

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

IN THE MATTER OF CHARGES OF UNPROFESSIONAL
CONDUCT AGAINST NELENE MASSEY

The hearing committee of the Professional Conduct Committee of the Alberta Teachers' Association reports that charges of unprofessional conduct laid against Nelene Massey of [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 Monday, September 16, 2013 at 0900.

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

CONSTITUTION/JURISDICTION

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

CHARGES AND PLEA

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

1. Nelene Massey 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 March 22-31, 2012, physically pushed at least one student, thus failing to treat the student with dignity and respect and failing to maintain the honour and dignity of the profession.
2. Nelene Massey is charged with unprofessional conduct pursuant to the *Teaching Profession Act* in that she, while a member of the Alberta Teachers' Association, prior to and during an overseas field trip on or about March 22-31, 2012, engaged in behaviours considered threatening, intimidating and/or bullying in nature, thus failing to treat students with dignity and respect and failing to maintain the honour and dignity of the profession.

3. Nelene Massey 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 March 22-31, 2012, consumed alcohol while supervising students on a field trip thus failing 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 May 3, 2013
- Exhibit 2—Affidavit of execution, signed by [REDACTED] dated August 27, 2013
- Exhibit 3—Declaration of awareness of rights, signed by Massey, dated August 27, 2013
- Exhibit 4—Submission on plea, signed by Massey, dated August 27, 2013
- Exhibit 5—Agreed statement of facts, signed by Massey and [REDACTED], dated August 27, 2013
- Exhibit 6—Joint submission on penalty, signed by Massey and [REDACTED], dated August 27, 2013

EVIDENCE ADDUCED AND EXHIBITS FILED INDICATED THAT:

1. Massey began her employment with [School Division Redacted], as a teacher, in 1989 and was teaching in the district during the 2011/12 school year (Exhibits 4 and 5)
2. Massey was a member of the Alberta Teachers' Association during the 2011/12 school year (Exhibit 4).
3. Massey was previously investigated by the Alberta Teachers' Association, in 2005, and found guilty of two charges regarding violation of protocol in the administration of provincial achievement tests (Exhibit 5).
4. Massey was the lead teacher for a school district-wide field trip to [Location Redacted] from March 22-31, 2012. Field trip participant included students from three high schools [Schools Redacted] (Exhibit 5).

5. Massey was accompanied on the trip by [REDACTED] (a minor), [REDACTED] (a minor) (Exhibit 5).
6. [REDACTED] consumed alcohol at the [Location Redacted] Airport prior to her departure for [REDACTED] (Exhibit 5).
7. Students and [REDACTED] supervisors observed that Massey consumed a litre of wine on the first evening in [REDACTED] and believed that Massey was intoxicated on the final night of the field trip (Exhibit 5).
8. While in [REDACTED], students and adult supervisors regularly and frequently noticed Massey consuming alcohol while at lunch and supper and noticed that, on occasion, she appeared intoxicated (Exhibit 5).
9. One student, who will be referred to as Student A in this report, said that Massey physically pushed [Gender Redacted], causing [REDACTED] to fall into a planter and thereby injure [Gender redacted] leg. This injury was still visible to Student A's mother upon [REDACTED] return to Canada (Exhibit 5).
10. Following a verbal and physical altercation with another student, Student B, Massey targeted Student B with mean and derogatory comments, both directly to [REDACTED] and to others about [REDACTED]. This included Massey referring to Student B and [REDACTED] friend as "Slut 1 and Slut 2" (Exhibit 5).
11. Massey refused to take a photograph of a group of students because Student B was in the group (Exhibit 5).
12. Student B phoned [REDACTED] parents for help, which caused the parents to fear for the safety of their [REDACTED] [REDACTED]. The parents then requested protection for [REDACTED] from a [REDACTED] teacher-supervisor on the trip, [REDACTED] (Exhibit 5).
13. Massey's behaviour during the field trip was reported to be threatening, intimidating and bullying and included the following examples (Exhibit 5):
 - a. [REDACTED] Massey yelled at a student, Student C, to get out of the shower and then threatened to send [REDACTED] home to Canada and also accused Student C of "verbally raping" Massey's [REDACTED]
 - b. Massey yelled and admonished another student, Student D, for following the instructions of a chef instructor during a cooking demonstration. This left Student D confused and humiliated.
 - c. Massey accused a student of lying when the student was attempting to access Wi-Fi in another student's room in order to send a message home.

- d. Massey made frequent derogatory remarks to students directly and/or in front of other students. The comments included calling Student B a "slut" and referring to [REDACTED] students as being "contaminated by stupidity."
 - e. On the last night of the trip, Massey gathered the students after supper and lectured and berated them at length.
 - f. During the trip, Massey enforced a segregation and non-communication rule between the students of [REDACTED] and [REDACTED] Schools, because she did not want the [REDACTED] students "contaminated by stupidity." Students reported they found this rule confusing, unreasonable, stressful and traumatic.
 - g. Students were confused and humiliated by Massey's safety rules which included grouping students while on the bus and requiring female students to link arms with the male students while walking. Massey imposed these rules out of fear that students would be pickpocketed. Massey also expressed safety concerns over the presence of [REDACTED] people in the streets.
14. Some students cried with relief upon arriving home, at the airport. Students reported that they would never repeat the experience of an overseas field trip due to Massey's behaviour (Exhibit 5).
 15. Students reported they had been Massey's students for up to three years and had respected her. They indicated that their view had changed during the trip, due to Massey's behaviour which they attributed to alcohol consumption (Exhibit 5).
 16. [REDACTED] felt extreme stress as a result of Massey's behaviour which caused [REDACTED] to burst into tears upon [REDACTED] arrival at the Edmonton airport. [REDACTED] was emotional and unable to greet parents of [REDACTED] students at the airport. [REDACTED] faced parental complaints after the trip and directed parents to administration (Exhibit 5).
 17. A parent-supervisor, [REDACTED], found it necessary to protect many students from Massey's behaviours, including [REDACTED], who was a victim of Massey's bullying. [REDACTED] also reported being shocked at Massey's derogatory comments (Exhibit 5).
 18. On April 2, 2012, Massey sent the following e-mail message to [REDACTED]:

I would like to apologize for my stupidity and outburst at the end of what I think was an awesome yet gruelling trip. I am so sorry for being so rude to you and your students. I can offer no excuse that I can find acceptable for myself. Please extend this to your students as this should not have happened.

19. Upon receiving flowers from [REDACTED], Massey sent [REDACTED] the following e-mail message:

Thank you for the flowers you did not need to do that, you were not the stress. I think the over tiredness and the defiance of your two [REDACTED] made the experience negative, but like I said I take sole responsibility for my stupidity they should not have gotten under my skin like that.

20. Massey was forthright and cooperative in interviews with the presenting officer and confirmed the facts stated above.

DECISION OF THE HEARING COMMITTEE

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

REASONS FOR DECISION

Charge 1

1. By her own admission, Massey pushed Student A with enough force that it resulted in Student A falling and sustaining an injury that was still visible to [REDACTED] parents upon [REDACTED] return from the overseas trip.
2. Massey had a verbal and physical altercation with Student B that resulted in Student B phoning [REDACTED] parents for help. This caused [REDACTED] parents to both fear for the safety of their [REDACTED] and to request protection for their [REDACTED].
3. Massey failed to treat students with dignity and respect and failed to maintain the honour and dignity of the profession when she engaged in physical altercations with students. It is not appropriate for a teacher to initiate a physical confrontation with students under his or her care.
4. Socially appropriate responses are expected from teachers. Massey's physical altercations with students provided unhealthy role modelling for students, teachers, parents and any others that witnessed her behaviour.

Charge 2

1. By her own admission, Massey engaged in behaviours that were threatening, intimidating, and bullying in nature, toward several students, throughout the duration of the trip.
2. Massey failed to uphold positive relationships among the student participants when she did not treat them reasonably and with courtesy and respect.
3. Massey's behaviour in dealing with the students far exceeded the boundaries of appropriate and expected professional conduct. She demonstrated a remarkable lack of self-control.
4. Parents have a right to expect that their children, while on a school conducted overseas trip, will be educated in a safe and caring environment. Massey completely failed to recognize and honour this right in her dealings with students.
5. Massey failed to provide a safe and caring environment for the students under her care, and engaged in behaviours that confused and humiliated these students.
6. Massey, by her actions, failed to treat students with dignity and respect and failed to maintain the honour and dignity of the profession.

Charge 3

1. Massey demonstrated a lack of sound judgment and acted in a manner detrimental to the best interests of students, the public and the profession when she continually and excessively consumed alcohol in front of students, teachers and parents while on the trip. By her actions, Massey failed to maintain the honour and dignity of the profession and betrayed the trust of students, teachers, parents and the public.
2. Massey consumed alcohol inappropriately while serving as a lead teacher, supervisor and role model for students on an overseas trip and, in so doing, failed to maintain the honour and dignity of the profession.

PENALTY

To address all three charges collectively, the hearing committee imposes the following penalty on Massey:

1. Declaration of ineligibility for future membership in the Alberta Teachers' Association
2. Recommendation to the minister of education to permanently cancel her teaching certificate

REASONS FOR PENALTY

1. In a relationship between a student and a teacher, the parties are not on equal terms. The responsibility to maintain safe and caring relationships rests solely with the teacher. Massey's behaviour, under circumstances (distance from home) that increased the level of trust always imposed on teachers, significantly undermined students' future ability to trust teachers and diminished the stature of the profession.
2. As an experienced teacher, Massey should have been aware of the impact of her actions and behaviours. Massey's actions that injured, belittled and embarrassed students can be expected to have long lasting and detrimental consequences to students, parents, teachers and the public.
3. Teachers cannot rely on physical force, threats, intimidation, or bullying to manage students. Massey's actions were unacceptable, constituted a failure to treat the students with dignity and respect, and were particularly egregious given the isolation of the students while overseas and their increased dependency on Massey as lead teacher.
4. Massey's actions were not isolated to one incident or student during the trip; rather, her behaviour and actions consistently demonstrated a damaging pattern of unprofessional conduct to students, teachers, parents and the public.
5. Society has the right to expect that teachers will act in a manner that establishes and maintains trusting relationships with students, the public and the profession.
6. In the e-mail exchange between Massey and [REDACTED], Massey appears to have been minimizing and deflecting responsibility for her actions and inappropriate behaviour.
7. Massey was previously investigated by the Alberta Teachers' Association in 2005 and found guilty of two charges of unprofessional conduct. For these past actions, Massey was issued a letter of severe reprimand and fined \$1,000 dollars.
8. Society views teachers' use of physical force, threats, intimidation, or bullying of students as reprehensible. Teachers have a responsibility to act in a professional manner in all environments because they hold positions of authority and trust within the community.
9. Through her actions, Massey brought dishonour and disrepute to the teaching profession.
10. Through her actions, Massey undermined the public trust in the teaching profession.
11. Massey resigned her employment with [REDACTED]
[REDACTED]

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12. Massey was forthcoming and cooperative in interviews with the presenting officer and confirmed the facts; however, those facts and her admissions of guilt, while considered by the hearing committee as mitigating factors, fell far short of meriting a lesser penalty.

Dated at the City of Edmonton in the Province of Alberta, Monday, September 16, 2013.

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

