

THE ALBERTA TEACHERS' ASSOCIATION  
REPORT OF THE HEARING COMMITTEE  
OF THE PROFESSIONAL CONDUCT COMMITTEE  
IN THE MATTER OF CHARGES OF UNPROFESSIONAL  
CONDUCT AGAINST STEVEN MCKERRALL

The hearing committee of the Professional Conduct Committee of the Alberta Teachers' Association reports that charges of unprofessional conduct laid against Steven McKerrall 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 Wednesday, March 22, 2017 at 0900.

Professional Conduct Committee members present as the hearing committee were [REDACTED] the case against the investigated member. The investigated member, Steven McKerrall, 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. Steven McKerrall is charged with unprofessional conduct pursuant to the *Teaching Profession Act* in that he, while a member of the Alberta Teachers' Association, on or about February 5, 2016, held an inappropriate Facebook conversation with a student, thus failing to treat the student with dignity and respect, contrary to article 4 of the Code of Professional Conduct.
2. Steven McKerrall is charged with unprofessional conduct pursuant to the *Teaching Profession Act* in that he, while a member of the Alberta Teachers' Association on or about February 5, 2016, held an inappropriate Facebook conversation with a student, thus failing to maintain the honour and dignity of the profession, contrary to article 18 of the Code of Professional Conduct.

McKerrall entered a plea of guilty to each of the charges, by written submission.

WITNESSES

There were no witnesses called.

EXHIBITS FILED

- Exhibit 1—Declaration of awareness of rights, signed by McKerrall on March 19, 2017  
Exhibit 2—Statutory declaration, by process server, of service of notice of hearing to McKerrall on February 13, 2017  
Exhibit 3—Proof of membership in the Association from September 1, 2013 to February 29, 2016 inclusive  
Exhibit 4—Submission on plea, signed by McKerrall on March 19, 2017  
Exhibit 5—Agreed statement of facts, signed by McKerrall and [REDACTED] on March 19, 2017  
Exhibit 6—Joint submission on penalty, signed by McKerrall and [REDACTED] on March 19, 2017  
Exhibit 7—List of precedent cases

EVIDENCE ADDUCED AND EXHIBITS FILED INDICATED THAT:

1. McKerrall was employed by [School Division Redacted] at [School Redacted] beginning on August 27, 2015. He was a high school [Subject Redacted] teacher.
2. On February 8, 2016, Student A and [Gender Redacted] mother filed a complaint against McKerrall with the RCMP. The complaint was based on Facebook conversations. [Name redacted], principal of [School Redacted], was called to the RCMP detachment to hear the allegations against McKerrall.
3. On February 16, 2016, McKerrall resigned his position effective February 29, 2016.
4. On February 17, 2016, a complaint against McKerrall was filed with the Association
5. On February 5, 2016, McKerrall sent a friend request to Student A. Eighteen minutes later, McKerrall initiated a Facebook conversation with Student A. In this conversation, McKerrall made inappropriate overtures to Student A in which he complimented [Gender Redacted] appearance, intelligence and sexual attractiveness and attempted to persuade [Gender Redacted] to enter into an inappropriate relationship with him.
6. Student A tried to redirect the inappropriate conversation to school-related topics but was not successful. [Gender Redacted] then said [Gender Redacted] was not interested in a relationship with McKerrall and pointed out the boundaries of a teacher-student relationship and again tried to change the subject.
7. From this point, the conversation deteriorated into repeated attempts by McKerrall to secure for himself a picture of Student A's [REDACTED] McKerrall relentlessly pursued the acquisition of a picture, even suggesting that Student A would be "rewarded" if [Gender Redacted] complied.
8. Within this conversation, it was clear that McKerrall understood that his attention was making the student uncomfortable, and while acknowledging that the conversation was "taboo," he continued to persist in his line of inquiry.

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9. This Facebook conversation occurred over a period of approximately four hours, from around 8:00 pm to just after midnight.

10. During the conversation, McKerrall made the following comments to Student A:

[REDACTED]

[REDACTED]

[REDACTED]

13. The next morning, McKerrall sent a message on Facebook to Student A, alleging that his roommate had used McKerrall's iPad and sent inappropriate messages to [REDACTED]. He added, "Pls (sic) understand and disregard what was said to you by him."

14. In her interview with RCMP Officer [REDACTED] and [REDACTED] Student A outlined the reasons [REDACTED] did not believe McKerrall's story about a roommate having sent the messages. [REDACTED] noted that the writer knew about the "resting bitch face" conversation in the class and about a current class assignment and the fact that Student A did not like McKerrall, another aspect that would only be known to Student A and McKerrall.

15. Other students interviewed by [REDACTED] confirmed the "resting bitch face" incident.

16. In a meeting, on February 10, 2016, of McKerrall; [REDACTED] associate superintendent; [REDACTED], secretary-treasurer; and [REDACTED], Association representative; McKerrall

made no mention of a roommate impersonating him on his iPad. This was not brought up as a defence during the meeting.

17. McKerrall did not participate in the Association's investigation despite many attempts to contact him, including seven mailings, and service of documents by a private investigator.

### DECISION OF THE HEARING COMMITTEE

Charge 1—Guilty

Charge 2—Guilty

### REASONS FOR DECISION

1. By his own admission, McKerrall engaged in an inappropriate Facebook conversation with Student A on February 5, 2016. McKerrall engaged Student A in a conversation regarding the possibility of furthering an inappropriate relationship between them.
2. During the Facebook conversation, McKerrall repeatedly pressed Student A for photographs of ■■■■■, in a manner that was entirely self-serving and without regard for ■■■■■ refusal. The repeated requests were prolonged, made the student uncomfortable, and included the enticement of a "reward." In this Facebook conversation, McKerrall failed to treat the student with dignity and respect and was not considerate of ■■■■■ circumstances.
3. The profession and the public expect that teachers will maintain appropriate boundaries with their students. McKerrall's comments about his attraction to Student A, his compliments to ■■■■■ and his persistent requests for photographs of ■■■■■ far exceeded the boundaries of an appropriate teacher-student relationship.
4. The teacher is always solely responsible for maintaining the boundaries between teacher and student. McKerrall repeatedly ignored this responsibility, even after Student A explicitly referred to his obligations and indicated ■■■■■ discomfort. McKerrall failed to treat the student with dignity and respect and was not considerate of ■■■■■ circumstances.
5. Student A was made to feel uncomfortable, apologetic and as if ■■■■■ had to explain why ■■■■■ couldn't have a relationship with McKerrall. Indeed, Student A clearly felt ■■■■■ had to ask ■■■■■ teacher not to be mad or upset about ■■■■■ answers to his overtures. McKerrall failed to treat the student with consideration for ■■■■■ circumstances.
6. McKerrall failed to uphold the honour and dignity of the profession when he, in a Facebook conversation, attempted to corrupt the student-teacher relationship into one that served his own gratification. The public and profession expect that teachers will not engage in conversations characterized by attempts to manipulate students for selfish purposes.

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7. McKerrall initiated a Facebook conversation with a student that focussed on his sexual attraction to ■ and objectified ■, thus failing to maintain the honour and integrity of the profession.
8. As a result of his Facebook conversation with Student A on February 5, 2016, other members of the profession, a parent, and the local RCMP became aware of McKerrall's misconduct. McKerrall failed to uphold the honour and dignity of the profession and did so in a fashion that became public.

SUBMISSION ON PENALTY

The committee received a joint submission on penalty recommending

1. for Charge 1, a letter of severe reprimand, ineligibility for membership in the Alberta Teachers' Association, and a recommendation to the registrar of Alberta Education that McKerrall's certificate be revoked
2. for Charge 2, a letter of severe reprimand

It was recommended that a single letter of severe reprimand be issued to address both charges.

PENALTY

The committee imposed as penalty

1. a single letter of severe reprimand to address both charges,
2. a declaration of ineligibility for membership in the Alberta Teachers' Association and
3. a recommendation to the minister of education that McKerrall's teaching certificate be cancelled.

REASONS FOR PENALTY

1. A hearing committee should grant some deference to a joint submission on penalty unless it is unfit, unreasonable or contrary to the public interest. The committee determined that the penalty recommended by both parties was fit, reasonable and in the interests of students, the public, and the profession.
2. McKerrall's intention, to lure Student A into a personal and inappropriate relationship with him, was clear in the Facebook conversation. Although the intention to lure Student A was not fulfilled, McKerrall's intentions and attempts with regard to Student A warrant his removal from the profession.
3. The committee determined that McKerrall transgressed the relationship of trust inherent in an appropriate teacher-student relationship. This was a serious breach of professional obligation that warranted a severe and lasting penalty.

4. Society has a right to expect that teachers will not attempt to establish inappropriate relationships nor have inappropriate conversations with students. McKerrall's actions clearly violated these expectations.
5. During the conversation of February 5, 2016, McKerrall clearly and explicitly acknowledged he was aware of the inappropriateness of his actions, yet he continued with his line of attempted persuasion. His persistent and conscious disregard for the student's dignity necessitates the most severe penalty.
6. McKerrall aggravated the situation by initially denying his behaviour and providing a fabrication that was later not sustained. McKerrall refused to cooperate in the investigation and prevaricated in an effort to deflect blame. At no time, did McKerrall demonstrate remorse. His guilty pleas were noted though.
7. The profession will not tolerate teachers' attempts to lure students into inappropriate relationships. The penalty communicates the committee's intention to create a general deterrence to prevent similar behaviour in the profession.
8. The committee reviewed a substantial number of precedent cases, which had a range of contexts and penalties, including several with similar elements but not identical circumstances. In those cases, severe penalties were prescribed. This penalty reflects the egregious nature of McKerrall's behaviour and intentions. This penalty reflects the absolute intolerance of the profession and society for this kind of behaviour.

Dated at the City of Edmonton in the Province of Alberta, Thursday, March 30, 2017.

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

