

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

IN THE MATTER OF A CHARGE OF UNPROFESSIONAL
CONDUCT AGAINST GRAHAM T McNAMEE

The hearing committee of the Professional Conduct Committee of The Alberta Teachers' Association reports that a charge of unprofessional conduct laid against Graham T McNamee of [REDACTED] was duly investigated in accordance with the *Teaching Profession Act*. The hearing was held in Barnett House, 11010 142 Street NW, Edmonton, Alberta, Canada on Friday, October 6, 2000.

Professional Conduct Committee members present as the hearing committee were G [REDACTED] [REDACTED] presented the case against the investigated member. The investigated member was not present and was not represented.

CONSTITUTION/JURISDICTION

There was no objection to either the constitution of the hearing committee or its jurisdiction to hear the case.

PLEA

The following charge was read by the secretary to the hearing committee.

Grant McNamee is charged with unprofessional conduct pursuant to the *Teaching Profession Act* in that he, while a member of The Alberta Teachers' Association, while on a school trip to [REDACTED] failed to treat a student, Student A, with dignity and respect when he kissed and fondled [REDACTED] in a sexually inappropriate manner.

An application by the prosecuting officer to amend the charge to accord with the evidence was allowed. The amended charge read as follows.

Graham T McNamee is charged with unprofessional conduct pursuant to the *Teaching Profession Act* in that he, while a member of The Alberta Teachers' Association, while on a school trip to [REDACTED] failed to treat a student, Student A, with dignity and respect when he kissed and fondled [REDACTED] in a sexually inappropriate manner.

The investigated member entered a written plea of "guilty" to the charge. (Exhibit 3)

WITNESSES

The prosecution called three witnesses at the penalty phase: 1) [REDACTED] 2) [REDACTED] and 3) [REDACTED]

EVIDENCE ADDUCED AND EXHIBITS FILED INDICATED THAT:

1. G McNamee was employed by [REDACTED] from August 1991 to September 1999. During April 1999, he was a teacher at [REDACTED]. (Exhibits 3 and 6)
2. G McNamee was a member of The Alberta Teachers' Association from August 1991 to September 1999. (Exhibits 3 and 6)
3. In an agreed statement of facts, G McNamee acknowledged the following:
 - a) On or about April 5, 1999, G McNamee was supervising a school field trip to [REDACTED]. The students were preparing for a dance to be supervised by the hotel staff.
 - b) Before supper, G McNamee had a couple of beers and, during supper, he had a couple more beers. After supper, he went back to his room, poured himself a large glass of whiskey and sat on the verandah.
 - c) After about two hours, a group of students, including Student A, approached G McNamee. When invited to the dance, G McNamee declined and the group left except for Student A.

[REDACTED]

5. In testimony, [REDACTED] indicated that [REDACTED] received authorization to intercept private communications between Student A and G McNamee on April 21, 1999 for the purpose of securing an incriminating admission from G McNamee. A transcript of a telephone conversation was entered as Exhibit 7. In the course of the conversation, G McNamee acknowledged that his behavior toward Student A was wrong. He also admitted to falling in love with another student and he implied that there was a physical aspect to this relationship after the student left the school. The transcript also contained reference to one other relationship with a former student.
6. [REDACTED], principal of [REDACTED], testified that he spoke to G McNamee about inappropriate behavior in relation to students on three separate occasions between 1993 and 1995.
7. [REDACTED] further testified that, in the third instance, a [REDACTED] student who had been soaked by water balloons took refuge in the weight room of the school whereupon G McNamee commented [REDACTED] [REDACTED] reported that G McNamee acknowledged the inappropriateness of his comment and apologized to the student. [REDACTED] advised G McNamee that any further such behavior would be documented and could result in action against G McNamee.
8. [REDACTED] indicated that G McNamee was a popular teacher and that the incident involving Student A had caused people to take sides which in turn had resulted in friction and division among staff and students and within the community.

[REDACTED]

[REDACTED]

PENALTY

The hearing committee imposed the following penalty on G McNamee:

1. That G McNamee's eligibility for membership in The Alberta Teachers' Association be suspended for four years.
2. That a recommendation be made to the minister of learning that G McNamee's teaching certificate be suspended for four years.
3. That as a condition for the reinstatement of G McNamee's membership in The Alberta Teachers' Association, he must
 - a) provide a letter from a psychiatrist outlining the nature and extent of any psychiatric treatment G McNamee has received. This report must provide evidence, satisfactory to The Alberta Teachers' Association, that G McNamee is mentally and emotionally ready to return to teaching.
 - b) meet with an official of The Alberta Teachers' Association and satisfactorily demonstrate an understanding of the expectations of society and the profession in relation to interaction between teachers and students.
4. That the condition set out in number three above be communicated to the minister of learning.

The committee also accedes to the request of the prosecuting officer and imposes a ban on the publication of the name of the victim.

REASONS FOR PENALTY

1. Society has the right to expect that teachers will act in a manner which establishes and maintains the trust relationship between teachers and students. G McNamee clearly betrayed such trust.
2. Society has the right to expect that a teacher will form appropriate relationships which will preserve the dignity and respect of students. G McNamee's behavior in using his teaching position to exploit Student A for sexual purposes was a clear violation of this duty.
3. Society has the right to expect that teachers will not establish sexual relationships with students. Society views such actions as repugnant and reprehensible.
4. In his behavior toward Student A, G McNamee created negative impacts on [REDACTED], [REDACTED] family, [REDACTED] school and [REDACTED] community.

5. The profession expects that teachers will act in a manner which maintains the honor and dignity of the teaching profession. Through his actions, G McNamee violated those expectations.
6. Despite G McNamee having previously been cautioned as to the inappropriateness of his interactions with [REDACTED] students, he continued with such interactions.
7. G McNamee expressed remorse in his statement (Exhibit 4) and in his conversation with Student A (Exhibit 7). The hearing committee viewed the apparent repetitious nature of his inappropriate behavior as greatly undermining the sincerity of his remorse.
8. Student A provided a credible account of the severe emotional damage and pain which [REDACTED] suffered as a result of this incident.

Dated at the City of Edmonton in the Province of Alberta, Friday, October 6, 2000.

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

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]