

In the matter of a public complaint pursuant to Sections 35 and 36 of *The Registered Teachers Act, 2015* and MICHAEL HACZKEWICZ, Teacher Certificate #[XXXXXXX].

Saskatchewan Professional Teachers Regulatory Board (SPTRB)

Consensual Complaint Resolution Agreement

This agreement is made pursuant to clause 36(2)(b)(i) of *The Registered Teachers Act, 2015* and the related bylaws and procedures.

Between:

MICHAEL HACZKEWICZ, #[XXXXXXX]

and

THE PROFESSIONAL CONDUCT COMMITTEE OF THE SPTRB

1. HISTORY OF COMPLAINT, BACKGROUND AND RELEVANT FACTS

1.1 The Registered Teacher held Saskatchewan teacher's certificate number [XXXXXXX] and was registered with the Saskatchewan Professional Teachers Regulatory Board ("SPTRB") to teach in Saskatchewan at the time the complaint regarding his professional conduct was received. For the remainder of this agreement M.H. will be referred to as "the Registered Teacher".

1.2 On May 1, 2019 the SPTRB received a Public Complaint from [Complainants].

1.3 The Registered Teacher was employed as a principal by [School Division XXXXX] in [XXXXX], Saskatchewan during the time of the alleged professional misconduct.

1.3.1 The concerns alleged professional misconduct contrary to section 33 of *the Registered Teachers Act*.

33 Professional misconduct is a question of fact, but any matter, conduct or thing, whether or not disgraceful or dishonourable, constitutes professional misconduct within the meaning of this Act if:

- (a) it is harmful to the best interests of students or other members of the public;*
- (b) it tends to harm the standing of the profession;*
- (c) it is a breach of this Act or the bylaws;*

and as defined in section 2.01 of the SPTRB Regulatory Bylaws:

(2) Without restricting the generality of section 33 of the Act, the following conduct on the part of a registered teacher is misconduct:

- (a) conduct which is harmful to the best interest of pupils or affects the ability of a registered teacher to teach;*
- (e) an act or omission that, in the circumstances, would reasonably be regarded by the profession as disgraceful, dishonourable or unprofessional;*

and failure to uphold the standards of professional conduct as set out in schedule J of the SPTRB Regulatory bylaws:

1. Registered Teachers have regard for the safety and academic, physical, emotional and spiritual well-being of learners.

3. Registered Teachers act with honesty and integrity.

5. Registered Teachers uphold public trust and confidence in the education profession.

1.4 Facts were found to substantiate non-compliance with The Registered Teachers Act, 2015 and the bylaws as follows:

1.4.1 The Registered Teacher was the Principal of the school at the time of the events.

- 1.4.2 The school was the location of an externally organized large multi day event 'the event' with participants from across the province. Attendees of the event included school aged youth and their parents.
- 1.4.3 The Registered Teacher approved a facility use application for the event approximately one year in advance of the event. Due to the lapse in time The Registered Teacher was unaware of the scheduled event until he arrived at the school on April 27, 2019.
- 1.4.4 The Registered Teacher was not involved in the organization of the event.
- 1.4.5 During one of the days of the event on April 27, 2019, the school also hosted a presentation in the theatre followed by a tour 'the tour' of the school for a local sports team consisting of teenaged males, their parents and coaches.
- 1.4.6 In preparation for the tour the Registered Teacher walked through the school to unlock classroom doors that the Registered Teacher wanted to take the players and parents through, and noted that he would have to obtain permission to enter the weight room located in the west half of the gym because that portion of the gym was being used as a change area for female participants in the event.
- 1.4.7 During the presentation, the Registered Teacher made a comment about the tour occurring while the event was also occurring, and in a joking manner stated that it might be the most interesting part of the day for the members of the team.
- 1.4.8 The Registered Teacher led the tour group while two other adults, the sport liaison and the head coach ushered the tour group along from the rear.
- 1.4.9 The school's weight room was part of the tour and was only accessible through the part of the gymnasium that was designated as the female participants' temporary dressing room.
- 1.4.10 When the tour approached the temporary dressing room side of the gym, the Registered Teacher approached two adult females present at the change area divider door. These adult females were mothers of female dance participants but not organizers of the event. The Registered Teacher asked if it was alright for the players and parents to go through the female change area to the weight room. One of the adult females went into the change room area and confirmed everyone was decent. Moreover, a couple of ladies in the change area confirmed with the adult female that the area was clear and then the adult female gave the Registered Teacher permission to enter.
- 1.4.11 The Registered Teacher took a step into the change area and in a loud voice stated he was going to bring a tour through the temporary dressing room side of the gym to see the weight room, they would not be long. Following this announcement, the Registered Teacher and the group started to make their way through the change area to the weight room.
- 1.4.12 Upon seeing the tour group entering the change area, organizers of the event, unbeknownst to the Registered Teacher, attempted to stop the tour by addressing the adults at the end of the tour group but were unsuccessful.

- 1.4.13 The tour group was in the temporary dressing room side of the gym and weight room for a combined total of approximately 5 minutes.
- 1.4.14 The organizers of the event confronted the Registered Teacher following the tour to discuss the incident. When the organizers approached the Registered Teacher, they were upset that the tour group had entered the temporary dressing room side of the gym without permission from one of the organizers of the event. The conversation was not cordial. The Registered Teacher compared the importance of the tour to attract an integrated school sports program with that of the multi-day event. This comparison offended the event organizers.
- 1.4.15 The Registered Teacher apologized to the organizers of the event on three occasions.
- 1.5 Facts were found to substantiate non-compliance with The Registered Teachers Act, 2015 and the bylaws as set out in Section 1.6 via:
- 1.5.1 The Registered Teacher's written response and interview statement.
- 1.5.2 Interview statements of other witnesses.
- 1.5.3 Information and data gathered from the school division.
- 1.6 This agreement relates to non-compliance with *The Registered Teachers Act, 2015* and the bylaws and raises issues regarding professional misconduct as defined in the Act:
- 33 Professional misconduct is a question of fact, but any matter, conduct or thing, whether or not disgraceful or dishonourable, constitutes professional misconduct within the meaning of this Act if:*
- (a) it is harmful to the best interests of students or other members of the public;*
- (b) it tends to harm the standing of the profession;*
- (c) it is a breach of this Act or the bylaws;*
- 1.6.1 and as defined in the SPTRB Regulatory Bylaws:
- 2.01(2) Without restricting the generality of section 33 of the Act, the following conduct on the part of a registered teacher is misconduct:*
- (e) an act or omission that, in the circumstances, would reasonably be regarded by the profession as disgraceful, dishonourable or unprofessional;*
- 1.6.2 and standards of conduct set out in the SPTRB Regulatory Bylaws: schedule J of the SPTRB Regulatory bylaws:
- 2. Registered Teachers have regard for the safety and academic, physical, emotional and spiritual well-being of learners.*
- 5. Registered Teachers uphold public trust and confidence in the education profession.*

2. ISSUES FOR RESOLUTION

- 2.1 The Registered Teacher is willing to enter into this agreement to ensure professional conduct. The Registered Teacher acknowledges that he is guilty of the facts stated in Section 1.4 and that he violated the sections of the Act, bylaws, and Standards of Conduct stated in Section 1.6 of the agreement.

3. TERMS, CONDITIONS, RESTRICTIONS AND PENALTY

- 3.1 This agreement takes effect on the date of signing and will remain in effect until such time as the agreement is completed.
- 3.2 The Registered Teacher will receive and accept a reprimand.
- 3.2.1 The Registered Teacher will successfully complete, Two (2) courses/seminars in the areas of
- a. workplace harassment,
 - b. emotional intelligence, or
 - c. sensitivity training.

4. COMPLIANCE WITH AGREEMENT AND STATUS OF COMPLIANCE

- 4.1 Upon this agreement taking effect and for so long as the Registered Teacher complies with this agreement, the Professional Conduct Committee will take no further action with respect to the complaint and the conduct described in Part 1.
- 4.2 A breach of the agreement will result in the Registered Teacher being referred back to the Professional Conduct Committee for review and further action that may include referral to the Discipline Committee. This agreement may be filed in a subsequent discipline hearing as proof of the facts and admission of guilt.
- 4.3 A breach by the Registered Teacher of this agreement may be professional misconduct. The Registered Teacher acknowledges and understands that if the PCC has reason to believe that the Registered Teacher has breached the agreement, the PCC may initiate a hearing before the Discipline Committee.

5. TRANSPARENCY AND NOTIFICATION

- 5.1 Notification of this agreement shall be in accordance with subsection 36(5) of *The Registered Teachers Act 2015*, SPTRB Bylaws and policies that may exist from time to time.
- 5.2 The existence of the Consensual Complaint Resolution Agreement with the Registered Teacher shall be recorded on the Register.
- 5.3 The Professional Conduct Committee and the Registrar of the SPTRB shall receive and keep a signed copy of the agreement for their records.

5.4 The SPTRB shall notify Canadian teaching regulatory bodies and any other regulatory body deemed necessary.

5.5 The Consensual Complaint Resolution Agreement shall be published on the SPTRB website.

6. CONCLUSION OF TERMS, CONDITIONS, RESTRICTIONS AND PENALTY

6.1 The PCC Committee reserves the right to negotiate an extension of the terms, conditions and restrictions of this agreement, if the facts warrant it.

6.2 Once the Registrar is satisfied that the Registered Teacher has completed all the terms, conditions and restrictions he shall inform the PCC and the Registered Teacher that:

6.2.1 the Registered Teacher's compliance with the agreement has been satisfactory;

6.2.2 the Registered Teacher no longer has terms, conditions and restrictions on his certificate or registration.

7. SIGNATURES

7.1 The Registered Teacher acknowledges that he has voluntarily entered into this agreement and is aware of his rights and responsibilities. The Registered Teacher is aware of his right to legal counsel and has chosen to exercise that right. The Registered Teacher accepts this Consensual Complaint Resolution Agreement:

original signed
MICHAEL HACZKEWICZ
REGISTERED TEACHER

original signed
Witness

Date: September 25, 2020

Date: September 25, 2020

8. APPROVAL BY PROFESSIONAL CONDUCT COMMITTEE

8.1 The Professional Conduct Committee of the SPTRB approves this Consensual Complaint Resolution Agreement:

original signed
Chair, SPTRB Professional Conduct Committee

original signed
Witness

Date: September 21, 2020

Date: September 21, 2020