

THE TEACHING PROFESSION ACT AND AMENDING ACTS

IN THE MATTER OF a charge or complaint against
RODERICK N McDONALD

ORDER OF THE PROVINCIAL EXECUTIVE COUNCIL OF
THE ALBERTA TEACHERS' ASSOCIATION

The Discipline Committee of The Alberta Teachers' Association, pursuant to authorization in that behalf, did, after duly investigating the charge(s) of unprofessional conduct laid against Roderick N McDonald by Provincial Executive Council, on Thursday and Friday, 1995 09 21 and 22, find him guilty of unprofessional conduct. A report in writing of its findings and recommendations was made to the Provincial Executive Council of The Alberta Teachers' Association. Pursuant to Section 18(3) and (4) of the *Teaching Profession Act*, Provincial Executive Council was also presented with representation from the defendant on the question of penalty. After due consideration of the report and the recommendations made by the Discipline Committee, and the representations made on behalf of the defendant pursuant to the bylaws of the Association, the Provincial Executive Council of The Alberta Teachers' Association does hereby:

- (a) expel Roderick N McDonald from the Association and
- (b) recommend to the Minister of Education that Roderick N McDonald's teaching certificate be cancelled.

DATED at the City of Edmonton, in the Province of Alberta, Tuesday, 1995 10 31.

THE ALBERTA TEACHERS' ASSOCIATION

Per:

President

Per:

Executive Secretary

REPORT OF THE DISCIPLINE COMMITTEE

IN THE MATTER OF charges of unprofessional
conduct against RODERICK McDONALD

The Discipline Committee of The Alberta Teachers' Association reports that charges of unprofessional conduct laid against Roderick McDonald of [REDACTED] were duly investigated in accordance with the *Teaching Profession Act* (RSA 1980, Chapter T-3) and the Discipline Bylaws of the said Association. The hearing was held in [REDACTED] Canada on 1995 09 21/22. Discipline Committee members present were:

[REDACTED]
[REDACTED]
The accused was present and assisted by [REDACTED]

Prior to the convening of the hearing, an application was made by the defendant to have two observers denied access to the hearing. The committee ruled that this particular case was an open hearing and as such would allow all observers who had been allowed entrance to the [REDACTED]

[REDACTED] informed the committee of a publication ban regarding the [REDACTED] persons' names appearing in a number of documents which he subsequently introduced as exhibits. The committee took note of the publication ban and agreed to comply. Observers present were advised that they were not at liberty to use information obtained during the hearing to publicly identify any of the [REDACTED] persons named in the exhibits.

[REDACTED] requested that amended charges be substituted for the charges sent out in the original Notice of Hearing. R McDonald, who had received the amended charges with adequate notice, had no objection to their substitution for the original charges. (Exhibits 1, 2 and 3)

CONSTITUTION/JURISDICTION

There being no objection to the composition of the committee or its jurisdiction to hear the case, the hearing proceeded.

PLEA

A plea of "Not Guilty" to the following amended charges was entered by the accused.

1. Roderick Neil McDonald is charged with unprofessional conduct contrary to the Discipline Bylaws of The Alberta Teachers' Association in that he, while a member of The Alberta Teachers' Association, was convicted of an indictable offence under The Criminal Code of Canada, that he, on or between the 1st day of September, 1974

and the 30th day of June, 1975, both dates inclusive, at or near [REDACTED], Alberta, did indecently assault (Person A), a [REDACTED] person, contrary to Section 149 of the Criminal Code of Canada.

2. Roderick Neil McDonald is charged with unprofessional conduct contrary to the Discipline Bylaws of The Alberta Teachers' Association in that he, while a member of The Alberta Teachers' Association, was convicted of an indictable offence under The Criminal Code of Canada, that he, on or between the 1st day of September, 1972, and the 30th day of June, 1974, both dates inclusive, at or near [REDACTED], Alberta, did indecently assault (Person B), a [REDACTED] person, contrary to Section 149 of the Criminal Code of Canada.

3. Roderick Neil McDonald is charged with unprofessional conduct contrary to the Discipline Bylaws of The Alberta Teachers' Association in that he, while a member of The Alberta Teachers' Association, was convicted of an indictable offence under The Criminal Code of Canada, that he, on or between the 1st day of September, 1974 and the 30th day of June, 1975, both dates inclusive, at or near [REDACTED], Alberta, did indecently assault (Person C), a [REDACTED] person, contrary to Section 149 of the Criminal Code of Canada.

4. Roderick Neil McDonald is charged with unprofessional conduct contrary to the Discipline Bylaws of The Alberta Teachers' Association in that he, while a member of The Alberta Teachers' Association, was convicted of an indictable offence under The Criminal Code of Canada, that he, on or between the 1st day of September, 1973 and the 30th day of June, 1975, both dates inclusive, at or near [REDACTED], Alberta, did indecently assault (Person D), a [REDACTED] person, contrary to Section 149 of the Criminal Code of Canada.

5. Roderick Neil McDonald is charged with unprofessional conduct contrary to the Discipline Bylaws of The Alberta Teachers' Association in that he, while a member of The Alberta Teachers' Association, was convicted of an indictable offence under The Criminal Code of Canada, that he, on or between the 1st day of September, 1972 and the 30th day of June, 1974, both dates inclusive, at or near [REDACTED], Alberta, did indecently assault (Person E), a [REDACTED] person, contrary to Section 149 of the Criminal Code of Canada.

6. Roderick Neil McDonald is charged with unprofessional conduct contrary to the Discipline Bylaws of The Alberta Teachers' Association in that he, while a member of The Alberta Teachers' Association, was convicted of an indictable offence under The Criminal Code of Canada, that he, on or between the 1st day of September, 1972 and the 30th day of June, 1973, both dates inclusive, at or near [REDACTED], Alberta,

did indecently assault (Person F), a [REDACTED] person, contrary to Section 149 of the Criminal Code of Canada.

7. Roderick Neil McDonald is charged with unprofessional conduct contrary to the Discipline Bylaws of The Alberta Teachers' Association in that he, while a member of The Alberta Teachers' Association, was convicted of an indictable offence under The Criminal Code of Canada, that he, on or between the 1st day of September, 1973, and the 30th day of June, 1975, both dates inclusive, at or near [REDACTED], Alberta, did indecently assault (Person G), a [REDACTED] person, contrary to Section 149 of the Criminal Code of Canada.

8. Roderick Neil McDonald is charged with unprofessional conduct contrary to the Discipline Bylaws of The Alberta Teachers' Association in that he, while a member of The Alberta Teachers' Association, was convicted of an indictable offence under The Criminal Code of Canada, that he, on or between the 1st day of September, 1978 and the 30th day of June, 1979, both dates inclusive, at or near [REDACTED], Alberta, did indecently assault (Person H), a [REDACTED] person, contrary to Section 149 of the Criminal Code of Canada.

9. Roderick Neil McDonald is charged with unprofessional conduct contrary to the Discipline Bylaws of The Alberta Teachers' Association in that he, while a member of The Alberta Teachers' Association, was convicted of an indictable offence under The Criminal Code of Canada, that he, on or between the 1st day of September, 1974 and the 30th day of June, 1976, both dates inclusive, at or near [REDACTED], Alberta, did indecently assault (Person I), a [REDACTED] person, contrary to Section 149 of the Criminal Code of Canada.

10. Roderick Neil McDonald is charged with unprofessional conduct contrary to the Discipline Bylaws of The Alberta Teachers' Association in that he, while a member of The Alberta Teachers' Association, was convicted of an indictable offence under The Criminal Code of Canada, that he, on or between the 1st day of September, 1976 and the 30th day of June, 1979, both dates inclusive, at or near [REDACTED], Alberta, did indecently assault (Person J), a [REDACTED] person, contrary to Section 149 of the Criminal Code of Canada.

11. Roderick Neil McDonald is charged with unprofessional conduct contrary to the Discipline Bylaws of The Alberta Teachers' Association in that he, while a member of The Alberta Teachers' Association, was convicted of an indictable offence under The Criminal Code of Canada, that he, on or between the 1st day of September, 1974 and the 30th day of June, 1975, both dates inclusive, at or near [REDACTED], Alberta, did indecently assault (Person K), a [REDACTED] person, contrary to Section 149 of the Criminal Code of Canada.

12. Roderick Neil McDonald is charged with unprofessional conduct contrary to the Discipline Bylaws of The Alberta Teachers' Association in that he, while a member of The Alberta Teachers' Association, was convicted of an indictable offence under The Criminal Code of Canada, that he, on or between the 1st day of September, 1976 and the 30th day of June, 1978, both dates inclusive, at or near [REDACTED], Alberta, did indecently assault (Person L), a [REDACTED] person, contrary to Section 149 of the Criminal Code of Canada.

13. Roderick Neil McDonald is charged with unprofessional conduct contrary to the Discipline Bylaws of The Alberta Teachers' Association in that he, while a member of The Alberta Teachers' Association, was convicted of an indictable offence under The Criminal Code of Canada, that he, on or between the 1st day of September, 1974 and the 30th day of June, 1975, both dates inclusive, at or near [REDACTED], Alberta, did indecently assault (Person M), a [REDACTED] person, contrary to Section 149 of the Criminal Code of Canada.

14. Roderick Neil McDonald is charged with unprofessional conduct contrary to the Discipline Bylaws of The Alberta Teachers' Association in that he, while a member of The Alberta Teachers' Association, was convicted of an indictable offence under The Criminal Code of Canada, that he, on or between the 1st day of September, 1974 and the 30th day of June, 1975, both dates inclusive, at or near [REDACTED], Alberta, did indecently assault (Person N), a [REDACTED] person, contrary to Section 149 of the Criminal Code of Canada.

15. Roderick Neil McDonald is charged with unprofessional conduct contrary to the Discipline Bylaws of The Alberta Teachers' Association in that he, while a member of The Alberta Teachers' Association, was convicted of an indictable offence under The Criminal Code of Canada, that he, on or between the 1st day of September, 1972 and the 30th day of June, 1975, both dates inclusive, at or near [REDACTED], Alberta, did indecently assault (Person O), a [REDACTED] person, contrary to Section 149 of the Criminal Code of Canada.

16. Roderick Neil McDonald is charged with unprofessional conduct contrary to the Discipline Bylaws of The Alberta Teachers' Association in that he, while a member of The Alberta Teachers' Association, was convicted of an indictable offence under The Criminal Code of Canada, that he, on or between the 1st day of September, 1974 and the 30th day of June, 1976, both dates inclusive, at or near [REDACTED], Alberta, did indecently assault (Person P), a [REDACTED] person, contrary to Section 149 of the Criminal Code of Canada.

17. Roderick Neil McDonald is charged with unprofessional conduct contrary to the Discipline Bylaws of The Alberta Teachers' Association in that he, while a member

of The Alberta Teachers' Association, was convicted of an indictable offence under The Criminal Code of Canada, that he, on or between the 1st day of September, 1974 and the 30th day of June, 1975, both dates inclusive, at or near [REDACTED], Alberta, did indecently assault (Person Q), a [REDACTED] contrary to Section 149 of the Criminal Code of Canada.

18. Roderick Neil McDonald is charged with unprofessional conduct contrary to the Discipline Bylaws of The Alberta Teachers' Association in that he, while a member of The Alberta Teachers' Association, was convicted of an indictable offence under The Criminal Code of Canada, that he, on or between the 1st day of September, 1975 and the 30th day of June, 1976, both dates inclusive, at or near [REDACTED], Alberta, did indecently assault (Person R), a [REDACTED] person, contrary to Section 149 of the Criminal Code of Canada.

19. Roderick Neil McDonald is charged with unprofessional conduct contrary to the Discipline Bylaws of The Alberta Teachers' Association in that he, while a member of The Alberta Teachers' Association, was convicted of an indictable offence under The Criminal Code of Canada, that he, on or between the 1st day of September, 1973 and the 30th day of June, 1975, both dates inclusive, at or near [REDACTED], Alberta, did indecently assault (Person S), a [REDACTED] person, contrary to Section 149 of the Criminal Code of Canada.

The accused and [REDACTED] left the hearing after the accused had entered his plea. Prior to R McDonald's departure he was advised that the committee would be proceeding in his absence. [REDACTED] and [REDACTED] remained as the accused's representatives. R McDonald and [REDACTED] returned to the hearing for the announcement of the committee's verdict. R McDonald acted as his own counsel during the penalty phase.

WITNESSES

No witnesses were called by the prosecution. [REDACTED] was called by the defense.

EVIDENCE ADDUCED AND EXHIBITS FILED INDICATED THAT:

1. During the period from 1994 05 01 to 1994 05 31, R McDonald was a member of The Alberta Teachers' Association and employed by the [REDACTED] (Exhibit 6)
2. During the period 1972 to 1979, R McDonald was a teacher at [REDACTED] School. (Exhibit 9)

3. R McDonald was charged with 19 counts of indecent assault on [REDACTED] students. The assaults occurred during the period 1972 to 1979. The [REDACTED] students were [REDACTED] years old at the time the assaults occurred. (Exhibit 9)
4. On 1994 05 19, R McDonald was convicted of 19 charges of indecent assault contrary to Section 149 of the Criminal Code of Canada. He received a five year sentence in a federal penitentiary. (Exhibit 8)
5. All 19 of these convictions were for indictable offences. (Exhibit 7)
6. In pre- and post-trial media coverage, R McDonald was identified as a teacher. (Exhibit 10)
7. R McDonald conceded that the criminal convictions occurred. He maintains his innocence concerning the criminal charges for which he was convicted. (Exhibits 11 and 12)
8. R McDonald submitted many letters of support. (Exhibit 13)

During the presentation of evidence the defense contended that a criminal conviction for an indictable offence does not necessarily constitute unprofessional conduct under Discipline Bylaw 9(2)(f). The committee ruled that if a case can be shown to conform to Discipline Bylaw 9(2)(f), a finding of unprofessional conduct is the only option.

DECISION OF THE DISCIPLINE COMMITTEE

- Charge 1 - Guilty
- Charge 2 - Guilty
- Charge 3 - Guilty
- Charge 4 - Guilty
- Charge 5 - Guilty
- Charge 6 - Guilty
- Charge 7 - Guilty
- Charge 8 - Guilty
- Charge 9 - Guilty
- Charge 10 - Guilty
- Charge 11 - Guilty
- Charge 12 - Guilty
- Charge 13 - Guilty
- Charge 14 - Guilty
- Charge 15 - Guilty
- Charge 16 - Guilty

Charge 17 - Guilty
Charge 18 - Guilty
Charge 19 - Guilty

REASON FOR DECISION

1. The defendant was convicted of 19 indictable offences under the Criminal Code of Canada and is guilty of unprofessional conduct under Section 9(2)(f) of the Discipline Bylaws.

RECOMMENDED PENALTY

For each of the charges, the Discipline Committee recommends to Provincial Executive Council:

That R McDonald's eligibility for membership in The Alberta Teachers' Association be cancelled, and

That a recommendation be made to the Minister of Education that R McDonald's teaching certificate be cancelled.

REASONS FOR RECOMMENDED PENALTY

1. R McDonald showed a lack of sound judgement in indecently assaulting 19 students with whom he had a relationship of trust and authority. This occurred over a long period of time.
2. Society has a right to expect that teachers will act in a manner which maintains the trust relationship between teachers and their students. The defendant betrayed this trust.
3. Teachers who have been convicted of indictable offences under the criminal code bring dishonor and disrespect to the profession.
4. Society views as repugnant and reprehensible the action of any teacher who indecently assaults students. R McDonald's actions showed disregard for societal expectations of teachers.

Report of the Discipline Committee
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Dated at the City of Red Deer in the Province of Alberta, Friday, 1995 09 22.

THE DISCIPLINE COMMITTEE
THE ALBERTA TEACHERS' ASSOCIATION

