

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

IN THE MATTER OF CHARGES OF UNPROFESSIONAL
CONDUCT AGAINST LISA LAPRADE

The hearing committee of the Professional Conduct Committee of the Alberta Teachers' Association reports that charges of unprofessional conduct laid against Lisa Laprade of [REDACTED], [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, June 1, 2015 at 0900.

Professional Conduct Committee members present as the hearing committee were [REDACTED]
[REDACTED], presented the case against the investigated member. The investigated member, Lisa Laprade, was present and was represented by [REDACTED], of [REDACTED]

CONSTITUTION/JURISDICTION

The hearing committee received three documents (Exhibits 2, 3 and 4) that had information pertaining to Laprade's certification and her employment, but did not specify whether Laprade was a "member" of the Association during the relevant period. The committee sought clarification from the parties, heard submissions from Laprade regarding her employment and certification history, and received advice from counsel to the committee. The committee has jurisdiction to consider complaints with respect to an "investigated person", which is defined in section 16 of the *Teaching Profession Act* ("the act") as a "member" of the Association or if section 24(4) of the act applies, a "former member." A "member" is defined in section 1(f) of the act as a member in good standing of the Association. The committee was satisfied that it had jurisdiction to hear the case, based on Exhibit 4 which showed that the Association had received fees for Laprade's membership, remitted by her employer, beginning December 1, 2012 and ending August 31, 2013. As such, she was a "member" as contemplated in the act during that period of time, and the committee has jurisdiction to consider unprofessional conduct during that period of time.

There were no objections from [REDACTED] to the jurisdiction of the committee to hear the case.

CHARGES AND PLEA

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

1. Lisa Laprade is charged with unprofessional conduct pursuant to the *Teaching Profession Act* in that she, while a member of the Alberta Teachers' Association, between April 9, 2013 and December 20, 2013, engaged in an inappropriate relationship with a student, [Name Redacted], thereby failing to treat the student with dignity and respect.
2. Lisa Laprade is charged with unprofessional conduct pursuant to the *Teaching Profession Act* in that she, while a member of the Alberta Teachers' Association, between April 9, 2013 and December 20, 2013, made comments of a romantic nature, inappropriate for an acceptable teacher-student relationship, in text messages to [Name Redacted], thus failing to treat the student with dignity and respect.
3. Lisa Laprade is charged with unprofessional conduct pursuant to the *Teaching Profession Act* in that she, while a member of the Alberta Teachers' Association, between April 9, 2013 and December 20, 2013, engaged in extensive communications by telephone to a student, [Name Redacted], where the frequency and/or hours of contact were inappropriate to the acceptable teacher-student relationship, thus failing to treat the student with dignity and respect.
4. Lisa Laprade is charged with unprofessional conduct pursuant to the *Teaching Profession Act* in that she, while a member of the Alberta Teachers' Association, between April 9, 2013 and December 20, 2013, engaged in an inappropriate relationship with a student, thereby failing to maintain the honour and dignity of the profession.

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, including related correspondence
- Exhibit 2—Letter from the Association's treasurer, [REDACTED], dated July 14, 2014
- Exhibit 3—Agreed statement of facts, signed by Laprade and [REDACTED], dated May 29 and May 31, 2015 respectively
- Exhibit 4—Record of employment and payroll from [School Division redacted], for the period December 2012–August 2013, inclusive

Exhibit 5—E-mail from [REDACTED] to [REDACTED], dated May 30, 2015

Exhibit 6—Submission on penalty from [REDACTED] (binder including tabs 1– 12)

Exhibit 7—Letter from [REDACTED], dated May 28, 2015

EVIDENCE ADDUCED AND EXHIBITS FILED INDICATED THAT:

1. Laprade was a teacher at [School Redacted], Alberta. She was employed as a teacher by [School Division Redacted], under temporary contract. (Exhibits 3 and 4)
2. Student E, who was age [Age Redacted] at the time, was Laprade’s student for approximately five weeks, between February and April 2013. (Exhibit 3)
3. Laprade’s relationship with Student E began as one of teacher to student, but shortly thereafter, the relationship became a subject of concern for other school staff. (Exhibit 3)
4. On May 10, 2013, Principal [Name Redacted] verbally instructed Laprade and Student E to discontinue the friendship because it was creating concern and speculation within the community and was reported to him by members of school staff as being a matter of concern. (Exhibit 3)
5. On May 12, 2013, [REDACTED] reiterated [REDACTED] direction to Laprade in an e-mail, instructing her to end her friendship with Student E, noting “teachers must be seen to be above reproach especially when working with students and former students.” [REDACTED] acknowledged that the community may misperceive her intentions and said she must let other school personnel counsel Student E. (Exhibit 3)
6. Assistant Principal [Name Redacted] noted that based on [Gender Redacted] supervisory observations, Laprade and Student E were too informal in their behaviours with one another, characterizing Laprade as “definitely flirting” with Student E. [Name Redacted] directed Laprade to stop the interactions immediately. Laprade responded that she was mentoring Student E, and [Name Redacted] told her to “Stop it now.” (Exhibit 3)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

DECISION OF THE HEARING COMMITTEE

Charge 1—Guilty

Charge 2—Guilty

Charge 3—Guilty

Charge 4—Guilty

REASONS FOR DECISION

Charge 1

1. Laprade, by her own admission, engaged in an inappropriate relationship with Student E.
2. The relationship was overly personal, inappropriately informal and was perceived by Student E's parents, and others in the school and community, as romantic in nature. For example:

[REDACTED]

[REDACTED]

3. By engaging in the conduct referred to above, Laprade exceeded the boundaries of an appropriate teacher-student relationship and did not treat the student with dignity.
4. The committee also considered whether there was evidence the inappropriate relationship between Student E and Laprade was sexual in nature. Although there was evidence that the relationship was inappropriate for the reasons set out above [REDACTED]
5. When the parties proceed by way of an agreed statement of facts, the committee cannot make inferences regarding what did or did not occur and must base its findings on the facts as agreed to by the parties. Although Laprade admitted that she engaged in an inappropriate relationship with Student E, she did not specifically admit that she and Student E engaged in a sexual relationship. Moreover, the agreed statement of facts includes conflicting evidence with respect to this issue. The committee cannot find, on a balance of probabilities, that the inappropriate relationship included a sexual relationship between Student E and Laprade.
6. Laprade's actions created a situation for Student E in which he was the subject of speculation in the community, [REDACTED]

7. By allowing the relationship to develop and continue, Laprade failed to treat Student E with dignity and respect and with consideration for [Gender Redacted] circumstances.

Charge 2

1. By her own admission, Laprade sent texts of an inappropriate nature to Student E, [Redacted]
[Redacted]
[Redacted]
2. The texts were sexual in nature, which is inappropriate for an acceptable teacher–student relationship. By sending the texts to Student E, Laprade failed to treat [Gender redacted] with dignity and respect and failed to be considerate of [Gender Redacted] circumstances.
3. In any circumstances, text messages of this nature, between a teacher and a student, are unacceptable. The public expects that teachers will refrain from exchanging intimate, sexualized text messages with students.
4. When Laprade sent inappropriate texts to Student E, she violated the trust relationship between teacher and student.

Charge 3

1. Laprade both initiated and received telephone calls from Student E, many of which occurred on weekends and were of substantial duration. The time, length and number of calls were excessive. Many of the phone calls occurred late at night and were for a lengthy duration. If a teacher is required to communicate with a student after hours, it is expected that such communications would be infrequent and would be for the purpose of discussing a matter specifically related to class work or other school-based activities. The frequency, duration and time of the phone calls suggest that the calls were unrelated to the type of communications expected to occur between a teacher and a student. The calls demonstrate a pattern of communication that far exceeded what would have been appropriate for an acceptable teacher–student relationship.
2. Laprade persisted in the inappropriate communication for months after being told, by her school principal, to cease all contact with Student E. In doing so, Laprade caused Student E to

act in direct opposition to a directive from the principal, thus failing to treat Student E with dignity and respect and failing to be considerate of [Gender redacted] circumstances.

3. The public expects teachers to maintain appropriate and professional communications with their students and former students at all times. Laprade did not do so, despite being warned that the communication was inappropriate, thus failing to treat the student with dignity and respect and failing to be considerate of [Gender Redacted] circumstances.

Charge 4

1. Laprade, by her own admission, engaged in an inappropriate relationship with Student E.
2. The relationship was overly personal, inappropriately informal and was perceived by Student E's parents, and others in the school and community, as romantic in nature. This exceeded the boundaries of an appropriate teacher-student relationship.
3. Laprade's actions created a situation where she was the subject of speculation in the community, which undermined community members' confidence in her.
4. Teachers are expected by the public to support all students and to be mindful of the known circumstances of their students' lives [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
5. As a result of Laprade's actions, the community's confidence and trust in the school staff and its administration was damaged. Laprade failed to consider the impact of her actions on the staff and community, and thus failed to maintain the honour and dignity of the profession.

PENALTY

The hearing committee ordered the following penalty be imposed on Laprade:

1. A recommendation to the minister of education to cancel Laprade's letter of authority to teach, which serves as her teaching certificate
2. A recommendation to the minister of education that Laprade be ineligible for certification for one year
3. Laprade is ineligible for membership in the Association for one year
4. Laprade is ineligible to be reinstated as a member of the Association until she has provided the executive secretary of the Association with a letter from her treating psychiatrist confirming that
 - a) the psychiatrist has reviewed a copy of the committee's report, dated June 3, 2015;

- b) to the best of the psychiatrist's knowledge, Laprade has been compliant with treatment recommendations; and
 - c) Laprade is medically fit to return to practice as a teacher.
5. Any costs related to providing the required documentation in these orders shall be the responsibility of Laprade.

After the period of ineligibility has elapsed, and upon providing the executive secretary with the documentation referred to in item 4 above, Laprade may apply for reinstatement as a member of the Association in accordance with section 91 of the General Bylaws of the Alberta Teachers' Association. Bylaw 91 specifies the information that must be provided by Laprade in support of an application for reinstatement, and provides Provincial Executive Council with the authority to consider the application for reinstatement, and to approve or reject the application, with or without conditions.

Should Provincial Executive Council be inclined to approve the application for reinstatement, Council may impose whatever conditions are considered appropriate at that time, in light of the information provided by Laprade in support of her application.

Examples of conditions that may be considered include, but are not limited to,

1. the requirement that Laprade provide the Association with medical documentation on a periodic basis, confirming her fitness to teach;
2. the requirement that Laprade provide a copy of this committee's report, dated June 3, 2015, to any employer who employs Laprade in her capacity as a teacher; and
3. the requirement that Laprade comply with all treatment recommendations provided by her treating psychiatrist.

REASONS FOR PENALTY

Submissions of the Presenting Officer

██████ recommended a penalty of

1. a declaration of indefinite ineligibility for membership in the Association and
2. a recommendation to the minister of education to revoke Laprade's letter of authority to teach and to declare her indefinitely ineligible for a teaching certificate.

██████ submitted the following:

1. The penalty must strike the appropriate balance between fairness to Laprade and protection of the public.
2. Information about Laprade's medical condition was not provided until very late in the process.

3. If Laprade's conduct was not caused by her medical condition, there is no legitimate excuse for her conduct.
4. If Laprade's medical condition did cause her to engage in the behaviour that was the subject of the hearing, then her medical condition presents a significant risk to the public and she is not safe to return to work as a teacher.
5. Laprade was [Age Redacted] when the incidents occurred, and was 20 years senior to Student E. She had significant experience as a teacher and ought to have known better.
6. All teachers must comply with the Code of Professional Conduct.
7. Laprade has not made restitution, has not offered an apology for her conduct, and has demonstrated a lack of remorse. In fact, the only excuse she has offered was that she was mentoring Student E. Laprade is not a counsellor and had no qualifications to mentor Student E with respect to any issues [Gender Redacted] was facing.
8. Student E was [Personal Information] and therefore, Laprade's conduct was even more serious.
9. The optics of what occurred caused problems within the school and in the community. [Name Redacted] had to expend time and energy dealing with the ramifications.
10. Laprade did not cease the inappropriate relationship, despite being ordered to do so.
11. The penalty sought is consistent with precedent cases, including Fayad (2013), Lim (2012), Mastel (2014) and Hansen (2006).
12. In the circumstances, it would be inappropriate for Laprade to return to the classroom as the degree of risk to the public is too significant.
13. In addition, the penalty should send an appropriate message to the public.

Submissions of Defence Counsel

█ recommended a penalty of a \$5,000 fine, noting that Laprade was currently unemployed. As well, █ suggested that Laprade would be willing to submit to any directions from the committee regarding future monitoring of her health and conduct.

█ submitted the following:

1. Laprade was diagnosed, at the age of █ █ indicated that Laprade's conduct was out of character, and was due to her medical diagnosis, noting that she had

diminished capacity due to her medical condition. Therefore, it is inappropriate to hold her to the same standard.

2. Laprade has been vigilant about monitoring her health condition; however, she did confide to certain people within the school district that she was concerned about her [REDACTED] [REDACTED].
3. At some point, Student E confided in her that [Gender redacted] also had [Medical Condition Redacted]. Given that they both had the same medical condition, she tried to mentor and guide [Gender Redacted]. Her decisions were misguided but it was her compassion for Student E that led her to make poor decisions.
4. Laprade did not believe that the relationship was inappropriate, given that she did not believe that Student E was her student after the spring of 2013.
5. She has no history of misconduct and has admitted responsibility for her actions.
6. The cases cited by [REDACTED] are distinguishable because none of the members had any medical issues and therefore there were no mitigating factors as is the case here.
7. Laprade's moral culpability is diminished due to her medical condition.
8. In the circumstances, it is not appropriate to end her career, but is instead appropriate to impose conditions to ensure that there is appropriate monitoring of her behaviour.

After [REDACTED] made [REDACTED] submissions, [REDACTED] reviewed a binder containing 12 court decisions where the courts specifically considered what principles should apply in sentencing to an offender who has a [REDACTED] illness. [REDACTED] reviewed a written brief, outlining the facts and the principles articulated by the courts in each of those decisions.

The committee considered the submission on penalty as outlined by [REDACTED] and [REDACTED], including previous court decisions; principles in case law; and additional documents including medical definitions, letters from attending psychiatrists, and a letter from Laprade's father (Exhibits 6 and 7).

Considerations of the Committee

1. The committee found that Laprade suffers from [Medical Condition Redacted] and [Medical Condition Redacted]. She was diagnosed with [Medical Condition Redacted] at the age of [REDACTED]. Laprade continues to suffer with these ailments.

2. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

3. The committee considered that Laprade was in the care of a doctor for these illnesses at the time of the events which led to the charges. [REDACTED] The committee found that this showed that Laprade was aware of her illness and was taking steps to mitigate its symptoms.
4. The committee also considered the seriousness of the conduct. Although the conduct is extremely serious and is far outside of the range of conduct that is expected of members of the profession, for the reasons noted above, the committee did not find that Laprade and Student E actually engaged in a sexual relationship.

Court Decisions Reviewed

1. The committee put significant weight on the court decisions and case law provided by [REDACTED] as it relates to sentencing principles of proportionality and blameworthiness of an individual suffering from a mental disorder. Although the cases were primarily decided in the criminal context, the principles in the cases are equally applicable in the professional discipline context.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Precedent Cases Reviewed

The committee also considered the precedent cases cited by the presenting officer, ie, Fayad 2013, Lim 2012, Mastel 2014 and Hansen 2006

1. In the case of Fayad, the committee considered that the charges for which Fayad was found guilty included charges of having a sexual relationship with a student. In contrast, there was no conclusive evidence nor charges of a sexual relationship between Laprade and Student E. Therefore, the committee considered that the precedent value was limited.
2. In the case of Lim, the charges included Facebook conversations with a [Grade Redacted] student that were personal, romantic and sexually explicit. In this case, the committee saw similarities between the type and nature of the communication and the age of the student, but was not presented with evidence to support a pattern of grooming in Laprade's behaviour. The order for Lim was a three-year suspension of membership in the Association and a recommendation to the minister of education for a three-year suspension of Lim's teaching certificate.
3. In the case of Mastel, the charges included a male teacher and his grooming of a [REDACTED]. There was evidence of physical intimacy of a sexual nature. In this way, the case differed from Laprade. The order against Mastel comprised ineligibility for membership in the Association and a recommendation to the minister of education to cancel his certificate.
4. In the case of Hansen, the male teacher was found guilty of having an inappropriate teacher-student relationship which consisted of a pattern of grooming, over a period of time, with a [REDACTED], for the purposes of escalating the relationship to a sexual one. In this case, there was inappropriate communication that was similar to Laprade's. The committee saw the Hansen case differently than Laprade's in that his behaviour included a sustained pattern of grooming, whereas grooming was not specifically alleged against Laprade. The order against Hansen comprised ineligibility for membership in the Association and a recommendation to the minister of education to cancel his certificate.

In each of the precedent cases cited by [REDACTED], there was no indication in the reports to suggest that a mental health condition of the investigated member may have been a mitigating factor in considering penalty.

Other Considerations

1. The committee also considered the following mitigating factors:
 - a) Laprade had been teaching for a number of years, in a variety of settings and had no reports of previous misconduct.
 - b) Although [REDACTED] argued that the hearing committee should consider the fact that

Laprade did not apologize for her behaviour, the failure to offer an apology is not an aggravating factor, particularly where the member admits responsibility for her conduct, as is the case here.

- c) Through [REDACTED], Laprade expressed remorse for the harm caused to the profession.
 - d) The committee noted that although there were four discrete charges, they all stemmed from the same actions and events.
2. The committee considered the following aggravating factors:
 - a) Laprade was initially dishonest during the school investigation.
 - b) Laprade continued to have a relationship with Student E after she had been given clear instruction to cease, and after the concerns of her colleagues and the community were revealed to her.
 - c) Until the hearing was held, Laprade continued to make excuses for her behaviour and attributed her involvement to a mentoring relationship with Student E.
 - d) Although Student E was [Age Redacted], he was [Personal Information Redacted].
 3. If Laprade did not have a [Medical Condition redacted], the principle of general deterrence would have been a significant factor and may have led the committee to order cancellation. However, as noted by the courts in [REDACTED] and the other cases cited on Laprade's behalf, general deterrence is not a significant factor when the offender is suffering from a [Medical Condition redacted]. Although general deterrence is not a significant factor, the committee nevertheless determined that given the serious nature of the conduct, a period of suspension was nevertheless warranted. This will ensure that Laprade gets whatever treatment she needs, and will ensure that she understands the importance of the need for ongoing treatment to manage her illness should she return to the teaching profession.
 4. Although cancellation of certificate and eligibility for membership was not appropriate given the unique circumstances of this case, the committee ordered a penalty that recognizes the harm to Student E and contemplates protecting future students.
 5. The committee also sought to strike a balance between the harm to the public and the profession with due consideration to the potential impact of Laprade's illness on her actions.
 6. The committee views Laprade's actions as having constituted a serious offence against Student E, the community, the profession and the public's trust in the profession. The committee proportionately tempered the penalty to maintain the protection of students, the public and the profession as a primary obligation of the committee.
 7. Laprade has taken responsibility for her actions and is remorseful. The committee recognized the extenuating circumstances related to Laprade's [Medical Condition redacted] and balanced that with the gravity of the offence. The committee concluded that the penalty imposed strikes an appropriate balance.

8. Laprade is entitled to apply to Provincial Executive Council for reinstatement after the period of ineligibility has elapsed. Council may consider any information that is relevant to its determination, and may grant or refuse her application. If her application is granted, Council will be able to impose whatever conditions Council believes are appropriate to ensure that the public is protected from any risk of a recurrence of the behaviour attributable to Laprade's medical condition.

Dated at the City of Edmonton in the Province of Alberta, Wednesday, June 3, 2015.

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

