

PRACTICE REVIEW COMMITTEE HEARING
DECISION REGARDING COMPLAINT AGAINST
CAMERON ALEXANDER MCDONALD
HEARING HELD ON JANUARY 22, 2018
EDMONTON, ALBERTA

The Practice Review Hearing Committee (the “Committee”) established in accordance with section 18 of the *Practice Review of Teachers Regulation*, Alberta Regulation 11/2010 (the “*Regulation*”) convened to hear the complaint of [REDACTED] (the “Complainant”) with regard to the conduct of Cameron Alexander McDonald (the “Teacher”) as it related to the alleged unprofessional language in emails to the Complainant.

The following were Members of the Committee:

- [REDACTED] (Chair and Public Member)
- [REDACTED] (Teacher Member)
- [REDACTED] (Teacher Member)

The hearing convened on Monday, January 22, 2018, commencing at 9:49 a.m. at 44 Capital Boulevard, 10044 – 108 Street, Edmonton, Alberta.

Proceedings were formally recorded by [REDACTED], Court Reporter.

In addition to the Committee and the Court Reporter, the following were present at the hearing and/or participated in the hearing via video conferencing:

- [REDACTED] Associate Registrar, appearing on behalf of the Registrar
- [REDACTED] Education Manager, support role to Office of the Registrar
- Cameron A. McDonald Teacher
- [REDACTED] Teacher’s brother, presenting on behalf of the Teacher
- [REDACTED] Legal Counsel to the Committee
- [REDACTED] Secretary to the Committee
- [Name Redacted] Complainant, and witness for the Associate Registrar (via video)
- [Name Redacted] Witness for the Associate Registrar
- [REDACTED] Member of the public

MANDATE OF THE COMMITTEE

To hear the evidence presented with respect to the complaint about the alleged unprofessional conduct of the Teacher; to determine whether the Teacher’s actions constitute unprofessional conduct, as defined under section 24 of the *Regulation*, and, if so, to make recommendations under section 25 of the *Regulation*.

PRELIMINARY MATTERS

By letter dated January 5, 2018, the Associate Registrar wrote the Committee, via the Secretary to the Committee, identifying two witnesses that would be testifying at the hearing.

The Associate Registrar also sought the Chair's approval to allow the Complainant, one of the witnesses, to testify via video conferencing due to health reasons; the Chair approved the request.

At the commencement of the hearing the parties confirmed that they had no objections to the composition of the Committee.

The Chair confirmed dates of service of the Notice of Hearing, and materials disclosed to both the Teacher and Registrar. The Notice of Hearing identified a due date of January 5, 2018 for both parties to provide any hearing materials to the Chair. The Associate Registrar provided a "Registrar's Materials" binder, the Teacher did not provide any materials to the Committee.

All materials received by the Chair were disclosed to the parties in advance of the hearing. The Teacher stated that he did not bring the hearing materials he received via courier, as a result he could not confirm that what was printed before him matched the information he received. The Secretary to the Committee, having prepared and distributed the materials, verified that the materials were identical.

Upon request from the Teacher, the Chair allowed [REDACTED] to represent the Teacher for the duration of the hearing. At the preliminary matters stage, the Committee heard concerns and ruled on several objections and requests raised by [REDACTED] on behalf of the Teacher including: concerns about a delay in receipt of materials due to an incorrect address used by the Secretary to the Committee; objections to [Name Redacted]'s witness testimony at the hearing due to the adverse history with the Teacher; and requests to adjourn or dismiss the proceedings due to the Teacher's health concerns and claims of the Teacher's [Medical Condition Redacted] disorder allegedly resulting from a past physical assault by [Name Redacted]. The Secretary provided the Committee with a signed courier slip which satisfied the Committee that the materials were delivered to the Teacher within acceptable timelines. The Committee decided to hear the witness testimony on the basis that it could properly consider the evidence and the personal history between the Teacher and Complainant and assign the Complainant's evidence the appropriate weight. Finally, the Committee was not persuaded that the Teacher was not healthy enough to proceed with the hearing and fully answer the allegations against him. The Committee noted that the Teacher had ample opportunity to request an adjournment prior to the date of the Hearing for health reasons but did not. Also, the Teacher had the foresight to request the attendance of, and be represented at the hearing by, [REDACTED]. The Teacher's request for an adjournment or dismissal of the proceedings was therefore denied.

FACTS

- Mr. Cameron McDonald, the Teacher, holds an Alberta Permanent Professional Certificate that was issued in 1978. He was employed at the [School Redacted], between 2013 and 2014, in the role of a principal.
- [Name Redacted], the Complainant, does not hold Alberta teaching certification. [Gender Redacted] was employed at the [School Redacted], [REDACTED], between 2013 and 2014, in the role of a teacher.
- Twelve allegations were reviewed by the Registrar in his decision dated December 20, 2016. The following is the only allegation that was referred to this hearing committee:
 - The Teacher, on a number of occasions, used inappropriate, unprofessional, and insulting language in emails to the Complainant.

- Section 2 of the *Regulation* defines unprofessional conduct as conduct that:
 - a) is detrimental to the best interests of students, the public or teacher generally,
 - b) does not meet the professional conduct requirements, or
 - c) is the basis for a conviction for an indictable offence.
- “Professional conduct requirements” means the professional conduct requirements set out in the Schedule to the *Practice Review of Teachers Regulation 11/2010*, enclosed as appendix A in this decision document (the “Schedule”).

POSITIONS OF THE PARTIES

Associate Registrar on behalf of the Registrar:

Submitted that the Teacher sent emails to the Complainant, which were of a nature that by the Registrar’s decision warranted a hearing to determine unprofessional conduct by the Teacher.

Submitted that while the complaint and resulting allegation against the Teacher are four years old, there is no statute of limitations on unprofessional conduct. Section 9 of the *Regulation* allows complaints involving unprofessional conduct to be brought against a teacher at any time.

The Registrar does neither believe that the principles of natural justice were obstructed nor a fair hearing process was denied because of the length of time taken to complete this matter.

Submitted that the Teacher did not disclose any materials for the hearing within the appropriate timelines set out in the November 24, 2017, Notice of Hearing.

Argued that the investigation report provides conclusive evidence that the Teacher was unprofessional in his communication with the Complainant, and that he was in a position of authority as the school principal when he made the remarks to the Complainant.

Submitted copies of numerous emails between the Teacher and the Complainant, and presented the Complainant and [REDACTED] Investigator, as witnesses to support the authenticity of the emails in question. The witnesses also confirmed the use of email accounts and addresses used by the Teacher and the Complainant in the email correspondence.

Submitted that the professional conduct of all Alberta certificated teachers who do not hold active membership in the Alberta Teachers’ Association is subject to the *Regulation*.

Submitted that emails sent by the Teacher to the Complainant are evidence of behaviour that breached articles 3 and 5 of the Schedule, however the Committee has authority to consider all articles of the Schedule.

Asked that the Committee find the Teacher’s conduct as unprofessional and recommend to the Minister that the Teacher’s Permanent Professional Certificate be suspended for six months.

[REDACTED] on behalf of the Teacher:

Requested an immediate dismissal or an adjournment of the hearing proceedings, claiming that the Teacher was suffering from [Medical Condition Redacted] due to the physical abuse he suffered at the hands of the Complainant, and was not mentally capable of proceeding with the hearing at this time. The Teacher offered to get medical documentation relating to the [Medical Condition Redacted], but he would need an adjournment to obtain it.

Submitted that, due to the [Medical Condition Redacted], the Teacher did not provide any materials to the Committee within the timeframe outlined in the Notice of Hearing as he is not capable of preparing for this type of stressful proceeding. Also, the Teacher argued that he could not predict what documents would be needed to defend himself at this hearing.

Submitted that the Teacher's exemplary service as a teaching professional and numerous personal and professional accolades be considered by the Committee as evidence of the Teacher's positive and professional character.

Submitted that the credibility of the Complainant's testimony as a witness was questionable due to the Complainant making his complaint to the Registrar after he was fired, therefore it could be viewed as malicious and should not be allowed or considered by the Committee.

Argued that the email dated January 7, 2014, should be excluded as evidence from the proceedings due to a lack of any evidence proving that the Teacher sent the email to the Complainant. The Teacher could not recall writing the email, a digital "hotlink" was missing in the "date and time stamp" line of the email, and only a forensic analysis could prove who sent the email. The Teacher pointed out that the investigator testified that no forensic analysis was done on the email to determine its source.

Submitted that none of the emails were made public by the Teacher and no public displays of unprofessional behaviour were made by the Teacher, unlike the actions taken by the Complainant.

Submitted that none of the evidence presented by the Registrar shows unprofessional conduct, while there is a large number of emails, many of these emails are questionable in nature and should be viewed with conflict of interest in mind against the Complainant.

Argued that the Complainant presented fraudulent documents to obtain his position at the school in [Location Redacted] and that Alberta Education was negligent in their due diligence to verify documentation provided by the Complainant. The Complainant did not receive his Alberta Interim Professional Certificate as a result of repeated inquiries by the Teacher to the Office of the Registrar regarding the Complainant's lack of documentation.

Submitted that the Teacher did not view the Complainant as a professional colleague at the time of the alleged unprofessional conduct. The Teacher also doubts that the Complainant had the appropriate credentials to be a teacher. Since the Teacher did not consider the Complainant as a colleague, then he could not be in breach of several articles in the Schedule which specify professional conduct requirements in relation to a colleague.

Asked that the Committee find the Teacher not guilty of unprofessional conduct, that the allegation be dismissed, and that no punishment be imposed on the Teacher.

EVIDENCE CONSIDERED BY THE COMMITTEE

- Exhibit 1 – Registrar's materials binder titled: Registrar's Materials.
- Witnesses' testimonies
- Submissions by both Parties.

COMMITTEE'S ANALYSIS AND FINDINGS

In the opinion of the Committee, the copies of the emails, the investigative report and testimonies of both witnesses substantiated the allegation of unprofessional conduct by the Teacher.

“The [redacted] has done everything they can to prevent us from cancelling classes on Dec. 25. I explained to them in very great detail exactly where they could cram their complaint. I will let you know details tomorrow if you want.”

- The Committee found the following email excerpt contrary to articles 2(d) and 5(a) of the Schedule:
 - Email from Cameron McDonald to [Name Redacted] and [Name Redacted] dated January 7, 2014:

“Apparently [Name Redacted] is feeling mega pressure from the parents (I have recently found out they are [redacted] - that does not influence me). The parents are making noises again about splitting all classes and doing extra things for three of the students, etc. I told him our program is designed to give the best education to all the students. I also told him if the parents want someone to please their egos, there are prostitutes across the street they can hire.”
- The Committee found the following email excerpt contrary to articles 5(a) and 6(c) of the Schedule:
 - Email from Cameron McDonald to [Name Redacted] dated April 22, 2014, we find to be contrary to Articles 5(a) and 6(c) of the Schedule.

“Thanks [Name Redacted]. I did scrutinise [Name Redacted]'s documents, including the Ontario Teachers registry. I have no hard data about the number of students staying. The [redacted] here are notorious for not being forthcoming. It is my belief that 15 will be staying. We have had one recruitment activity that drew 35 parents and students, about 15 of them were prospective students. We are planning a second recruitment in June. The [redacted] are also famous for not planning or organizing.

Objections relating to the Complainant’s physical altercation with the Teacher were overruled based on the fact that the Complainant’s conduct was not under review at this hearing and not within the purview of the Committee’s mandate.

The Committee heard from the Teacher that he did not feel that his correspondence with the Complainant was unprofessional. Based on the Teacher’s statements the Committee felt that the Teacher showed no remorse or accountability for his behaviour.

The Committee heard and overruled requests from the Teacher for an adjournment due to his claims of suffering from [Medical Condition Redacted], due to a lack of any medical documentation confirming the medical claim. The Committee felt that the Teacher had a reasonable amount of time to prepare for the proceedings including obtaining any supporting medical information; and since [redacted] was available to represent the Teacher, the Committee selected to proceed with the hearing.

The Committee heard objections from the Teacher relating to the authenticity of an email dated January 7, 2014. The Committee was satisfied with [Name Redacted]’s witness testimony attesting to [gender redacted] belief that emails in question were authentic and unaltered. In the Committee’s reasoned opinion and based on the testimony of the witnesses, the Committee accepted the email to be authentic and considered it as part of their decision and recommendations to the Minister.

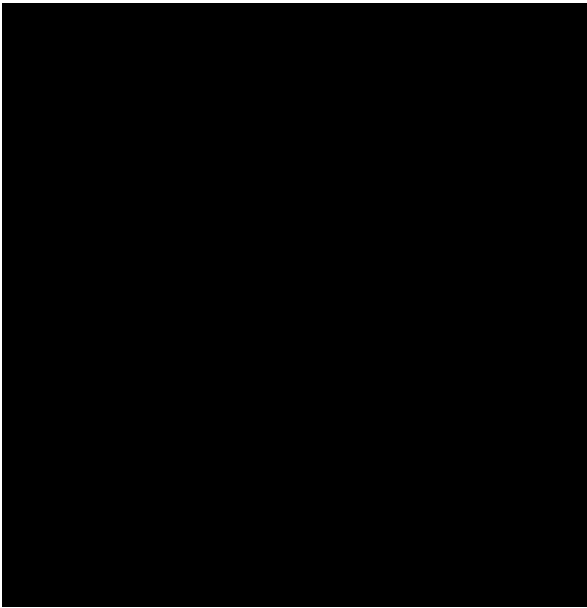
In relation to the argument raised by the Teacher regarding his assertion that the Complainant was not his professional colleague at the time of the email correspondence, the Committee felt that the Teacher and the Complainant did have a professional working relationship. In the opinion of the

Committee, the Teacher did view the Complainant as a colleague since the Complainant worked as a teacher under the direct supervision of the Teacher.

COMMITTEE’S DECISION AND RECOMMENDATION

After due deliberation and consideration of the evidence before it, and in accordance with section 24(1)(a)(ii) of the *Regulation*, the Committee finds that Mr. Cameron McDonald’s conduct was unprofessional and did not meet the professional conduct requirements set out under the Schedule.

Based on this finding, and in accordance with section 25(1) of the *Regulation*, the Committee recommends to the Minister of Education that Mr. Cameron McDonald’s Alberta Permanent Professional Certificate be suspended for two (2) months.



tee

February 27, 2018

Date

February 27, 2018


Date

February 27, 2018

Date

OPTION TO APPEAL

In accordance with section 28 of the *Regulation*, within fifteen (15) days of receipt of this decision, you may appeal to the Practice Review Appeal Committee. The appeal must be in writing and must describe the finding or recommendation, or both, being appealed and state the reasons for the appeal. The appeal must be addressed to:

The Chair, Practice Review Appeal Committee
c/o 
44 Capital Blvd., 10044 – 108 Street
Edmonton, Alberta T5J 5E6

APPENDIX A

Alberta Regulation 11/2010 School Act Practice Review of Teachers Regulation

SCHEDULE

Professional Conduct Requirements for Teachers

The conduct of a teacher, both on and off duty, bears directly on the community's perception of the ability of teachers to fulfill their unique position of trust and influence. Society and the school community hold teachers to a high standard of conduct. Teachers are expected to conduct themselves with due regard to the honour, dignity, welfare, rights and best interests of students, parents, colleagues, their employer and the teaching profession.

These are minimum professional conduct requirements for teachers who are not subject to the *Teaching Profession Act*. It is not an exhaustive list of requirements.

A teacher who is not subject to the *Teaching Profession Act* and who is alleged to have violated the standards of the profession, including these requirements, may be subject to a complaint of alleged unprofessional conduct under the *Practice Review of Teachers Regulation*.

- 1 In relation to students, the teacher is required
 - (a) to teach in a manner in keeping with
 - (i) the Teaching Quality Standard Applicable to the Provision of Basic Education in Alberta Ministerial Order (#016/97), as amended from time to time,
 - (ii) applicable legislation, and
 - (iii) the policies of Alberta Education,
 - (b) to teach in a manner that respects the dignity and rights of all persons and is considerate of their circumstances,
 - (c) not to divulge information received about a student in confidence or in the course of performing his or her professional duties except
 - (i) as required by law, or
 - (ii) where, in the teacher's judgment, it would be in the best interests of the student to divulge the information,
- and
- (d) not to
 - (i) profit from
 - (A) any learning activities of students in the school in which the teacher is employed, or

(B) the sale of goods or services to students in the school in which the teacher is employed,

or

(C) accept pay for tutoring students in the school in which the teacher is employed.

2 In relation to parents of students, the teacher is required

- (a) to strive to establish a relationship of trust with parents,
- (b) to provide parents with candid evaluations of their child's progress,
- (c) to treat information received from parents with discretion,
- (d) to be respectful in communications with and about parents, and
- (e) not to discuss other students except where the matters being discussed are relevant to their child and then only to the extent that, in the teacher's judgment, is necessary.

3 In relation to colleagues, the teacher is required

- (a) not to undermine the confidence of students in other teachers, including teachers to whom the *Teaching Profession Act* applies,
- (b) not to criticize the professional competence or professional reputation of another teacher, including a teacher to whom the *Teaching Profession Act* applies, except
 - (i) in confidence to appropriate officials and after informing the other teacher of the criticism, or
 - (ii) in making a complaint about the unprofessional conduct of a teacher under section 9 of the *Practice Review of Teachers Regulation* or section 24 of the *Teaching Profession Act*,

and

- (c) not to take any steps to secure the discipline or dismissal of another teacher, including a teacher to whom the *Teaching Profession Act* applies, where the motivation of the teacher in taking the steps is the teacher's personal advantage or animosity toward the other teacher.

4 In relation to the teacher's employer, the teacher is required

- (a) to respect the authority of the employer, the board and the members of the school administration,
- (b) to express any concerns that the teacher has about the employer, the board, the members of the school administration or the operation of the school through appropriate channels as outlined in applicable policies,
- (c) to protest through appropriate channels any administrative policies or practices that the teacher cannot in good conscience accept,

- (d) to express his or her opinions and bring forward suggestions regarding the employer, the board, the members of the school administration or the operation of the school through appropriate channels and in an appropriate manner,
 - (e) to foster and maintain open and honest communication with the employer, the board and the members of the school administration,
 - (f) without limiting clauses (b) to (d), to be supportive of the employer, the board and members of the school administration,
 - (g) to fulfill the terms of his or her contract of employment, and
 - (h) to bring it to the attention of members of the school administration if the teacher is
 - (i) assigned duties that the teacher is not qualified to carry out, or
 - (ii) required to work in conditions that make it difficult for the teacher to teach.
- 5 In relation to the teaching profession, the teacher is required
- (a) to conduct himself or herself in a manner that maintains the honour and dignity of the profession, and
 - (b) not to engage in activities that adversely affect the quality of the teacher's professional service.
- 6 In relation to the school community as a whole, the teacher is required
- (a) to conduct himself or herself in a manner that maintains the good reputation of the school,
 - (b) to be knowledgeable about and able to communicate accurately the philosophy, mission and policies of the school, and
 - (c) to conduct himself or herself in a manner that is respectful of the norms and values of the school community.