

THE ALBERTA TEACHERS' ASSOCIATION
DECISION OF THE HEARING COMMITTEE
OF THE PROFESSIONAL CONDUCT COMMITTEE
IN THE MATTER OF CHARGES OF UNPROFESSIONAL
CONDUCT AGAINST CARI MARIE NEUDECKER

The hearing committee of the Professional Conduct Committee of the Alberta Teachers' Association reports that charges of unprofessional conduct laid against Cari Marie Neudecker of [Location Redacted] were duly investigated in accordance with the *Teaching Profession Act*. The hearing was held using video technology at Barnett House, 11010 142 Street NW, Edmonton, Alberta, Canada and the Southern Alberta Regional Office, 100, 3016 5 Avenue NW, Calgary, Alberta on Wednesday, April 8, 2020.

Professional Conduct Committee members present as the hearing committee were [REDACTED]
[REDACTED]
[REDACTED] presented the case against the investigated member. The investigated member, Cari Marie Neudecker, was not present and was not represented by counsel.

COMPOSITION/JURISDICTION

There were no objections to the composition of the hearing committee or its jurisdiction to hear the case.

PRELIMINARY MATTERS

[REDACTED] requested that the names of student(s) be removed to protect their identity.

The committee decided to accept the request and directed, for the purposes of this hearing, to not use the names of the student(s) in the hearing committee's written decision.

CHARGES AND PLEA

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

1. Cari Marie Neudecker is charged with unprofessional conduct pursuant to the *Teaching Profession Act* in that she, while a member of the Alberta Teachers' Association, during the period August 2018–November 2018, engaged in an electronic communication(s) with

[Student A], which was inappropriate to an acceptable teacher-student relationship, thereby failing to act in a manner which maintains the honour and dignity of the profession.

2. Cari Marie Neudecker is charged with unprofessional conduct pursuant to the *Teaching Profession Act* in that she, while a member of the Alberta Teachers' Association, during the period August 2018–November 2018, engaged in a social relationship with a student, [Student A], where she kissed [Student A] in the presence of other students in the [Location Redacted] exercise area at [School Redacted], which was inappropriate to an acceptable teacher-student relationship, thereby failing to treat [Gender Redacted] with dignity and respect and without consideration of the student's circumstances.
3. Cari Marie Neudecker is charged with unprofessional conduct pursuant to the *Teaching Profession Act* in that she, while a member of the Alberta Teachers' Association, during the period August 2018–November 2018, engaged in a social relationship with a student, [Student A], where she kissed [Student A] in the presence of other students in the [Name Redacted] exercise area at [School Redacted], which was inappropriate to an acceptable teacher-student relationship, thereby failing to act in a manner which maintains the honour and dignity of the profession.
4. Cari Marie Neudecker is charged with unprofessional conduct pursuant to the *Teaching Profession Act* in that she, while a member of the Alberta Teachers' Association, during the period August 2018–November 2018, engaged in a social relationship with a student, [Student A], where she kissed [Student A] in her classroom one or more times behind closed doors, which was inappropriate to an acceptable teacher-student relationship, thereby failing to treat [Gender Redacted] with dignity and respect and without consideration of the student's circumstances.
5. Cari Marie Neudecker is charged with unprofessional conduct pursuant to the *Teaching Profession Act* in that she, while a member of the Alberta Teachers' Association, during the period August 2018–November 2018, engaged in a social relationship with a student, [Student A], where she kissed [Student A] in her classroom one or more times behind closed doors, which was inappropriate to an acceptable teacher-student relationship, thereby failing to act in a manner which maintains the honour and dignity of the profession.
6. Cari Marie Neudecker is charged with unprofessional conduct pursuant to the *Teaching Profession Act* in that she, while a member of the Alberta Teachers' Association, during the period August 2018–November 2018, engaged in a social relationship with a student, [Student A], where she and [Student A] engaged in physical contact in the presence of other students including sitting close together, having one touch the thighs of the other and holding hands, thereby failing to treat [Gender Redacted] with dignity and respect and without consideration of the student's circumstances.

7. Cari Marie Neudecker is charged with unprofessional conduct pursuant to the *Teaching Profession Act* in that she, while a member of the Alberta Teachers' Association, during the period August 2018–November 2018, engaged in a social relationship with a student, [Student A], where she and [Student A] engaged in physical contact in the presence of other students including sitting close together, having one touch the thighs of the other and holding hands, thereby failing to act in a manner which maintains the honour and dignity of the profession.
8. Cari Marie Neudecker is charged with unprofessional conduct pursuant to the *Teaching Profession Act* in that she, while a member of the Alberta Teachers' Association, during the period August 2018–November 2018, misrepresented her relationship with [Student A] to several colleagues at [School Redacted], leading to at least one colleague supporting her in a conversation with parent(s), which failed to act in a manner which maintains the honour and dignity of the profession.
9. Cari Marie Neudecker is charged with unprofessional conduct pursuant to the *Teaching Profession Act* in that she, while a member of the Alberta Teachers' Association, during the period August 2018–November 2018, misrepresented her relationship with [Student A] to several colleagues at [School Redacted], stating that students in her [Subject Redacted] class had started the rumor in retaliation for her enforcing tighter classroom management, thereby failing to act in a manner that treats those students with dignity and respect and without consideration of the students' circumstances.

The investigated member entered a plea of guilty to all nine charges, by written submission.

WITNESSES

There were no witnesses called.

EXHIBITS FILED

- Exhibit 1—Request for adjournment package, with letters and e-mails between [REDACTED] and Neudecker
- Exhibit 2—Initial notice of hearing and Canada Post confirmation of delivery, on November 16, 2019
- Exhibit 3—Notice of reconvening the hearing and Canada Post confirmation of delivery, on February 29, 2020
- Exhibit 4—Submission on plea, signed by Neudecker, dated January 19, 2020
- Exhibit 5—Declaration of awareness of rights, signed by Neudecker, dated January 19, 2020

Exhibit 6—Medical letter signed by [Name Redacted] dated February 10, 2020

Exhibit 7—Wellness letter signed by [Name Redacted], social worker and counsellor, dated February 3, 2020

Exhibit 8—Agreed statement of facts and acknowledgment of unprofessional conduct, signed by Neudecker and [REDACTED] on January 19, 2020 and February 11, 2020 respectively

Exhibit 9—Joint submission on penalty, signed by Neudecker and [REDACTED] on January 19, 2020 and February 11, 2020 respectively

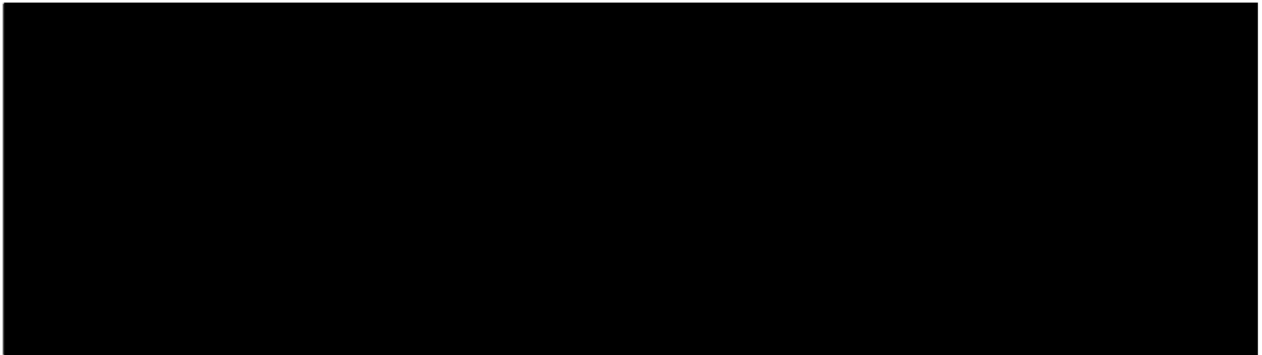
EVIDENCE ADDUCED AND EXHIBITS FILED INDICATED THAT:

An agreed statement of facts was submitted to the committee signed by Neudecker on January 19, 2020.

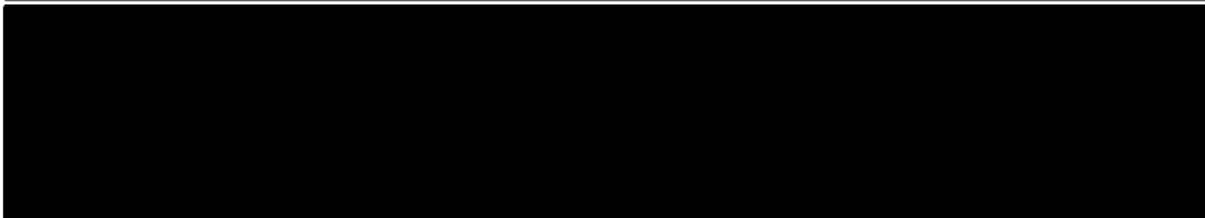
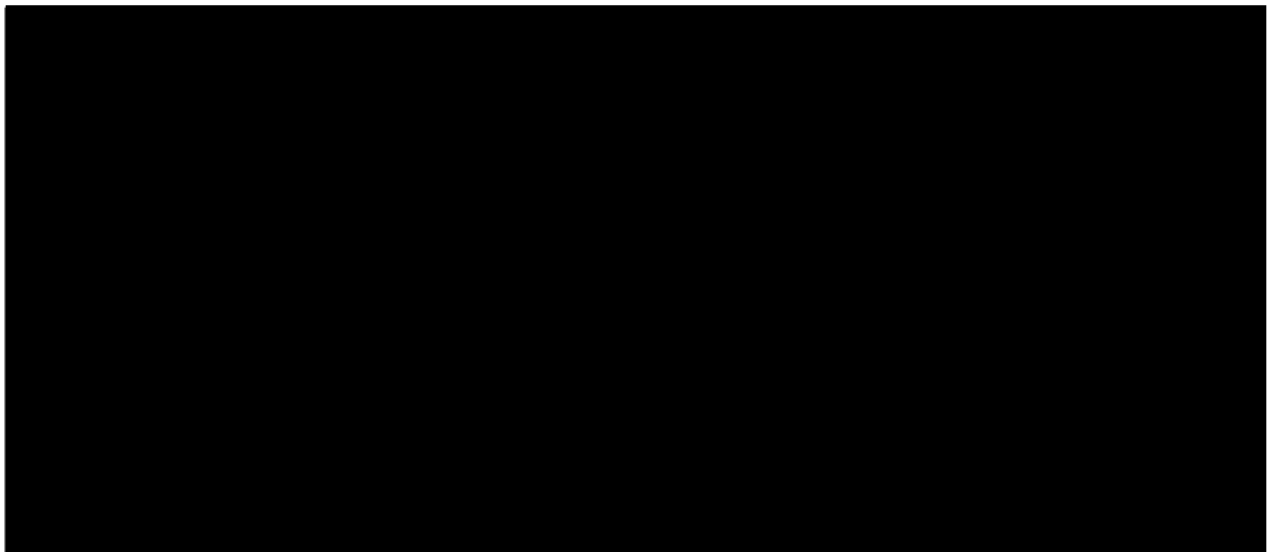
1. Carie Marie Neudecker was born on [Date Redacted]. (Exhibit 9)
2. Neudecker was a member of the Alberta Teachers Association (ATA) starting in June 2014. (Exhibit 4 and Exhibit 9)
3. Neudecker was employed by [REDACTED] from the start of the 2016/17 school year until her termination effective February 6, 2019. (Exhibit 8, Pages 4/5)
4. The ATA received a request for investigation of alleged unprofessional conduct from [REDACTED] superintendent, on December 13, 2018. (Exhibit 8)
5. The matter was referred to a hearing after the investigation report was provided to the ATA executive secretary. Neudecker was informed in a registered letter dated September 26, 2019. (Exhibit 8)
6. The original notice of hearing was dated for November 4, 2019. (Exhibit 2)
7. [REDACTED] made a request for adjournment, which the committee heard on January 9, 2020. During the request for adjournment, [REDACTED] submitted letters and e-mails between himself and Neudecker. (Exhibit 1)
8. During the adjournment request, the committee read all nine charges into the record and entered a plea of not guilty to all charges in the absence of the investigated member. The committee granted [REDACTED] request for an adjournment.
9. [REDACTED]. It was deemed by [REDACTED] that Neudecker was “aware and confident” and “retain[ed] the cognitive capacity to make appropriate decisions.” Neudecker, therefore, fully

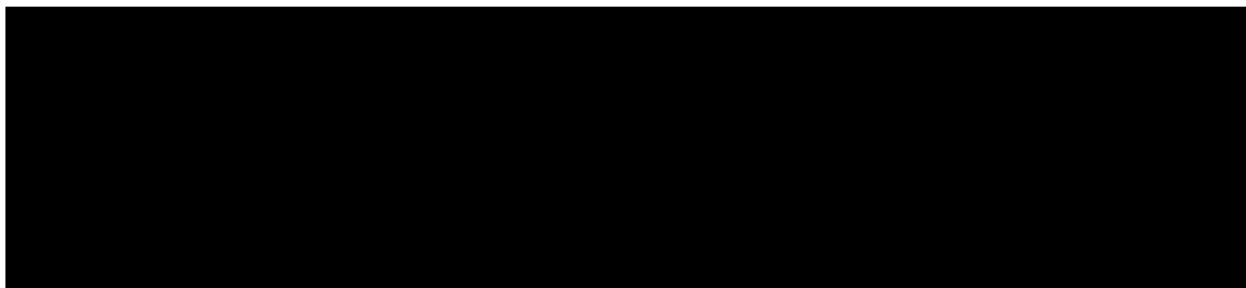
understood the content in the documents that were signed, including: the agreed statement of facts; the declaration; the submission on plea; and the submission on penalty. This also accounted for the gap between Neudecker's signatures and [REDACTED] signatures on the documents they had jointly submitted. (Exhibits 6 and 7)

10. A notice to reconvene the hearing was served on February 29, 2020 to Neudecker. (Exhibit 3)

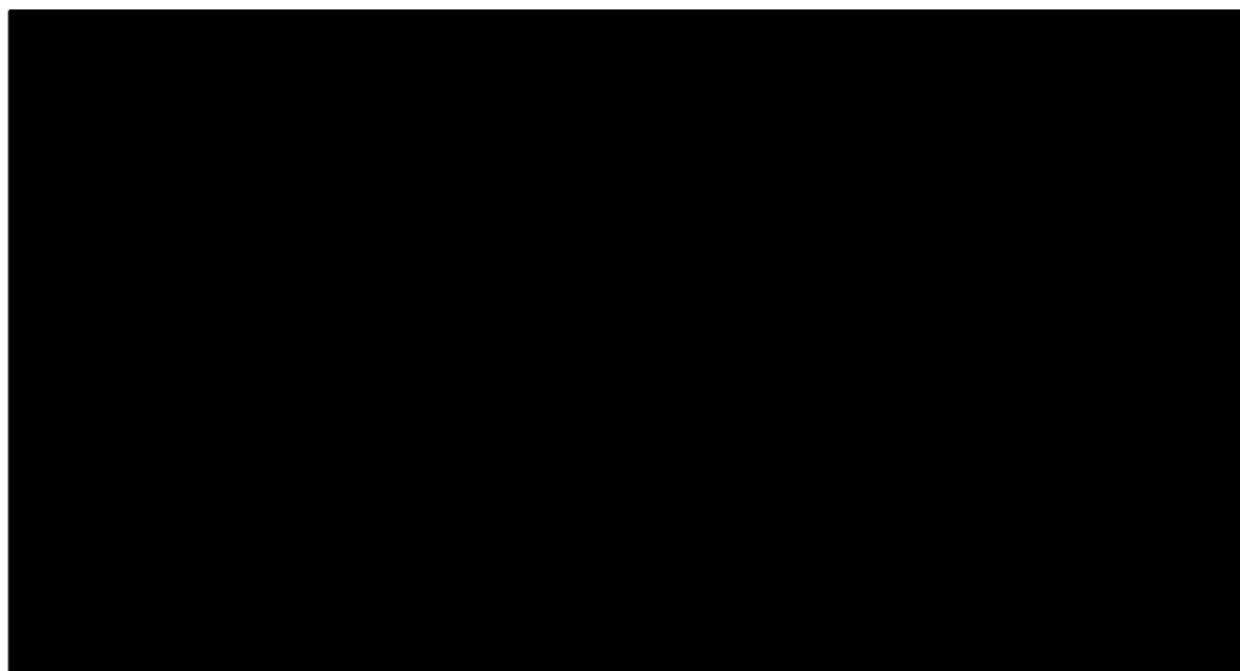


Charge 1

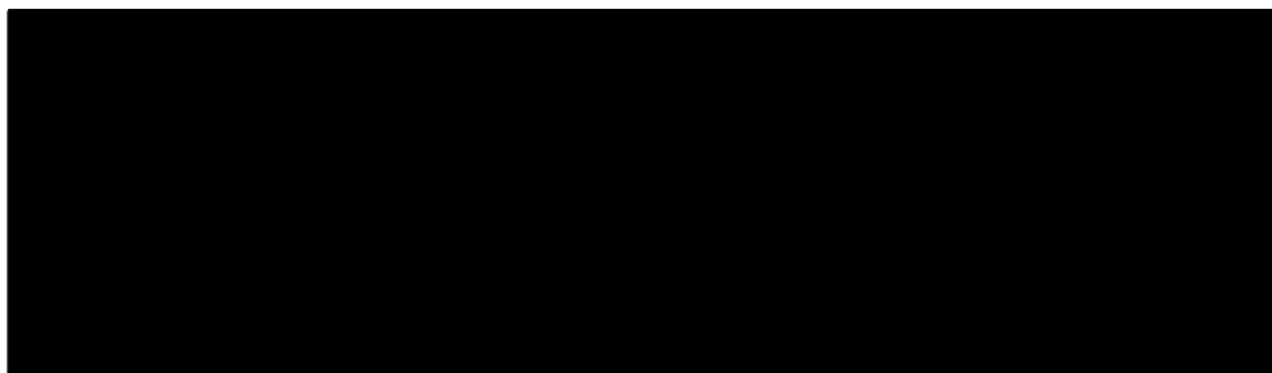




Charge 2 and 3

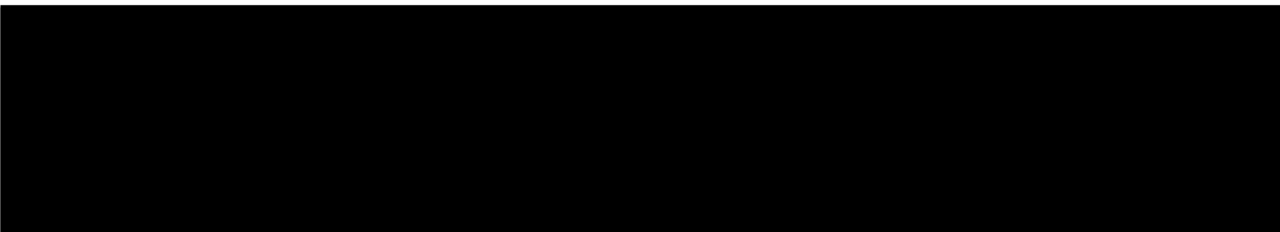
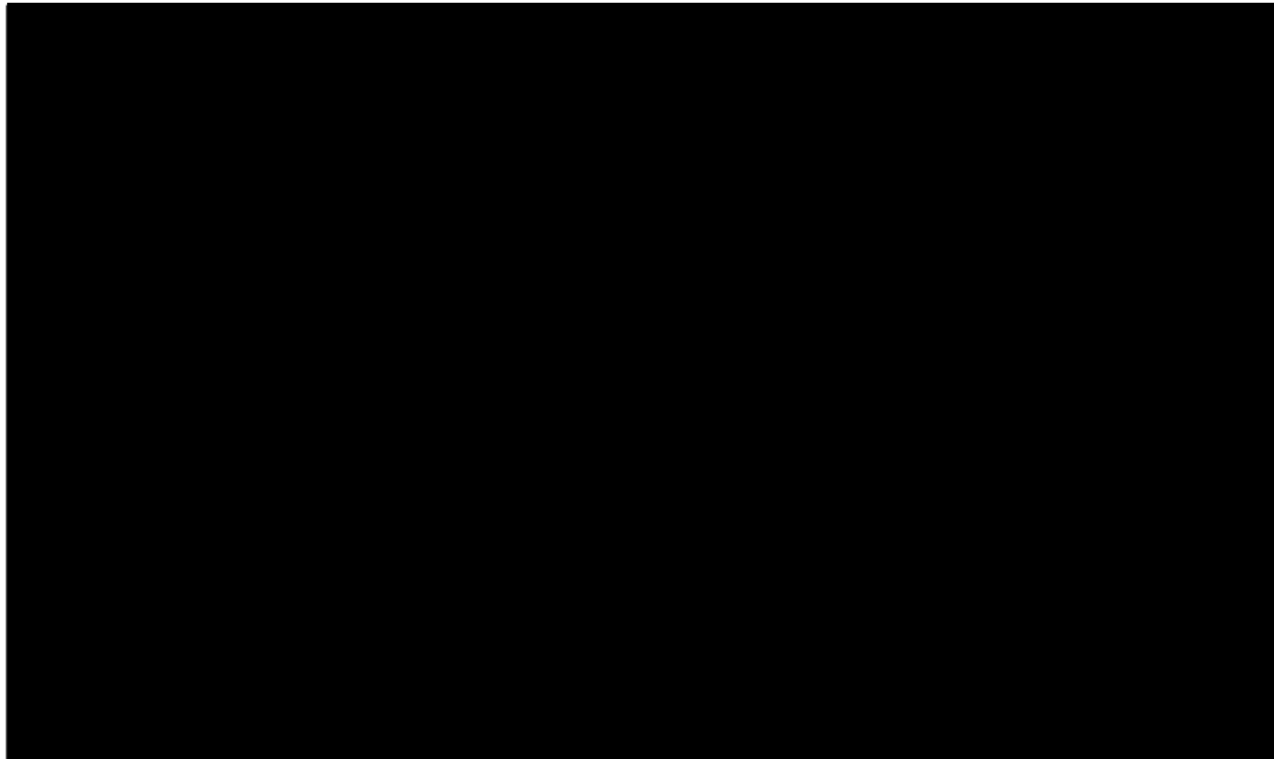


Charge 4 and 5





Charge 6 and 7



Charge 8

34. During the time period from August 2018 to November 2018, Neudecker misrepresented her relationship with Student A to several colleagues, leading to at least one colleague supporting her in a conversation with parents.
35. Neudecker denied her relationship with Student A to colleagues. (Exhibit 8, page 6, number 17; page 7, number 24; page 14, number 50–51; page 19–20, number 71–72, number 75)

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36. Neudecker admitted that she misrepresented her relationship with Student A. (Exhibit 8, page 24, number 94)

Charge 9

37. During the time period from August 2018 to November 2018, Neudecker misrepresented her relationship with Student A to several colleagues stating that students in her [Subject Redacted] class had started the rumour in retaliation for her forcing tighter classroom management.(Exhibit 8, page 15, number 52)
38. Neudecker blamed students in her [Subject Redacted] class for starting rumours of her relationship with Student A. (Exhibit 8, page 15, number 52)
39. Neudecker admitted to [Name Redacted] that she had misled her administration when she told her vice-principal and principal that there was no substance to the rumours. (Exhibit 8, page 16, number 60)
40. Neudecker admitted that she misrepresented her relationship with Student A, blaming her [Subject Redacted] class students. (Exhibit 8, page 24, number 95 and Exhibit 9)
41. After a thorough investigation conducted by the school division, [Name Redacted] terminated Neudecker's employment. (Exhibit 8, page 5, number 15 and appendix 6)

DECISION OF THE HEARING COMMITTEE

Charge 1—Guilty
Charge 2—Guilty
Charge 3—Guilty
Charge 4—Guilty
Charge 5—Guilty
Charge 6—Guilty
Charge 7—Guilty
Charge 8—Guilty
Charge 9—Guilty

REASONS FOR DECISION

1. All teachers have a responsibility to treat student(s) with dignity and respect. Any conduct of a member that, in the opinion of a hearing committee, is detrimental to the honour and

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dignity of a student or students is unprofessional (article 4 of the Professional Code of Conduct).

2. As a teacher, Neudecker was in a position of trust and authority over the victim. This breach resulted in students not being treated with the necessary dignity and respect and consideration of their circumstances (article 4 of the Professional Code of Conduct).
3. Neudecker failed to maintain the honour and dignity of the teaching profession (article 18 of the Professional Code of Conduct).

Charge 1.

1. By her own admission, Neudecker admitted that during the period of August 2018 to November 2018, she engaged in texting and/or other electronic communications with Student A, where the comments made were inappropriate for an acceptable teacher–student relationship.
2. In the evidence adduced, there were examples of inappropriate electronic communications to Student A during the period of August 2018 to November 2018.
3. Student A acknowledged there was electronic communication between Neudecker and [Gender Redacted]
4. In doing so, Neudecker failed to maintain the honour and dignity of the profession.

Charge 2

1. By her own admission, Neudecker admitted that during the period of August 2018 to November 2018, she was in a social relationship with Student A where she kissed Student A in the presence of other students in the [Location Redacted].
2. In the evidence adduced, there were examples of a social relationship with Student A where she kissed Student A in the presence of other students in the [Location Redacted] during the period of August 2018 to November 2018.
3. Student A acknowledged there was a social relationship with Student A where Neudecker kissed Student A in the presence of other students in the [Location Redacted].
4. In doing so, Neudecker failed to treat Student A with dignity and respect and without consideration of Student A's circumstances.

Charge 3

1. By her own admission, Neudecker admitted that during the period of August 2018 to November 2018, she was in a social relationship with Student A where she kissed Student A in the presence of other students in the [Location Redacted].
2. In the evidence adduced, there were examples of a social relationship with Student A where she kissed Student A in the presence of other students in the [Location Redacted] during the period of August 2018 to November 2018.
3. Student A acknowledged there was a social relationship with Student A where Neudecker kissed Student A in the presence of other students in the [Location Redacted].
4. In doing so, Neudecker failed to act in a manner which maintains the honour and dignity of the profession.

Charge 4

1. By her own admission, Neudecker admitted that during the period of August 2018 to November 2018, she was in a social relationship with Student A where she kissed Student A in her classroom behind closed doors.
2. In the evidence adduced, there were examples of a social relationship with Student A where she kissed Student A in her classroom behind closed doors during the period of August 2018 to November 2018.
3. Student A acknowledged there was a social relationship with Neudecker where Neudecker kissed Student A in her classroom behind closed doors.
4. In doing so, Neudecker failed to treat Student A with dignity and respect and without consideration of Student A's circumstances.

Charge 5

1. By her own admission, Neudecker admitted that during the period of August 2018 to November 2018, she was in a social relationship with Student A where she kissed Student A in her classroom behind closed doors.
2. In the evidence adduced, there were examples of a social relationship with Student A where she kissed Student A in her classroom behind closed doors during the period of August 2018 to November 2018.

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3. Student A acknowledged there was a social relationship with Student A where Neudecker kissed Student A in her classroom behind closed doors.
4. In doing so, Neudecker failed to act in a manner that maintains the honour and dignity of the profession.

Charge 6

1. By her own admission, Neudecker admitted that during the period of August 2018 to November 2018, she was in a social relationship with Student A where she engaged in physical contact, in the presence of other students.
2. In the evidence adduced, there were examples of a social relationship with Student A where she where she engaged in physical contact, in the presence of other students during the period of August 2018 to November 2018.
3. Student A acknowledged there was a social relationship with Student A where she engaged in physical contact, in the presence of other students.
4. In doing so, Neudecker failed to treat Student A with dignity and respect and without consideration of Student A's circumstances.

Charge 7

1. By her own admission, Neudecker admitted that during the period of August 2018 to November 2018, she was in a social relationship with Student A where she engaged in physical contact, in the presence of other students.
2. In the evidence adduced, there were examples of a social relationship with Student A where she where she engaged in physical contact, in the presence of other students during the period of August 2018 to November 2018.
3. Student A acknowledged there was a social relationship with Student A where she engaged in physical contact, in the presence of other students.
4. In doing so, Neudecker failed to maintain the honour and dignity of the profession.

Charge 8

1. By her own admission, Neudecker admitted that during the period of August 2018 to November 2018, misrepresented her relationship with Student A to several colleagues, leading to at least one colleague supporting her.

2. In the evidence adduced, there were examples of how Neudecker misrepresented her relationship with Student A to several colleagues, leading to at least one colleague supporting her during the period of August 2018 to November 2018.
3. In doing so, Neudecker failed to maintain the honour and dignity of the profession.

Charge 9

1. By her own admission, Neudecker admitted that during the period of August 2018 to November 2018, she misrepresented her relationship with Student A to several colleagues, stating students in her [Subject Redacted] class started the rumour in retaliation.
2. In the evidence adduced, there were examples of how Neudecker misrepresented her relationship with Student A to several colleagues, stating students in her [Subject Redacted] class started a rumour in retaliation during the period of August 2018 to November 2018.
3. In doing so, Neudecker failed to act in a manner that treats those students with dignity and respect and without considerations of the students' circumstances.

SUBMISSION ON PENALTY

██████████ and Neudecker provided a joint submission on penalty to the hearing committee recommending the following penalties to address all of the charges:

1. A letter of severe reprimand
2. A declaration of permanent ineligibility for membership in the Alberta Teachers' Association
3. A recommendation for cancellation of Neudecker's teaching certificate

██████████ and Neudecker acknowledged through the signed submission on penalty their recognition that the hearing committee would make its own determination with respect to penalty. (Exhibit 9).

PENALTY

After consideration, the hearing committee imposed the following penalties that were proposed in the submission on penalty by ██████████ and Neudecker. The hearing committee imposed the following penalties to cover all nine charges:

1. A letter of severe reprimand

2. A declaration that Neudecker is permanently ineligible for membership in the Alberta Teachers' Association.
3. A recommendation to the minister of education that Neudecker's teaching certificate be cancelled.

REASONS FOR PENALTY

The hearing committee considered the following factors in determining the penalty.

1. The hearing committee carefully considered the content of the submission on penalty, including the [Name Redacted] factors listed in Exhibit 9. The committee accepted the penalties that the parties submitted. The committee felt the penalties were appropriate and would serve as a deterrent for this type of behaviour.
2. An appropriate penalty must demonstrate to members of the teaching profession, as well as members of the public, that the teaching profession will decisively respond to such acts of professional misconduct.
3. In the case of Neudecker, the inappropriate relationship and unprofessional contact with Student A require a penalty that is corrective, preventative, and will protect the interests of the students, the profession and the public.
4. As a teacher, Neudecker ought to have known that what she was doing was wrong and she should have known about her obligations under the Professional Code of Conduct.
5. The committee did not consider Neudecker's "toxic relationship" with a previous boyfriend as a mitigating factor.
6. Neudecker engaged in an inappropriate and intimate relationship with Student A. The ATA and society deem this to be reprehensible. By doing so, Neudecker failed to treat students with dignity and respect, was not considerate of their circumstances, and failed to maintain the honour and dignity of the teaching profession.
7. Neudecker clearly betrayed the fundamental trust given by society to the teaching profession. The public must be assured that the profession will punish those who transgress in this regard.
8. Neudecker's actions had both a mental and emotional impact on Student A. By doing so, Neudecker failed to treat Student A with dignity and respect, was not considerate of his circumstances, and failed to maintain the honour and dignity of the teaching profession.

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9. Neudecker's actions were exploitative. Teachers are expected to be trustworthy individuals who provide healthy role modelling for young people who are under their supervision and care.

Dated at the City of Edmonton in the Province of Alberta, Friday, May 29, 2020.

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

