

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

The hearing committee of the Professional Conduct Committee of the Alberta Teachers' Association reports that charges of unprofessional conduct laid against Tyree McCrackin 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, May 26, 2004.

Professional Conduct Committee members present as the hearing committee were [REDACTED]. [REDACTED] presented the case against the investigated member. The investigated member was not present and was not represented by counsel. The investigated member communicated to the committee by letter (undated), received by fax May 25, 2004, that he would not appear, that he acknowledges contravening the Code of Professional Conduct and that he accepts responsibility for his actions. (Exhibit 1)

CONSTITUTION/JURISDICTION

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

CHARGES AND PLEA

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

1. Tyree McCrackin 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 the 24th day of November, 2003, in the [REDACTED] plead guilty to an indictable offence under Part XIX of the Criminal Code of Canada to wit: Between the 14th day of May AD 2002 and the 9th day of April AD 2003 at or near the town of [REDACTED] in the Province of Alberta, being in a position of trust or authority towards [REDACTED], a young person, did for a sexual purpose, touch directly the body of [REDACTED], a young person, with a part of his body to wit: his [REDACTED] contrary to Section 153 of the Criminal Code of Canada, thereby failing to treat a student with dignity and respect.

2. Tyree McCrackin 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 the 24th day of November, 2003, in the [REDACTED], plead guilty to an indictable offence under Part XIX of the Criminal Code of Canada to wit: Between the 14th day of May AD 2002 and the 9th day of April AD 2003 at or near the town of [REDACTED] in the Province of Alberta, being in a position of trust or authority towards [REDACTED], a young person, did for a sexual purpose touch directly the body of [REDACTED], a young person, with a part of his body to wit: his [REDACTED] to Section 153 of the Criminal Code of Canada, thereby failing to act in a manner which maintains the honour and dignity of the profession.
3. Tyree McCrackin 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 the 24th day of November, 2003, in the [REDACTED], plead guilty to an indictable offence under Part XIX of the Criminal Code of Canada to wit: Between the 14th day of May AD 2002 and the 9th day of April AD 2003 at or near the town of [REDACTED] in the Province of Alberta, being in a position of trust or authority towards [REDACTED], a young person, did for a [REDACTED] touch directly the body of [REDACTED], a young person, with a part of his body to wit: his penis contrary to Section 153 of the Criminal Code of Canada, thereby engaging in activities which adversely affected the quality of the teacher's professional service.
4. Tyree McCrackin is charged with unprofessional conduct pursuant to the *Teaching Profession Act* in that he, while a member of the Alberta Teachers' Association, in the period between November 27, 2002 and March 31, 2003, used the [REDACTED] technology resources in a manner inappropriate to a teacher-student relationship with [REDACTED], a young person, thereby engaging in activities which adversely affected the quality of the teacher's professional service.

The investigated member was not present. A plea of not guilty was directed on his behalf by the hearing committee.

WITNESSES

None

EVIDENCE ADDUCED AND EXHIBITS FILED INDICATED THAT:

1. T McCrackin was a member of the Alberta Teachers' Association during the period May 1, 1998 to November 30, 2003 inclusive. (Exhibit 4)
2. T McCrackin was employed as a teacher by [REDACTED] during the same time period. (Exhibit 4)

3. T McCrackin was convicted of an indictable offence under section 153 of the Criminal Code of Canada. The penalty imposed was imprisonment in the community for a period of 15 months followed by placement on probation for a period of 12 months. (Exhibit 5)
4. This criminal case received significant publicity in the media. (Exhibit 8)

[REDACTED]

[REDACTED]

[REDACTED]

8. T McCrackin admitted that his behaviour constituted a breach of the Code of Professional Conduct. (Exhibit 1)
9. T McCrackin engaged in inappropriate communication with the victim using the school jurisdiction's e-mail system. Communications included conversations related to pornography, sexual activity and arranging meetings related to the relationship. (Exhibit 6)

#### DECISION OF THE HEARING COMMITTEE

The hearing committee found T McCrackin guilty of each of the four charges.

#### REASONS FOR DECISION

1. T McCrackin was convicted of an indictable offence under section 153 of the Criminal Code of Canada. He, therefore, is guilty of unprofessional conduct under section 23(2)(a) of the *Teaching Profession Act*.
2. Students have a reasonable expectation that teachers will not abuse their positions of trust and authority by engaging in sexual relationships with them. Such relationships fail to treat the students involved with dignity and respect.
3. T McCrackin brought dishonour and disrespect to the teaching profession by his conviction of an indictable offence and by his conduct that gave rise to that conviction.

4. Engaging in sexual activity with a student, compounded by doing so at the school, adversely affected the quality of T McCrackin's professional service.
5. Communicating with the student via school jurisdiction e-mail, during the school day, about matters related to the sexual relationship, adversely affected the quality of T McCrackin's professional service.

#### PENALTY

The hearing committee of the Professional Conduct Committee imposes the following penalty for Charges 1 through 4:

1. T McCrackin is declared ineligible for membership in the Alberta Teachers' Association from this day forward.
2. A recommendation to the minister of learning that T McCrackin's teaching certificate be cancelled.

#### REASONS FOR PENALTY

1. T McCrackin is guilty of an indictable offence which involved a sexual relationship with a student and involved abusing his position of trust and authority.
2. Teachers must not engage in sexual activities with their students. Society views such actions as repugnant and reprehensible. T McCrackin's actions showed disregard for society's expectations of teachers.
3. Society has the right to expect that teachers will act in a manner that establishes and maintains a trust relationship between teachers and students. T McCrackin exploited that relationship by cultivating and engaging in a sexual relationship with a student.
4. T McCrackin's actions represent a major breach of trust and a serious violation of the Code of Professional Conduct. T McCrackin's actions brought dishonour to the teaching profession.
5. T McCrackin brought negative attention to the teaching profession because his actions received significant media coverage.
6. A teacher's quality of professional service is adversely affected when the teacher
  - a) uses the school to engage in sexual activity
  - b) uses school technology to cultivate an inappropriate relationship and engage in inappropriate sexual dialogue with a student
  - c) uses school technology during periods of instruction to engage in personal communication.

7. There is no evidence that T McCrackin informed the Association of his conviction of an indictable offence.

Dated at the City of Edmonton in the Province of Alberta, Wednesday, May 26, 2004.

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

[REDACTED]