

In the matter of an employer's notice pursuant to Sections 35 and 36 of *The Registered Teachers Act, 2015* and Jeffrey Buettner, 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:

JEFFREY BUETTNER #[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 JB will be referred to as "the Registered Teacher".
- 1.2 On June 26, 2019 the SPTRB received an Employer's Notice from [Employer XXXXX].
- 1.3 The Registered Teacher was employed as a teacher by [Employer XXXXX] in [XXXXXX], 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:

2.01(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;*
- (g) signing or issuing a document in the registered teacher's professional capacity that the registered teacher knows or ought to know contains a false, improper or misleading statement;*
- (h) falsifying a record relating to the registered teacher's professional responsibilities;*

and as defined in 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.*
- 3. Registered Teachers act with honesty and integrity.*
- 4. Registered Teachers take responsibility for maintaining the quality of their practice.*
- 5. Registered Teachers uphold public trust and confidence in the education*

profession.

- 1.4 Facts were found to support the allegations as follows:
 - 1.4.1 The Registered Teacher was assigned as an invigilator for the GED exams offered to students at his place of employment from 2015 to 2019.
 - 1.4.2 The Registered Teacher was aware of GED exam policy and procedure.
 - 1.4.3 The Registered teacher failed to meet numerous GED exam policies.
 - 1.4.4 During the period of September 2018 to May 2019 the Registered teacher:
 - a. left the GED exam kit unattended and unsecured in the exam room while exam takers were in the room;
 - b. left the exam room unattended for multiple and/or extend periods of time;
 - c. left exam writers unsupervised for multiple and/or extended periods time;
 - d. allowed exam writers access to computers and other resources during exam times;
 - e. assisted exam writes with their exams during exam times;
 - f. permitted individuals to write their exam(s) beyond the time allotted by GED policy and procedure; and
 - g. incorrectly completed the exam surveillance logs to indicate exam times within GED policy
- 1.5 Facts to support these allegations were found, inter alia, in the following sources:
 - 1.5.1 The Registered Teacher's written response and interview statement.
 - 1.5.2 Information and data gathered from the employer.
 - 1.5.3 Video recording of GED exams on April 25, 2019, May 8, 2019, and May 9, 2019.
- 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:*

(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;

(g) signing or issuing a document in the registered teacher's professional capacity that the registered teacher knows or ought to know contains a false, improper or misleading statement;

(h) falsifying a record relating to the registered teacher's professional responsibilities;

1.6.2 and as defined in 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.

3. Registered Teachers act with honesty and integrity.

4. Registered Teachers take responsibility for maintaining the quality of their practice.

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 and that he violated the sections of the Act and bylaws stated in Part 1 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.

3.3 The Registered Teacher will complete a reflective essay outlining how his conduct was self-perceived in contrast to the factual consequences of the conduct, the unintended consequences of the conduct, and exam integrity.

3.3.1 The essay must be submitted to the Registrar for review and approval on behalf of the PCC within 60 days of signing the agreement.

3.4 The Registered Teacher is prohibited from invigilating GED exams in Saskatchewan for a period of five (5) years from the date of signing the agreement.

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 appropriate.
- 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

JEFFREY BUETTNER
REGISTERED TEACHER

Date: December 12, 2019

original signed

Witness

Date: December 12, 2019

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

Date: December 9, 2019

original signed

Witness

Date: December 9, 2019