

II. COMPOSITION/JURISDICTION

When the hearing committee reconvened on May 10, 2023, both parties confirmed there were no objections to the composition of the hearing committee or its jurisdiction to hear the case.

III. CHARGES

The following charges were read aloud by the secretary to the hearing committee:

1. Glenn Roy Van Ramshorst is charged with unprofessional conduct pursuant to the *Teaching Profession Act* in that Van Ramshorst, while a member of the Alberta Teachers' Association, on or about the beginning of the 2020/21 school year, acted contrary to clause 4 of the Code of Professional Conduct when he exposed students to risk of injury by placing them on a raised automobile hoist for purposes of a group photograph.
2. Glenn Roy Van Ramshorst is charged with unprofessional conduct pursuant to the *Teaching Profession Act* in that Van Ramshorst, while a member of the Alberta Teachers' Association, on or about April 26–28, 2021, acted contrary to clause 18 of the Code of Professional Conduct when he failed to maintain the safety and security of students and/or others by transporting in the open box of a pickup truck thereby placing them at risk of injury and contravening Alberta traffic laws.
3. Glenn Roy Van Ramshorst is charged with unprofessional conduct pursuant to the *Teaching Profession Act* in that Van Ramshorst, while a member of the Alberta Teachers' Association, on or about April 26–28, 2021, failed to act in a manner that maintained the honour and dignity of the profession when Van Ramshorst responded to directives issued by the school and/or Division administration.
4. Glenn Roy Van Ramshorst is charged with unprofessional conduct pursuant to the *Teaching Profession Act* in that Van Ramshorst, while a member of the Alberta Teachers' Association, on or about May 14, 2021, acted contrary to clause 18 of the Code of Professional Conduct when Van Ramshorst attended and participated in a protest rally in a manner that failed to uphold the dignity of the profession.
5. Glenn Roy Van Ramshorst is charged with unprofessional conduct pursuant to the *Teaching Profession Act* in that Van Ramshorst, while a member of the Alberta Teachers' Association, maintained relationships with students that failed to respect the boundaries of a teacher-student professional relationship.

On May 10, 2023, after the charges were read, the parties agreed to amend Charge 2 to read "... failed to maintain the safety and security of students and/or others by transporting **them** in the open box of a pickup truck... ."

On June 14, 2023, after both parties had submitted their closing arguments, they agreed to amend Charge 1 by deleting "for purposes of a group photograph."

IV. PLEA

█ verbally entered a plea of not guilty to all charges on behalf of Van Ramshorst.

V. WITNESSES

1. █, assistant principal at █ during the 2020/21 school year
2. █, assistant principal at █ during the 2020/21 school year
3. █, director of corporate security for the █
4. █, constable with the █ school resource officer (SRO) assigned to █ during the 2020/21 school year
5. Glenn Van Ramshorst, the investigated member
6. █, former student of Van Ramshorst at █
7. █, former student of Van Ramshorst at █
8. █, former student of Van Ramshorst at █

VI. EXHIBITS FILED

Exhibit 1—Notice of hearing and confirmations of delivery by

- Personal delivery on March 24, 2023
- Process server on March 25, 2023
- Courier on March 27, 2023
- █ on March 29, 2023 and April 1, 2023
- Registered mail on April 5, 2023

Exhibit 2—Proof of Van Ramshorst’s membership in the Association, dated January 25, 2023

Exhibit 3—URL to Van Ramshorst’s Facebook page

Exhibit 4—Still images from █ security camera video taken April 26–28, 2021

Exhibit 5—Google Maps image showing location of Van Ramshorst’s residence relative to █

Exhibit 6—█ Administrative Regulation 1070 – Occupational Health and Safety

Exhibit 7—█ Administration Regulation 3052 – Instructional Facilities and Equipment

Exhibit 8—█ Administrative Regulation 3076 – Safety: Accidents in Schools

Exhibit 9—█ e-mail with links to safety documents and attachments, sent May 10, 2023

Exhibit 10—Alberta Regulation 304/2002 – *Traffic Safety Act*

Exhibit 11—Screenshot of █ comment on a Tweet by Rachel Notley, no date

Exhibit 12—Online *Daily Hive* news article, “█ high school principal calls out premier after COVID case detected,” September 9, 2020

Exhibit 13—█ tweets, various

Exhibit 14—E-mail about Van Ramshorst from a parent to █, dated September 29, 2020

Exhibit 15—Pictures of different types of hoists

Exhibit 16—YouTube video comparing hoists (www.youtube.com/watch?v=09kUmIlycyHM)

Exhibit 17—Image of “Bring Back Mr. V” Change.org petition landing page, dated May 9, 2023

VII. EVIDENCE ADDUCED AND EXHIBITS FILED INDICATED

a. Background

1. Van Ramshorst is currently [REDACTED] years old. (Van Ramshorst testimony)
2. Van Ramshorst trained as a mechanic at the [REDACTED] and finished with an apprenticeship ticket. (Van Ramshorst testimony)
3. [REDACTED]
4. [REDACTED]
5. [REDACTED] Van Ramshorst was hired to teach automotive mechanics in [REDACTED] for the [REDACTED] at [REDACTED]. (Van Ramshorst testimony)
6. He taught Grades [REDACTED] automotive mechanics at [REDACTED] for almost [REDACTED] years, from [REDACTED]. (Van Ramshorst testimony, Exhibit 2)
7. From [REDACTED] Van Ramshorst remained under contract with [REDACTED]
8. [REDACTED]
9. Van Ramshorst was hired by the [REDACTED] and was assigned to teach automotive mechanics at [REDACTED] beginning [REDACTED]. (Van Ramshorst, [REDACTED] and [REDACTED] testimony)
10. [REDACTED]
11. In February 2021, a student in Van Ramshorst's class complained to [REDACTED] because they felt unsafe when Van Ramshorst had required all students in the class to stand on an automobile hoist while it was raised into the air. ([REDACTED] testimony)
12. The school's administrators investigated the student's complaint. When asked by [REDACTED] how many students had been interviewed during the investigation, [REDACTED] advised that they initially interviewed about a dozen students, but as the investigation expanded, they interviewed more. ([REDACTED] testimony)

13. Shortly after this complaint was received, [REDACTED] met with Van Ramshorst to discuss the complaint.
14. On or about [REDACTED] placed Van Ramshorst on administrative leave with unassigned duties (hereafter referred to as Van Ramshorst's "suspension"). ([REDACTED] and Van Ramshorst testimony)
15. Van Ramshorst remained suspended throughout the hearing. (Van Ramshorst testimony, [REDACTED] submission)

b. Charge 1

1. The automotive mechanics shop at [REDACTED] is a relatively large shop with a separate classroom space and a garage with seven hoists. The shop could be accessed via two large garage doors that led to the alleyway that ran along the west side of the building. (Van Ramshorst and [REDACTED] testimony)
2. The size of Van Ramshorst's classes was capped for safety reasons. Typically, 20–25 students were registered in his classes. (Van Ramshorst, [REDACTED] testimony)
3. Van Ramshorst recalls that he had 25 students in his class in February 2021 when his hoist demonstration led to the complaint that [REDACTED] had received. (Van Ramshorst testimony)
4. As a culminating activity to cap off safety orientation lessons at the beginning of the semester, Van Ramshorst would demonstrate to students how to use the shop's automobile hoists. (Van Ramshorst testimony)
5. This hoist demonstration involved Van Ramshorst asking his entire class to stand on one of the hoists that he then raised and lowered. (Van Ramshorst, [REDACTED] testimony)
6. The height Van Ramshorst raised the hoist during these demonstrations was roughly consistent between witnesses:
 - a. 3–4 feet/chest height (Van Ramshorst testimony)
 - b. 4 feet in the air ([REDACTED] testimony)
 - c. 5–6 feet in the air ([REDACTED] testimony)
 - d. to the approximate height of Van Ramshorst's head, according to students interviewed by [REDACTED] ([REDACTED] testimony)
7. Witnesses agreed that the hoist would raise and lower very slowly. (Van Ramshorst, [REDACTED], [REDACTED] and [REDACTED] testimony)
8. When asked if any of his students were uncomfortable or afraid of participating in the hoist demonstration, Van Ramshorst responded, "It's happening more and more with students lately."

9. Regarding whether any students in his February 2021 class were uncomfortable or afraid of the hoist demonstration, Van Ramshorst responded, "I believe that I had already been asked to be extra gentle with these two [students ██████████] [of his classroom]." One of these students was the student who complained to ██████████ (Van Ramshorst testimony)
10. The three student witnesses who were called to testify for Van Ramshorst said that they did not consider the demonstration to be unsafe. (██████████ testimony)
11. Although ██████████ was not qualified as an expert, ██████████ opined that raising students on a hoist was "extraordinarily dangerous." (██████████ testimony)
12. Similarly, although ██████████ was not qualified as an expert, ██████████ testified that manufacturer requirements for the use of hoists state that they are for use with unoccupied vehicles only and that hoists must only be operated when people other than the operator are well clear. (██████████ testimony)
13. ██████████ stated that the hoists in the ██████████ shop could be raised to a maximum height of over six feet, but no height was a safe distance to raise students. (██████████ testimony)
14. ██████████ testified that having students stand on a hoist and raising them to six or seven feet was "extremely unsafe."
15. The hearing committee reviewed a number of exhibits that showed different types of hoists, including a video of a hoist in operation and are satisfied that the hoist Van Ramshorst used in the demonstration at ██████████ was a four-post hoist (similar to the one in Exhibit 15, p 7), and that it operated at a slow rate when being raised and lowered. (Exhibits 15 and 16, Van Ramshorst testimony).
16. In ██████████ testimony, ██████████ referenced a number of documents (Exhibits 6, 7, 8 and 9) that ██████████ believed would reference the safe operation of hoists.
17. Although the language in the charge states that the precipitating incident with the hoist occurred "on or about the beginning of the 2020/21 school year," the hearing committee came to understand that the event occurred in February 2021 at the beginning of the second semester of the 2020/21 school year. Although this detail was not put to the parties for clarification during the hearing, the hearing committee is satisfied, based on the submissions of the parties, that this understanding was not contested.

c. Charge 2

1. In late April 2021, after Van Ramshorst was suspended, he was directed to remove his personal belongings from the automotive mechanics shop at ██████████ within a short window of time, ie, within approximately one week. He was requested to do so after school hours (Van Ramshorst and ██████████ testimony)
2. Exhibit 4 contains still images from a security camera located outside the garage doors to the ██████████ shop. The images show Van Ramshorst and various people coming and going from

the shop from [REDACTED]
The number of individuals with Van Ramshorst varied from 2 or 3 people to as many as 10.

3. Some images in Exhibit 4 show equipment being removed from the shop:
 - a. [REDACTED] Two unidentified individuals are seen carrying the hood of a white car toward the back of a white truck. (Van Ramshorst testimony)
 - b. [REDACTED] A white truck is backed up to the garage doors of the shop. A large piece of machinery, described as Van Ramshorst's engine hoist, is in the back of the truck. Two individuals, identified as students, are standing behind the truck, one appears to be closing the tailgate. (Van Ramshorst and [REDACTED] testimony)
 - c. [REDACTED] A different white truck towing a flatbed trailer is shown backing the trailer into the shop through the garage doors.
4. Most germane to the charges is the image in Exhibit 4 dated [REDACTED] [REDACTED] that shows
 - a. A [REDACTED] truck identified as belonging to Van Ramshorst backed up to the garage doors of the shop. (Van Ramshorst, [REDACTED] testimony)
 - b. Approximately five students in the open back (ie, the "box") of the truck, three of whom were identified as [REDACTED] students by various witnesses. (Van Ramshorst, [REDACTED] testimony)
 - c. Van Ramshorst behind the wheel of the truck. (Van Ramshorst, [REDACTED] testimony)
5. Although difficult to make out in the images, according to witness testimony, one or more engine blocks were in the back of the truck. (Van Ramshorst, [REDACTED] testimony)
6. According to witnesses present during the incident, Van Ramshorst had his students help load the engines into the back of his truck and then had several of them ride in the back to stabilize the unsecured equipment as he drove over the speed bumps in the alley. (Van Ramshorst, [REDACTED] testimony)
7. Van Ramshorst told the committee that he drove down the alley at "walking speed." (Van Ramshorst testimony)
8. [REDACTED] confirmed that Van Ramshorst drove down the alley "at less than walking speed. He was crawling over those [speed] bumps. He was taking it very slow." [REDACTED] testimony)
9. After driving north down the alley approximately 40 metres, the students in the back of the truck all got out. (Van Ramshorst, [REDACTED] testimony)
10. One or two students who had been riding in the back of Van Ramshorst's truck blocked traffic on [REDACTED] Avenue NW to allow Van Ramshorst to turn left onto the street. [REDACTED] explained this was because Van Ramshorst's truck was so heavily loaded that it was not able to move or turn quickly. ([REDACTED] testimony)

11. [REDACTED] was shown the still images from Exhibit 4 and was asked whether it was illegal for students to ride in the back of Van Ramshorst's truck. [REDACTED] responded, "If the vehicle is moving, yes, it would be a violation for passengers to be outside of the cab." ([REDACTED] testimony)
12. [REDACTED] directed the hearing committee to section 85 (1.1) of the Use of Highway and Rules of the Road Regulation of the Alberta *Traffic Safety Act*. (Exhibit 10, p 55)

A person shall not ride or permit any other person to ride on any portion of a motor vehicle that is outside of the passengers' or driver's cabin or cab of the motor vehicle.
13. When asked who was liable for the students riding in the back of Van Ramshorst's truck, [REDACTED] responded, "Both [driver and passengers], because [the regulation] says 'no person riding' or 'permitting the riding.'" [REDACTED] explained that the punishment for such infractions was a fine of \$160 per person. ([REDACTED] testimony)
14. Witnesses were consistent that students were only in the back of Van Ramshorst's truck while he was driving down the alley behind the school and that no students were in the back of the truck when Van Ramshorst turned on to [REDACTED] Avenue NW. However, [REDACTED] testified, "An alleyway is a road if it is publicly accessible." ([REDACTED] testimony)
15. When asked whether the alley behind [REDACTED] was considered publicly accessible even though it was on the school's private property, [REDACTED] responded, "Yes. It's the same for a shopping mall parking lot." ([REDACTED] testimony)
16. [REDACTED] explained that a violation under this part of the regulation was not dependent on the speed of a vehicle. ([REDACTED] testimony)
17. According to the regulation (Exhibit 10, p 55) the following exemptions exist:
 - (2) Notwithstanding subsection (1.1), a person may ride ...
 - (b) in the box of a truck
 - (i) in those circumstances where the nature of the person's occupation requires the person to ride in the box of a truck, or
 - (ii) where the person is engaged or otherwise employed in agricultural, horticultural or livestock raising operations and riding in the box of a truck is directly related to one or more of those operations
18. [REDACTED] stated that the exceptions in the regulation did not apply to Van Ramshorst's students in the incident as described. ([REDACTED] testimony)

d. Charge 3

1. On or about February 23, 2021, after one of Van Ramshorst's students complained about the hoist demonstration, Van Ramshorst met with [REDACTED] to discuss the matter. (Van Ramshorst, [REDACTED] testimony)

2. No directive to refrain from communicating with students, parents or members of the community was issued to Van Ramshorst at the meeting. (Van Ramshorst testimony)
3. According to Van Ramshorst, approximately three days later, [REDACTED] came to Van Ramshorst's classroom and asked Van Ramshorst to come to the office. After the dismissal bell, [REDACTED] met with Van Ramshorst and told him he had to go home and was not to talk to students.
4. When asked if he received this direction in writing, Van Ramshorst responded, "They might have had a document with them, but they didn't give me anything. There might have been a problem with the document, but they sent me home with a verbal warning." (Van Ramshorst testimony)
5. According to Van Ramshorst, once he was suspended in late February 2021, he was issued a written directive from the school division that he have no contact with members of the community, parents, students or neighbours. "The first letter I received was a laundry list." (Van Ramshorst testimony)
6. Van Ramshorst stated that his representative from the Association argued that these restrictions were too sweeping and went well beyond the customary directive to not communicate with students or colleagues while suspended. (Van Ramshorst testimony)
7. According to Van Ramshorst, the division issued an amended verbal directive that softened the language concerning his ability to contact neighbours and students. (Van Ramshorst testimony)
8. Van Ramshorst initially testified that the amended directive was not issued in writing. (Van Ramshorst testimony)
9. Van Ramshorst later testified that there was an amended directive in writing, but he did not know whether he had seen it. (Van Ramshorst testimony)
10. According to Van Ramshorst, he provided all copies of any documentation he received from his employer to his Association representative. (Van Ramshorst testimony)
11. No written directive was entered as evidence.
12. No witness testimony was heard to clarify or corroborate the number and content of any written or verbal directives to Van Ramshorst.

e. Charge 4

1. [REDACTED] testified that [REDACTED] started an online petition to help reinstate Van Ramshorst as the [REDACTED] automotive mechanics teacher after Van Ramshorst had been "suspended." ([REDACTED] testimony)
2. A screenshot of the petition's landing page, captured on May 9, 2023, showed the petition was entitled "Bring Back Mr. V" and that 1,678 signatures had been collected. (Exhibit 17)

3. The petition landing page (Exhibit 17) also included the following message from [REDACTED]

This year, Mr. V was suspended from teaching at our school. Many people agree that he is the greatest teacher in the history of [REDACTED]. The ability to enter a class free of judgment regarding your background, ethnicity, or beliefs is something that cannot be overlooked. Mr. V has made [REDACTED] more than just a school, he's created a space where everyone feels respected, loved, and cared about. For many of us, he's created more than just a class, he's created a family. He's made it clearly evident that he cares about us more than he cares about anything. However, it's time for us to care about him.
4. [REDACTED] testified that [REDACTED] also organized a rally in support of Van Ramshorst and promoted it online. The rally was to be held during the week of May 17–21, 2021. It was originally scheduled for a Wednesday or Thursday, but [REDACTED] tried to get it rescheduled for Friday after school had ended for the day. ([REDACTED] testimony)
5. [REDACTED] was suspended for posting the petition. [REDACTED] then stopped playing a role in planning the rally and did not attend. ([REDACTED] testimony)
6. The rally occurred on Friday, May 21, 2021, at the park across from the school at approximately 2:00 PM. ([REDACTED] testimony)
7. An initial post about the rally referenced surrounding and barricading the school to keep teachers from leaving until students were granted a meeting with the principal. ([REDACTED] and [REDACTED] testimony)
8. Concerns about the rally and the possibility that the school might be barricaded resulted in [REDACTED] arranging for a high-stakes Advanced Placement exam for some [REDACTED] students to be moved to a different school for the day so the exam would not be disrupted. ([REDACTED] testimony)
9. Due to students being very emotional at the time and the possibility of students attempting to barricade the school or cause a significant disturbance, [REDACTED], the head of the [REDACTED] corporate security, and [REDACTED], the school resource officer, were asked to be on site. ([REDACTED] testimony)
10. [REDACTED] arranged for a second school resource officer and a police staff sergeant to also be present to mitigate any risk. ([REDACTED] testimony)
11. The rally was attended by current and former [REDACTED] students and some parents. (Van Ramshorst, [REDACTED] testimony)
12. The number of rally attendees varied from witness to witness:
 - At least 20–30 ([REDACTED] testimony)
 - 50–80 ([REDACTED] testimony)
 - 50 people initially ([REDACTED] testimony)
 - At most 100. ([REDACTED] testimony)

13. Van Ramshorst attended the rally. (Van Ramshorst, [REDACTED] testimony)
14. According to his testimony, Van Ramshorst attended the rally because he saw the crowd and police presence from his residence, so he took his dog for a walk to “see what’s going on.” (Van Ramshorst testimony)
15. Van Ramshorst interacted with the people in attendance by either shaking hands, fist bumping or speaking with them. (Van Ramshorst, [REDACTED] and [REDACTED] testimony)
16. The rally was described as mostly peaceful in nature. (Van Ramshorst, [REDACTED], [REDACTED] testimony)
17. The rally was in contravention of COVID-19 gathering rules in effect at the time, so the police delivered a cease-and-desist order prepared by Alberta Health Services to Van Ramshorst. (Van Ramshorst and [REDACTED] testimony)
18. According to Van Ramshorst, he was about to leave the rally when he was “accosted” by the police. When students saw the police speaking to him, they encircled the police and Van Ramshorst and started yelling profanities at the police—things like, “This man is like my dad!” (Van Ramshorst testimony)
19. According to [REDACTED], “A lot of people were quite upset when the police showed up and started to harass Mr V. ... People were shouting things at the police. It wasn’t getting too out of hand, but people were upset.” [REDACTED] testified that Van Ramshorst did not motivate people to shout at the police; they started shouting on their own. ([REDACTED] testimony)
20. Van Ramshorst asked his students to disperse so he could speak to the police officers; the students did so. The Alberta Health Services cease-and-desist order was delivered to Van Ramshorst when he was no longer among the crowd of attendees. ([REDACTED] testimony)
21. According to [REDACTED], as Van Ramshorst was leaving, he stopped in front of the office and raised his middle finger in the direction of the principal’s office. Van Ramshorst was on his own at the time, so [REDACTED] did not think the gesture was intended to stir up animosity among those in attendance. ([REDACTED] testimony)
22. [REDACTED] did not see Van Ramshorst make any gesture toward the school. ([REDACTED] testimony)
23. When asked if he made a gesture toward the school, Van Ramshorst said, “I’m a colourful person at the best of times. I was on parade in front of all the people I expected to show respect out there. It would seem to me to be out of character to give the finger in front of them.” (Van Ramshorst testimony)
24. The rally lasted about an hour. By 3:00 PM, the rally was over, and attendees began leaving the area. ([REDACTED] testimony)

25. According to Van Ramshorst, several media outlets were in attendance and wanted to interview him, but he refused. (Van Ramshorst testimony)

f. Charge 5

Van Ramshorst's Relationships with Students in General

1. Van Ramshorst is a popular teacher and his courses have long wait lists. (Van Ramshorst, [REDACTED] testimony)
2. Three of Van Ramshorst's former students testified that they had very close relationships with him and described him as an excellent teacher. ([REDACTED] testimony)
3. Van Ramshorst offered after-school time during which students could work on their projects or visit in the automotive mechanics shop until 4:30 or 5:00 PM. (Van Ramshorst testimony)
4. Van Ramshorst explained, "I create a sense of community in my class. I feel like a father." When asked how he acts like a father to his students, Van Ramshorst explained, "I yell. I offer support. I talk to them. ... Just being there for them. They don't have anyone." (Van Ramshorst testimony)
5. One of the student witnesses said that Van Ramshorst "became a father figure for a lot of us in class. I wished him a happy Fathers' Day." ([REDACTED] testimony)
6. When another student was asked to describe their relationship with Van Ramshorst, they answered that he's "a friend." ([REDACTED] testimony)
7. [REDACTED] testified that [REDACTED] had cautioned Van Ramshorst to maintain proper boundaries with students. [REDACTED] defined proper boundaries as not being "friends with students." ([REDACTED] testimony)
8. [REDACTED] testified that when he reviewed comments about the online petition, he drew the conclusion that Van Ramshorst's relationship with some of his students could be characterized as, "Cult-like; those devoted to him were *very* devoted to him." ([REDACTED] testimony)

Van Ramshorst's Facebook Account

9. The hearing committee reviewed certain elements of Van Ramshorst's Facebook page (Exhibit 3). It was noted that Van Ramshorst's Facebook page has 1.2 K friends, some of whom were identified as current and former [REDACTED] students. (Van Ramshorst and [REDACTED] testimony)
10. Fraser drew the hearing committee's attention to the following posts and comments (Exhibit 3):
 - a. A post by Van Ramshorst on July 29, 2022, that said, "Had to post this....." that linked to an antivax video by Canada Unity.

- b. A post by Van Ramshorst on January 25, 2022, that linked to a video from noted antivax figure ██████████ (name misspelled as '████████' on the post) with the caption "The dam is starting to break."
 - c. A post by Van Ramshorst on January 19, 2022, that stated "This." and linked to a video from ██████████ newspaper that was critical of cross-border vaccination requirements for truckers.
 - d. A post by Van Ramshorst on December 22, 2021, that said, "Loving this picture. ❤️ [red heart emoji] Like a proud father." The comment was linked to a group picture taken behind the ██████ shop that showed Van Ramshorst, over 60 current and former students and some ██████ alumni, all wearing matching jackets.
 - e. On a birthday post by Van Ramshorst made on February 26, 2020, an individual named ██████████ posted comment with a gif of what appears to be an orangutan ██████████
11. ██████ submitted that Van Ramshorst had a responsibility to present balanced perspectives to social media posts when making comments related to controversial or political topics.
 12. The hearing committee reviewed social posts from ██████████ (Exhibits 11, 12 and 13) that demonstrated that their views of COVID-19 and Alberta's political landscape were the opposite of Van Ramshorst's.
 13. ██████ submitted that ██████ and ██████ did not present the balance in their posts that ██████ submitted Van Ramshorst was responsible for demonstrating on his posts.
 14. ██████ submitted that Van Ramshorst is responsible to ensure that posts and comments on his Facebook page are appropriate since they are visible to current and former students.
 15. Van Ramshorst said he was not very computer savvy, that he did not post much and did not know how to delete posts or comments. (Van Ramshorst testimony)
 16. Although ██████ and Van Ramshorst both identified that ██████ students were included in the list of Van Ramshorst's Facebook friends, the hearing committee did not hear direct testimony from any student about whether they had seen any of the specific posts referenced above.
 17. ██████ testified that he barely used Facebook but did use Instagram and Snapchat. However, ██████ was not asked directly about any of Van Ramshorst's posts.

Van Ramshorst's Interactions with Students Outside of School

18. Van Ramshorst confirmed that he knows teachers should not call students or give students their personal phone number. (Van Ramshorst testimony)

19. However, Van Ramshorst communicated with students outside of class by text and phone. (Van Ramshorst, [REDACTED] testimony)
20. [REDACTED] testified that [REDACTED] witnessed students visiting Van Ramshorst's house while Van Ramshorst was suspended. ([REDACTED] testimony)
21. The hearing committee heard that students frequently visited Van Ramshorst's house.
22. According to Van Ramshorst, "Throughout my career, students made it their mission to know where I live." (Van Ramshorst testimony)
23. When asked if he ever invited students to his house, Van Ramshorst paused before identifying two occasions: once to get [REDACTED] to help him lift something heavy, and once to serve a spaghetti dinner to many students. (Van Ramshorst testimony)
24. According to [REDACTED], Van Ramshorst did not invite students over but explained that students knew they could simply show up. "He was always welcoming." ([REDACTED] testimony)
25. When asked if Van Ramshorst had an open-door policy, [REDACTED] replied, "Yes, [REDACTED] said we were always welcome." ([REDACTED] testimony)
26. According to Van Ramshorst, students would also come over to look at his collection of restored cars or to show Van Ramshorst their vehicles. (Van Ramshorst testimony)
27. [REDACTED] corroborated that students would drop by "simply to visit." ([REDACTED] testimony)
28. On one occasion, [REDACTED] visited Van Ramshorst's house to request Van Ramshorst's help to tie [REDACTED] tie for a graduation photo. ([REDACTED] testimony)
29. [REDACTED] visited Van Ramshorst's house quite a few times and "would go over to his place a lot." These visits occurred once a week or every two weeks and typically lasted a couple of hours at a time. ([REDACTED] testimony)
30. Often, [REDACTED] was the only one at Van Ramshorst's home, but at other times there would be three or four other students present. ([REDACTED] testimony)
31. [REDACTED] testified there was one instance when a group of four or five students visited Van Ramshorst's home for a group photo. ([REDACTED] testimony)
32. Van Ramshorst recounted that he started making spaghetti dinners for students while he was teaching in [REDACTED] and sometimes mentioned these spaghetti dinners to his [REDACTED] students. (Van Ramshorst testimony)

33. According to Van Ramshorst, in 2022, when a [REDACTED] student mentioned to him that that they had never had the opportunity to try his spaghetti, Van Ramshorst told the student, "Put the word out: spaghetti dinner at Mr V's house." (Van Ramshorst testimony)
34. According to [REDACTED], 20–30 students attended the spaghetti dinner. ([REDACTED] testimony)
35. According to [REDACTED], [REDACTED] mom knew [REDACTED] was at Van Ramshorst's house and had no concern about it. ([REDACTED] testimony)
36. The hearing committee did not hear from [REDACTED] mother or any other parents.

VIII. DECISION OF THE HEARING COMMITTEE

Charge 1—Guilty

Charge 2—Guilty

Charge 3—Not Guilty

Charge 4—Guilty

Charge 5—Guilty

IX. REASONS FOR DECISION

a. Professionals are Responsible for Their On-Duty and Off-Duty Conduct

1. Section 23 of the TPA defined unprofessional conduct as
 - (1) Any conduct of a member, that in the opinion of a hearing committee,
 - (a) is detrimental to the best interests of
 - (i) students as defined in the Education Act,
 - (ii) the public, or
 - (iii) the teaching profession,
 - (b) contravenes sections 16–65 or a bylaw made under section 8(f) or (g), or
 - (c) harms or tends to harm the standing of teachers generally, whether or not that conduct is disgraceful or dishonourable, may be found by a hearing committee to constitute unprofessional conduct.
 - (2) If a member has been convicted of an indictable offence,
 - (a) the conduct of the member on which the conviction is based is deemed to constitute unprofessional conduct, and
 - (b) the member shall forthwith inform the association of the conviction.
2. The hearing committee acknowledges that this definition of unprofessional conduct is broad and can apply to both on- and off-duty teacher conduct. Of the five charges against

Van Ramshorst, the hearing committee identified the following three as being related to off-duty conduct by Van Ramshorst:

- a. Charge 2: Van Ramshorst drove students in the open box of his truck on April 28, 2021, at approximately 6:17 PM. This occurred while Van Ramshorst was not teaching due to being suspended. Therefore, the hearing committee concluded the event occurred while Van Ramshorst was off duty.
 - b. Charge 4: Van Ramshorst attended a rally on May 14, 2021, while suspended. The hearing committee considered his attendance at the rally to be during off-duty time.
 - c. Charge 5: The hearing committee heard that Van Ramshorst communicated with students by text and phone, and students attended Van Ramshorst's home on a number of occasions outside of school hours and during Van Ramshorst's suspension.
3. Failing a conviction for an indictable offence under section 23(2) of the TPA, for Van Ramshorst's off-duty conduct in these instances to be considered unprofessional pursuant to section 23(1) of the TPA, the hearing committee's obligation was to determine whether,
- a clear nexus or relationship existed between Van Ramshorst's off-duty activities and his professional responsibilities; or
 - that his off-duty conduct was more reprehensible because it was committed by a teacher as opposed to a member of the general public to the extent that any such conduct would bring disrepute to the profession.
4. For each of the three charges identified above, the hearing committee is satisfied that a clear nexus exists between Van Ramshorst's off-duty activities and the events underpinning the charges.
- a. Charge 2: The individuals who helped Van Ramshorst remove equipment from the [REDACTED] shop and who rode in the open box of his truck were Van Ramshorst's students.
 - b. Charge 4: The rally Van Ramshorst attended was organized and attended by his students. The rally was critical of Van Ramshorst being suspended by the [REDACTED]. Van Ramshorst attended the rally, which was located across the street from [REDACTED]. Van Ramshorst interacted with [REDACTED] students and parents present at the rally.
 - c. Charge 5: Van Ramshorst allowed students to call or text him on his personal device(s) and many students visited Van Ramshorst at his home on multiple occasions.
- In each case, there is a clear intersection between Van Ramshorst's work as a teacher at [REDACTED] and the events that transpired while he was off duty.
5. The hearing committee is also satisfied that Van Ramshorst's conduct described in each of the three charges crossed the line of being more reprehensible because the events underpinning the charges were committed by a certificated teacher.

- a. Charge 2: Per his testimony, Van Ramshorst emphasized teaching and enforcing safety standards in his automotive mechanics classes. His decision to move heavy equipment in a manner that put his students at risk completely erodes that emphasis. His actions were more reprehensible because he was a certificated teacher who acted contrary to the very principles he teaches.
- b. Charge 4: Van Ramshorst was not simply a member of the community who happened to come across the rally being held across from [REDACTED]. The rally was held in his honour and was critical of his employer. It would have been immediately apparent that this was a protest against his suspension. By being present at the rally and interacting with students and parents, Van Ramshorst appeared to endorse the sentiments associated with the rally. Such endorsement risked bringing the reputation of the profession and his employer into significant disrepute. As a certificated teacher, Van Ramshorst holds a position of trust with students and his actions could be interpreted as encouraging further disruptive and criticizing behaviour.
- c. Charge 5: Van Ramshorst's practice of working on cars or visiting with students in the [REDACTED] automotive mechanics shop after school is not at issue. However, Van Ramshorst allowed his students to visit him at his home frequently. This is concerning. It is very rare for members of the public to hear about students visiting a teacher at their home. That multiple students felt they could drop by Van Ramshorst's home unannounced, and that he would allow and encourage this, is cause for considerable alarm. A certificated teacher holds a position of trust and authority over students. Clear boundaries are necessary to ensure that trust and authority are maintained.

b. Charge 1

1. The hearing committee considered Van Ramshorst's argument that none of the guidelines provided established that the hoist demonstration was unsafe.
2. The hearing committee reviewed Exhibits 6, 7, 8, and 9 and, although there is only a single direct reference to vehicle hoists (regarding the need for annual inspections—Exhibit 7, p 7), the documents provides a clear overview of the division's safety expectations.
3. The [REDACTED] Occupational Health and Safety administrative regulation (Exhibit 6, p 3) states
 - a. "All employees are expected to model safe work practices and behaviours to contribute to a culture of safety and awareness"
 - b. "Employees are expected to ... take practicable precautions to ensure safety in worksites"
4. The [REDACTED] Safety: Accidents in Schools regulation (Exhibit 8, pp 1–2) states:
 1. It shall be the responsibility of the principal and staff to take every reasonable precaution to prevent all accidents stemming from school-jurisdiction activities which might result in:
 - a. injury or harm to teachers, students or visitors,

- b. work interruptions, or
 - c. damage to property, equipment or materials.
 2. To achieve these objectives, the school staff shall assume direct continuing responsibility for:
 - a. active participation in the district and school accident prevention program;
 - b. maintenance of safe conditions;
 - c. prompt reporting and correction of hazardous conditions and practices affecting persons, activities or facilities under their jurisdiction; and,
 - d. performance of all other specific assigned accident prevention responsibilities.
 3. Students shall assume the direct continuing responsibility for:
 - a. compliance with safety rules and the instructions of teachers;
 - b. use of all required safety devices, safeguards, and personal protective equipment; and
 - c. prompt reporting of all accidents, injuries, hazardous conditions, and hazardous practices.
5. Exhibit 8 (p 2) also states, “Principals and teachers are responsible for ensuring that, through effective supervision of pupils during the school day, accidents are reduced to a minimum.”
6. The 2013 Alberta Education Guide to Career and Technology Studies (CTS) shared by [REDACTED] (Exhibit 9, p 35) also contains relevant information:

School authorities, school administrators and CTS teachers are responsible for exercising due diligence, taking reasonable care, and doing everything that is reasonably practical to ensure that CTS learning environments are in compliance with applicable legislation and are healthy and safe for teachers, instructors and students.

... Safety concerns in CTS learning environments vary greatly from occupational area to occupational area. Students learn to safely manage themselves and the tools they work with in each learning environment. A culture of health and safety awareness is integrated into the entire school environment as students develop attitudes, skills, knowledge and values around personal safety and the safety of others that transfers beyond the classroom to their personal life and work life.
7. While the hearing committee acknowledges Van Ramshorst’s testimony that he felt his demonstration was safe, when considered in light of these directions, the hearing committee finds that the demonstration put students in a potentially unsafe situation and at unnecessary risk.
8. The evidence from multiple witnesses was that use of the hoist is potentially dangerous. Van Ramshorst indicated that he focussed on the importance of safety during the week prior to the demonstration, which was to help the students learn about the potential dangers to them if the hoist was not used properly.

9. The hearing committee notes that the demonstration could have been completed without the students riding the hoist. Apart from it being a “fun” exercise, Van Ramshorst offered no explanation for why he chose to put students on the hoist rather than a vehicle. There is no indication that this was an unavoidable risk.
10. Teachers have a professional obligation to avoid situations that put students in unsafe situations and at unnecessary risk. Where risk is unavoidable, teachers must take all necessary precautions to mitigate the risks, including notifying parents of the risks and allowing them to decide whether their child must be excused from the activity.
11. Van Ramshorst took no such steps.
12. By putting students in a situation that was potentially unsafe, Van Ramshorst failed to treat students with dignity and respect, regardless of the intended purpose of the activity.
13. Students cannot be the determiners of what is safe, nor can they be the stewards of safety. The obligation rests solely with the teacher to establish and/or uphold safety standards.
14. By mandating that students participate in the hoist activity without allowing them to opt out, Van Ramshorst failed to be considerate of their circumstances.
15. Van Ramshorst characterized the activity as a fun way to culminate a week of safety training, but he failed to recognize the potential for serious injury and the significant irony of using the hoist in an unsafe manner during an activity intended to demonstrate proper hoist operation.
16. The hearing committee is satisfied that any reasonable teacher, when weighing the potential value of the hoist demonstration as conducted by Van Ramshorst against the potential risk for an accident, would decide the risk outweighed any possible educational value.

c. Charge 2

1. When he transported students in the open box of his truck along with heavy automotive parts, Van Ramshorst subjected his students to unnecessary and unacceptable safety risks that could have resulted in significant harm to the students.
2. The hearing committee heard evidence that these actions may contravene Alberta traffic laws.
3. Given the evidence that the truck was so heavily loaded that students needed to block traffic for Van Ramshorst to pull out onto the street, the hearing committee is left with serious concerns about whether the students in the truck box would have been able to prevent injury to themselves if the cargo had shifted while they were being driven down the alley.
4. The hearing committee questions why Van Ramshorst, an experienced automotive mechanic who was transporting equipment between the [REDACTED] shop and his home garage, did not have the necessary equipment to properly secure the load in the back of his truck.

5. Students cannot be the determiners of what is safe, nor can they be the stewards of safety. The obligation to establish and uphold safety standards rests solely with the teacher.
6. Van Ramshorst's decision to rely on students riding in the box of his truck to help secure engines as he drove over speed bumps shows a significant lapse in judgment.
7. By placing students in a situation that was unsafe, Van Ramshorst failed to treat his students with dignity and respect.
8. Teachers do not show wanton disregard to society's laws, and they do not knowingly put students in their care at risk of injury. Van Ramshorst's poor decision-making resulted in his failure to maintain the honour and dignity of the profession.

d. Charge 3

1. The hearing committee was not provided with a copy of any written directive(s) from the █████ referred to by witnesses and was therefore left to speculate about the content, specificity and limitations Van Ramshorst's employer had dictated.
2. Only Van Ramshorst gave testimony concerning amendments to the conditions that the █████ had placed on him—there was no corroboration from either of the two assistant principals or any other witness.
3. Van Ramshorst's credibility regarding these matters was questionable. His answers to questions about written and verbal directives that the █████ issued were internally inconsistent. For example, concerning whether Van Ramshorst had received any written directions from the █████ prior to or during his suspension, he at first said that he received a document that said he could not communicate with students, parents and community members. Shortly thereafter, he said that he had not seen any such documents because they had been sent to his Association representative. Later, he responded to a question with the statement, "What I saw said 'no contact with anyone in the community' on the bottom. I saw it with my own eyes." The hearing committee was cognizant that Van Ramshorst has a vested interest in promoting versions of events favourable to him.
4. For the hearing committee to assess whether the events that gave rise to the charge should be considered unprofessional conduct, the factual occurrence of the events had to be demonstrated through evidence.
5. However, the hearing committee did not hear testimony from any witness that clarified this matter, nor was any documentary evidence produced from which the hearing committee could draw definitive conclusions. In particular, the committee did not hear from █████, Van Ramshorst's principal and direct supervisor, who would likely have been able to speak to the existence and content of any written and/or verbal directive(s).
6. Although both parties acknowledged the existence of an initial directive issued by the █████ to Van Ramshorst, the hearing committee was unable to examine its content. As a result, the

hearing committee was unable to determine whether Van Ramshorst adhered to or violated the directive(s).

7. It is the responsibility of a presenting officer to provide sufficient evidence to enable a hearing committee to determine guilt or innocence based on the balance of probabilities. Given the absence of direct evidence regarding Charge 3, the hearing committee determined that the burden of proof was not met. The hearing committee is therefore unable to find Van Ramshorst guilty of the charge.

e. Charge 4

1. Van Ramshorst's students organized a rally as a public protest about Van Ramshorst's ongoing suspension.
2. While the hearing committee is convinced that Van Ramshorst played no part in planning the rally, his attendance at the event failed to uphold the honour and dignity of the profession.
3. The rally was attended by 20–100 students, former students and parents. By attending the rally and interacting with the attendees, Van Ramshorst's actions signalled tacit, if not explicit, public criticism of his employer (the [REDACTED]) and his [REDACTED] colleagues.
4. [REDACTED] was the only witness who testified that Van Ramshorst had raised his middle finger toward the school as he was leaving the rally. No other witness observed this occurrence. While the committee has no reason to doubt [REDACTED] testimony, it decided to assign this matter little weight as it is their determination that Van Ramshorst's participation at the rally alone is sufficient for him to be found guilty on this charge.
5. There are established processes for teachers to resolve disagreements with their supervisors and employment issues with their school divisions. These do not include participating in public protests across the street from a teacher's place of employment.

6. [REDACTED]

[REDACTED]

7. Van Ramshorst's participation at the rally ran the real risk of eroding public confidence in his [REDACTED] colleagues, his employing school division and the teaching profession itself.

Although it was scheduled to occur after school hours on a Friday, the rally was disruptive to the normal operations of [REDACTED]. The concerns of school and division administrators warranted the presence of the [REDACTED] head of corporate security and three police officers. A high-stakes examination for some [REDACTED] students was moved to a different location to ensure it was not disrupted by the rally.

f. Charge 5

1. Teachers have the obligation of maintaining professional boundaries in their relationships with students.
2. Responsibility for establishing and maintaining these boundaries rests solely with the teachers as they hold a position of authority and influence over students.
3. By allowing students to contact him by text and phone, and especially his willingness to allow students to visit him at his house, Van Ramshorst facilitated the erosion of professional boundaries between him and his students.
4. This led to students viewing Van Ramshorst as a friend and father figure, not as a teaching professional.
5. Teachers must maintain appropriate professional boundaries with students, especially during their off-duty hours. They should avoid socializing with students outside of official school events or functions and ensure that their personal lives do not interfere with their professional responsibilities.
6. Respectful teacher-student boundaries must be established and maintained to protect the well-being and safety of students and to maintain the professionalism and ethical standards of the teaching profession in Alberta. Teachers are expected to adhere to these boundaries and conduct themselves in a manner that upholds the integrity of their role as professional educators and public figures.
7. Although the hearing committee heard no evidence that Van Ramshorst's interactions with his students were romantic or sexual in any way, by allowing his relationship with students to take on the dynamics of casual friendships or familial relationships, Van Ramshorst's conduct fell well outside the boundaries of what the public expects of teachers and failed to maintain the honour and dignity of the profession.
8. The finding of guilt on this charge is not based on any of Van Ramshorst's social media posts or comments because no direct evidence was heard that led the hearing committee to conclude that any of Van Ramshorst's students had seen the specific questionable posts that [REDACTED] had drawn to the hearing committee's attention.
9. That said, the hearing committee feels the need to clearly communicate to Van Ramshorst that his off-duty social media posts can be the basis for findings of unprofessional conduct subject to the factors outlined in [REDACTED]
[REDACTED]

X. SUBMISSIONS ON PENALTY

Both parties provided oral submissions on penalty to the hearing committee. The parties were also invited to share written copies of their oral statements for the committee to refer to during their deliberations.

a. [REDACTED] Submission

1. Charge 1: Van Ramshorst did not take responsibility for his decision to raise students on the hoist. Van Ramshorst acknowledged that one of his students was uncomfortable with the hoist demonstration, but throughout the hearing, there was no expression of regret.
2. Charge 2: Van Ramshorst did not take responsibility for his decision to drive his truck with students in the truck box. [REDACTED] explained that the alley behind the school would be considered a publicly accessible roadway and, as such, Van Ramshorst likely committed an infraction the moment he put his vehicle in motion.
3. Charge 4: Van Ramshorst attended and participated in the rally. The degree to which he was an *active* participant is irrelevant. Teachers do not resolve employment conflicts by attending rallies against their school and division across the street from their place of employment.
4. Charge 5: Van Ramshorst continues to actively interact with students who consider him to be their friend and, in some cases, a father figure. Teachers do not host frequent open houses for their students.
5. [REDACTED] noted that Van Ramshorst had previously been found guilty of unprofessional conduct by a hearing committee of the Association's Professional Conduct Committee and that it was very rare for a member of the Association to be convicted of unprofessional conduct once, let alone twice. [REDACTED] submitted that since Van Ramshorst has now been found guilty of unprofessional conduct by two different hearing committees, the penalty for the matters before this hearing committee must reflect his recidivism.
6. [REDACTED] submitted that a letter of severe reprimand and a fine would not provide an acceptable level of deterrence for Van Ramshorst. In [REDACTED] words, "They didn't work last time."
7. [REDACTED] proposed the following penalty for all charges:
 - a. A letter of severe reprimand;
 - b. A fine of \$1,000 for each charge of which Van Ramshorst was found guilty, with a penalty for not paying within the specified window of time set by the hearing committee;
 - c. A three-month suspension of Van Ramshorst's membership in the Association; and
 - d. A recommendation to the Minister of Education that Van Ramshorst's teaching certificate be suspended for three months.

b. [REDACTED] Submission

1. [REDACTED] shared with the hearing committee that it was [REDACTED] understanding from conversations between [REDACTED] and Van Ramshorst prior to this hearing that [REDACTED] was “not going after his ticket” (which the hearing committee understood to mean that if Van Ramshorst participated, [REDACTED] would not be recommending the suspension or cancellation of his membership in the Association or his teaching certificate).
2. Charge 1:
 - a. Van Ramshorst put students on a hoist and raised and lowered it. The speed at which the hoist was raised and lowered was very slow and students did not feel that the activity was unsafe.
 - b. These are mitigating factors to assess when determining the severity of the incident and the penalty to be doled out. One student felt so uncomfortable that they registered a complaint, but the hearing committee did not hear from that student directly so the extent to which the student was traumatized or felt in imminent danger is unknown.
 - c. Recommended penalty: nothing more than a letter of reprimand and a nominal fine (ie, \$200–\$250).
3. Charge 2:
 - a. It was conceded throughout the hearing that students rode in the back of Van Ramshorst’s truck on April 28, 2021. Van Ramshorst drove with students in the back of the truck at walking speed over speed bumps down a short alleyway, but not on the main street beside the school. Students were not at severe risk of injury.
 - b. Recommended penalty: nothing more than a letter of reprimand and a nominal fine (ie, \$200–\$250).
4. Charge 4:
 - a. The hearing committee found Van Ramshorst’s participation at the rally problematic because he was essentially present at a public protest against his employer that related to an ongoing employment matter. The hearing committee heard that Van Ramshorst did actively participate and even attempted to keep the peace at one point.
 - b. Recommended penalty: nothing more than a letter of reprimand and a nominal fine (ie, \$200–\$250).
5. Charge 5:
 - a. The basis for findings of guilt regarding this charge do not concern Van Ramshorst’s social media use, but are related to his relationships with students, specifically their attendance at his house to work on cars, to talk and for a spaghetti dinner.
 - b. No evidence was heard about the lack of parental consent. The students’ evidence was that they loved going to Van Ramshorst’s house.

- c. The severity of these infractions is not the same scale as inappropriate touching or sending inappropriate messages to students via social media, text or direct message.
- d. Recommended penalty: nothing more than a letter of reprimand.

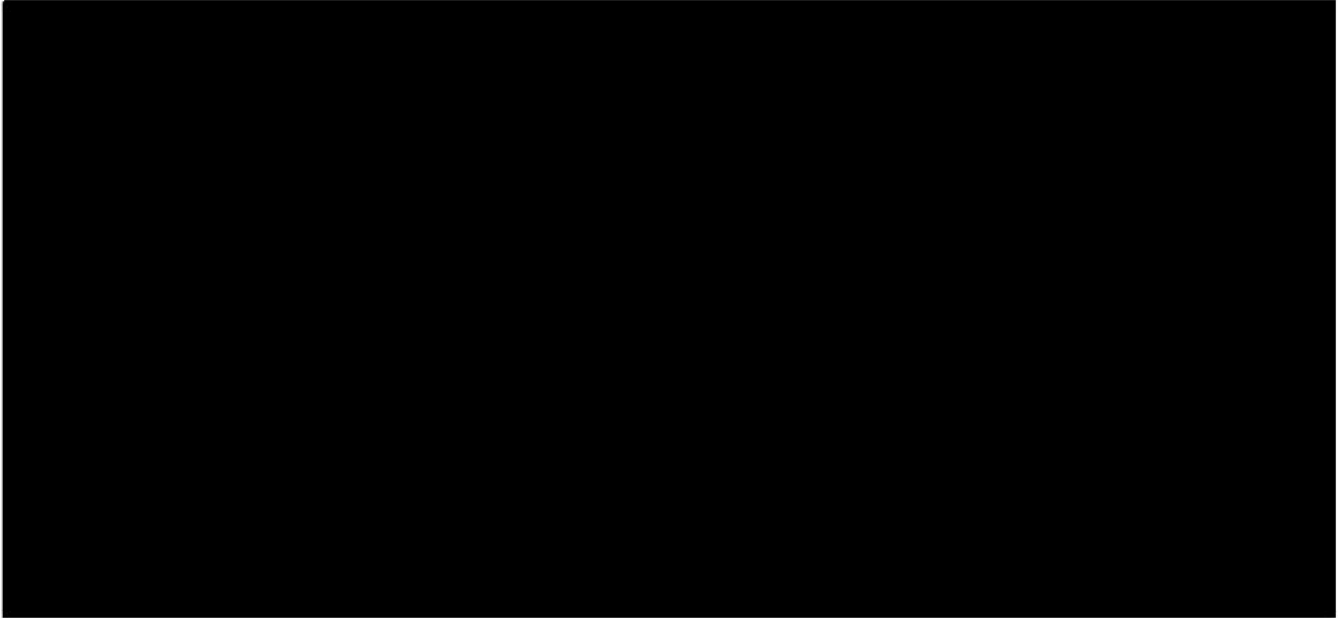
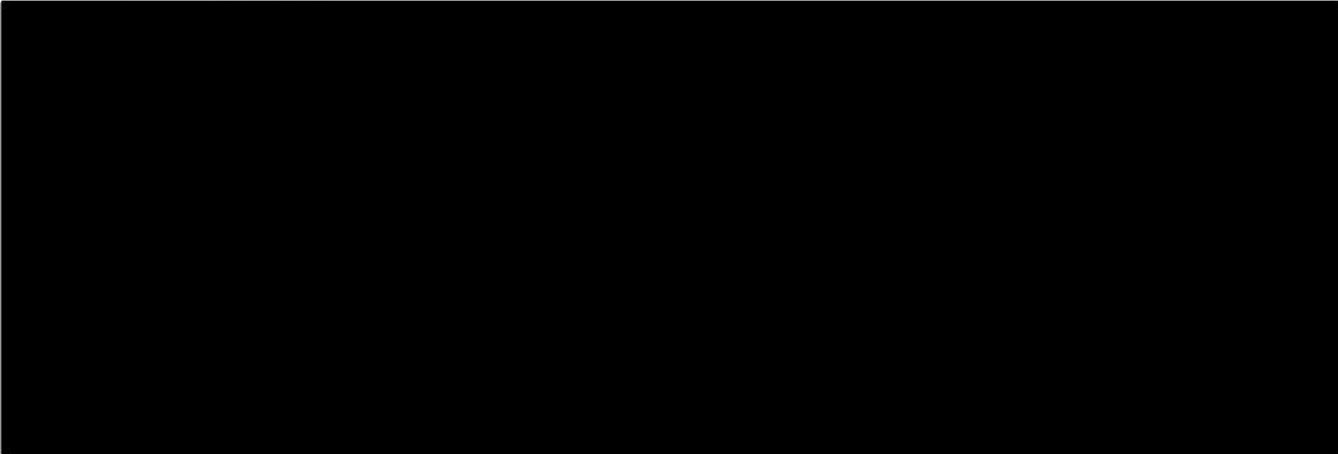
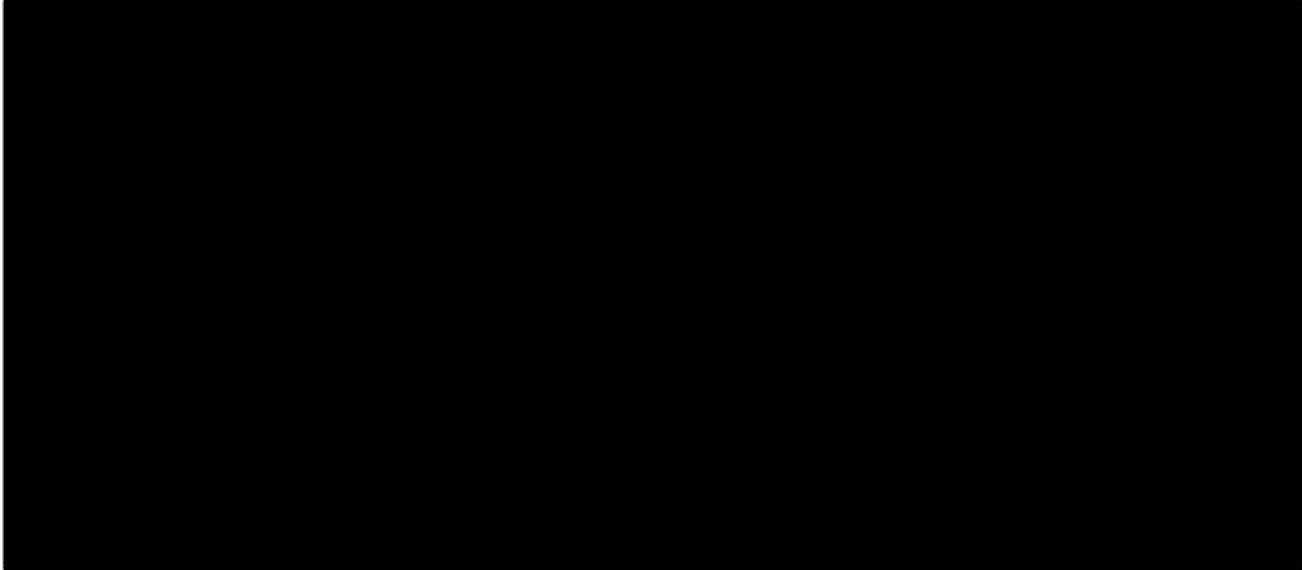
c. Precedents Identified by [REDACTED]

- 1. [REDACTED] presented the hearing committee with the following precedent decisions from prior Association Professional Conduct Committee hearings.

[REDACTED]

[REDACTED]

[REDACTED]



7. Van Ramshorst (ND1744)

- a. The Association's Professional Conduct Committee previously found Van Ramshorst guilty of two charges of unprofessional conduct for violating the terms of a negotiated leave and settlement agreement with his previous employer when he made disparaging comments on social media in September 2018 and again in December 2019.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

d. Precedents Identified by the Hearing Committee

- 1. The hearing committee submitted to [REDACTED] for their comments the following precedents in which the respective investigated members were found guilty of unprofessional conduct by two different hearing committees.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

2. The parties were given an opportunity to review the decisions from these cases and make submissions to this hearing committee regarding how it should handle Van Ramshorst's second-time convictions of unprofessional conduct.
3. In [REDACTED] submission, [REDACTED]
 - noted that penalties in these cases tended to increase in severity between the first and second conviction;

- conceded that in some cases, significantly more egregious conduct that led to a second conduct hearing was likely a bigger factor for heavier sanctions than the fact that the members had been previously convicted; and
 - submitted that, in applying these precedents to the matters currently before the hearing committee concerning Van Ramshorst's conduct, it was not necessary to move the penalty "needle up to the extreme," but the penalty does need to move in the direction of more severe sanctions.
4. ██████████ submitted that
- it was hard to discern the extent to which prior hearing committee sanctions were the result of repeat convictions because it was not clearly explained in the respective hearing committees' reasons for decision;
 - in the decisions where the hearing committees commented on a pattern of repeated or escalating behaviour, it was more reasonable to conclude that the second, more severe, sanctions were the result of the hearing committee moving the needle up to more significant penalties for repeated misconduct;
 - for cases like ██████████ and ██████████ where the conduct leading to the second conviction(s) was different and significantly more severe than the conduct that led to the first conviction(s), the difference in penalty was more likely due to the extreme nature of the more recent conduct than a compound effect of an incremental increase in sanctions for repeat offenders; and
 - in applying the precedents to the Van Ramshorst matter currently before the hearing committee, ██████████ submitted that there was no pattern of escalating behaviour when considering Van Ramshorst's first convictions compared to the current convictions and, further, Van Ramshorst's conduct in the current matter was not so egregious as to warrant a penalty beyond a letter of reprimand and a fine.

XI. PENALTY

The hearing committee ordered the following penalty:

Charge 1—A fine of \$250

Charge 2—A fine of \$500

Charge 4—A fine of \$2,000

Charge 5—A fine of \$1,500

A severe letter of reprimand to cover Charges 1, 2, 4 and 5.

The total of all fines must be paid within 120 days of receipt of this written decision. If payment in full is not received within the time specified, Van Ramshorst's membership in the Association will be suspended until the fine is paid in full.

XII. REASONS FOR PENALTY

When considering penalty, the hearing committee considered the [REDACTED]. The hearing committee's reflection on each of these factors are as follows.

a. Age and experience of the teacher

1. Van Ramshorst is currently [REDACTED] years old and has taught for approximately [REDACTED] years in Alberta.
2. The hearing committee has no doubt that Van Ramshorst is extremely knowledgeable about the subject area he has been assigned to teach.
3. Van Ramshorst's teaching experience paired with his formal training and work experience as a mechanic make his decision-making concerning the hoist demonstration and driving with students in the back of his truck highly questionable. By all accounts, Van Ramshorst does know better, so his actions are inexcusable.

b. Nature and gravity of the charges (including the frequency and severity of the conduct)

1. Although no evidence was heard concerning any injuries that resulted when Van Ramshorst raised students on the vehicle hoist or when he drove students in the open box of his truck, these activities had a significant risk of injury to the students involved.
2. Although the evidence heard for Charge 1 related to one particular hoist demonstration in February 2021, according to Van Ramshorst's testimony, he had been raising students on hoists during the safety lessons of his automotive mechanics classes for a number of years.
3. The hearing committee did not hear any evidence that led it to conclude that Van Ramshorst's action of driving students in the open box of his truck occurred on more than one occasion.

However, evidence that identified this as potential illegal activity makes this single incident serious and totally unacceptable.

4. The hearing committee read the following in the [REDACTED] administrative regulations shared by [REDACTED]:

“All employees are expected to model safe work practices and behaviours to contribute to a culture of safety and awareness” (Exhibit 6, p 3)

“It shall be the responsibility of the principal and staff to take every reasonable precaution to prevent all accidents stemming from school-jurisdiction activities which might result in: a. injury or harm to teachers, students or visitors, ...” (Exhibit 8, p 1)
5. The hearing committee considers Van Ramshorst’s failure to model safe and appropriate use of the hoist and his personal vehicle as additionally significant given his responsibility for teaching about and ensuring safety in his automotive mechanics classes.
6. Teachers have an obligation to follow and enforce established safety standards, whether they agree with them or not. By willfully getting a class of students to stand on the hoist and getting a group of students to ride in the back of his truck to stabilize heavy automotive parts, Van Ramshorst jeopardized student safety and in doing so, failed to treat students with dignity and respect.
7. Van Ramshorst’s casual disregard for safety in these instances is worrisome and his continued failure to acknowledge the risk at which he put his students is cause for serious concern.
8. Van Ramshorst’s participation at the rally was an isolated event, but his presence at the public protest directed toward his employer and located directly across the street from his place of employment is totally inappropriate. By his mere presence, Van Ramshorst undermined public confidence in [REDACTED], its staff, the school division and the profession; it contributed to potentially irreparable reputational harm.
9. Although Van Ramshorst’s frequent off-duty interactions with students at his house involve no element of romantic or sexual relationships, Van Ramshorst’s disregard for well-established professional boundaries between teachers and their students is concerning.

c. The age and condition of individuals affected by the conduct

1. Although Van Ramshorst’s students were [REDACTED] aged (approximately [REDACTED] years old) during the time that gave rise to the charges herein, even [REDACTED] students are vulnerable due to the uneven power dynamic inherent in the student-teacher relationship.
2. As a popular and highly regarded teacher, Van Ramshorst had tremendous influence over his students. As such, Van Ramshorst’s responsibility for establishing and maintaining safety and professional relationships falls even more squarely on his shoulders.

d. The impact on the individuals affected by the unprofessional conduct

1. Although no students were hurt during the hoist demonstration or while riding in the back of Van Ramshorst's truck, the potential for serious injury existed.
2. Although the hearing committee did not hear specific testimony concerning the specific level of impact that Van Ramshorst's attendance at the rally had on the staff and administrators of ██████ the school itself or the school division, the hearing committee is convinced that all suffered some degree of actual reputational harm.
3. ██████ described some of Van Ramshorst's students as having an almost "cult-like" devotion to him. While Van Ramshorst can only be held responsible for his role in establishing and maintaining professional boundaries in his relationships, it is worth noting that his close relationship with students had consequences.
 - a. Some of Van Ramshorst's students intimidated others for talking to ██████ administrators during their investigation of the hoist complaint. "Students started going after other students for what they said." (██████ testimony)
 - b. One student, ██████, was suspended when ██████ created an online petition and played a role in planning the rally for Van Ramshorst.
 - c. A high-stakes Advanced Placement exam for some ██████ students was moved to a different school because ██████ staff feared that it would be disrupted by the rally.
 - d. A student, ██████, dropped out of ██████ once Van Ramshorst was suspended, and has, to date, not completed high school.
 - e. A student, ██████, left ██████ once Van Ramshorst was suspended. ██████ completed high school through an online program offered by the division.

e. Previous character of the teacher and previous convictions of unprofessional conduct

1. Van Ramshorst was found guilty of unprofessional conduct on January 22, 2021, for violating the terms of a leave and settlement agreement when he made a series of public Facebook posts that were critical of his former employer ██████
2. Although the conduct and charges for which Van Ramshorst was previously convicted seem for the most part to be dissimilar to the matters at issue in this hearing, this hearing committee notes a number of trends.
3. Regarding Van Ramshorst's relationship with his school administrators, things start off well, but become challenging.
 - a. Van Ramshorst testified that initially his working relationship with administrators at ██████ was quite positive, but this changed. When asked about this, Van Ramshorst responded, "It starts like this in the beginning. An outpouring of support for Mr V. Then it turns into jealousy. In the beginning it was unbelievable. There was a

████ who would do anything for me. Folks in the office offered to help. That stopped.”
(Van Ramshorst testimony)

- b. In the 2021 decision (p 10), Van Ramshorst is noted as saying, “I’ve had nothing but great relationships with my new employment context.” At the time, Van Ramshorst was working at █████ for the █████ with █████ as his principal and █████ and █████ as the assistant principals. (Van Ramshorst testimony)
 - c. Two years later, this hearing committee heard in Van Ramshorst’s testimony that the relationship between Van Ramshorst and his █████ administrators had become fraught. These existing tensions were certainly not improved with Van Ramshorst’s participation at the rally across from the school.
4. Regarding following direction and taking responsibility for his actions,
- a. The 2021 written decision focused primarily on Van Ramshorst violating the terms of a negotiated leave and settlement agreement with █████. Throughout that decision, a repeating pattern of Van Ramshorst failing to respond or comply was apparent.
 - b. The 2021 decision states
 - i. “Van Ramshorst was not willing to take responsibility for his actions and his lack of adherence to repeated requests to uphold the terms of his release and settlement agreement ... demonstrated his ungovernability” (p 8);
 - ii. Van Ramshorst did not reply to a demand letter from his employer that directed him to immediately remove and delete certain social media posts made in 2018 (p 4); and
 - iii. the presenting officer entered as evidence a screenshot of Van Ramshorst’s Facebook account taken in December 2020 clearly showing that posts Van Ramshorst had been ordered to remove in 2019 were still published and visible to the public.
 - c. In the present hearing, the hearing committee noted that an extraordinary number of attempts were required to ensure Van Ramshorst receive and acknowledge the notice of hearing, including posting the notice of the hearing in the █████ in accordance with section 64 of the TPA. (Exhibit 1)
 - d. During this hearing, Van Ramshorst failed to take responsibility for his actions. With respect to the directions issued to him by his administrators or employer, for example, Van Ramshorst said he did not recall the details and/or had passed all copies of relevant correspondence to his Association representative. The committee recognizes Van Ramshorst’s entitlement to deny the charges and defend himself without such actions being considered an aggravating factor.
5. Regarding the airing of employment grievances in a public forum,
- a. The 2021 hearing resulted from Van Ramshorst making public criticisms on Facebook about his former employer.
 - b. No Facebook posts by Van Ramshorst that were critical of his current employer were presented as evidence in the present hearing. However, Van Ramshorst’s in-person

attendance and participation at the rally held across the street from [REDACTED] is comparable, if not worse. Students and parents were present, and, according to Van Ramshorst's own testimony, media outlets were present.

6. Regarding social media posts,
 - a. Van Ramshorst was not found guilty of Charge 5 due to the inappropriateness of his social media posts because it was not demonstrated that his students had seen any of his offending Facebook posts.
 - b. That said, the hearing committee notes that a portion of Van Ramshorst's testimony about these matters bears a striking resemblance to his submissions to the 2021 hearing committee.
 - c. For example, the 2021 decision notes
 - i. (p 4) Van Ramshorst's Facebook posts were public and accessible by any person with a Facebook account;
 - ii. (p 4) Van Ramshorst's previous employer had issued a demand letter that he ensure all offending social media posts were deleted; and
 - iii. (p 7) Van Ramshorst "argued that he might not have written the posts as shown in the documents and he said the Facebook posts can be altered and that his account could have been hacked."
 - d. In this hearing, [REDACTED] asked Van Ramshorst repeatedly whether or not he thought it appropriate to share potentially offensive posts on Facebook that could be accessed by his followers (who included a number of his current and former students). [REDACTED] submitted that Van Ramshorst should have deleted potentially problematic posts and comments from his Facebook account.
 - e. In response, Van Ramshorst explained he was not very technically savvy and did not know how to delete posts or comments. When asked about other posts, Van Ramshorst replied in one instance, "I'm not sure I've seen this one before. I'm a speed reader. I go through things quickly."
 - f. When [REDACTED] asked why certain videos were posted to his Facebook page, Van Ramshorst responded, "I'm not sure that I did," but the posts reviewed by the hearing committee clearly show Van Ramshorst as being person who posted the content. (Van Ramshorst testimony, Exhibit 3)
 - g. Van Ramshorst's 2021 conviction was triggered by problematic Facebook posts that his employer had directed Van Ramshorst remove. The fact that he continues to post controversial content on his Facebook page and continues to maintain that he does not know how to manage his account shows a troubling lack of self-reflection and suggests that Van Ramshorst has not learned anything from his prior conviction.
 - h. The 2021 hearing committee notes in their decision (p 5), "Van Ramshorst disagreed that the posts would have any negative impact and claimed no accountability for the posts."

- i. This hearing committee believes that, if after two professional conduct hearings, Van Ramshorst is still of the opinion that he cannot be held responsible for causing potential or actual reputational harm through his social media posts, there is a significant risk of future unprofessional conduct.

f. The member has already suffered serious consequences as a result of the allegations

1. Any consequences heard by the hearing committee relate to previous legal and financial difficulties.
2. It is this hearing committee's understanding that Van Ramshorst remains suspended from his teaching duties at [REDACTED] but continues to receive salary and benefits.

g. The presence or absence of mitigating or aggravating circumstances

1. The hearing committee heard no evidence or submissions as to mitigating or aggravating factors apart from those mentioned above.
2. The hearing committee considers Van Ramshorst's popularity as a teacher and apparent subject-matter expertise as neutral factors.
 - a. His popularity with some students may be related to his overly familiar and casual relationships that underpin Charge 5.
 - b. The activities that underpin Charges 1 and 2 create doubt about how much his expertise should be trusted, despite his experience as an automotive mechanic and automotive mechanics teacher.
3. The hearing committee heard no evidence that Van Ramshorst's off-duty interactions with students were sexual or romantic in nature, but the overly casual relationships he maintains with current students demonstrate a clear lack of boundaries.

h. The need to promote deterrence to protect the public and maintain the public's confidence in the profession

1. The penalty needs to clearly reinforce to members of the profession and the public that teachers are required to ensure the safety of the students in their care at all times. Short rides on heavy garage equipment or in an open truck box down alleyways are not appropriate in any circumstance.
2. In this case specifically, Van Ramshorst is an experienced automotive mechanic and automotive mechanics teacher. His unsafe decisions related to the hoist demonstration and driving with students in the box of his truck are more grievous than if they were conducted by a more naïve member of the profession or public.

3. The penalty must reinforce that any protest or dispute teachers may experience concerning other colleagues, supervisors or employers must be raised through the proper (private) channels only. Airing any grievance to students or members of the public risks considerable reputational harm to teachers, schools, divisions, the profession and public education.
4. Given this is the second professional conduct hearing in which Van Ramshorst has been found to have engaged in public criticism against an employer, more significant sanctions are warranted.
5. The public's confidence in the profession and the public education system can be seriously eroded when teachers fail to establish and maintain clear boundaries with their students in the following areas defined by the Association's Professional Code of Conduct and the TPA:
 - a. Professionalism and Integrity: Teachers are expected to maintain high levels of professionalism and integrity in their interactions with students. They must act in a manner that upholds the dignity and rights of students and avoids behaviour that may harm or exploit students or be seen to do so.
 - b. Respectful Relationships: Teachers are required to establish and maintain respectful relationships with students. They must treat students with dignity, fairness and respect, regardless of student background, ability or personal characteristic.
 - c. Emotional Boundaries: Teachers must maintain appropriate emotional boundaries with students. They must avoid any behaviour that may manipulate or exploit students emotionally and refrain from forming inappropriate emotional or personal relationships with them.
 - d. Communication: Teachers must use professional and appropriate channels of communication when interacting with students. They must avoid private or personal communication channels, such as personal phones, e-mail or social media, unless the use is authorized for educational purposes and is conducted in compliance with division policy.
 - e. Confidentiality: Teachers must respect the privacy and confidentiality of student information. They should only disclose student information on a need-to-know basis and follow privacy laws and school policies when handling student records or sharing information with other professionals or authorities.
 - f. Personal Relationships: Teachers are prohibited from engaging in romantic or intimate relationships with students, as it constitutes professional misconduct and is a breach of trust. Maintaining appropriate professional boundaries in all relationships with students is essential.
 - g. Professional Boundaries Outside the Classroom: Teachers should maintain appropriate professional boundaries even outside of the classroom. They should avoid socializing with students outside of official school events or functions and ensure that their personal lives do not interfere with their professional responsibilities.
6. Van Ramshorst failed to establish and maintain relationships with students that align with these obligations. As such, he has failed to protect the well-being and safety of his students and has failed to preserve the ethical standards of the teaching profession in Alberta.

i. The degree to which the conduct would fall outside the range of permitted conduct

1. The conduct underlying each charge for which Van Ramshorst has been found guilty of falls well beyond what is acceptable for a member of the profession.
 - a. Professional teachers do not put their students at physical risk by having them ride on heavy machinery.
 - b. Professional teachers do not violate provincial traffic laws or put students at physical or legal risk by having them ride in the open back of moving trucks.
 - c. Professional teachers do not participate in public demonstrations that are critical of their colleagues and employers across the street from their schools.
 - d. Professional teachers, even those who live in the same communities as the schools they work at, do not allow their students to drop in at their homes to chat, to work on cars or for spaghetti dinners.
2. Van Ramshorst must carefully consider and make significant adjustments to his approach to safety and his relationships with his supervisors, employer and, especially, his students. His demonstrated laissez-fair attitude is not conducive to successful teaching.

j. The range of penalties in similar cases

1. Sanctions ordered for convictions against conduct similar to that of Van Ramshorst's reviewed herein often include a combination of a letter of reprimand or severe reprimand and fines of hundreds to thousands of dollars.
2. Where a member has been found guilty of unprofessional conduct by multiple hearing committees, Association membership has been suspended or cancelled (along with a corresponding recommendation to the minister to suspend or cancel the teacher's certificate) only when the member's conduct is extreme in nature:

■ [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

■ [REDACTED]

[REDACTED]

3. The hearing committee cannot conclude that the increased penalties for second findings of guilt in the noted cases are the result of the investigated members' recidivism. The conduct leading to the second hearing was often much more severe in nature than the charges in the initial hearing and warranted significant penalties on their own.

4. That said, this hearing committee agrees with the statement in the [REDACTED] decision (p 5), “The previous penalty did not result in a change of behaviour. Therefore, a more severe sanction is necessary.”
5. As such, this hearing committee is of the opinion that moderately increasing the severity of sanctions for repeated unprofessional conduct is reasonable and serves the best interests of the profession and public, even if the previous charges and the new charges are not directly related. Given the very small number of teachers who are charged with or found guilty of unprofessional conduct, any repeat appearance before a professional conduct committee is cause for alarm. This hearing committee believes that increasing the severity of sanctions in these cases is most prudently done with the levy of a heavier fine unless the severity of the charges dictates suspension or cancellation of Association membership or certification is warranted.
6. The most instructive precedent case this hearing committee reviewed is that of the 2021 decision concerning Van Ramshorst. As explained above (XII e), although the charges in Van Ramshorst’s 2021 hearing and those herein appear on their face to be dissimilar, this hearing committee notes concerning patterns of behaviour regarding Van Ramshorst’s relationship with his administrators, overly friendly relationships with students, failure to take responsibility for his actions, airing employment grievances in public and problematic social media posts.
7. When determining penalties, the committee considered all [REDACTED] and made the following conclusions.
 - a. Charge 1—The hoist demonstration is inherently unsafe, but, luckily, no students have been injured. A nominal fine of \$250 is appropriate along with the letter of severe reprimand.
 - b. Charge 2—Van Ramshorst driving down the alley with students in the box of his truck was a potentially unsafe act, even though it was relatively short in duration, was a one-time occurrence and the vehicle was driven at a very slow speed. More than the nominal fine recommended by [REDACTED] is appropriate because of [REDACTED] testimony about this likely being an illegal activity.
 - c. Charge 4—By attending the rally with 20–100 students and community members, Van Ramshorst engaged in a public protest against his employer that likely caused significant reputational harm to [REDACTED] staff, but also brought the profession itself into public disrepute. Given that Van Ramshorst’s previous convictions of unprofessional conduct related to public criticisms leveled against his employer, the committee is satisfied that an increased fine is warranted over and above the \$1,000 recommended by [REDACTED]
 - d. Charge 5—Van Ramshorst’s willingness to allow students to visit him at his home unannounced warrants a significant penalty. Based on witness testimony that revealed these visits are frequent and ongoing occurrences, the committee feels that a significant fine over and above the \$1,000 recommend [REDACTED] is appropriate.

8. The hearing committee is convinced that Van Ramshorst appears to be on a problematic trajectory that requires immediate correction. The sanctions ordered are appropriate given Van Ramshorst's behaviour and it is the hearing committee's hope that they provide him with the immediate wake-up call that any continued misconduct will not be tolerated.

Dated at the City of Edmonton in the Province of Alberta, on August 9, 2023.

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

