

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

IN THE MATTER OF A CHARGE OF UNPROFESSIONAL
CONDUCT AGAINST TANYA MICHELLE CAIRNEY

The hearing committee of the Professional Conduct Committee of the Alberta Teachers' Association reports that a charge of unprofessional conduct laid against Tanya Cairney of [REDACTED] was duly investigated in accordance with the *Teaching Profession Act*. The hearing was held online, via video conference, on Thursday, November 4, 2021.

The participants were

1. Professional Conduct Committee members appointed as the hearing committee [REDACTED] (chair), [REDACTED] and [REDACTED];
2. Professional Conduct Committee members attending as observers [REDACTED] and [REDACTED];
3. Counsel to the hearing committee [REDACTED];
4. Secretary to the hearing committee [REDACTED];
5. Administrative secretary to the hearing committee [REDACTED];
6. Presenting Officer, [REDACTED]; and
7. Investigated member, Tanya Cairney, was present and was represented by [REDACTED] of [REDACTED]

The observing members of the Professional Conduct Committee were in the (virtual) deliberation room with the hearing committee when it deliberated; however, the observers did not have any involvement in the deliberations of the hearing committee and all participants were informed of same.

COMPOSITION/JURISDICTION

There was no objection to the composition or jurisdiction of the hearing committee to hear the case.

CHARGES AND PLEA

The following charge was read aloud by the secretary to the hearing committee:

1. Tanya Michelle Cairney is charged with unprofessional conduct pursuant to the *Teaching Profession Act* in that she, while a member of the Alberta Teachers' Association, during the 2019/20 school year, sent inappropriate Instagram messages to a student contrary to section 23(1) of the *Teaching Profession Act*.

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The investigated member entered a plea of guilty to the charge, by written submission.

WITNESSES

There were no witnesses called.

EXHIBITS FILED

Exhibit 1—Notice of hearing and Canada Post confirmation of delivery on May 28, 2021

Exhibit 2—Proof of Cairney's membership in the Alberta Teachers' Association from January 1, 2003 to June 30, 2003 and September 1, 2003 to November 30, 2020

Exhibit 3—Declaration of rights, signed by Cairney, dated October 21, 2021

Exhibit 4—Submission on plea, signed by Cairney, dated October 21, 2021.

Exhibit 5—Agreed statement of facts, signed by Cairney and [REDACTED], dated October 21, 2021 and October 23, 2021 respectively

Exhibit 6—Table of ATA precedent cases

Exhibit 7—Personal statement from Cairney.

Exhibit 8—Three character references for Cairney

Exhibit 9—Two medical reports, from [REDACTED] and [REDACTED], dated October 8, 2021 and May 8, 2020 respectively

EVIDENCE ADDUCED AND EXHIBITS FILED INDICATED

1. Cairney was a member of the Alberta Teachers' Association starting January 1, 2003 – June 30, 2003, and September 1, 2003 – November 30, 2020. (Exhibit 2)
2. Cairney started teaching with the [REDACTED] in 2003 and has been a learning leader at a variety of schools since 2006. The majority of her teaching has been in [REDACTED] programs. (Exhibit 5, page 1)
3. Cairney was employed as a teacher at [REDACTED] since August 2016 and appointed a learning leader in 2017. (Exhibit 5, page 2)
4. Cairney was the coach of the [REDACTED] when the incidents leading to the charges occurred. (Exhibit 5, page 2)
5. Cairney experienced increased symptoms of [REDACTED] and after her appointment with her [REDACTED] on November 8, 2019, [REDACTED]. (Exhibit 7)
6. Cairney sent Instagram messages to Student A, a Grade [REDACTED] student, between November 13, 2019 and December 1, 2019. (Exhibit 5, page 2)

7. Cairney and Student A's communications started with the two of them playing a game called, "100 Questions." This game originally started with superficial exchange of questions and answers and then progressed into a variety of inappropriate digital communication with Student A. (Exhibit 5, page 2)
 8. There were numerous themes in Cairney and Student A's communication, including: sexually explicit discussions, criticisms of students and a teacher, reference to alcohol consumption, discussion about physical attacks on other students, manipulation of relationships between students, offer of dog walking [REDACTED] and sharing of family events. (Exhibit 5)
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[REDACTED]

[REDACTED]

- [REDACTED]
11. Cairney communicated with Student A her negative opinions of other students, staff and parents in 12 exchanges. These comments included Cairney listing three students who she found annoying and worst teachers. Cairney, in her comments, was critical of all Grade [REDACTED] and Grade [REDACTED] classes with a comment, "grade [sic] [REDACTED] suck soooooo [sic] much it is painful." Additionally, Cairney analyzed other students' negative traits; referred to Student B's [REDACTED] religion as a cult; referred to Student E as being a "bitch." Student E is also a [REDACTED] in Cairney's class who reported an incident to [REDACTED] mom; who then contacted the office with a complaint about Cairney. (Exhibit 5, page 7)

12. Examples of these exchanges are as follows: (Exhibit 5, pages 7-9)

Discussing loss of [REDACTED] game and criticism of Student F—The quoted content below is verbatim and is being presented in its original form except the names of the students have been redacted for their protection.

[REDACTED]

Discussing Student E with Student A—The quoted content below is verbatim and is being presented in its original form except the names of the students have been redacted for their protection.

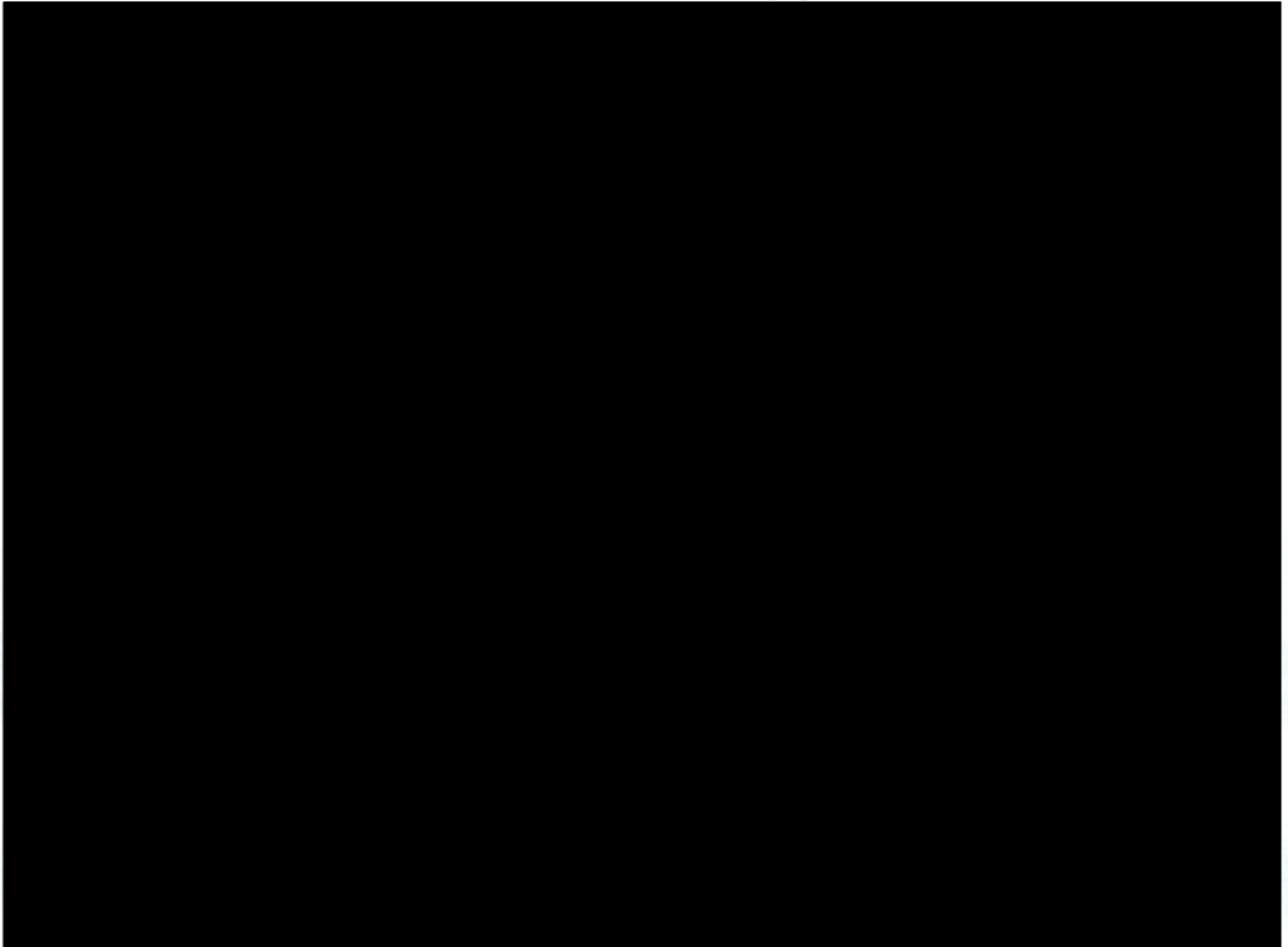
[REDACTED]

13. Examples of Cairney's statements about other teachers—The content quoted content below is verbatim and is being presented in its original form except the names of the students have been redacted for their protection.

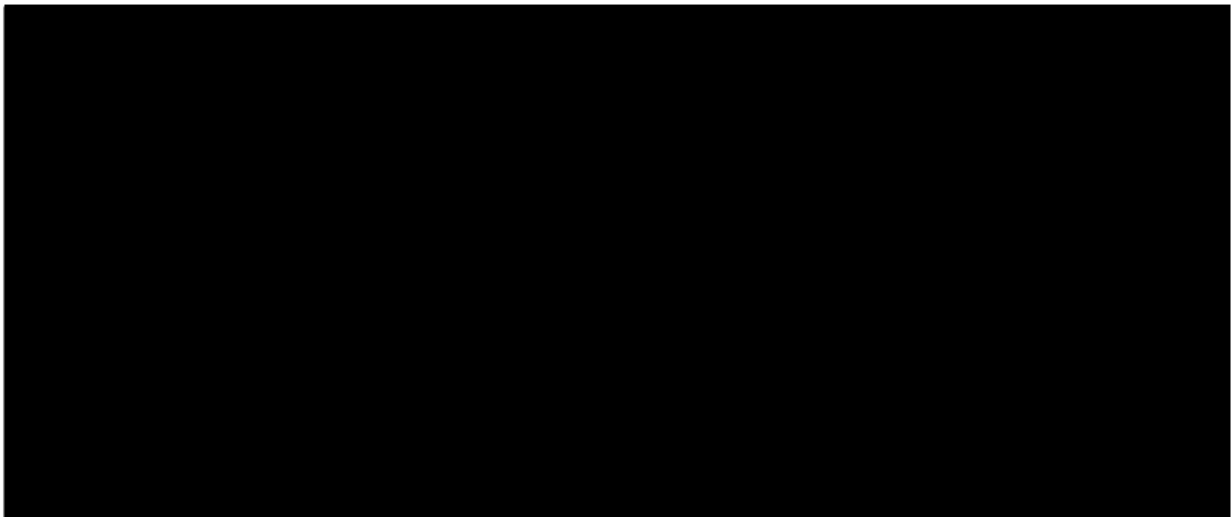
[REDACTED]

14. Example of Cairney commenting on school situation and parents to Student A—The content quoted content below is verbatim and is being presented in its original form except the names of the students have been redacted for their protection.

[REDACTED]



15. Cairney wrote four exchanges that referenced the use of drugs or alcohol. (Exhibit 5, page 9)
An example of an exchange that references alcohol consumption is as follows: (Exhibit 5, page 9)



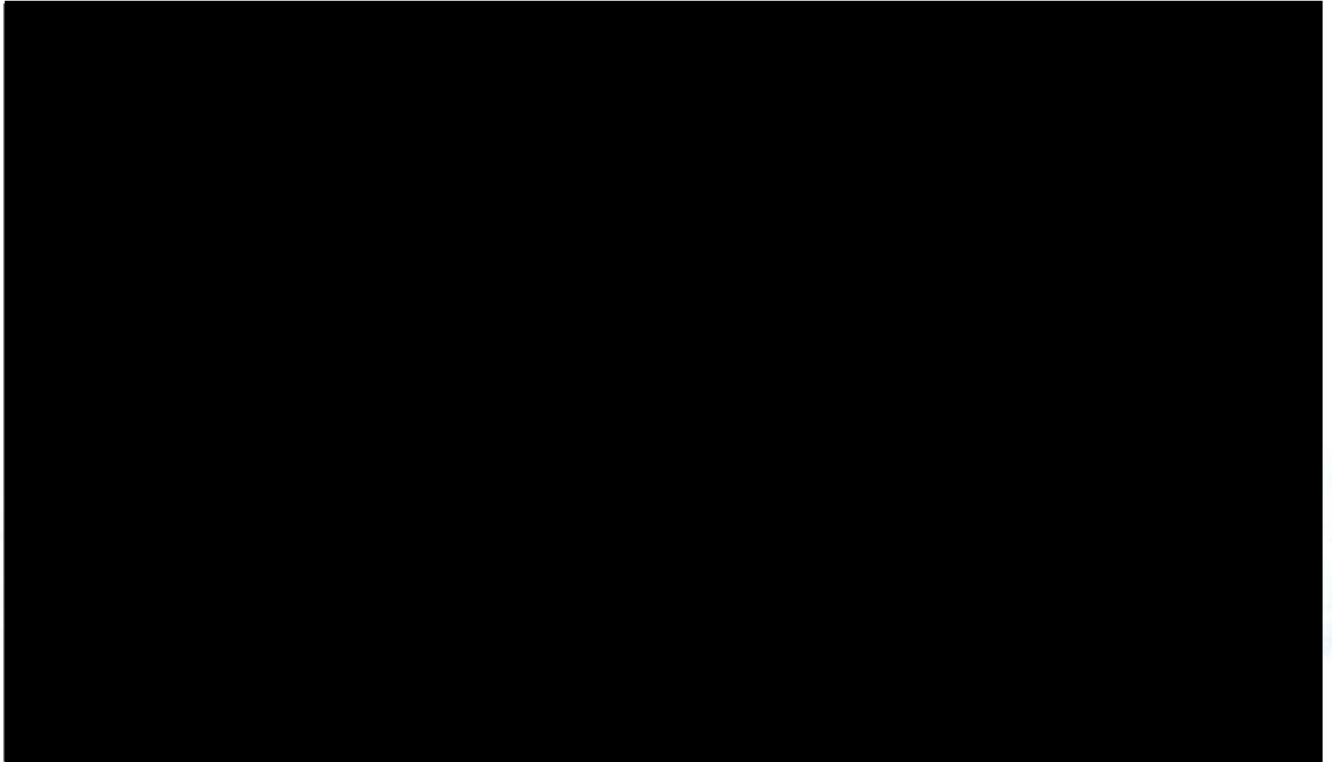
[REDACTED]

The quoted content above is verbatim and is being presented in its original form except the names of the students have been redacted.

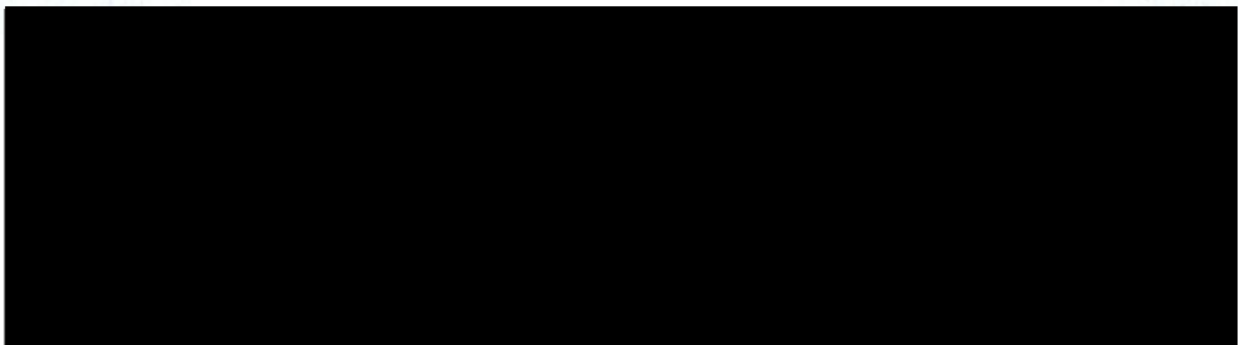
16. Cairney made a joke to Student A with a theme of inappropriate aggression towards another student. (Exhibit 5, page 9)
17. Example of Cairney joke about punching another student—The content quoted content below is verbatim and is being presented in its original form except the names of the students have been redacted for their protection: (Exhibit 5, page 10)

- [REDACTED]
18. Cairney made repeated inquiries into Student A's desire for a romantic relationship with Student C. (Exhibit 5, page 10)
 19. Examples of these exchanges are as follows (The content quoted content below is verbatim and is being presented in its original form except the names of the students have been redacted for their protection): (Exhibit 5, pages 10-12)
- [REDACTED]

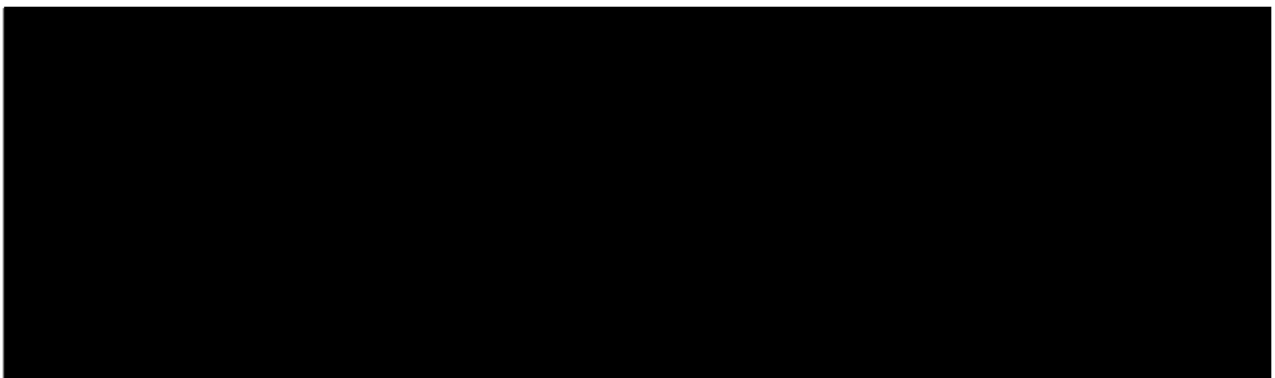
Continued later



Continued later



Continued Later



- [REDACTED]
20. Cairney invited Student A outside of school hours to walk her dog and [REDACTED].
21. Below is an example of Cairney asking Student A to play with her dog (The content quoted content below is verbatim and is being presented in its original form except the names of the students have been redacted for their protection).

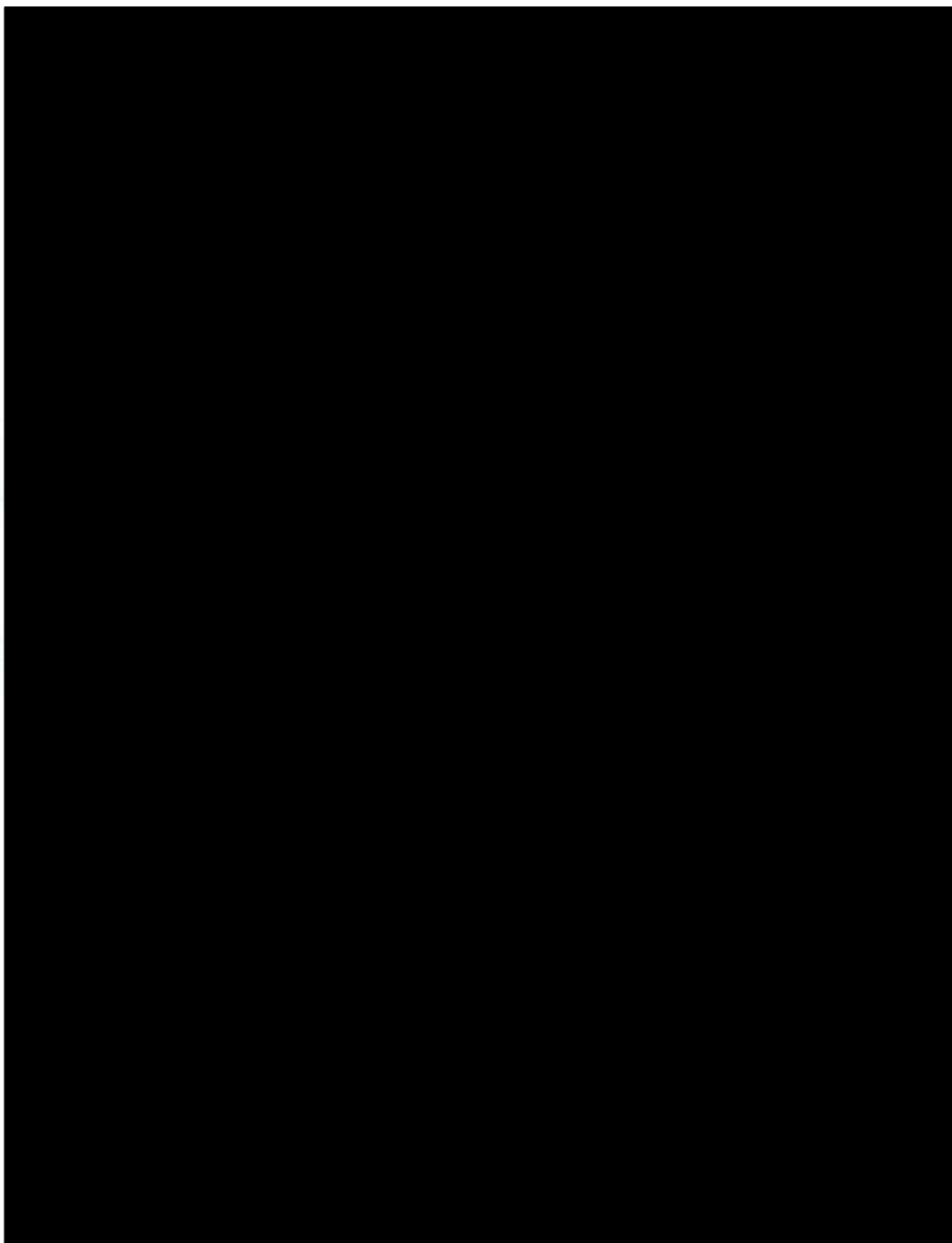
- [REDACTED]
23. Cairney sent a message to Student A inquiring about whether [REDACTED] mother knew about their conversations and encouraged that Student A to disclose to [REDACTED] mother about some of their interactions. Cairney informed Student A that she wanted some of their discussion to be kept from Parent A. (Exhibit 5, page 13)
24. The example of this exchange is as follows (The content quoted content below is verbatim and is being presented in its original form except the names of the students have been redacted for their protection): (Exhibit 5, page 13)

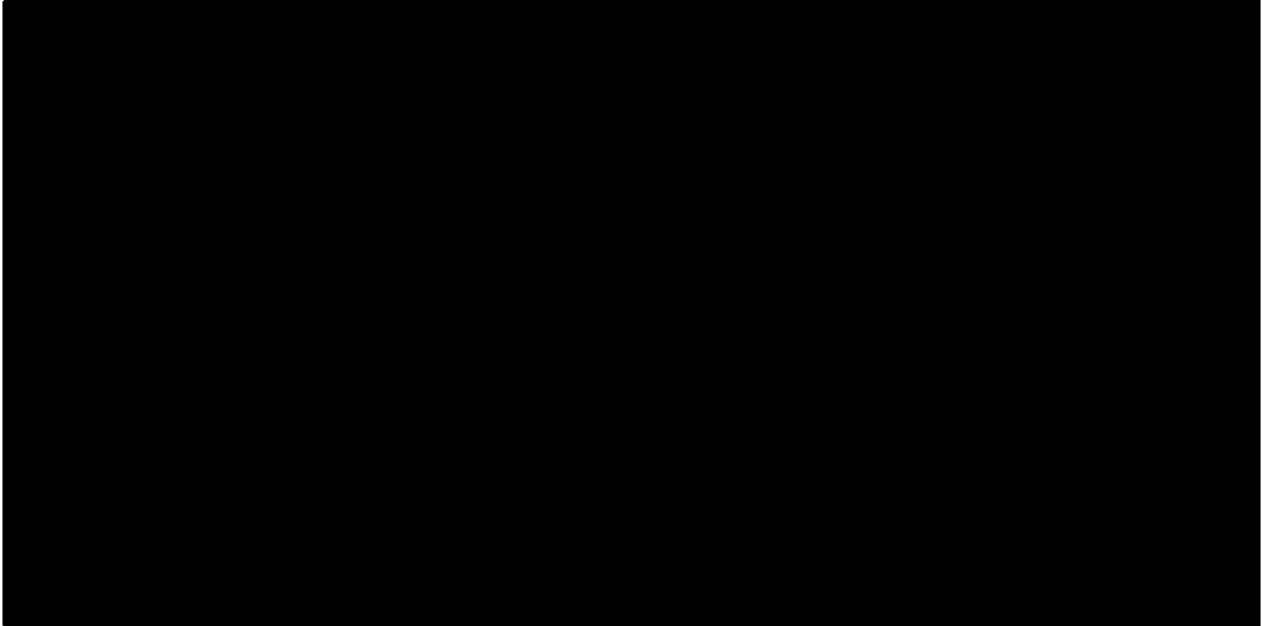
Cairney: Does your mom know that we chat?

Student A: Nope / Like barely she knows you send me schedules and stuff

Cairney: It is 100% okay that she knows. I would rather that she knows to cover my own ass. / Maybe not everything we are talking about bahaha

25. Cairney disclosed to Student A that she was experiencing personal issues [REDACTED]
26. Examples of exchanges discussing Cairney's family are as follows (The content quoted content below is verbatim and is being presented in its original form except the names of the students have been redacted for their protection): (Exhibit 5, pages 13-15)



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27. The school division completed an investigation into Cairney's communication with Student A. During the investigation, Cairney admitted that she sent inappropriate messages to Student A. (Exhibit 5, page 15)
 28. On December 2, 2019, [REDACTED], education director, provided a letter unassigning Cairney from her duties as a teacher. Cairney signed the letter stating she understood the contents of the letter. (Exhibit 5, page 15)
 29. On January 23, 2020, [REDACTED], chief superintendent of schools, provided Cairney with a suspension letter and suspended Cairney until the employment matter was resolved. (Exhibit 5, page 15)
 30. Also, on January 23, 2020, Cairney was provided with a copy of a letter from [REDACTED] in which she recommended that the [REDACTED] terminate Cairney's continuous contract through her Association representative. (Exhibit 5, page 15)
 31. On January 29, 2020, [REDACTED] sent Cairney correspondence titled, "Notification of Recommendation to Terminate.". This correspondence outlined the steps Cairney would need to take if she wanted to appeal the recommendation. (Exhibit 5, page 16)
 32. Cairney commenced her appeal to the recommendation, which was delayed until October 23, 2020. (Exhibit 5, page 16)
 33. On November 23, 2020, Cairney resigned her position with the [REDACTED] effective November 30, 2020. (Exhibit 5, page 16)

DECISION OF THE HEARING COMMITTEE

Charge 1—Guilty

REASONS FOR DECISION

1. Cairney pleaded guilty and admitted her behaviour constituted unprofessional conduct which contravened section 23(1) of the *Teaching Profession Act*. (Exhibit 4)
2. Through repeated inappropriate communication via social media with Student A. Cairney initiated sexually explicit discussions, criticized students and a teacher, discussed alcohol consumption, discussed the threat of physical attacks on other students, attempted to manipulate relationships between students, made overtures to meet outside of school to have Student A walk her dog and [REDACTED] and shared inappropriate personal details about her family life. The hearing committee concluded that Cairney's conduct was disrespectful and dishonourable and clearly breached section 23(1) of the *Teaching Profession Act*.

SUBMISSION ON PENALTY

1. [REDACTED] presented a submission on penalty to the hearing committee recommending the following penalty:
 - a) A letter of severe reprimand
 - b) A two-year suspension or ineligibility for membership in the Alberta Teachers' Association.
 - c) A recommendation to the minister of education to suspend Cairney's teaching certificate for two years.
2. Cairney's legal counsel, [REDACTED] presented a submission on penalty to the hearing committee recommending the following penalty:
 - a) A letter of severe reprimand

PENALTY

The hearing committee imposed the following penalty:

1. A letter of severe reprimand
2. A declaration that Cairney is ineligible for membership in the Alberta Teachers' Association for one year.
3. A recommendation to the minister of education that Cairney's teaching certificate be suspended for one year.

REASONS FOR PENALTY

1. The hearing committee carefully considered the content of the submissions on penalty by [REDACTED] a statement under oath from Cairney, and the [REDACTED] factors. The committee determined that
 - a) The nature and gravity of the charges were deemed to be of severe nature.
 - b) Cairney was an experienced teacher and should have been aware the relationship with Student A was unacceptable and unprofessional.
 - c) Student A was in Grade [REDACTED] and [REDACTED] years old during the time of the incidents.
 - d) Although Cairney was being treated for symptoms of [REDACTED] at the time of the relationship and had recently [REDACTED] her actions were inappropriate and detrimental to the involved students and the profession.
 - e) Cairney had no previous convictions of unprofessional conduct.
 - f) Cairney was cooperative and accepted responsibility for her actions in both the investigation and hearing.
 - g) Cairney resigned her teaching position in November of 2020.
 - h) Cairney presented to the committee remorse for her actions, provided positive character references, and submitted letters for medical professionals describing her medical treatment and progress. The committee appreciated her acceptance of responsibility and her work to better herself but found her actions to be egregious and repugnant and the penalty imposed was appropriate.
2. The public and the profession expects that teachers will behave in the best interests of students, the public, and the teaching profession. Cairney's actions were detrimental to students, the public and the teaching profession.
3. Cairney presented that the cause of her actions was the result of her [REDACTED]. The committee believed that when Cairney told Student A not to share the full context of their communication with Parent A, Cairney knew her communication with Student A was inappropriate. In addition, there was no evidence presented that the change in her [REDACTED] had negatively impacted her actions in other aspects of her life.
4. Cairney received [REDACTED] but the committee believed that her inappropriate actions still warranted the penalty imposed by the committee.
5. Society expects that teachers will act in a manner that establishes and maintains an appropriate trust relationship between teachers and students. Cairney severed the fundamental trust that society places in teachers.
6. Teachers are in a position of power over students and must maintain appropriate boundaries, therefore it is a teacher's fiduciary obligation to protect students; not to exploit the teacher student relationship. Cairney's repeated inappropriate behaviour necessitated a significant penalty.

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7. Through her actions, Cairney brought dishonour and disrepute to the teaching profession.

Dated at the City of Edmonton in the Province of Alberta, Monday, January 3, 2022.

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

