

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

IN THE MATTER OF AN APPEAL BY FRIEDA ANNE MENNES
OF THE DECISION OF THE HEARING COMMITTEE OF THE PROFESSIONAL
CONDUCT COMMITTEE WITH RESPECT TO CHARGES
OF UNPROFESSIONAL CONDUCT AGAINST HER

The Professional Conduct Appeal Committee (PCAC) reports that the appeal by Frieda Anne Mennes of the decision of the hearing committee of the Professional Conduct Committee (PCC) with respect to charges of unprofessional conduct against her was heard in accordance with the *Teaching Profession Act* (TPA). The appeal hearing was held at Barnett House, 11010 142 Street NW, Edmonton, Alberta, Canada and commenced on Monday, May 6, 2019, at 0900.

Professional Conduct Appeal Committee members present were

[REDACTED]
[REDACTED] represented

Provincial Executive Council. Mennes was present and was not represented by legal counsel.

The chair confirmed with each member of the PCAC that they had received a copy of the notice of appeal, electronic access to the decision of the hearing committee and the record of the hearing.

The appeal hearing continued until Thursday, May 9, 2019 at which time it was adjourned because preliminary issues had been addressed and an adjournment to hear the merits of the appeal was granted. The hearing was reconvened on Monday, September 9, 2019 at 0900 and continued, with the committee hearing submissions until Friday, September 13, 2019, at which time the committee adjourned to deliberate. The committee met independently and deliberated from Tuesday, October 29, 2019 to Wednesday, October 30, 2019 and met again to continue deliberation from Wednesday, November 6, 2019 to Friday, November 8, 2019. A decision was reached on November 8, 2019 and was communicated to the parties by letter on November 8, 2019.

COMPOSITION AND JURISDICTION

There were no objections to the composition or jurisdiction of the appeal hearing committee to hear the case.

EXHIBITS

- Exhibit 1—Notice of appeal hearing and Canada Post confirmation of delivery to Mennes on April 10, 2019
- Exhibit 1A—Record of proceedings—binders 1–7
- Exhibit 1B—Revised binder 7 from the record of proceedings
- Exhibit 2—Letter from ██████████ to Mennes, presenting officers and ██████████, dated May 1, 2019 with enclosing letter from ██████████ dated April 30, 2019 to ██████████ requesting an adjournment
- Exhibit 3—E-mails from Mennes to ██████████ dated May 6, 2019 and two screenshots provided by Mennes in support of the request for adjournment
- Exhibit 4—Screenshot of text message timestamped for 9:46 PM on May 5, 2019 from phone number 403-903-5706
- Exhibit 5—E-mail from ██████████, on behalf of the PCAC, to Mennes and ██████████ regarding the details of the adjournment and advising how the PCAC will accept submissions regarding new evidence
- Exhibit 6—Signed letter by Mennes agreeing to the conditions of the adjournment set by PCAC, dated May 7, 2019
- Exhibit 7—Mennes’s written submission regarding new evidence, entered on May 7, 2019
- Exhibit 8—██████████ written submissions regarding new evidence, entered on May 7, 2019
- Exhibit 9—Mennes’s written submissions regarding new evidence
- Exhibit 10—PCAC’s table prepared regarding admission of new evidence from Exhibit 1A, appendix C1 and C2 of the record of proceedings
- Exhibit 10B—PCAC’s corrected table prepared regarding admission of new evidence from Exhibit 1A, appendix C1 and C2 of the record of proceedings
- Exhibit 11—PCAC’s written decision regarding admission of new evidence presented by ██████████ and Hackman
- Exhibit 12—Excerpts of pages 3–8 of the ND1331 investigation report outlining documentation obtained during the investigation
- Exhibit 13—Excerpts of page 2 from the ND1331 investigation report with names of people interviewed
- Exhibit 14—Notice of continuation of appeal hearing and Canada Post confirmation of delivery to Mennes, on July 29, 2019
- Exhibit 15—Two copies of the letter sent to ██████████ and Mennes regarding chair of the PCAC, dated June 6, 2017, signed by Mennes and ██████████
- Exhibit 16—Statement from ██████████ and collection of thank you cards submitted by Mennes
- Exhibit 17—Blue binder with Tabs A–Z submitted by Mennes on September 9, 2019
- Exhibit 18—Corrected blue binder with Tabs A–Z submitted by Mennes on September 13, 2019

SUBMISSION OF THE APPELLANT ON REASONS FOR ADJOURNMENT

1. Mennes submitted a notice of appeal to the executive secretary, [REDACTED], dated February 20, 2019, which included a letter and two large binders of documents. (Exhibit 1A, appendix C1 and C2)
2. An adjournment was requested via a letter received by [REDACTED] on May 1, 2019 from [REDACTED]
 - a) The PCAC was unable to determine if any of the organizations cited in the letter, and cited below, represented or served as agent to Mennes
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - b) In [REDACTED] letter, dated April 30, 2019, [REDACTED] stated that [REDACTED] had reviewed the binder(s) of material and was in a position to speak to them. [REDACTED] report for *Freida Mennes v Alberta Teachers Association* listed multiple references to exhibits presented at the PCC hearing. This led the PCAC to believe [REDACTED] had the opportunity to review Mennes's copy of the record of PCC proceedings, decision of the PCC hearing committee and Mennes's notice of appeal. (Exhibit 1A)
 - c) Mennes provided the PCAC hearing committee with a screenshot of what appeared to be a letter to the minister of education possibly from CAFE which stated, "We hope her appeal on May 6, 2019 will be handled professionally and reasonably. If it is not handled reasonably, [REDACTED] and several volunteer defence lawyers will help Frieda take this matter to a legal remedy." The PCAC interpreted the letter as Mennes would receive representation if the appeal did not go in her favour, and she did not have representation for the appeal hearing. (Exhibit 3)
 - d) The PCAC acknowledged that Mennes had made efforts to obtain some representation; however, it was unclear to the PCAC if [REDACTED], or any one of the three organizations listed in [REDACTED] letter, represented Mennes for the purposes of the appeal hearing. In her oral submissions, Mennes was unable to clarify this for the PCAC. For these reasons, the PCAC denied [REDACTED] request for an adjournment.
3. After the adjournment was denied, the PCAC continued with the appeal hearing and heard submissions from Mennes. Early on in Mennes's submissions, she informed the PCAC about a number of documents provided with her notice of appeal (Exhibit 1A, appendix C1 and C2) that were not before the PCC hearing committee or that have since been modified. While making these submissions, Mennes made a number of statements to the effect that she, personally, needed more time to prepare for the appeal hearing, as she needed more time to review the transcripts from the PCC hearing committee. Upon hearing these comments, the PCAC sought advice from legal counsel to the PCAC and determined that in the interest of fairness, an adjournment should be granted.

4. The PCAC also heard submissions from [REDACTED] and [REDACTED] on their position of an adjournment for Mennes to prepare.
5. The PCAC granted an adjournment on the merits of the appeal hearing based on the following reasons:
 - a) It was fair and reasonable to grant Mennes an adjournment given the sheer volume of material, which consisted of seven binder or 7,382 pages, to review.
 - b) Mennes had only received the materials, which consisted of seven binders on April 10, 2019.
 - c) The consequences of the decision of the PCAC hearing are serious for Mennes. Based upon the PCC hearing committee's decision, her professional standing and career along with the fine of \$32,000 was at stake.
 - d) This was the first request for an adjournment Mennes made to the PCAC
 - e) A personal adjournment for Mennes provides procedural fairness.
 - f) Mennes did not deliberately delay the proceedings.
 - g) There was not an immediate sense of urgency that would necessitate proceeding with the hearing.
 - h) The public interest would not be adversely affected if the adjournment was granted.
 - i) Mennes claimed she was unable to bring most of her documentation with her because she had to take the bus from [REDACTED] after a snowstorm.
 - j) Mennes agreed to sign a waiver that she will not challenge the timeframes as outlined in section 50(1) of the TPA due to her request for an adjournment.
 - k) No further adjournments will be granted.
 - l) The PCAC hearing will reconvene as soon as possible with a minimum of 30 day adjournment, or sooner if both parties agreed.
6. The appeal hearing committee granted an adjournment to September 9, 2019 at which time it would hear arguments on the merits of the appeal.
7. Given that there was an issue raised on applications for new and modified evidence to be considered by the PCAC; the PCAC decided to hear arguments on the introduction of the new and modified evidence. Both parties were agreeable to the preliminary issues being resolved prior to the adjournment..

APPLICATION TO INTRODUCE NEW EVIDENCE

Mennes was instructed by the PCAC to make an application for special leave to introduce new evidence, originally submitted in two large binders, (Exhibit 1A, appendix C1 and C2) as proof of the merits for her appeal. The PCAC looked at each document in the two appendices and determined which documents would be considered as a part of the appeal.

Under section 53(1) of the TPA, an appeal to PCAC “must be founded on the decision of the hearing committee and the record of the proceedings before the appeal hearing committee.” Under section 53(2)(b) of the TPA, the PCAC “may on granting special leave for the purpose, receive further evidence.”

Where possible the PCAC used the four part *Palmer* test to determine the admissibility of new evidence or modified evidence, which requires the party seeking admission of new evidence to establish:

1. The evidence could, through due diligence, have been provided prior to the decision being appealed.
2. The evidence must relate to a decisive, or a potentially decisive issue in the appeal.
3. The evidence must be credible, in the sense that it is reasonably capable of belief.
4. The evidence must, if believed, and when considered with other evidence in the record, reasonably be expected to have affected the outcome.

The PCAC also considered whether the new evidence, if admitted, would support Mennes’s grounds for appeal.

Given the volume of material in Exhibit 1A, appendix C1 and C2, the hearing committee requested written submissions from both parties (Exhibits 7, 8 and 9) on why documents should or should not be granted special leave. The hearing committee also spent considerable time during the hearing reviewing each document from Exhibit 1A, pages 6653 to 7381, to determine if special leave should be granted. More specifically, the PCAC followed the following procedure:

Procedure of the PCAC

1. PCAC allowed Mennes to speak as to why they should grant special leave for new evidence
2. PCAC allowed [REDACTED] to reply to Mennes
3. PCAC allowed [REDACTED] to reply to [REDACTED] remarks

The PCAC heard submissions on a group of documents, caucused and ruled on whether to grant special leave. However, the PCAC reserved orally announcing its decision for each document until both parties had completed their oral submissions on all the documents.

The PCAC looked at each document in the two appendices of Exhibit 1A, which ended up being 728 pages (Exhibit 1A, pages 6653 to 7381), and from the written and oral submissions from the parties and the *Palmer* test, determined which documents would be considered as part of the appeal hearing. There were numerous documents Mennes wished to enter as new evidence that the PCAC determined were already in existence from the record of proceeding. Mennes contended that those documents became “new” documents because she had made handwritten notes on the documents. Mennes was advised by the PCAC that her notes should be presented during her oral submissions later in the process, and were not considered new evidence. Further,

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the PCAC spent considerable time carefully comparing over two hundred documents, or 728 pages, which Mennes had included in part of her appeal as new evidence, but where the original documents were already part of the record.

The PCAC broke the Exhibit 1A, appendix C1 and C2 into separate documents and issued a decision for each document and stated why it was granted special leave or was not granted special leave as outlined in the following chart.

Exhibit 1A, appendix C1

Document and Page number(s)	Description of document	New evidence or was available to the PCC hearing committee?	Note or page number(s) if already part of the record	PCAC Decision to accept submission
Document No 1 Page 6653	Letter to Mennes's lawyer from [REDACTED]	Was available to the PCC hearing committee	Page 4956	<ul style="list-style-type: none"> • No
Document No 2 Page 6655	Gmail correspondence	New evidence		<ul style="list-style-type: none"> • No • Was not before the PCC hearing committee, but could have been with due diligence • Not relevant to appeal
Document No 3 Page 6657	Mennes's proof of membership with the Alberta Teachers' Association (Association)	Was available to the PCC hearing committee	Page 4940	<ul style="list-style-type: none"> • No

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Document and Page number(s)	Description of document	New evidence or was available to the PCC hearing committee?	Note or page number(s) if already part of the record	PCAC Decision to accept submission
Document No 4 Page 6659	Mini screen shots	New evidence		<ul style="list-style-type: none"> • No • Illegible Screenshot • Cannot determine if relevant, or not • Mennes said that they were thumbnail images of existing documents—she can still reference the original documents
Document No 5 Page 6661	Doctor's note from [REDACTED]	New evidence		<ul style="list-style-type: none"> • Yes • Weight to be determined
Document No 6 Page 6663	Excerpt from written comments made by [REDACTED]	Was available to the PCC hearing committee	Page 5116	<ul style="list-style-type: none"> • No
Document No 7 Page 6665	Handwritten FOIP notes by Mennes	New evidence		<ul style="list-style-type: none"> • Yes • Accepted as a part of her written submission
Document No 8 Page 6671	[REDACTED] general report	Was available to the PCC hearing committee	Page 5566	<ul style="list-style-type: none"> • No
Document No 9 Page 6672	[REDACTED] Supplementary occurrence report	Was available to the PCC hearing committee	Page 5567	<ul style="list-style-type: none"> • No
Document No 10 Page 6673	Excerpt from police report	New evidence	Entirely redacted	<ul style="list-style-type: none"> • No

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Document and Page number(s)	Description of document	New evidence or was available to the PCC hearing committee?	Note or page number(s) if already part of the record	PCAC Decision to accept submission
Document No 11 Page 6674	■ supplementary	New evidence		<ul style="list-style-type: none"> • No • Not relevant to this appeal
Document No 12 Page 6675	■ Supplementary Occurrence report	Was available to the PCC hearing committee	Page 5571	<ul style="list-style-type: none"> • No
Document No 13 Page 6676	■ Supplementary Occurrence report	Was available to the PCC hearing committee	Page 5570	<ul style="list-style-type: none"> • No
Document No 14 Page 6677	■ Supplementary Occurrence report	New evidence		<ul style="list-style-type: none"> • No • with due diligence this document could have been available to PCC hearing committee • Not relevant to appeal
Document No 15 Page 6678	■ Supplementary Occurrence report	New evidence		<ul style="list-style-type: none"> • Yes • Potentially germane to the grounds of the appeal • Weighting to be determined
Document No 16 Page 6679	■ Supplementary Occurrence report	New evidence		<ul style="list-style-type: none"> • Yes • Potentially germane to the grounds of the appeal • Weighting to be determined

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Document and Page number(s)	Description of document	New evidence or was available to the PCC hearing committee?	Note or page number(s) if already part of the record	PCAC Decision to accept submission
Document No 17 Page 6680	Excerpt from police report	New evidence		<ul style="list-style-type: none"> • Yes • Potentially related to the reasons for appeal • Weighting to be determined
Document No 18 Page 6681–6683	██████████ Terms of Use with handwritten notes by Mennes	New evidence		<ul style="list-style-type: none"> • Yes • Accepted as part of Mennes’s written submission
Document No 19 Page 6685	Excerpt from ██████████	Was available to the PCC hearing committee	Page 5564	<ul style="list-style-type: none"> • No
Document No 20 Page 6687	██████████ letter May 3, 2012	Was available to the PCC hearing committee	Page 5576	<ul style="list-style-type: none"> • No
Document No 21 Page 6689–6691	██████████ letter May 9, 2012	Was available to the PCC hearing committee	Page 5578–5579 Page 5803 Page 5801	<ul style="list-style-type: none"> • No
Document No 22 Page 6693–6699	Letter from ██████████	Was available to the PCC hearing committee	Page 6103	<ul style="list-style-type: none"> • No
Document No 23 Page 6701–6702	██████████	Was available to the PCC hearing committee	Page 6115	<ul style="list-style-type: none"> • No
Document No 24 Page 6703	Letter from ██████████	Was available to the PCC hearing committee	Page 6101 (incomplete version) Page 5481 (full version)	<ul style="list-style-type: none"> • No

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Document and Page number(s)	Description of document	New evidence or was available to the PCC hearing committee?	Note or page number(s) if already part of the record	PCAC Decision to accept submission
Document No 25 Page 6707	Anonymous letter	Was available to the PCC hearing committee	Page 5626	• No
Document No 26 Page 6709	Letter from [REDACTED]	Was available to the PCC hearing committee	Page 5664	• No
Document No 27 Page 6711	Mennes's comments regarding [REDACTED]	Was available to the PCC hearing committee	Page 6515	• No
Document No 28 Page 6715	[REDACTED] letter to Mennes for no trespassing	Was available to the PCC hearing committee	Page 6208	• No
Document No 29 Page 6717	Second [REDACTED] letter to Mennes for no trespassing	Was available to the PCC hearing committee	Page 6209	• No
Document No 30 Page 6719–6723	Excerpt from <i>Trespass to Premises Act</i>	New evidence		<ul style="list-style-type: none"> • No • Legislation is a public document, and not entered as an exhibit
Document No 31 Page 6725	PCC hearing disclosure to Mennes from [REDACTED]	Was available to the PCC hearing committee	Page 4946 is a longer version of this document	• No

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Document and Page number(s)	Description of document	New evidence or was available to the PCC hearing committee?	Note or page number(s) if already part of the record	PCAC Decision to accept submission
Document No 32 Page 6729–6733	Leadership Update	New evidence		<ul style="list-style-type: none"> • No • Steps for investigations are outlined in the [REDACTED] • Legislation is a public document, and not entered as an exhibit
Document No 33 Page 6735–6744	Cards	Was available to the PCC hearing committee	Page 5574 Page 5877 Page 5899 Page 5750 Page 5861 Page 5985 Page 5865 Page 5863	<ul style="list-style-type: none"> • No to all
Document No 34 Page 6745–6756	Mennes’s comments regarding [REDACTED]	Was available to the PCC hearing committee	Page 6477–6482	<ul style="list-style-type: none"> • No
Document No 35 Page 6757–6761	Mennes’s comments regarding Student B	Was available to the PCC hearing committee	Page 6507–6509	<ul style="list-style-type: none"> • No
Document No 36 Page 6763	Quotes	Was available to the PCC hearing committee	Objection [REDACTED] Page 4966 Page 5015	<ul style="list-style-type: none"> • No • Taken out of context—not a complete statement
Document No 37 Page 6765–6769 Page 6771–6774	Individual Program Plan (IPP) for Student B	Was available to the PCC hearing committee	Page 6220–6224 Page 6226–6229	<ul style="list-style-type: none"> • No
Document No 38 Page 6775–6787	Mennes’s comments regarding [REDACTED]	Was available to the PCC hearing committee	Page 6469–6475	<ul style="list-style-type: none"> • No

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Document and Page number(s)	Description of document	New evidence or was available to the PCC hearing committee?	Note or page number(s) if already part of the record	PCAC Decision to accept submission
Document No 39 Page 6789–6793	Mennes’s comments regarding Parent C	Was available to the PCC hearing committee	Page 6465–6468	<ul style="list-style-type: none"> • No
Document No 40 Page 6795	E-mail from [REDACTED]	Was available to the PCC hearing committee	Page 5022	<ul style="list-style-type: none"> • No
Document No 41 Page 6797	Facebook posts Parent C	New evidence		<ul style="list-style-type: none"> • No • With due diligence this could have been presented to the PCC hearing committee • Not relevant to the grounds of her appeal.
Document No 42 Page 6799 Page 6801	Notice to attend as witness to [REDACTED]	New evidence		<ul style="list-style-type: none"> • Yes • Potentially supports grounds for appeal • Weight to be determined
Document No 43 Page 6803	Letter from [REDACTED]	Was available to the PCC hearing committee	Page 5905	<ul style="list-style-type: none"> • No
Document No 44 Page 6805–6807	Mennes’s comments regarding [REDACTED]	Was available to the PCC hearing committee	Page 6513–6514	<ul style="list-style-type: none"> • No
Document No 45 Page 6809–6813	Cards and pictures	Was available to the PCC hearing committee	Page 5900–5903	<ul style="list-style-type: none"> • No

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Document and Page number(s)	Description of document	New evidence or was available to the PCC hearing committee?	Note or page number(s) if already part of the record	PCAC Decision to accept submission
Document No 46 Page 6815–6819	Mennes’s comments about [REDACTED]	Was available to the PCC hearing committee	Page 6517–6519	• No
Document No 47 Page 6821	Letter from [REDACTED]	Was available to the PCC hearing committee	Page 5698 Page 7049	• No
Document No 48 Page 6823	Typed letter with [REDACTED] name on page	New evidence		• No • Portion of [REDACTED] investigation report
Document No 49 Page 6825–6829	Mennes’s comments regarding [REDACTED]	Was available to the PCC hearing committee	Page 6521-6523	• No
Document No 50 Page 6831	Card from student	Was available to the PCC hearing committee	Page 5873	• No
Document No 51 Page 6833–6834	Mennes’s summative report from June 2008	Was available to the PCC hearing committee	Page 5540–5541	• No
Document No 52 Page 6835	Letter offering principalship to Mennes from June 1986	Was available to the PCC hearing committee	Page 5927	• No
Document No 53 Page 6837–6838	Letter from Parent B	Was available to the PCC hearing committee	Page 5915–5916	• No
Document No 54 Page 6839	Handwritten lesson plans from [REDACTED]	Was available to the PCC hearing committee	Page 5807	• No

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Document and Page number(s)	Description of document	New evidence or was available to the PCC hearing committee?	Note or page number(s) if already part of the record	PCAC Decision to accept submission
Document No 55 Page 6840	Lesson plan for November 18, 2016	New evidence		<ul style="list-style-type: none"> • Yes • Weight to be determined
Document No 56 Page 6841–6847	Notes from substitute teacher	Was available to the PCC hearing committee	Page 6049–6052	<ul style="list-style-type: none"> • No
Document No 57 Page 6849	Letter to ██████ from ██████ Mennes	Was available to the PCC hearing committee	Page 6119 ██████ objects	<ul style="list-style-type: none"> • No
Document No 58 Page 6851	E-mails exchange with ██████	New evidence	██████ objects	<ul style="list-style-type: none"> • No • Only a part of an original e-mail exchange was submitted
Document No 59 Page 6853–6855	E-mail exchange between ██████ and Mennes	New evidence	██████ objects	<ul style="list-style-type: none"> • No • Only a part of an original e-mail exchange was submitted • PCC hearing committee was fair and reasonable
Document No 60 Page 6857	E-mail to ██████	New evidence	██████ objects	<ul style="list-style-type: none"> • No • Only a part of an original e-mail exchange was submitted
Document No 61 Page 6859	E-mail from ██████ to entire staff, and Mennes’s reply to ██████	Was available to the PCC hearing committee	Page 5688	<ul style="list-style-type: none"> • No

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Document and Page number(s)	Description of document	New evidence or was available to the PCC hearing committee?	Note or page number(s) if already part of the record	PCAC Decision to accept submission
Document No 62 Page 6861–6863	Report cards for Student P and Student Q	New evidence		<ul style="list-style-type: none"> • No • This is not relevant to the appeal • With due diligence it would have been available to the PCC hearing committee
Document No 63 Page 6867–6881	Table of contents for Mennes’s evidence binder (Exhibit 1, page 6359–6524)	Was available to the PCC hearing committee	Page 6373–6380	<ul style="list-style-type: none"> • No
Document No 64 Page 6885–6893	Mennes’s comments regarding ██████████	Was available to the PCC hearing committee	Page 6501–6501	<ul style="list-style-type: none"> • No
Document No 65 Page 6895–6901	Classroom pictures	New evidence		<ul style="list-style-type: none"> • Yes • Weight to be determined
Document No 66 Page 6903–6919	Repeat of document number 64 and 65	Repeat of previous two documents	Page 6885–6893 Page 6895–6901	<ul style="list-style-type: none"> • No
Document No 67 Page 6921–6923	Mennes’s comments on ██████████	New evidence	██████████ objects	<ul style="list-style-type: none"> • Yes • Was part of Mennes’s written submission
Document No 68 Page 6927–6929	Mennes analysis of accusations	Was available to the PCC hearing committee	Page 6389–6390	<ul style="list-style-type: none"> • No
Document No 69 Page 6931–7023	Documented evidence of	Was available to the PCC	Page 6413–6461	<ul style="list-style-type: none"> • No

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Document and Page number(s)	Description of document	New evidence or was available to the PCC hearing committee?	Note or page number(s) if already part of the record	PCAC Decision to accept submission
	teaching by Mennes	hearing committee		

Exhibit 1A, appendix C2

Document and Page number(s)	Description of document	New evidence or was available to the PCC hearing committee?	Note or page number(s) if already part of the record	PCAC Decision to accept submission
Document No 2 Page 7027–7028	Mennes’s notes for committee	New evidence		<ul style="list-style-type: none"> • Yes • Was part of Mennes’s written submission
Document No 3 Page 7031	Mennes’s notes for committee	New evidence		<ul style="list-style-type: none"> • Yes • Was part of Mennes’s written submission
Document No 4 Page 7033	Mennes’s induction certificate	Was available to the PCC hearing committee	Page 5769	<ul style="list-style-type: none"> • No
Document No 5 Page 7035–7037	Mennes’s notes on charges for committee	New evidence		<ul style="list-style-type: none"> • Yes • Was part of Mennes’s written submission
Document No 6 Page 7039	Letter of reference from [REDACTED] School Division [REDACTED] dated February 11, 1981	Was available to the PCC hearing committee	Page 5771	<ul style="list-style-type: none"> • No
Document No 7 Page 7043–7045	Teacher evaluation	Was available to the PCC	Page 5774 Page 5773	<ul style="list-style-type: none"> • No

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Document and Page number(s)	Description of document	New evidence or was available to the PCC hearing committee?	Note or page number(s) if already part of the record	PCAC Decision to accept submission
	report, dated February 16, 1981	hearing committee	Page 5775	
Document No 8 Page 7049	Letter from [REDACTED]	Was available to the PCC hearing committee	Page 5698	• No
Document No 9 Page 7051	E-mail to [REDACTED] from Mennes	Was available to the PCC hearing committee	Page 6037	• No
Document No 10 Page 7053–7054	[REDACTED] News, dated June 27, 2012	Was available to the PCC hearing committee	Page 6115–6116	• No
Document No 11 Page 7055	Transfer letter to Mennes, dated May 3, 2012	Was available to the PCC hearing committee	Page 5576	• No
Document No 12 Page 7057–7059	Transfer letter to Mennes, dated May 9, 2012	Was available to the PCC hearing committee	Page 5801	• No
Document No 13 Page 6061	Thank you post-it notes	Was available to the PCC hearing committee	Page 5931	• No
Document No 14 Page 7063	Thank you note from [REDACTED]	Was available to the PCC hearing committee	Page 5787	• No
Document No 15 Page 7065	Thank you card from [REDACTED]	Was available to the PCC hearing committee	Page 5789	• No

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Document and Page number(s)	Description of document	New evidence or was available to the PCC hearing committee?	Note or page number(s) if already part of the record	PCAC Decision to accept submission
Document No 16 Page 7067	Thank you card from [REDACTED]	Was available to the PCC hearing committee	Page 5785	• No
Document No 17 Page 7069	Thank you card from [REDACTED]	Was available to the PCC hearing committee	Page 5783	• No
Document No 18 Page 7071	Memmes's summative report	Was available to the PCC hearing committee	Page 5540	• No
Document No 19 Page 7075	Reference letter from [REDACTED]	Was available to the PCC hearing committee	Page 5520	• No
Document No 20 Page 7077	Reference letter from [REDACTED]	Was available to the PCC hearing committee	Page 5939	• No
Document No 21 Page 7079	Reference letter from [REDACTED]	Was available to the PCC hearing committee	Page 5941	• No
Document No 22 Page 7081	Teacher performance	Was available to the PCC hearing committee	Page 5943	• No
Document No 23 Page 7083	Reference letter from [REDACTED]	Was available to the PCC hearing committee	Page 5945	• No
Document No 24 Page 7085	Letter from [REDACTED]	Was available to the PCC hearing committee	Page 5927	• No

Report of the PCAC re Mennes, page 19

Document and Page number(s)	Description of document	New evidence or was available to the PCC hearing committee?	Note or page number(s) if already part of the record	PCAC Decision to accept submission
Document No 25 Page 7087	Teacher report, dated March 20, 1985	Was available to the PCC hearing committee	Page 5947	<ul style="list-style-type: none"> • No
Document No 26 Page 7089	Teacher report, dated January 6, 1983	Was available to the PCC hearing committee	Page 5949	<ul style="list-style-type: none"> • No
Document No 27 Page 7091	Classroom observation, dated March 23, 1982	Was available to the PCC hearing committee	Page 5951	<ul style="list-style-type: none"> • No
Document No 28 Page 7093	Teacher report, dated February 26, 1982	Was available to the PCC hearing committee	Page 5953	<ul style="list-style-type: none"> • No
Document No 29 Page 7095	Teacher report, dated October 23, 1981	Was available to the PCC hearing committee	Page 5955	<ul style="list-style-type: none"> • No
Document No 30 Page 7099–7100	Believe Santa card	New evidence		<ul style="list-style-type: none"> • Yes • Weight to be determined
No31 Page 7101–7102	Christmas card	Was available to the PCC hearing committee	Page 5965–5966	<ul style="list-style-type: none"> • No
Document No 32 Page 7103–7104	Christmas card	New evidence		<ul style="list-style-type: none"> • Yes • Weight to be determined
Document No 33 Page 7105	Christmas photo	Was available to the PCC hearing committee	Page 5987	<ul style="list-style-type: none"> • No
Document No 34 Page 7107–7108	Thank you card	Was available to the PCC	Page 5893	<ul style="list-style-type: none"> • No


Report of the PCAC re Memmes, page 20

Document and Page number(s)	Description of document	New evidence or was available to the PCC hearing committee?	Note or page number(s) if already part of the record	PCAC Decision to accept submission
		hearing committee		
Document No 35 Page 7109–7110	Card, dated June 25, 1997	New evidence		<ul style="list-style-type: none"> • Yes • Weight to be determined
Document No 36 Page 7111	Letter from [REDACTED]	Was available to the PCC hearing committee	Page 5710	<ul style="list-style-type: none"> • No
Document No 37 Page 7113–7114	Thank you card	New evidence		<ul style="list-style-type: none"> • Yes • Weight to be determined
Document No 38 Page 7115	Reference letter from [REDACTED]	Was available to the PCC hearing committee	Page 5708	<ul style="list-style-type: none"> • No
Document No 39 Page 7117	Reference letter from [REDACTED]	Was available to the PCC hearing committee	Page 5664	<ul style="list-style-type: none"> • No
Document No 40 7119	Reference letter from [REDACTED]	Was available to the PCC hearing committee	Page 5712	<ul style="list-style-type: none"> • No
Document No 41 Page 7121	Reference letter from [REDACTED]	Was available to the PCC hearing committee	Page 5843	<ul style="list-style-type: none"> • No
Document No 42 Page 7123	Reference letter from [REDACTED]	Was available to the PCC hearing committee	Page 5849	<ul style="list-style-type: none"> • No
Document No 43 Page 7125	Letter of advocacy from [REDACTED]	Was available to the PCC hearing committee	Page 5857	<ul style="list-style-type: none"> • No

Report of the PCAC re Mennes, page 21

Document and Page number(s)	Description of document	New evidence or was available to the PCC hearing committee?	Note or page number(s) if already part of the record	PCAC Decision to accept submission
Document No 44 Page 7127	Thank you notes	Was available to the PCC hearing committee	Page 5845	<ul style="list-style-type: none"> • No
Document No 45 Page 7129	Card with notes	Was available to the PCC hearing committee	Page 5985	<ul style="list-style-type: none"> • No
Document No 46 Page 7131	Christmas card	Was available to the PCC hearing committee	Page 5887 Page 5889	<ul style="list-style-type: none"> • No
Document No 47 Page 7132	Thank you card Front face of two cards	New evidence		<ul style="list-style-type: none"> • Yes • Weight to be determined
Document No 48 Page 7133	Card with notes	Was available to the PCC hearing committee	Page 5861	<ul style="list-style-type: none"> • No
Document No 49 Page 7135	Thank you card	Was available to the PCC hearing committee	Page 5865	<ul style="list-style-type: none"> • No
Document No 50 Page 7137	Thank you card	Was available to the PCC hearing committee	Page 5863	<ul style="list-style-type: none"> • No
Document No 51 Page 7135	Thank you card	Was available to the PCC hearing committee	Page 5869 Page 5871	<ul style="list-style-type: none"> • No
Document No 52 Page 7141	Thank you card	Was available to the PCC hearing committee	Page 5873	<ul style="list-style-type: none"> • No

Report of the PCAC re Mennes, page 22

Document and Page number(s)	Description of document	New evidence or was available to the PCC hearing committee?	Note or page number(s) if already part of the record	PCAC Decision to accept submission
Document No 53 Page 7143	Thank you card	Was available to the PCC hearing committee	Page 5989	<ul style="list-style-type: none"> • No
Document No 54 Page 7145	Thank you card	Was available to the PCC hearing committee	Page 5847	<ul style="list-style-type: none"> • No
Document No 55 Page 7147	Dog picture	Was available to the PCC hearing committee	Page 6007	<ul style="list-style-type: none"> • No
Document No 56 Page 7149–7150	Year-end card	Was available to the PCC hearing committee	Page 5881	<ul style="list-style-type: none"> • No
Document No 57 Page 7151	Holiday card	Was available to the PCC hearing committee	Page 5981	<ul style="list-style-type: none"> • No
Document No 58 Page 7153	Thank you card	Was available to the PCC hearing committee	Page 7025	<ul style="list-style-type: none"> • No
Document No 59 Page 7155–7156	Happy Birthday	Was available to the PCC hearing committee	Page 5991	<ul style="list-style-type: none"> • No
Document No 60 Page 7157–7159	Handwritten notes by Mennes	New evidence		<ul style="list-style-type: none"> • Yes • Was part of Mennes’s written submission
Document No 61 Page 7161	Letter from 	Was available to the PCC hearing committee	Page 5905 Page 5740	<ul style="list-style-type: none"> • No

Report of the PCAC re Mennes, page 23

Document and Page number(s)	Description of document	New evidence or was available to the PCC hearing committee?	Note or page number(s) if already part of the record	PCAC Decision to accept submission
Document No 62 Page 7163–7165	Thank you card	Was available to the PCC hearing committee	Page 5899-5900	• No
Document No 63 Page 7167	Christmas card	Was available to the PCC hearing committee	Page 5903	• No
Document No 64 Page 7169	Birthday card	Was available to the PCC hearing committee	Page 5901	• No
Document No 65 Page 7171	E-mail from Parent J	Was available to the PCC hearing committee	Page 5680 Page 5831	• No
Document No 66 Page 7173	E-mail from [REDACTED]	Was available to the PCC hearing committee	Page 5833	• No
Document No 67 Page 7177–7178	Thank you card	Was available to the PCC hearing committee	Page 5999–6000	• No
Document No 68 Page 7179	E-mail from [REDACTED]	Was available to the PCC hearing committee	Page 5781	• No
Document No 69 Page 7181	Letter from [REDACTED]	Was available to the PCC hearing committee	Page 5706	• No
Document No 70 Page 7183	Certificate to Mennes	Was available to the PCC hearing committee	Page 5810	• No

Report of the PCAC re Mennes, page 24

Document and Page number(s)	Description of document	New evidence or was available to the PCC hearing committee?	Note or page number(s) if already part of the record	PCAC Decision to accept submission
Document No 71 Page 7185	Letter from [REDACTED]	Was available to the PCC hearing committee	Page 5662 Page 5811	• No
Document No 72 Page 7187	[REDACTED] certificate to Mennes	Was available to the PCC hearing committee	Page 5813	• No
Document No 73 Page 7189	Letter from [REDACTED], dated December 19, 1991	Was available to the PCC hearing committee	Page 5815	• No
Document No 74 Page 7191	Letter from [REDACTED], dated March 26, 1991	Was available to the PCC hearing committee	Page 5817	• No
Document No 75 Page 7193	Letter from [REDACTED], dated August 26, 1991	Was available to the PCC hearing committee	Page 5823	• No
Document No 76 Page 7195	Letter from [REDACTED] dated June 18, 1990	Was available to the PCC hearing committee	Page 5819	• No
Document No 77 Page 7197	Letter from Mennes to [REDACTED], dated May 28, 1996	Was available to the PCC hearing committee	Page 5821	• No
Document No 78 Page 7199	Letter from [REDACTED], dated June 8, 1996	Was available to the PCC hearing committee	Page 5822	• No
Document No 79 Page 7201	Letter from [REDACTED]	Was available to the PCC hearing committee	Page 5825	• No

Report of the PCAC re Mennes, page 25

Document and Page number(s)	Description of document	New evidence or was available to the PCC hearing committee?	Note or page number(s) if already part of the record	PCAC Decision to accept submission
Document No 80 Page 7203	Handwritten notes by Mennes	New evidence		<ul style="list-style-type: none"> • Yes • Was part of her written submission
Document No 81 Page 7205	Christmas card	Was available to the PCC hearing committee	Page 5969	<ul style="list-style-type: none"> • No
Document No 82 Page 7207	Christmas card (dogs)	Was available to the PCC hearing committee	Page 5971	<ul style="list-style-type: none"> • No
Document No 83 Page 7209	Reindeer drawing	Was available to the PCC hearing committee	Page 5973	<ul style="list-style-type: none"> • No
Document No 84 Page 7211	Thank you message from student	Was available to the PCC hearing committee	Page 5977	<ul style="list-style-type: none"> • No
Document No 85 Page 7207	Thank you card	Was available to the PCC hearing committee	Page 5979	<ul style="list-style-type: none"> • No
Document No 86 Page 7215	Thank you card	Was available to the PCC hearing committee	Page 5975	<ul style="list-style-type: none"> • No
Document No 87 Page 7217–7218	Holiday card	Was available to the PCC hearing committee	Page 5967-5968	<ul style="list-style-type: none"> • No
Document No 88 Page 7219	Handwritten notes by Mennes	New evidence		<ul style="list-style-type: none"> • Yes • Was part of Mennes's written submission
Document No 89	Wonderful you story	Was available to the PCC	Page 5915–5916	<ul style="list-style-type: none"> • No

Report of the PCAC re Mennes, page 26

Document and Page number(s)	Description of document	New evidence or was available to the PCC hearing committee?	Note or page number(s) if already part of the record	PCAC Decision to accept submission
Page 7221–7223		hearing committee		
Document No 90 Page 7225	Thank you card	Was available to the PCC hearing committee	Page 5919	• No
Document No 91 Page 7227-7228	Card	Was available to the PCC hearing committee	Page 5923–5924	• No
Document No 92 Page 7207	Card	Was available to the PCC hearing committee	Page 5925	• No
Document No 93 Page 7231–7237	You Won't Believe (story)	Was available to the PCC hearing committee	Page 5877–5879	• No
Document No 94 Page 7239	Card	Was available to the PCC hearing committee	Page 5993	• No
Document No 95 Page 7241–7242	Card	Was available to the PCC hearing committee	Page 5995–5996	• No
Document No 96 Page 7243	Card	Was available to the PCC hearing committee	Page 5997	• No
Document No 97 Page 7245	Card	Was available to the PCC hearing committee	Page 6001	• No
Document No 98 Page 7247	Picture	Was available to the PCC	Page 6003	• No

Report of the PCAC re Mennes, page 27

Document and Page number(s)	Description of document	New evidence or was available to the PCC hearing committee?	Note or page number(s) if already part of the record	PCAC Decision to accept submission
		hearing committee		
Document No 99 Page 7249	Card	Was available to the PCC hearing committee	Page 6005	• No
Document No 100 Page 7251	Card	Was available to the PCC hearing committee	Page 6009	• No
Document No 101 Page 7252	Card	Was available to the PCC hearing committee	Page 6010	• No
Document No 102 Page 7253	Card	Was available to the PCC hearing committee	Page 6011	• No
Document No 103 Page 7254	Card	Was available to the PCC hearing committee	Page 6012	• No
Document No 104 Page 7255	Card	Was available to the PCC hearing committee	Page 5851	• No
Document No 105 Page 7257	Card	Was available to the PCC hearing committee	Page 5853	• No
Document No 106 Page 7259	Card	Was available to the PCC hearing committee	Page 5895	• No
Document No 107 Page 7261	Card	Was available to the PCC	Page 5859	• No

Report of the PCAC re Mennes, page 28

Document and Page number(s)	Description of document	New evidence or was available to the PCC hearing committee?	Note or page number(s) if already part of the record	PCAC Decision to accept submission
		hearing committee		
Document No 108 Page 7263	Certificate	Was available to the PCC hearing committee	Page 5883	• No
Document No 109 Page 7265	Card	Was available to the PCC hearing committee	Page 5897	• No
Document No 110 Page 7267	Card	Was available to the PCC hearing committee	Page 5909	• No
Document No 111 Page 7269	Card	Was available to the PCC hearing committee	Page 5911	• No
Document No 112 Page 7271	Drawing	Was available to the PCC hearing committee	Page 5913	• No
Document No 113 Page 7273 Page 7274	Card	Was available to the PCC hearing committee	Page 5917 Page 5907	• No
Document No 114 Page 7275	Drawing	Was available to the PCC hearing committee	Page 6015	• No
Document No 115 Page 7277	Card	Was available to the PCC hearing committee	Page 6017	• No
Document No 116 Page 7279	Christmas card	Was available to the PCC	Page 6019	• No

Report of the PCAC re Mennes, page 29

Document and Page number(s)	Description of document	New evidence or was available to the PCC hearing committee?	Note or page number(s) if already part of the record	PCAC Decision to accept submission
		hearing committee		
Document No 117 Page 7281	Handwritten notes by Mennes	New Evidence		<ul style="list-style-type: none"> • Yes • Was part of Mennes's written submission
Document No 118 Page 7283–7289	Garage sale photos	Was available to the PCC hearing committee	Page 6023–2028	<ul style="list-style-type: none"> • No
Document No 119 Page 7291	Handwritten notes by Mennes	New evidence		<ul style="list-style-type: none"> • Yes • Was part of Mennes's written submission
Document No 120 Page 7293 Page 7295 Page 7297 Page 7299 Page 7301 Page 7303 Page 7305 Page 7307	photos	Was available to the PCC hearing committee	Page 6029 Page 6030/5732 Page 6031 Page 6032 Page 6033/5734 Page 5730/6034 Page 6035 Page 5736/6036	<ul style="list-style-type: none"> • No
Document No 121 Page 7309–7311	Handwritten notes by Mennes	New evidence		<ul style="list-style-type: none"> • Yes • Was part of Mennes's written submission
Document No 122 Page 7313	Letter from [REDACTED] dated January 20, 2017	Was available to the PCC hearing committee	Page 6075	<ul style="list-style-type: none"> • No
Document No 123 Page 7317	Letter from [REDACTED], dated December 22, 2016	Was available to the PCC hearing committee	Page 6077	<ul style="list-style-type: none"> • No

Report of the PCAC re Mennes, page 30

Document and Page number(s)	Description of document	New evidence or was available to the PCC hearing committee?	Note or page number(s) if already part of the record	PCAC Decision to accept submission
Document No 124 Page 7317	Notice of decision from office of the registrar regarding ██████	Was available to the PCC hearing committee	Page 6079	<ul style="list-style-type: none"> • No
Document No 125 Page 7319–7322	CASS Code of professional conduct	Was available to the PCC hearing committee	Page 6081–6083	<ul style="list-style-type: none"> • No
Document No 126 Page 7323	E-mail from Mennes to ██████	Was available to the PCC hearing committee	Page 6097	<ul style="list-style-type: none"> • No
Document No 127 Page 7325	E-mail from ██████ to Mennes	Was available to the PCC hearing committee	Page 6098	<ul style="list-style-type: none"> • No
Document No 128 Page 7327	Association's Code of Professional Conduct	Was available to the PCC hearing committee	Page 6095	<ul style="list-style-type: none"> • No
Document No 129 Page 7329	Handwritten notes by Mennes	New evidence		<ul style="list-style-type: none"> • Yes • Was part of Mennes's written submission
Document No 130 Page 7331–7333	E-mailed meeting notes from ██████	Was available to the PCC hearing committee	Page 6129–6130	<ul style="list-style-type: none"> • No
Document No 131 Page 7335–7336	E-mailed meeting notes from ██████	Was available to the PCC hearing committee	Page 6129-6130 repeat of Document No 130	<ul style="list-style-type: none"> • No

Report of the PCAC re Mennes, page 31

Document and Page number(s)	Description of document	New evidence or was available to the PCC hearing committee?	Note or page number(s) if already part of the record	PCAC Decision to accept submission
Document No 132 Page 7337	Letter to ██████ from Mennes	Was available to the PCC hearing committee	Page 6133	<ul style="list-style-type: none"> • No
Document No 133 Page 7339–7341	Handwritten notes by Mennes	New evidence		<ul style="list-style-type: none"> • Yes • Was part of Mennes’s written submission
Document No 134 Page 7343	Association’s Code of Professional Conduct	Was available to the PCC hearing committee	Page 6095 Page 6145	<ul style="list-style-type: none"> • No
Document No 135 Page 7345-7357	██████████ policy	Was available to the PCC hearing committee	Page 6155–6161	<ul style="list-style-type: none"> • No
Document No 136 Page 7353	Request for investigation of unprofessional conduct from Mennes to Association	Was available to the PCC hearing committee	Page 6153	<ul style="list-style-type: none"> • No
Document No 137 Page 7355	Letter from ██████ dated December 12, 2016	Was available to the PCC hearing committee	Page 6165	<ul style="list-style-type: none"> • No
Document No 138 Page 7357–7367	Letter to ██████ from Mennes	Was available to the PCC hearing committee	Page 5186–5191	<ul style="list-style-type: none"> • No
Document No 139 Page 7369	Letter from ██████, dated December 14, 2016	Was available to the PCC hearing committee	Page 6181	<ul style="list-style-type: none"> • No

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Document and Page number(s)	Description of document	New evidence or was available to the PCC hearing committee?	Note or page number(s) if already part of the record	PCAC Decision to accept submission
Document No 140 Page 7371	Handwritten notes by Mennes	New evidence		<ul style="list-style-type: none"> • Yes • Was part of Mennes's written submission
Document No 141 Page 7373	Letter from [REDACTED], dated July 9, 2013	Was available to the PCC hearing committee	Page 6197	<ul style="list-style-type: none"> • No
Document No 142 Page 7375–7378	Letter to [REDACTED] from Mennes, dated May 22, 2013	New evidence but could have been available to PCC hearing committee		<ul style="list-style-type: none"> • No
Document No 143 Page 7379–7381	[REDACTED] Employee Accident/Exposure Incident report	New evidence but could have been available to PCC hearing committee		<ul style="list-style-type: none"> • No

Hackman's application to introduce new evidence

After having heard Mennes's application for new evidence, the PCAC considered [REDACTED] request for new evidence and followed the following procedure:

Procedure of the PCAC

1. PCAC allowed [REDACTED] to speak as to why they should grant special leave for new evidence
2. PCAC allowed Mennes to reply to [REDACTED]
3. PCAC allowed [REDACTED] to reply to Mennes's remarks

The PCAC considered the documents and issued a decision for each document and stated why it was granted special leave or was not granted special leave as outlined in the following chart.

Report of the PCAC re Mennes, page 33

Document title	Description of document	New evidence or was available to the PCC hearing committee	PCAC decision to accept submission
Exhibit 12— ND1331, page3	List of disclosed items by ██████ and ██████ at PCC hearing	New evidence	<ul style="list-style-type: none"> • Yes • Document was not in front of PCC hearing committee • Relevant to complaints by Mennes re: her binder
Exhibit 12— ND1331, page 2 Exhibit 12 B	From ██████ investigation report on Mennes, dated January 16, 2019	New evidence	<ul style="list-style-type: none"> • Yes • Document was not in front of PCC hearing committee • List of documents provided by Sherwin referencing document provided by Mennes • Relevant to many comments by Mennes.

The summary of decision of the committee regarding application from Mennes for special leave to introduce new evidence from Exhibit 1A, appendix C1 is as follows.

Special Leave not granted – not new evidence	Special Leave not granted	Items that the PCAC accepts as part of Mennes’ written submission	Special Leave granted	Cards of thanks Special Leave granted
Document number	Document number	Document number	Document number	Document number
1	2	7	5	
3	4	18	15	
6	10	67	16	
8	11		17	
9	14		42	
12	30		55	
13	32		65	
19	33			

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Special Leave not granted – not new evidence Document number	Special Leave not granted Document number	Items that the PCAC accepts as part of Mennes’ written submission Document number	Special Leave granted Document number	Cards of thanks Special Leave granted Document number
20 21 22 23 24 25 26 27 28 29 31 34–40 43–47 49–54 56 57 61 63 64 66 68 69	41 48 58 59 60 62			

The summary of decision of the committee regarding application from Mennes for special leave to introduce new evidence Exhibit 1A, appendix C2 is as follows.

Special Leave not granted – not new evidence	Special Leave not granted	Items that the PCAC accepts as part of Mennes’ written submission	Special Leave granted	Cards of thanks Special Leave granted
Document number	Document number	Document number	Document number	Document number
1	142	2		30
4	143	3		32
6		5		35
7-29		60		37
31		80		47
33-34		88		
36		117		
38-46		119		
48-59		121		
61-79		129		
81-87		133		
89-116		140		
118				
120				
122-128				
130-132				
134-139				
141				

OTHER CONSIDERATIONS

Subsequent to the reconvening of the PCAC hearing in September 2019, the chair of the committee, [REDACTED], was elected as a district representative to the Alberta Teachers’ Association Provincial Executive Council. Mennes and [REDACTED] were both advised of this and both submitted in writing, that they had no objection to [REDACTED] continuing as chair of the PCAC to this appeal hearing’s conclusion. It was further agreed by all parties that [REDACTED] would recuse himself from all discussions during Provincial Executive Council related to any discipline cases or general discussions regarding discipline and investigations until the PCAC has concluded this appeal hearing and the decision of the PCAC has been presented to Provincial Executive Council. (Exhibit 15)

In order to streamline matters for the hearing in September 2019, the PCAC arranged, and the parties were agreeable, to revising the documents in Exhibit 1A, appendices C1 and C2 to reflect the PCAC's decision based on the admission of new evidence. (Exhibit 1B)

BACKGROUND TO THE APPEAL

The charges against Mennes, as amended, were as follows:

1. Frieda Anne Mennes is charged with unprofessional conduct pursuant to the *Teaching Profession Act* in that she, while a member of the Alberta Teachers' Association, during the period September 1981 to December 2016, engaged in actions and/or made comments to students which failed to treat the students with dignity and respect and with consideration for their circumstances.
2. Frieda Anne Mennes is charged with unprofessional conduct pursuant to the *Teaching Profession Act* in that she, while a member of the Alberta Teachers' Association, during the period September 1981 to December 2016, treated students in a differential manner based on their academic abilities whereby students who were not strong academically were not treated with dignity and respect or in a manner that was considerate of their circumstances.
3. Withdrawn
4. Frieda Anne Mennes is charged with unprofessional conduct pursuant to the *Teaching Profession Act* in that she, while a member of the Alberta Teachers' Association, during the period September 2008 to March 2017, made critical comments about the professional performance and/or professional reputation of both school based and central office administrators in a manner which was not consistent with professional responsibilities towards colleagues.
5. Frieda Anne Mennes is charged with unprofessional conduct pursuant to the *Teaching Profession Act* in that she, while a member of the Alberta Teachers' Association, during the period September 2008 to March 2017, made written and/or verbal statements about both school based and central office administrators where the approach, inaccurate content and language employed were unbecoming to a professional teacher in her relationship(s) with colleagues.
6. Frieda Anne Mennes is charged with unprofessional conduct pursuant to the *Teaching Profession Act* in that she, while a member of the Alberta Teachers' Association, during the 2016/17 school year, refused to address legitimate parent/grandparent concerns relative to the treatment of their children in Mennes's classroom.

7. Frieda Anne Mennes is charged with unprofessional conduct pursuant to the *Teaching Profession Act* in that she, while a member of the Alberta Teachers' Association, during the 2016/17 school year, engaged in retaliatory actions against [Parent P] and/or [Grandparent P] for raising legitimate concerns about how their child/grandchild was treated in Mennes's classroom.
8. Frieda Anne Mennes is charged with unprofessional conduct pursuant to the *Teaching Profession Act* in that she, while a member of the Alberta Teachers' Association, during the 2016/17 school year, made false allegations against her principal, [REDACTED] to the school district and to other persons without advising [REDACTED] of those allegations contrary to section 14 of the Code of Professional Conduct.
9. Frieda Anne Mennes is charged with unprofessional conduct pursuant to the *Teaching Profession Act* in that she, while a member of the Alberta Teachers' Association, during the period September 2008 to June 2013, sent (an) anonymous letter(s) and/or notes to the superintendent of schools and/or school trustees, in which she made inflammatory and highly critical comments about the school administration and the [REDACTED]

Mennes's PCC hearing was scheduled to commence on December 4, 2017. The PCC hearing committee convened by conference call on November 21, 2017, to consider a request for an adjournment from Mennes's legal counsel, which was received by the Association on November 9, 2017, in order to allow Mennes's legal counsel more time to prepare. The hearing was rescheduled and adjourned from December 4, 2017 to March 1, 2018. The PCC hearing began on March 1, 2018 and continued on March 2, March 5–9 and March 12–13, 2018. The second part of the PCC hearing was reconvened on June 18, 2018 and continued to June 22, 2018. The third part of the PCC hearing recommenced on October 29, 2018 and continued to November 1, 2018. The last part of the PCC hearing reconvened on November 19, 2018 and continued to November 26, 2018.

The PCC hearing committee listened to testimony from fifty-eight witnesses of which, fifty were called by the presenting officers and eight were called by Mennes. The PCC hearing committee considered the credibility of each witness that testified. (Exhibit 1B, pages 6572 to 6590) Mennes testified before the PCC hearing committee, but the PCC hearing committee did not find her to be a credible witness for various reasons. (Exhibit 1B, pages 6586 to 6587) Although Mennes repeatedly alleged to the PCC hearing committee that there was a conspiracy amongst presenting officers' witnesses, it was determined by the PCC hearing committee that there was no evidence of collusion. In fact, the PCC hearing committee concluded that the similarity of witness testimony regarding Mennes's behaviour was due the pattern of behaviour Mennes displayed at the hearing. (Exhibit 1B, pages 6590 to 6591)

The PCC hearing committee found, based on the evidence adduced and witness testimonies that Mennes acted in a manner that failed to treat the students with dignity and respect extending over

a long period of time. The PCC hearing committee also found the incidents were not isolated and the actions of Mennes were repeated on many occasions and were similar in nature. (Exhibit 1B, page 6591)

The PCC hearing committee found, based on witness testimony and the evidence adduced, that Mennes, over an extended period of time, was unprofessional in her treatment of students who were not academically strong. The PCC hearing committee determined that this behaviour was not considerate of the students' circumstances. (Exhibit 1B, page 6591)

The PCC hearing committee found, based on witness testimony and the evidence adduced, that Mennes, over an extended period of time, September 2008 to March 2017, made critical comments about the professional performance and reputation of both school based and central office staff in a manner that was not consistent with Mennes's professional responsibilities towards colleagues. The PCC hearing committee believed the comments were retaliatory in nature and were meant to inflict personal and professional suffering on her colleagues. (Exhibit 1B, page 6593)

The PCC hearing committee found, based on witness testimony and the evidence adduced, that Mennes, over an extended period of time, made both written and/or verbal statements about both school based and central office staff where the approach, inaccurate content and language employed were unbecoming to a professional teacher in her relationship with colleagues. Mennes' communications were malicious and derogatory. (Exhibit 1B, page 6594)

The PCC hearing committee found, based on witness testimony and the evidence adduced, that Mennes refused to address legitimate concerns from parents and grandparent relative to the treatment of their children. (Exhibit 1B, pages 6594 to 6595)

The PCC hearing committee found, based on witness testimony and the evidence adduced, that Mennes engaged in retaliatory actions, including filing a false accusation of assault to the RCMP, against a parent and grandparent for raising legitimate concerns about the treatment of a child in Mennes's classroom. (Exhibit 1B, page 6595)

The PCC hearing committee found, based on witness testimony and the evidence adduced, that Mennes made false allegations against her principal through various letter writing campaigns which defamed her colleague to many different authorities in the province. She criticized the professional competence and reputation of her colleague in a public forum and not to proper officials. The actions of Mennes had an impact on many individuals in the [REDACTED] school division and they were not a one time event. (Exhibit 1B, page 6596)

The PCC hearing committee found, based on witness testimony and the evidence adduced, that Mennes, over an extended period of time, September 2008 to June 2013, sent anonymous letters and/or notes to the superintendent of schools and to school trustees in which she made inflammatory and highly critical remarks about the school administration and other staff. These letters smeared the reputation of many individuals and caused them to fear Mennes. (Exhibit 1B, page 6596)

The PCC hearing committee imposed the following penalties on Mennes:

For Charge 1

1. a declaration that Mennes is permanently ineligible for membership in the Alberta Teachers' Association,
2. a recommendation to the minister of education to cancel Mennes's teaching certificate and
3. a fine of \$8,000.

For Charge 2

1. a declaration that Mennes is permanently ineligible for membership in the Alberta Teachers' Association,
2. a recommendation to the minister of education to cancel Mennes's teaching certificate and
3. a fine of \$5,000

For Charge 4

1. a declaration that Mennes is permanently ineligible for membership in the Alberta Teachers' Association,
2. a recommendation to the minister of education to cancel Mennes's teaching certificate and
3. a fine of \$4,500

For Charge 5

1. a letter of severe reprimand and
2. a fine of \$4,500

For Charge 6

1. a declaration that Mennes is permanently ineligible for membership in the Alberta Teachers' Association,
2. a recommendation to the minister of education to cancel Mennes's teaching certificate and
3. a fine of \$4,000

For Charge 7

1. a letter of severe reprimand and
2. a fine of \$1,500

For Charge 8

1. a declaration that Mennes is permanently ineligible for membership in the Alberta Teachers' Association,
2. a recommendation to the minister of education to cancel Mennes's teaching certificate and
3. a fine of \$2,500

For Charge 9

1. a declaration that Mennes is permanently ineligible for membership in the Alberta Teachers' Association,
2. a recommendation to the minister of education to cancel Mennes's teaching certificate and
3. a fine of \$2,500

The PCC hearing committee further ordered that the fines, totalling \$32,500 were payable as follows

1. one third, \$10,833, must be paid to the Association within 30 days of Mennes's receipt of PCC hearing committee's written decision and
2. the balance, \$21,667, must be paid to the Association within 90 days of Mennes's receipt of PCC hearing committee's written decision.

Failure to pay the fines in full, within the prescribed time would result in enforcement action.

SUBMISSION OF THE APPELLANT ON THE MERITS OF THE APPEAL

1. The PCAC hearing reconvened on September 9, 2019.
2. The notice of continuation of appeal hearing was sent to Mennes and Canada Post confirmed it was delivered on July 29, 2019. (Exhibit 14)
3. The chair confirmed that both parties agreed to [REDACTED] continuation as chair of the PCAC. [REDACTED] and Mennes both agreed verbally along with signed letters previously received by [REDACTED] (Exhibit 15)
4. The PCAC heard oral submissions from Mennes over two and a half days. As part of her submissions, Mennes provided the PCAC with a submission binder tabbed A to Z and guided the PCAC through her submission binder. (Exhibit 17) During her submissions, Mennes amended her copy of the binder. The binder, as amended, was entered and marked as Exhibit 18. The following is a summary of Mennes's submissions to the PCAC.
5. Mennes stated she was seeking all findings and orders to be quashed on all charges she was found guilty of by the PCC hearing committee. Mennes made further requests for remedies that were beyond the jurisdiction of the PCAC.

6. Mennes confirmed the following grounds of her appeal detailed in Exhibit 1B (appendix C1, appendix C2), Exhibit 2, Exhibit 17 and Exhibit 18:
 - a) miscarriage of justice
 - b) errors of fact
 - c) errors of law
 - d) no due process during the investigation
 - e) perjury
 - f) criminal activity
 - g) collusion
 - h) no duty of fair representation before the PCC hearing committee
 - i) equity and equality before the law
 - j) media reporting of the results of the PCC hearing committee's decision
 - k) no due process during the hearing before the PCC hearing committee (ridiculed, interrupted)
 - l) unfair influencing of witnesses especially former students
 - m) suppression of her evidence by the investigator
 - n) financial abuse
 - o) redundancy of charges 4 and 5 (Exhibit 2)

7. Mennes guided the PCAC through her submission binder. (Exhibit 18)

Introduction: a travesty of justice

This section highlighted the activities of [REDACTED] and [REDACTED], which Mennes characterized as criminal activity.

Tab A: travesty of justice, no due process

This section highlighted the accusations by Mennes that [REDACTED] colluded with the investigator to suppress evidence, which contravened her right to due process. She identified a number of situations where she felt due process did not exist in the investigation or during the PCC hearing.

Tab B: travesty of justice during PCC hearing

This section highlighted Mennes's belief that many witnesses who testified before the PCC hearing committee had committed perjury. Mennes also believed that the PCC hearing committee ridiculed her during the hearing and engaged in criminal activity and illegal misconduct in the reporting of the PCC hearing committee's decision. She stated that it was a dishonest and unfair investigative process, hearing and outcome.

Tab C: travesty of justice

This section highlighted Mennes's contention that the PCAC should exonerate her because she is not guilty of the charges and that there was misconduct by the investigators, the PCC hearing committee, the Association, the presenting officers, school personnel, counsel to the PCC hearing committee and [REDACTED] School Division. For instance, she alleged there was collusion and the witnesses were coached.

Tab D: dishonest statements, reporting, and illegal misconduct by presenting officers, interviewers

This section highlighted Mennes's belief that all her written statements during the investigation and the PCC hearing were the result of being asked for her opinion. She believed that because she was asked to provide her opinion, she was not being unprofessional when she gave her opinion. She stated that she believe that she followed due process while the others did not. Mennes believed her voice was silenced.

Tab E: travesty of justice and ridicule

This section highlighted Mennes's accusation that there was illegal misconduct by the PCC hearing committee, the presenting officers and counsel to the PCC hearing committee, [REDACTED]. Mennes complained that [REDACTED] ridiculed her last name and verbally painted a dishonest picture of her.

Tab F: no due process

This section highlighted Mennes's argument that she was presumed guilty from the start of the investigation. She stated she was treated differently than other teachers, that the investigation was unfair and that the investigation report was not honest. According to Mennes, she should have been offered independent judiciary. She claimed she had a right to a fair and impartial hearing and this was not what occurred during the investigation and the PCC hearing process. She asserted she should have been offered advice from a lawyer provided for her by the Association. Mennes claimed she was not given sufficient time to prepare for the PCC hearing. She further claimed [REDACTED] and [REDACTED] were allowed to present new evidence at the PCC hearing while she was not. Mennes stated [REDACTED] and [REDACTED] interrupted her on numerous occasions during the PCC hearing.

Tab G: equality before the law

This section highlighted Mennes's assertion that her right to be treated equally under the Canadian Charter of Rights and Freedoms was abused. She had requested an investigation and hearing into misconduct by [REDACTED] and [REDACTED]. The denial of Complainant Appeal Committee's decision to refer the matter to a Professional Conduct Committee, combined with her assertion that the investigator hid evidence on [REDACTED] and [REDACTED] wrongdoings and that she did not receive fair representation from her union, resulted in her rights being violated. In oral submissions, Mennes acknowledged that the conduct of [REDACTED] and [REDACTED] were not before this PCAC. She further reiterated that the media reporting of the original hearing also violated her right to privacy. Her reputation has been destroyed.

Tab H: travesty of justice–suspension, investigation and outcomes

This section highlighted Mennes's contention that she was not treated fairly under the Teacher Growth, Supervision and Evaluation policy. She stated that a single complaint from a parent resulted in her being suspended from work and began the evaluation process. Mennes asserted that the Association did not fully consider the immense number of cards, letters of thanks and other documentation as proof of Mennes being well liked by her students and parents. She was a respected teacher in the school community. Mennes believes she was bullied by [REDACTED], [REDACTED] and [REDACTED].

Tab I: perjury by [REDACTED]

This section highlighted Mennes's allegation that [REDACTED] testimony regarding [REDACTED] was incorrect and therefore [REDACTED] committed perjury under the Criminal Code (Canada). Mennes referred to the use of the word suspension by the [REDACTED] Police Service as proof that [REDACTED] had advised [REDACTED] of her suspension, when in fact she had not been suspended but was on unassigned duties.

Tab J: perjury by Parent C

This section highlighted Mennes's assertion that Parent C had fabricated concerns for the investigator years after [REDACTED] child had been a student in Mennes's class. Mennes stated that although Parent C claimed to be a volunteer in her classroom, [REDACTED] was not. Therefore, Parent C had committed perjury under the Criminal Code (Canada).

Tab K: travesty of justice, perjury by [REDACTED]

This section highlighted Mennes's complaint that [REDACTED] deliberately misrepresented the facts surrounding a parental complaint about Mennes's treatment of a student in her class. Mennes alleged that [REDACTED] committed perjury under the Criminal Code (Canada).

Tab L: perjury by Student A

This section highlighted Mennes's contention that Student A's testimony, written statements and information in the investigation report were full of hate, perjury, dishonesty and deliberate deceptiveness.

Tab M: perjury by [REDACTED]

This section highlighted Mennes's assertion that [REDACTED] testimony was embellished about Mennes keeping students in her class during recess and after school as well as the parental complaints. Mennes alleged that [REDACTED] committed perjury under the Criminal Code (Canada).

Tab N1: perjury by [REDACTED]

This section highlighted Mennes's allegation that [REDACTED] fabricated evidence to wilfully attempt to obstruct or defeat the course of justice. She stated [REDACTED] exaggerated the time they

had worked together and lied about various conversations they had. Mennes alleged that [REDACTED] committed perjury under the Criminal Code (Canada).

Tab N2: perjury by [REDACTED]

This section highlighted Mennes's contention that [REDACTED] written statement and testimony in front of the PCC hearing committee was fraudulent and dishonest. Mennes alleged that [REDACTED] violated the Criminal Code (Canada) by committing perjury.

Tab N3: perjury by [REDACTED]

This section highlighted Mennes's assertion that [REDACTED] written statement and testimony were untruthful. Mennes believed that [REDACTED] was unduly influenced by someone to be dishonest.

Tab O1: perjury by Parent N

This section highlighted Mennes's belief that Parent N lied in [REDACTED] testimony before the PCC hearing committee. Mennes provided examples of testimony where [REDACTED] asserted the witness lied under oath and therefore committed perjury under the Criminal Code (Canada).

Tab O2: perjury by Student N

This section highlighted Mennes's claim that Student N lied in [REDACTED] testimony before the PCC hearing committee and was coached by the investigators. Mennes provided examples of testimony where [REDACTED] asserted the witness lied under oath and therefore committed perjury under the Criminal Code (Canada).

Tab P1: perjury by Student P

This section highlighted Mennes's belief that Student P lied in [REDACTED] testimony before the PCC hearing committee. Mennes provided examples of testimony where [REDACTED] asserted the witness lied under oath and therefore committed perjury under the Criminal Code (Canada).

Tab P2: perjury by Parent P

This section highlighted Mennes's assertion that Parent P lied in [REDACTED] testimony before the PCC hearing committee. Mennes provided examples of testimony where [REDACTED] asserted the witness lied under oath and therefore committed perjury under the Criminal Code (Canada).

Tab P3: perjury by Grandparent P

This section highlighted Mennes's contention that Grandparent P lied in [REDACTED] testimony before the PCC hearing committee. Mennes provided examples of testimony where [REDACTED] asserted the witness lied under oath and therefore committed perjury under the Criminal Code (Canada).

Tab Q1: perjury by Parent Q

This section highlighted Mennes's claim that Parent Q lied in [REDACTED] testimony before the PCC hearing committee. Mennes provided examples of testimony where [REDACTED] asserted the witness lied under oath and therefore committed perjury under the Criminal Code (Canada). She further

stated that Parent Q never alerted Mennes that [REDACTED] had concerns about Mennes's treatment of Parent Q's child.

Tab Q2: perjury by Student Q

This section highlighted Mennes's belief that Student Q lied in [REDACTED] testimony before the PCC hearing committee. Mennes provided examples of testimony where [REDACTED] asserted the witness lied under oath and therefore committed perjury under the Criminal Code (Canada). Mennes claimed there was substantial evidence that Student Q committed perjury and [REDACTED] unlawful conduct was motivated by a premeditated or intentional purpose to find Mennes guilty.

Tab R1: perjury by [REDACTED]

This section highlighted Mennes's allegation that [REDACTED] lied in [REDACTED] written statement and testimony before the PCC hearing committee. Mennes provided examples of testimony where [REDACTED] asserted the witness lied under oath and therefore committed perjury under the Criminal Code (Canada). Mennes further stated that [REDACTED] testimony could not have been truthful because [REDACTED] had never been in Mennes's classroom and Mennes had, at one time, given [REDACTED] a leather coat.

Tab R2: perjury by Parent B

This section highlighted Mennes's belief that Parent B lied in [REDACTED] written statement and testimony before the PCC hearing committee. Mennes provided examples of testimony where she asserted the witness lied under oath, allegedly committing perjury under the Criminal Code (Canada), regarding the use of IPP and the accommodations used in Mennes's classroom.

Tab R3: perjury by Student B

This section highlighted Mennes's claim that Student B lied in [REDACTED] written statement and testimony before the PCC hearing committee. Mennes provided examples of testimony where she asserted the witness lied under oath regarding [REDACTED] IPP and the accommodations used to assist [REDACTED] in the classroom. Mennes alleged that Student B committed perjury under the Criminal Code (Canada).

Tab S: perjury by [REDACTED]

This section highlighted Mennes's contention that [REDACTED] lied in [REDACTED] written statement and testimony before the PCC hearing committee. Mennes provided examples of testimony where she asserted the witness lied under oath regarding the Mennes's treatment of students who required extra time or assistance, in violation of the Criminal Code (Canada).

Tab T: perjury by Student K

This section highlighted Mennes's assertion that Student K lied in [REDACTED] written statement and testimony before the PCC hearing committee. Mennes provided examples of testimony where she asserted the witness lied under oath regarding how [REDACTED] was treated by Mennes.

Mennes further asserted that Student K's testimony ran counter to remarks Student K had previously made about [REDACTED] time in Mennes's class. Mennes argued that this proved that Student K's testimony was coached and [REDACTED] was influenced to be untruthful in [REDACTED] written statement and testimony. Mennes also alleged that other students who testified before the PCC hearing committee were influenced, coached, intimidated and colluded.

Tab U: perjury by [REDACTED]

This section highlighted Mennes's allegation that [REDACTED] lied in [REDACTED] testimony before the PCC hearing committee. Mennes provided examples of testimony where she asserted the witness lied under oath, allegedly committing perjury under the Criminal Code (Canada). Mennes claimed [REDACTED] written and oral testimony were both dishonest. Mennes also alleged that [REDACTED] committed fraud under the Criminal Code (Canada).

Tabs V, W, Y and Z did not have any written materials in them.

Tab X: retribution

Mennes asserted that throughout the entire process she was mistreated by the Association. Her first claim was that the investigation was neglectful and malicious. She went on to assert that the PCC hearing committee's report is libellous and the fact that the news media were given copies of the written decision of the PCC hearing committee was a serious breach of her rights. As result of the media coverage on her case, Mennes stated she has suffered mental anguish, humiliation, and damage to her reputation. She asserted that she should be compensated for the embarrassment and dishonesty.

Mennes further stated that she should be compensated for the thousands of dollars she spent on (1) lawyers, (2) [REDACTED] costs, (3) hotel bills, (4) photocopying charges, (5) printing, (6) obtaining a cease and desist letter, (7) her witnesses' expenses and (8) other expenses she incurred while trying to fight for the truth. She submitted that she deserves to be exonerated, as she is not the teacher or person described in the investigation that was full of criminal activity by the Association witnesses and slander. Mennes stated this was a travesty of justice.

Mennes also included the following as part of her retribution submissions:

- The Association to help her get compensation from the [REDACTED] School Division.
- The minister of education to fire [REDACTED] from [REDACTED] role as vice-chair of the [REDACTED] School Division for allegedly committing perjury and not treating all teachers with dignity and respect.
- The Association to press criminal charges against witnesses who Mennes alleged committed perjury and/or used false documentation.
- The costs of the PCC hearing and the PCAC hearing to be charged to the Association, the investigating officers and the presenting officers.

- The PCC hearing committee appointed to her case to pay an equal portion of the costs associated with the proceedings, along with the investigating and presenting officers.
- The minister of education to ensure the [REDACTED] School Division is cleaned out so all teachers can speak freely.
- The Association to create a detailed legal document that addresses how investigations are carried out.
- The minister of education to mandate all evaluations or reports on teachers to be signed by the teacher, administrator and any witnesses at the time the report is created.
- The librarian at [REDACTED] Park School be fired for [REDACTED] alleged dishonesty.
- Two teachers from [REDACTED] Park School lose their teaching certificates for their alleged perjury.
- Criminal charges be laid against [REDACTED]
- [REDACTED] be investigated for assaulting Mennes.

Lastly, the PCAC also heard submissions from Mennes on each of the charges she was found guilty of and the sanctions imposed by the PCC hearing committee.

SUBMISSION OF THE RESPONDENT

1. The presenting officers only made oral submissions to the PCAC. They did not provide any written submissions to the PCAC.
2. [REDACTED] submitted there was no proof provided by Mennes that would cause the PCAC to overturn the decisions made by the PCC hearing committee. The purpose of the PCAC is to review the decision of the PCC hearing committee to determine whether the decision was reasonable given the evidence presented to the PCC hearing committee.
3. In terms of new evidence, [REDACTED] submitted that this should be restricted to evidence that was not available at the time of the original hearing. [REDACTED] further argued that Mennes's written submissions, which are not evidence, should not be considered by the PCAC.
4. [REDACTED] highlighted evidence that the PCC hearing committee had received and considered regarding Mennes's treatment of students, parents and colleagues which constituted unprofessional conduct.
5. [REDACTED] and [REDACTED] argued that:
 - a) PCC hearing committee saw documentary evidence and heard testimony from fifty-eight witnesses. The PCC hearing committee did not see [REDACTED] investigation report as it

was not relevant. The investigation report to the executive secretary is an internal document from the investigating officer that allows the executive secretary to make a determination if there is sufficient evidence to order a hearing. The investigation report is not tested evidence and therefore should not be considered as such.

- b) Mennes claimed that not all the documents she had submitted to ██████ were considered and passed on to the presenting officers. Whether ██████ passed all of these documents to the presenting officers is irrelevant. What is important is that Mennes, by her own admission, had received those documents and was able to provide them and her associated arguments to the PCC hearing committee. (Exhibit 12) If Mennes believed there were documents in existence that should have been seen by the PCC hearing committee, she could have presented them along with any witness that could have corroborated her narrative.
- c) Mennes's claim of financial abuse in terms of her bill from her lawyer should not be given any weight by the PCAC. There are specific rules of disclosure that must be adhered to and the Association followed those rules. Further, the fact that these documents were sent to Mennes's lawyer is further evidence that the Association was not hiding Mennes's documents.
- d) Mennes's accusations of criminality and errors of fact are not backed up by evidence; she has only provided her personal narrative and assertions without any supporting evidence.
- e) Mennes claimed ██████ notes were fraudulent and ██████ did not write ██████ notes until four years after she had left ██████ School and because of this action, ██████ was guilty of criminal activity. However, according to ██████ testimony before the PCC hearing committee, which was not discredited at the time, ██████ said ██████ wrote ██████ notes as soon as possible after the conversations took place. (Exhibit 1B, page 733) Not only was this testimony not challenged by Mennes before the PCC hearing committee, Mennes provided no evidence beyond her own opinion that ██████ notes were not written at the time ██████ testified they were.
- f) Mennes claimed that she was not provided with the duty of fair representation. However, the duty of fair representation does not apply to matters of professional conduct but rather applies to representing a person's interests related to collective agreement issues. If however, Mennes is using the term incorrectly to deal with fair and reasonable treatment within the process of the investigation, the PCC hearing committee and the subsequent PCAC, the presenting officers submitted they have not seen any evidence or corroboration of her accusations.
- g) Mennes stated that the presenting officers did not offer her protection or representation. That is true, as that is not the role of the presenting officers. Any issues that Mennes may

or may not have had with her employer would not come under the purview of the Association discipline process.

- h) Mennes accused the Association of colluding with ██████████ School Division. However, she has provided no evidence of this, either in documents or in testimony that would support this allegation.
- i) Mennes further stated that she did not receive due process as she was constantly interrupted during the PCC hearing. ██████████ explained ████████ interruptions were merely objections or cross examination and are permissible in any hearing.
- j) Mennes claimed the PCC hearing committee's legal counsel committed an error of law by being disrespectful during her closing argument. However, upon reviewing the transcript, on page 4696 of Exhibit 1A, ██████████ specifically asked people to accord Mennes the same respect for her closing as she did for the presenting officers' closing.
- k) Mennes claimed that ██████████ lied under oath. However, Mennes chose not to challenge ██████████ testimony during the PCC hearing. Once again, Mennes did not provide any direct testimony or evidence to prove this claim. Further, this hearing is about Mennes conduct not anyone else's.
- l) Mennes advised that she did not receive due process in terms of sufficient time to prepare for the PCC hearing. The TPA stipulates that a member must receive a notice of a hearing 15 days prior to the commencement of the hearing. Mennes was given 3–4 months to prepare for the PCC hearing.
- m) Mennes stated that she did not send a letter to the University of ██████████. However, the University of ██████████ e-mail system places a name in the e-mail if the sender is known. Mennes provided no direct testimony or evidence to refute this.
- n) Mennes claimed that there were errors of fact that proved many people were colluding against her. She claimed the use of the word "suspension" by the ██████████ Police Service was proof that ██████████ had advised ██████████ and then ██████████ had asked a friend in the police to investigate. Mennes reminded the PCAC that she was not suspended but rather placed on unassigned duties and not required to report to school pending the investigation, and that she was not teaching at ██████████ School at the time but rather was employed at ██████████ School. ██████████ addressed the mistake in terms of the name of the school as likely a mistake in reporting by the RCMP and the use of suspension rather than unassigned duties was just how the police referred to it. Further, ██████████ pointed out that there was no evidence to show that the police acted improperly, but even if they did, it would not come under the purview of the PCAC.
- o) Mennes alleged that a letter written by ██████████ was not considered as evidence. ██████████ explained that ██████████ was the ██████████ of the vice-principal. ██████████ letter

- contained second-hand information received from [REDACTED], but did not include any direct evidence as [REDACTED] was not a staff member.
- p) Mennes accused [REDACTED] of downloading pictures from her computer without her knowledge. [REDACTED] stated that there was no evidence to support this claim. Further, Mennes chose not to test the credibility of this witness when given the opportunity to cross examine [REDACTED] during the PCC hearing.
 - q) [REDACTED] highlighted evidence the PCC hearing committee had received and heard regarding Mennes's treatment of students, parents and colleagues. The PCC hearing committee found the evidence constituted unprofessional conduct.
 - r) [REDACTED] highlighted evidence the PCC hearing committee had received and heard regarding Mennes's many letters and e-mails sent to various organizations and people, such as the College of School Superintendents, the school board chair, the Provincial Registrar and the Premier, criticizing her colleagues' and administrators' conduct and competency. This is in direct contravention of the Code of Professional Conduct.
 - s) Mennes stated in her grounds for appeal that many witness names that she provided to the investigating officer were not interviewed or called as witnesses during the PCC hearing. [REDACTED] stated Mennes was given every opportunity to call witnesses at the PCC hearing and the fact that she did indeed call seven witnesses, excluding Mennes herself, proves that she was not denied this right. The presenting officers do not call witnesses for the investigated member. That was not their role.
 - t) Mennes claimed she was treated unfairly as a direct result of the Association releasing details of the hearing findings to the media. The PCAC's role is to look at the proceedings of the PCC. Further, it should be noted that hearings are public and can be attended by media personnel. The Association has no control over what the media reports.
 - u) Mennes claimed the many cards she received from students and parents were evidence that the student and parents thought she was a good teacher and person. [REDACTED] contended that greeting cards are a social convention and not evidence to support or discredit a witness's credibility.
 - v) Mennes claimed most of the adults and children who testified at the PCC hearing either lied or were coached by others on what to say. However, according to the PCC transcripts, Mennes did not cross examine the following witnesses: Parent C, Student A, [REDACTED]
 - w) Mennes cross examine [REDACTED] [REDACTED] The PCC hearing committee heard and considered these witnesses' direct testimony and their answers on cross examination and determined each witness' credibility. Mennes provided no evidence to the PCC hearing committee or to the PCAC to discredit these witnesses. Accordingly, the PCAC should not accept Mennes's submissions without evidence to support her submissions, which Mennes did not provided to the PCAC.

- x) Mennes requested that all findings be quashed. ██████ asked that the PCAC consider that Mennes's actions were significant, wide ranging and repeated over a long period of time. Mennes's conduct, behaviour and actions caused significant and detrimental harm to students, parents and colleagues.
- y) Mennes requested that all orders be quashed. ██████ asked that the PCAC consider that the penalties ordered by the PCC hearing committee were appropriate given Mennes's egregiously unprofessional behaviour, her malicious intent toward students, parents and colleagues and her apparent lack of remorse for her actions. To date, Mennes has not taken any responsibility for her actions or conduct. ██████ concluded by asking the PCAC to consider increasing the fines levied by PCC hearing committee.

STANDARD OF REVIEW

The PCAC applied a standard of review of reasonableness to the PCC hearing committee's decision and the penalties imposed on Mennes. A reasonable decision is one that falls within a range of possible and acceptable outcomes that are defensible in respect of the fact and the law. The reasonableness of a decision should be reviewed in the context of the evidence and the submissions made by the parties in the hearing under appeal, and the overall process.

A decision will be unreasonable if there is no line of analysis with the given reasons that could reasonably lead the committee from the evidence before it to the conclusion at which it arrived. A standard review of reasonableness means that the appeal committee must exercise deference in relation to the decision of the hearing committee. A decision is reasonable if the decision making process is justified, transparent and intelligible resulting in a decision that falls within the range of possible, acceptable outcomes which are defensible on the facts and law.

DECISION OF THE COMMITTEE

1. Applying the standard of review of reasonableness, the PCAC found the PCC hearing committee's guilty findings on all charges to be reasonable and, as a result, the appeal was denied.
2. Based on the standard of review of reasonableness, the PCAC varied the PCC hearing committee penalties imposed only in regards to the fines levied for Charge 1 and Charge 2 to \$4,000 each. Therefore the following will apply:

For Charge 1

- a. a declaration that Mennes is permanently ineligible for membership in the Alberta Teachers' Association,
- b. a recommendation to the minister of education to cancel Mennes's teaching certificate and
- c. a fine of \$4,000.

For Charge 2

- a. a declaration that Mennes is permanently ineligible for membership in the Alberta Teachers' Association,
- b. a recommendation to the minister of education to cancel Mennes's teaching certificate and
- c. a fine of \$4,000

3. Applying the standard of review of reasonableness, the PCAC found all other penalties and orders imposed by the PCC hearing committee to be reasonable and, as a result, all appeals of penalties and orders were denied. Therefore the following will apply:

For Charge 4

- a. a declaration that Mennes is permanently ineligible for membership in the Alberta Teachers' Association,
- b. a recommendation to the minister of education to cancel Mennes's teaching certificate and
- c. a fine of \$4,500

For Charge 5

- a. a letter of severe reprimand and
- b. a fine of \$4,500

For Charge 6

- a. a declaration that Mennes is permanently ineligible for membership in the Alberta Teachers' Association,
- b. a recommendation to the minister of education to cancel Mennes's teaching certificate and
- c. a fine of \$4,000

For Charge 7

- a. a letter of severe reprimand and
- b. a fine of \$1,500

For Charge 8

- a. a declaration that Mennes is permanently ineligible for membership in the Alberta Teachers' Association,
- b. a recommendation to the minister of education to cancel Mennes's teaching certificate and
- c. a fine of \$2,500

For Charge 9

- a. a declaration that Mennes is permanently ineligible for membership in the Alberta Teachers' Association,
- b. a recommendation to the minister of education to cancel Mennes's teaching certificate and
- c. a fine of \$2,500

4. The PCAC upheld the PCC hearing committee's decision that the fines, now totalling \$27,500 were payable as follows
 - a. one third, \$9,167 must be paid to the Association within 30 days of Mennes's receipt of PCAC's written decision and
 - b. the balance, \$18,333 must be paid to the Association within 90 days of Mennes's receipt of PCAC's written decision.

Failure to pay the fines in full, within the prescribed time would result in enforcement action.

REASONS FOR DECISION

1. Although the PCAC may not address each ground of appeal raised by Mennes below, the PCAC confirms that it has reviewed and considered each of Mennes' issues and grounds of appeal raised.
2. Upon having reviewed the decision of the PCC hearing committee, the record of proceedings and the additional exhibits marked 1 to 18 in these proceedings, the PCAC found the PCC hearing committee's decision to be reasonable. The PCAC found the PCC hearing committee's decision, including its findings of guilt on all charges, to be justifiable, transparent and intelligible.
3. The PCAC found no errors in logic or reasoning by the PCC hearing committee in its decision.
4. The PCAC determined that the PCC hearing committee had not erred in its review of the evidence before it.
5. The PCAC determined that the PCC hearing committee's process was fair and the PCC

hearing followed the steps and procedures as agreed to by both parties at the commencement of the PCC hearing. The PCAC found that due process was afforded to Mennes throughout the PCC hearing. The PCAC reviewed the evidence that was before the PCC hearing committee and concluded that there was more than ample evidence on which the PCC hearing committee could find that the charges were proven.

6. The PCAC found, based on Mennes's submissions that she was essentially asking the PCAC to re-try the case and to re-weigh and re-assess the evidence, which the PCAC is not to do under the reasonableness standard.
7. The PCAC noted the PCC hearing committee heard evidence from fifty-eight witnesses over 21 days of proceedings from March 2018 to November 2018. After having heard from all witnesses, the PCC hearing committee examined, in great detail, the credibility of each witness and made a series of findings respecting whether they were a credible, somewhat credible or not credible witness. (Exhibit 1B, pages 6572 to 6591) The PCAC further noted that the PCC hearing committee found some witnesses more credible than others, indicating that the PCC hearing committee did not accept every witness's testimony. The PCC hearing committee considered the following factors for each witness to determine their credibility:
 - a) appearance and demeanour of the witness
 - b) ability to perceive the actions that led to the charges
 - c) ability of the witness to recall
 - d) what was the motivation of the witness
 - e) was the witness's testimony plausible or probable
 - f) was there internal consistency in the witness's evidence
 - g) was there external consistency in the testimony between witnesses
8. Having heard Mennes's submissions, reviewed the record of proceedings and the exhibits marked in these proceedings, the PCAC was not convinced that there were any errors by the PCC hearing committee. There was no evidence that the PCC hearing committee's determinations with respect to credibility of witnesses were unreasonable or that PCAC should substitute its opinion for that of the PCC hearing committee. There was no evidence provided to the PCAC to contradict the PCC hearing committee's determination of witness credibility (Exhibit 1B, pages 6572 to 6591). Mennes provided no evidence of witnesses being coached in their testimony nor any direct evidence of deliberate mis-truths. The PCAC considered errors in witness testimony by Mennes but found that if there was an error, it was not substantive and could be explained by the passage of time.
9. The PCAC found the PCC hearing committee to be very diligent in their review of the evidence adduced.

10. The PCAC also found that the PCC hearing committee clearly delineated testimony and exhibits for each charge illustrating how they reached their decisions. In other words, for each of the charges before the PCC hearing committee, the PCAC found that the PCC hearing committee had clearly set out the testimony and documentary evidence that supported each charge which resulted in a guilty finding. The PCAC found the conclusions of the PCC hearing committee fell within the range of acceptable outcomes and were defensible on the facts and the law.
11. There was no evidence provided to the PCAC to contradict the PCC hearing committee's determination that the evidence provided supported their findings on each charge.
12. The PCAC considered the relative weight of the documents submitted when rendering its decision, in light of the PCAC granting special leave for new evidence on request of the parties.
 - a) The PCAC determined that the appellant's additional submission of cards and letters she had received from students over her years of teaching did not contradict the sworn testimony of witnesses during the PCC hearing. The PCAC found that the giving of cards by students is a social convention and was not evidence to support or discredit a witness's testimony. Further, many elementary students create cards as class projects and are not indicative of their feelings towards a specific person or teacher.
 - b) The PCAC determined that the appellant's hand-written notes on photos and cards would be considered as part of her written submission but were given little weight, as this provided the PCAC with no evidence to contradict the findings of the PCC hearing committee. Notes such as "travesty of justice," "errors of fact," "illegal misconduct" and "errors of law" are arguments and statements that do not constitute evidence.
 - c) The PCAC determined that the appellant's submission of various documentation from medical practitioners, police services, her own records and the Association were not relevant to the appeal. The PCAC gave these documents consideration and determined that they did not inherently make the findings and orders of the PCC hearing committee unreasonable. The appellant presented no evidence of a direct link between the documents submitted and the charges on which she was found guilty. The PCAC found no reasons contained within the documents to refute the charges or findings of guilt made by the PCC hearing committee. The documents were not deemed relevant to the appeal.
13. The PCAC carefully examined Charges 4 and 5 to determine if the ground of appeal in the letter written by [REDACTED] (Exhibit 2) asserting that the charges were too similar to warrant separate charges had any merit. The PCAC considered the *Kienapple* principle, which is a criminal law principle that prohibits multiple convictions for the same conduct. In the

professional discipline context, the principle is that professionals may not be disciplined more than once for an identical matter. The PCAC found the elements of Charge 4 to be substantially different than Charge 5, and there was enough evidence directly tied to each of the charges to warrant two separate charges. Charge 4 dealt specifically with Mennes communicating inappropriately with others about colleagues in a manner that is inconsistent with section 13 of the Code of Professional Conduct except as delineated by section 24 of the TPA. Charge 5 dealt specifically with the inaccurate content and inappropriate language employed by Mennes in her written and/or verbal statements contrary to section 14 of the Code of Professional Conduct.

14. Mennes did not present any evidence that proved collusion between any of the parties to this case. More specifically, there were statements made by Mennes but no evidence to show collusion had occurred between witnesses, investigators, the Association, the presenting officers or anyone else involved in the PCC proceedings.
15. Mennes's claim of financial abuse was found to be unsubstantiated. The PCAC was satisfied that during the course of preparing for the hearing, the Association, as it was required, provided full disclosure to legal counsel retained by Mennes and Mennes when she was no longer represented by legal counsel. The PCAC found that Mennes was not entitled to be reimbursed for expenses she incurred in providing a defence to the charges against her during the PCC proceedings. The PCAC found that there was no malintent by the Association, investigating officers or presenting officers.
16. There was no evidence or testimony that proved the investigating officer suppressed evidence or did anything inappropriate or unfair to Mennes.
17. Mennes, as part of her appeal, stated that she was treated unfairly by the media as a result of the direct actions of Association personnel. The PCAC determined that the media coverage was a result of a reporter who attended the PCC hearing and requested a copy of the decision. The Association is required by the *Teaching Profession Act* to provide the decision of the hearing when requested (TPA, section 47(4)). All hearings, by law, must allow public audience in the discipline process when appropriate (TPA, section 33(a)). The PCAC noted that no information related to the PCC hearing was published by any media owned or controlled by the Association.
18. Mennes repeatedly referred to the criminal activity of witnesses who testified before the PCC hearing committee and others as part of her grounds for appeal. However, the PCAC does not have jurisdiction over criminal matters and does not make findings of criminal conduct in a discipline proceeding. Accordingly, the PCAC focused on the professional conduct of Mennes, the reasonableness of the PCC hearing and Mennes's grounds for appeal. The PCAC noted that it did, however, consider the perjury allegation raised by Mennes against more than 20 witnesses as an issue of credibility of the witnesses before the PCC hearing committee. The PCAC considered the credibility of the witnesses as

determined by the PCC hearing committee and the PCAC's finding and reasons are set out above.

19. Mennes claimed that the Association failed in its duty of fair representation while acting as her union. The PCAC did not consider if her union had obligations and if it did, whether it did or did not meet its obligations, as the PCAC does not have the jurisdiction to make findings on labour relations matters between Mennes and her union. This appeal only involves matters related to the PCC hearing and its decision.
20. In reviewing the penalties for Charges 4, 5, 6, 7, 8 and 9, the PCAC found the PCC hearing committee's decision to be reasonable because the penalties fell within the range of possible or acceptable penalties given the length and duration of the mistreatment of children, the repeated behaviours exhibited by Mennes, the retaliatory actions, the precedents cited by the presenting officers and the need to protect the interests of the public. Given the PCAC's findings above, there was no reason to justify varying any of the penalties for Charges 4, 5, 6, 7, 8 and 9.
21. In reviewing the penalties for Charges 4, 5, 6, 7, 8 and 9, the PCAC found no error of logic or reasoning by the PCC hearing committee in its decision on penalty and was satisfied that the penalties fell within the range of possible acceptable penalties as a result of Mennes's unprofessional conduct.
22. In imposing the penalties, the PCC hearing committee considered the *Jaswal* factors listed in Exhibit 1B, page 6599:
 - a) the nature and gravity of the charges;
 - b) age and experience of the teachers;
 - c) presence or absence of previous convictions of unprofessional conduct;
 - d) age and conditions of individuals affected by the conduct;
 - e) impact on the individuals affected by the unprofessional conduct;
 - f) whether the member already suffered other consequences;
 - g) presence or absence of mitigating circumstances;
 - h) penalties in similar cases;
 - i) need to promote deterrence; and
 - j) the need to maintain confidence in the profession.The PCAC determined that the PCC hearing committee considered all relevant factors before imposing the penalties.
23. The PCAC reduced the fines for Charges 1 and 2 by \$5,000 (\$4,000 for Charge 1 and \$1,000 for Charge 2). The PCAC found that given that the PCC hearing committee imposed a more severe penalty than what was requested by the presenting officers for Charges 1 and 2 (i.e. permanently ineligible for membership) and their precedents, the length of time over which these two charges went outstanding and recognizing the proportionality of all of the penalties imposed for the eight findings of unprofessional conduct, the fines for Charges 1

and 2 should be reduced to reflect same.

24. The PCAC reviewed specific precedents referred to by [REDACTED] and [REDACTED] at the PCC hearing. In reviewing the penalties for Charges 1 and 2, the PCAC considered the PCC hearing committee's decision to be inconsistent because the fines in combination with the other penalties for Charges 1 and 2 did not fall with the range of penalties as cited by precedents presented to the PCC hearing committee.

Dated at the City of Edmonton in the Province of Alberta, Monday, January 6, 2020.