

In the matter of a complaint/employer notice pursuant to section 36 of The Registered Teachers Act, 2015 and Rhett Lundgren, Registered Teacher # [REDACTED]

Saskatchewan Professional Teachers Regulatory Board

AGREEMENT OF VOLUNTARY CESSATION OF ACTIVITIES

This agreement is made pursuant to clause 36(1)(b) of *The Registered Teachers Act, 2015* and the related bylaws and procedures.

Between:

RHETT LUNDGREN, REGISTERED TEACHER # [REDACTED]

- and -

THE PROFESSIONAL CONDUCT COMMITTEE OF THE SPTRB

February 1, 2017

1. HISTORY OF COMPLAINT, BACKGROUND AND RELEVANT FACTS

- 1.1 The registered teacher had a teacher's certificate and is on the Register of the Saskatchewan Professional Teachers Regulatory Board ("SPTRB") to teach in Saskatchewan at the time a complaint regarding his teaching and conduct was received. For the remainder of this agreement the teacher will be referred to as "the registered teacher".
- 1.2 The registered teacher was employed as a registered teacher by, ██████████ ██████████ Saskatchewan at the time the employer's notice was received.
- 1.3 On January 10, 2017 the SPTRB received documentation from the employer outlining concerns regarding the registered teacher's conduct:
- (a) The concerns alleged the following:
- (i) Attempting to access child pornography
 - (ii) Twice arranging to commit a sexual offence against a child
- 1.4 The employer notice raises issues of alleged non-compliance with *The Registered Teachers Act, 2015* and the bylaws and raises issues of alleged 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 dishonorable, 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; or
- (d) it is a failure to comply with an order of the professional conduct committee, the discipline committee or the board of directors."

2. VOLUNTARY CESSATION OF CERTAIN ACTIVITIES PENDING INVESTIGATION

- 2.1 Section 36 of *The Registered Teachers Act, 2015* empowers the PCC to investigate the employer notice and any complaint alleging that a registered teacher is guilty of professional misconduct by taking any steps it considers necessary.
- 2.2 The PCC has considered it necessary to ask the registered teacher to voluntarily cease certain activities pending the conclusion of the investigation and possible discipline that may follow.
- 2.3 The registered teacher is aware that the PCC has the power to seek temporary suspension from a judge of the court pursuant to section 37 of *The Registered Teachers Act, 2015* as follows:

37(1) If the professional conduct committee is of the opinion that, on the basis of the allegations or the nature of the case, the teacher's

certificate of a registered teacher should be suspended or a registered teacher should be prohibited from performing certain teacher-related activities pending the outcome of an investigation or hearing, the professional conduct committee may, with the prior approval of the board of directors, apply to a judge of the court for an order:

(a) suspending the teacher's certificate of the registered teacher whose conduct is the subject of the investigation pursuant to subsection 36(1) or against whom a formal complaint has been made pursuant to clause 36(2)(a); or

(b) temporarily:

(i) prohibiting the registered teacher described in clause (a) from performing any specified teacher-related activities; and

(ii) imposing certain terms or conditions on the person's teacher's certificate.

(2) Subject to subsection (3), an order of suspension or prohibition shall not extend past the earliest of the following:

(a) 90 days after the date of the order;

(b) the date of a report of the professional conduct committee made pursuant to clause 36(2)(b);

(c) if the discipline committee finds that a registered teacher is not guilty of professional misconduct or professional incompetence, the day of its decision;

(d) if the discipline committee finds that a registered teacher is guilty of professional misconduct or professional incompetence, the day that an order is made pursuant to section 40.

(3) The professional conduct committee may apply to the court for an extension of an order of suspension or prohibition made pursuant to subsection (1).

2.4 Rather than proceeding with a court application for temporary suspension, the PCC has asked the registered teacher to voluntarily cease certain activities and the registered teacher has agreed to do so.

3. TERMS OF AGREEMENT OF VOLUNTARY CESSATION OF ACTIVITIES

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 agrees to cease any and all teaching activities and coaching activities involving participants under the age of 18 related to a school or non-school activity anywhere in Canada.

- 3.3 The registered teacher agrees to voluntarily refrain from performing the aforementioned activities pending the outcome of the investigation into the allegations raised in the employer notice or that may flow from the investigation.
- 3.4 The registered teacher agrees to provide regular written updates to the PCC as to the status of any current or additional criminal investigation or criminal proceeding related to the allegations raised in the employers notice. Written updates must:
- (a) be sent care of the SPTRB Registrar; and
 - (b) be submitted at least every 60 days.
- 3.5 Subject to subsection 3.5, this voluntary cessation of activities shall not extend past the latest of the following:
- (a) 120 days after the date of this agreement;
 - (b) the date of a report of the PCC made pursuant to clause 36(2);
 - (c) if the Discipline Committee finds that the registered teacher is not guilty of professional misconduct or professional incompetence, the day of its decision; and
 - (d) if the Discipline Committee finds that the registered teacher is guilty of professional misconduct or professional incompetence, the day that an order is made pursuant to section 40.
- 3.6 The PCC may ask the registered teacher for an extension of this voluntary cessation agreement and, if he refuses, to then apply to the court for an order of suspension or prohibition.

4. COMPLIANCE WITH AGREEMENT AND STATUS OF COMPLIANCE

- 4.1 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 this agreement, the PCC may initiate a hearing before the Discipline Committee or a judge of the court for a temporary suspension.

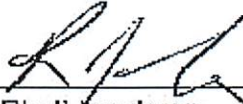

5. TRANSPARENCY AND NOTIFICATION

- 5.1 The parties agree that this agreement will be noted on the SPTRB Public Registry and posted on the SPTRB website.

6. SIGNATURES

6.1 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. The registered teacher accepts this Voluntary Cessation of Activities Agreement.

March 6, 2017
Date


Rhett Lundgren
Registered Teacher # 


March 6, 2017
Date


Witness


7. APPROVAL BY PROFESSIONAL CONDUCT COMMITTEE

7.1 The Professional Conduct Committee of the SPTRB approves this Voluntary Cessation of Certain Activities Agreement.

March 8, 2017
Date


Chair,
SPTRB Professional Conduct Committee

March 8, 2017
Date


Witness