

THE ALBERTA TEACHERS' ASSOCIATION

DECISION OF THE HEARING COMMITTEE  
OF THE PROFESSIONAL CONDUCT COMMITTEE

IN THE MATTER OF CHARGES OF UNPROFESSIONAL  
CONDUCT AGAINST SHANE ALEXANDER JOHNSON

The hearing committee of the Professional Conduct Committee of the Alberta Teachers' Association (Association) reports that charges of unprofessional conduct laid against Shane Alexander Johnson of [REDACTED] were duly investigated in accordance with the *Teaching Profession Act*. The hearing commenced at Barnett House, 11010 142 Street NW, Edmonton, Alberta, Canada, on Tuesday, February 28, 2023, at 0900 and reconvened on Thursday, April 6, 2023, at 0900.

The participants were

1. Professional Conduct Committee members appointed as the hearing committee, [REDACTED] (chair), [REDACTED] and [REDACTED];
2. counsel to the hearing committee, [REDACTED];
3. secretary to the hearing committee, [REDACTED];
4. administrative secretary to the hearing committee, [REDACTED];
5. presenting officer, [REDACTED]; and
6. investigated member, Shane Johnson, was present and was not represented by counsel. He acknowledged he was waiving his right to counsel and wished to proceed in a self-represented capacity.

COMPOSITION/JURISDICTION

There were no objections to either the jurisdiction or the composition of the hearing committee or the steps and procedures of the hearing committee.

PRELIMINARY MATTERS

[REDACTED] and Johnson presented a submission on substitution of charges to the committee regarding Charge 3. The submission was signed by both parties. All other charges were left as is. The charges set out below reflect the amended Charge 3.

CHARGES AND PLEA

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

1. Shane Alexander Johnson is charged with unprofessional conduct pursuant to the *Teaching Profession Act* in that Johnson, while a member of the Alberta Teachers' Association, between January 23, 2022 and February 4, 2022, communicated online with a person(s) who acted as a decoy and pretended to be a [REDACTED], and with whom Johnson engaged in inappropriate sexual conversations, thereby failing to act in a manner which maintains the honour and dignity of the profession.
2. Shane Alexander Johnson is charged with unprofessional conduct pursuant to the *Teaching Profession Act* in that Johnson, while a member of the Alberta Teachers' Association, between January 23, 2022, and February 4, 2022, communicated online with a person(s) who acted as a decoy and pretended to be a [REDACTED], and to whom Johnson sent two inappropriate sexual images of himself, thereby failing to act in a manner which maintains the honour and dignity of the profession.
3. Shane Alexander Johnson is charged with unprofessional conduct pursuant to the *Teaching Profession Act* in that Johnson, while a member of the Alberta Teachers' Association, between January 23, 2022 and February 4, 2022, attended outside of what he believed to be the home of a [REDACTED] for the purpose of engaging in sexual activities, thereby failing to act in a manner which maintains the honour and dignity of the profession.
4. Shane Alexander Johnson is charged with unprofessional conduct pursuant to the *Teaching Profession Act* in that Johnson, while a member of the Alberta Teachers' Association, between January 23, 2022 and February 4, 2022, communicated online with an individual who he believed to be under the age of [REDACTED] years, with whom Johnson engaged in inappropriate sexual conversations and to whom Johnson sent an inappropriate image(s) of himself, thereby failing to act in a manner which maintains the honour and dignity of the profession.

The investigated member entered a plea of guilty to each of the four charges.

WITNESSES

There were no witnesses called.

EXHIBITS FILED

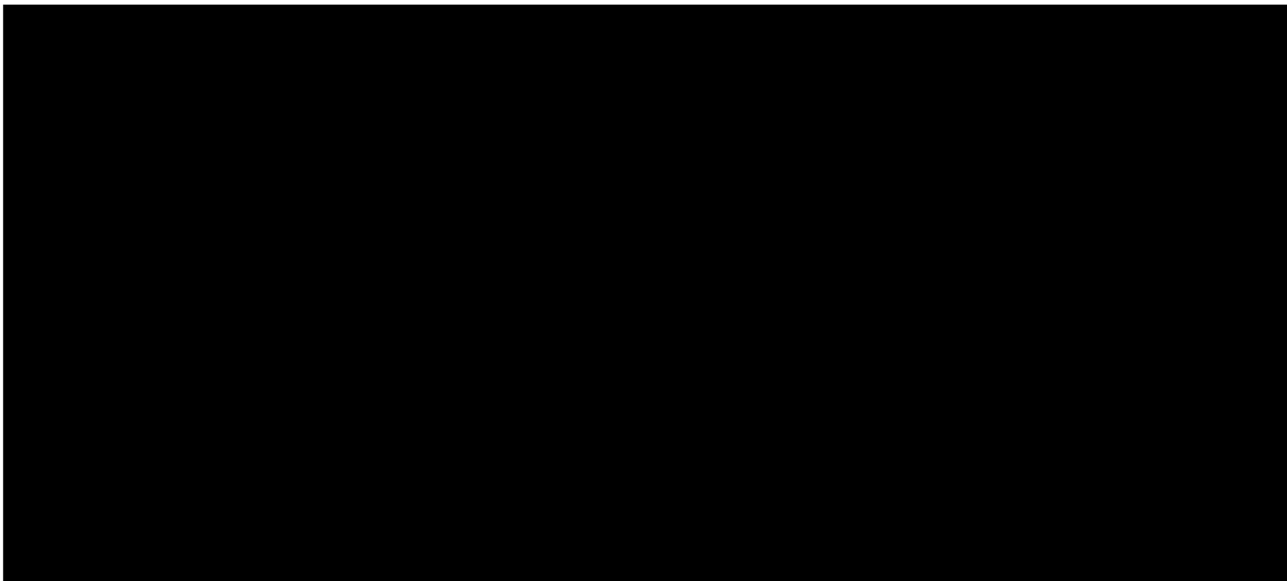
- Exhibit 1—Joint submission on substitution of charges, signed by Johnson and [REDACTED], dated February 9, 2023, and February 10, 2023, respectively
- Exhibit 2—Notice of hearing and Canada Post confirmation of delivery, on December 8, 2022
- Exhibit 3—Agreed statement of facts (ASF) consisting of tabs 1-7.
- Exhibit 4—USB drive with an electronic copy of tab 6 of the ASF.
- Exhibit 5—[REDACTED] factors provided by [REDACTED]
- Exhibit 6—Three precedent cases provided by [REDACTED]
- Exhibit 7—Three additional precedent cases provided by [REDACTED]
- Exhibit 8—Eight precedent cases provided by Johnson

EVIDENCE ADDUCED AND EXHIBITS FILED INDICATED

1. Johnson was born [REDACTED].
2. Johnson began teaching on May 1, 2018, initially working as a substitute teacher with the [REDACTED]. He worked on a full-time probationary contract with the [REDACTED] during the 2018/19 school year. Johnson was then employed by the [REDACTED] from September 1, 2019, until at least February 9, 2023.
3. At the time of the incidents giving rise to the allegations, Johnson was an active member of the Association and employed by the [REDACTED] as a teacher at [REDACTED]. Johnson taught Grade [REDACTED].
4. The events under review began with a group of private citizens, led by a person named [REDACTED], that engaged in online text communications between Johnson. In the communications, a member of the group purported to be and posed online as a [REDACTED], hereinafter referred to as the “decoy.” One of the group’s stated purposes was to publicly identify men who communicated with underage persons over the internet for sexual purposes. This group, in addition to posting the text messages of conversations between Johnson and the decoy in a video, also posted a video of the group confronting Johnson. One member of the group advised Johnson that they were in fact the decoy with whom Johnson had been communicating.
5. [REDACTED], principal, [REDACTED] opened an e-mail on Friday, February 4, 2022, at approximately 7:00 AM, which advised [REDACTED] that a substitute teacher would be required to cover Johnson’s class. [REDACTED] texted Johnson and asked him if he was sick. Johnson replied to [REDACTED], by text, that he was sorry, that a serious incident had occurred and he needed to take the day off to work with the Association.
6. On Monday, February 7, 2022, [REDACTED] received a phone call from [REDACTED]. [REDACTED] told [REDACTED] that [REDACTED] worked with an organization called [REDACTED]. [REDACTED] told [REDACTED] that [REDACTED].

had sexual misconduct allegations to make against Johnson. ██████ claimed ██████ had evidence of Johnson's misconduct, including chats, photos and videos. ██████ alleged that ██████ had videos in which Johnson admitted to the misconduct. ██████ told ██████ these were serious allegations and asked ██████ why the police were not involved. ██████ told ██████ that the police did not like ██████ very much. ██████ threatened that if ██████ did not hear back from ██████ by the end of the day, ██████ would publish all ██████ evidence on social media to ██████ millions of followers. ██████ promptly called support services at the school division regarding the matter.

7. Prior to receiving this information from ██████, ██████ had no concerns with Johnson.
8. On Tuesday, February 28, 2022, ██████ posted material about the allegations ██████ raised with ██████ on a ██████ video. ██████ posted chat logs and images, as well as a video of Johnson being confronted about these matters.
9. ██████ in viewing the video and screen shots of texts posted by ██████ noted that one of the two posts that showed Johnson's genitalia, appeared to have been taken at Johnson's desk at the school. All the teachers' desks in the school are the same. The desk shown in one of these images has the same shape and the same lighter coloured pine finish as Johnson's desk at the school. ██████ concluded that the image was taken in Johnson's classroom.



12. Johnson used a social media platform called ██████ to connect with other people. He also used ██████ a little bit. He never used his real name on ██████. The only two aliases he ever used on the app were ██████ and ██████. It was the former alias used in the communications under review. He used ██████ for a year or a year and a half before the events under investigation took place.



was wrong with him, but he went to the decoy's house on Thursday, February 4, 2022. When he got to the location, he parked about one block away, stayed in his car for a while, and walked around the block. He never walked onto the decoy's property. He walked past the front of the decoy's residence on the sidewalk. When he got to the decoy's location, he felt uneasy and guilty, and thought that he might get caught. Therefore, he left. He felt so [REDACTED] that he wanted out, but could not get out. He told the decoy that they could try again another time.

20. A vigilante group followed Johnson home. Johnson was inside his house for 5 to 10 minutes when [REDACTED] and [REDACTED] arrived at his house. [REDACTED] and [REDACTED] claimed to be there to help him address his [REDACTED]. Instead, [REDACTED] and [REDACTED] confronted Johnson and videotaped their interaction with him. The vigilante group then insisted that Johnson have his [REDACTED] come to the door where they in aggressive voices told his [REDACTED] the activities Johnson had engaged in. The posted video also included screen shots of the communications between Johnson and the decoy.
21. [REDACTED] preserved all forty images and the video posted to the internet by [REDACTED] Johnson authenticated all forty of the screenshot images shown in [REDACTED] video and acknowledged that these images were screen captures of the text messages between him and the decoy. Johnson confirms that in each of the images showing the correspondence, his text messages and dialogue appear on the left side of the page and the decoy's correspondence appeared on the right side of the page.
22. After [REDACTED] and [REDACTED] left Johnson's property on February 4, 2022, Johnson sat down with his [REDACTED] and told [REDACTED] everything that he had been doing over the last several years. He deleted the [REDACTED] app and kept no records of the chats with the decoy. He also deleted all his social media accounts. The [REDACTED] app does not store posted data so once the user logs are removed off the [REDACTED] account, all the texts and images are deleted from the app. Anything that Johnson might have saved from the app was deleted the night when he told his [REDACTED] about these events. As such, the only records of the [REDACTED] postings are those put online by [REDACTED]
23. The video and the text messages were posted to the internet by [REDACTED] and authenticated by Johnson. The contents show that Johnson:
  - communicated online with the group's decoy,
  - acknowledged that the decoy held [REDACTED] out to be a [REDACTED],
  - identified himself to the decoy as an [REDACTED] school teacher,
  - had inappropriate sexual conversations with this decoy over text messages,
  - sent two inappropriate sexual images of himself to the decoy,
  - discussed how he attended outside what he believed to be the decoy's home for the purpose of engaging in sexual activities with the decoy, and
  - made admissions of his involvement when confronted by the group.

25. Johnson admitted he had text conversations on [REDACTED] with a person other than the decoy detailed above, as well. That person also held [REDACTED] out to be a person under the age of majority. Johnson believes this [REDACTED] user went by the name [REDACTED]. Johnson did not recall how old [REDACTED] was exactly but believed [REDACTED] held [REDACTED] out to be and was younger than [REDACTED] years old. Johnson could not remember whether he messaged the decoy first or [REDACTED], but [REDACTED] was the first of the two to respond to his messages and the first of the two with whom he corresponded.
26. Johnson recalls that his correspondence with [REDACTED] did not last very long, perhaps one evening. Johnson sent [REDACTED] the same kind of messages he sent the decoy. He sent [REDACTED] either one or both of the same two pictures of [REDACTED] that he sent to the decoy. [REDACTED] responded to the pictures he sent of [REDACTED] and sent him a photo of [REDACTED] but without [REDACTED] face shown. The lighting in the [REDACTED] image of [REDACTED] was dark but he had the impression that [REDACTED] may have been [REDACTED]. Johnson had initially saved that image sent by [REDACTED] but deleted it with all the other posts on [REDACTED] the night he told his [REDACTED] about these matters.
27. Since his interaction with the vigilante group, Johnson has been [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED] Johnson recognizes the wrongness of his actions but believes these events do not reflect the person he is normally.
28. [REDACTED]  
[REDACTED]  
[REDACTED]

DECISION OF THE HEARING COMMITTEE

- Charge 1—Guilty
- Charge 2—Guilty
- Charge 3—Guilty
- Charge 4—Guilty

REASONS FOR DECISION

1. By his own admission, Johnson acknowledged that between January 23, 2022, and February 4, 2022, he communicated online with person(s) who acted as a decoy who held

themselves out to be a [REDACTED] where Johnson engaged in inappropriate sexual conversations and subsequent actions which included the following:

- communicated online with the group's decoy,
  - acknowledged that the decoy held [REDACTED] out to be a [REDACTED]
  - identified himself to the decoy as an [REDACTED] school teacher,
  - had inappropriate sexual conversations with this decoy over text messages,
  - discussed how he attended outside what he believed to be the decoy's home for the purpose of engaging in sexual activities with the decoy, and
  - made admissions of his involvement when confronted by the group who created the decoy.
2. Johnson's decision to communicate with what he thought was a [REDACTED] and have inappropriate sexual conversations is entirely unacceptable to all of society. It is especially egregious as teachers are held to a higher standard by society as they are in a position of both trust and authority. Johnson failed to maintain the honour and dignity of the profession by engaging in sexual conversation.
  3. By his own admission, Johnson acknowledged that between January 23, 2022, and February 4, 2022, he communicated online with a person(s) who acted as a decoy who held themselves out to be a [REDACTED] where Johnson sent two inappropriate sexual images of himself to the decoy.
  4. Johnson's decision to communicate with what he thought was a [REDACTED] was planned and calculated. These were not the actions of a teacher who is expected to provide a safe and caring environment for all students in their care. In planning and participating in such a heinous action, Johnson failed to maintain the honour and dignity of the profession.
  5. By his own admission, Johnson acknowledged between January 23, 2022, and February 4, 2022, he attended outside at what he believed was the home of a [REDACTED] for the purpose of engaging in sexual activities.
  6. Johnson was calculated in his plan to attend the home of what he thought was a [REDACTED]. Despite not entering the building, his actions demonstrated an intent to engage in illegal and immoral activities and in doing so, Johnson failed to maintain the honour and dignity of the profession.
  7. By his own admission, Johnson acknowledged between January 23, 2022, and February 4, 2022, he communicated online with another individual who he believed to be under the age of [REDACTED] years where Johnson engaged in inappropriate sexual conversations with this individual and to whom Johnson sent an inappropriate image(s) of himself.
  8. Johnson continued his deviant actions by communicating with what he thought was another child under the age of [REDACTED] in inappropriate sexual conversations. Johnson demonstrated a

pattern of inappropriate behaviour in which he engaged with underaged individuals he thought were under the age of [REDACTED]. In doing so, Johnson failed to maintain the honour and dignity of the profession.

### SUBMISSION ON PENALTY

#### [REDACTED] Submission

[REDACTED] recommendation to the committee for penalty included:

1. cancellation of membership;
2. recommendation to the minister to cancel his teaching certificate; and
3. a letter of severe reprimand to encompass all four charges.

[REDACTED] said that Johnson had acknowledged his actions in communicating with who he believed to be a [REDACTED] as well as another minor. [REDACTED] also said Johnson took some responsibility for his actions.

[REDACTED] went on to say that Johnson's behaviour was the most serious in nature. [REDACTED] also said that this communication with the [REDACTED] and another unidentified minor occurred on several occasions between the period of January 23, 2022, and February 4, 2022. He said that he knowingly engaged in conversations that were of a sexual nature, requested sexy pictures, sent images of [REDACTED] on two occasions, including one taken from his school desk on a PD Day, and went to the home of what he believed to be a [REDACTED]

[REDACTED] said that while Johnson never engaged in any sexual activity, his actions were still predatory. He said that Johnson was trending in the direction of having a sexual relationship with what he believed to be a [REDACTED]

[REDACTED] said that there was a reversal in the obligation to protect a student when Johnson asked, via text, for the decoy to keep the messages private, plans for sexual activity private, and asked the "student" to protect him, the teacher. Johnson told the "student" how much trouble he would be in if he was caught.

[REDACTED] said that Johnson was fortunate to be entrapped by a decoy and not a member of the criminal justice system. He further said that if this behaviour occurred once, there is no guarantee it would not happen again. Finally, [REDACTED] said there was no possible explanation that would justify Johnson's breach of trust.

#### Johnson's Submission

Johnson asked that the committee stick with the facts and not take the opinions of [REDACTED]. He said that he did not withhold anything during the investigation phase. Johnson said that [REDACTED]

told him he was very up front and honest with [REDACTED] and as a result, [REDACTED] did not need to interview anyone else in the investigation.

Johnson went on to say that he has never had any inappropriate interactions with his students and went on to say that the [REDACTED] investigated this matter and concluded that he did not have any inappropriate interactions with his students. Johnson was unable to produce this report for the hearing committee after given a recess to do so.

Johnson asked that the hearing committee consider the medical report from [REDACTED] which stated he was [REDACTED]. Johnson said that he was in the darkest moments of his life and like a [REDACTED] and hiding his actions. Johnson said that he was glad this was finally out and it was the first step to [REDACTED]

Johnson said that he spoke to his [REDACTED] on the night he was confronted by the decoy and let [REDACTED] know everything that had happened. He also said that he phoned [REDACTED] the next day and wrote letters to friends and other family members. He said that his [REDACTED] had left him and many friends as well.

Johnson said [REDACTED], his principal at [REDACTED] had told him he could still be a teacher. He said that the hearing committee did not know him like his principal did. Johnson was unable to provide evidence that [REDACTED] said that.

Johnson said that the vigilante who had confronted him was in [REDACTED]. He also said that he had to leave [REDACTED] as he was threatened online by the vigilante group who had created the decoy. Johnson went on to say he returned to [REDACTED] to seek help from [REDACTED]

Johnson said he had been receiving messages from former students who were labelled as the "bad kids." He had to ignore the messages and it hurt that he was unable to respond to them.

Johnson felt there was no need to make his case a precedent case, as the government will be taking over discipline in the future. He wanted his case to be handled as a stand-alone case.

Johnson asked for his teaching certificate be suspended for 10 years or more to allow him a chance for rehabilitation, which would still be considered a serious penalty.

#### Response

[REDACTED] had no issues with the [REDACTED], in tab 3 of Exhibit 3, but clarified that the [REDACTED] were an issue in the teaching profession because Johnson's [REDACTED] involved school-aged children.

[REDACTED] said that [REDACTED] with persons over the age of [REDACTED] is not an issue, but the issue here was that these were alleged minors. He went on to say he had not seen a copy of the school

division's investigation report nor had [REDACTED]. [REDACTED] said that if such report did exist, it would need to be entered as evidence.

[REDACTED] [REDACTED] that the Association should not be dealing with this differently as all decisions go to the minister of education and the minister will either accept the penalty or make their own decision on penalty. [REDACTED] asserted that the minister would not accept a lesser penalty.

#### Johnson's Response

Johnson, after a recess provided by the hearing committee, said that he was unable to find the letter or e-mail from the school division indicating that he would be able to teach again. Johnson said he arrived at the decoy's house thinking it was a real person and still left thinking it was a real person. He stated that he acted appropriately in the end.

The hearing committee asked Johnson if he was still employed, Johnson stated he was on unassigned duties. Johnson was asked what professional consequences he had faced, he stated that he had lost work.

The hearing committee asked if there were any precedent cases being presented to properly consider the [REDACTED] factors presented by both parties.

#### [REDACTED] Response

[REDACTED] stated that he had found three cases that involved sexual communication with students without initiating contact and submitted them to the hearing committee. He noted that he had searched for cases that had resulted in cancellation of the investigated member's teaching certificate.

#### Johnson's Response

Johnson asked whether [REDACTED] had also searched for cases where there was no cancellation, to which [REDACTED] through the chair, said he had not as it was not his role to do so. [REDACTED] stated his obligation was to bring forward cases that fit the sanction he was seeking.

Johnson said that the cases [REDACTED] presented were biased and that the hearing committee should be presented with cases that reflect no cancellation of teaching certificate.

#### PCC Decision on Precedent Cases

The hearing committee did not agree with [REDACTED] position that he was only obligated to put forward cases that fit the sanction he was seeking. The role of a presenting officer, in bringing forward a case, is to bring forward a balanced summary of the sanctions that resulted from similar conduct. This is consistent with the [REDACTED] factor that suggests a hearing committee should order similar sanctions for similar conduct. If there are cases that do not reflect the

sanction being sought by the presenting officer, then it is the role of a presenting officer to distinguish those cases from the case at hand.

Nevertheless, after hearing from both parties again, the hearing committee asked Johnson if he would like to review other precedent cases to find possible examples where the member had sexual communication without contact that did not result in cancellation of membership or recommendation to cancel a teaching certificate. Johnson stated he would welcome this opportunity.

The hearing committee directed Johnson and [REDACTED] to return on April 6, 2023, with the option of presenting additional precedent cases that they believed were relevant to each of their arguments in the penalty phase. The hearing committee also directed Johnson and [REDACTED] to share those cases with each other before reconvening.

#### Preliminary Matters at Reconvening

Upon reconvening on April 6, 2023, Johnson raised preliminary concerns about [REDACTED] integrity and honesty. He referred to [REDACTED] as a liar on several occasions. Johnson questioned the fairness of the hearing and stated that [REDACTED] had misled the hearing committee. He said that [REDACTED] overuse of the term student instead of decoy prejudiced the hearing committee and rendered them unable to provide a just consequence that fit his actions.

The hearing committee accepted information from Johnson regarding his concerns about [REDACTED] submissions and conduct as a presenting officer. [REDACTED] raised no objection to this information being presented to the hearing committee.

After caucusing, the hearing committee advised the parties that they applied the test of reasonable apprehension of bias and believed they could provide a fair and impartial decision on penalty. The hearing committee understood that its role and obligations required it to limit its findings to the evidence in the agreed statement of facts and the plea from Johnson, not submissions or opinions of either party that did not reflect the evidence before it.

#### Continuance of Submission on Penalty

In addition to the three precedent cases submitted at last convening (Exhibit 6), [REDACTED] submitted three more precedent cases (Exhibit 7). [REDACTED] argued that in all six cases, the investigated members had their membership cancelled for the purpose of trying to participate in sexual activity. He also said that the behaviour in these cases was similar to Johnson's behaviour.

Johnson submitted eight precedent cases in which many of the cases were similar to the charges against him. None of the cases submitted by Johnson involved a cancellation of membership.

██████████ rebutted by stating that some of the precedent cases provided by Johnson were very old and that the newer ones had large discrepancies between the factual allegations within them and those in Johnson's case.

### PENALTY

The hearing committee ordered a letter of severe reprimand to encompass all four charges, Johnson's membership in the Association be cancelled and a recommendation be made to the minister of education to cancel Johnson's teaching certificate.

### REASONS FOR PENALTY

1. Johnson admitted to all four charges, which the hearing committee found proven for the reasons set out under the reasons for decision section.
2. In the agreed statement of facts, Johnson acknowledged ██████████ and increasing escalation in seeking sexual gratification from what started as passive pornography and increased to intent to sexually engage with an individual he believed to be a ██████████ minor. This is some of the most serious unprofessional conduct that can be engaged in by a teacher.
3. Teachers are held to a high standard by the public and the profession. Johnson's actions fall grossly below those standards. Johnson failed to uphold the honour and dignity of the profession and severely jeopardized the public's trust in the profession.
4. Johnson's actions showed disregard for society's expectations of teachers. There is a need to deter this behaviour and make it known that it will not be accepted by the profession or the public. The Association and the public take the gravity of Johnson's actions very seriously and thus appropriate penalties must be imposed for such grossly unacceptable behaviour.
5. Due to the egregious nature of the offences and due to a teacher's position of trust in relation to students and the public, the hearing committee ruled that Johnson should be permanently ineligible for membership in the Association.
6. Children are the most vulnerable members of society, and the penalty must ensure the protection of the interests of children, the profession, and society from such transgressions.
7. The hearing committee agreed that, like the precedent cases provided by the presenting officer, these penalties were in order. The hearing committee reviewed the precedent cases provided by Johnson, but found they were dated by ten years or more. Most of the cases were factually different and less severe in nature. Society has a higher expectation for rigid penalties when it comes to the safety of children and the profession expects all teachers to

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maintain the honour and dignity of the profession. Further, the scope of the precedent cases provided by Johnson were limited in nature in that they provided either a severe letter of reprimand or suspension as penalties. Further, none of the decisions were current nor considerate of society's and the profession's current expectations of teachers.

Dated at the City of Edmonton in the Province of Alberta, Friday, June 2, 2023.

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

