances.
 3. Society has the right to expect teachers will act in a manner that establishes and maintains an appropriate trust relationship between teachers and students. Dandurand severed the fundamental trust that society places in teachers.
 4. Teachers have the responsibility to maintain the honour and dignity of the teaching profession. Dandurand, through her actions, completely and utterly failed to fulfil her responsibility to respect the honour and dignity of the teaching profession.
 5. Teachers are in a position of power over students and must maintain appropriate boundaries, therefore it is a teacher's fiduciary obligation to protect students; not to exploit the teacher student relationship. Dandurand's repeated inappropriate behaviour necessitated a significant penalty.
 6. Apart from the fact of the guilty pleas, the committee noted that no evidence was presented that Dandurand had demonstrated remorse for the heinous harm that she caused to Student A and Student B, nor was any evidence provided that Dandurand had taken steps to learn from her actions. In the absence of such evidence, the committee concluded that it would be prudent to ensure that Dandurand will not be in a teaching position again. This is essential to maintaining public confidence in the teaching profession.
 7. While Dandurand was a young and inexperienced teacher and was experiencing loss in her personal life [Personal Information] at the time of

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the conduct in question, these circumstances are not sufficient to mitigate the seriousness and egregiousness of her conduct.

8. Through her actions, Dandurand brought dishonour and disrepute to the teaching profession.

Dated at the City of Edmonton in the Province of Alberta, Monday, January 18, 2021.

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

