

THE ALBERTA TEACHERS' ASSOCIATION
REPORT OF THE HEARING COMMITTEE
OF THE PROFESSIONAL CONDUCT COMMITTEE
IN THE MATTER OF CHARGE OF UNPROFESSIONAL
CONDUCT AGAINST BRETT DANIEL MITTELSTEADT

The hearing committee of the Professional Conduct Committee of the Alberta Teachers' Association reports that a charge of unprofessional conduct laid against Brett Mittelsteadt of [REDACTED] was duly investigated in accordance with the *Teaching Profession Act*. The hearing was held in Barnett House, 11010 142 Street NW, Edmonton, Alberta, Canada on Friday, September 30, 2016 at 0900.

Professional Conduct Committee members present as the hearing committee were [REDACTED]

[REDACTED] presented the case against the investigated member. The investigated member, Brett Mittelsteadt, was not present and was not represented by counsel.

CONSTITUTION/JURISDICTION

There were no objections to either the constitution or the jurisdiction of the hearing committee.

CHARGES AND PLEA

The following charge was read aloud by the secretary to the hearing committee:

1. Brett Daniel Mittelsteadt is charged with unprofessional conduct pursuant to the *Teaching Profession Act* in that he, while a member of the Alberta Teachers' Association, between March 1, 2013 and September 1, 2014, engaged in conduct for which he, on August 22, 2016, was convicted of two indictable offences, to wit: sexual interference and luring a child, contrary to sections 151 and 172.1 of the *Criminal Code* of Canada.

In the absence of the member, the committee chair directed a plea of not guilty.

WITNESSES

There were no witnesses called.

EXHIBITS FILED

Exhibit 1—Notice of hearing and Canada Post confirmation of delivery, on September 23, 2016

Exhibit 2—Proof of Mittelsteadt's membership in the Association from March 1, 2005 to March 31, 2015 inclusive

Exhibit 3—Conviction certificate from the Province of Alberta, File No 151486933Q1-01-001

Exhibit 4—Conviction certificate from the Province of Alberta, File No 151486933Q1-01-004

Exhibit 5—Agreed Statement of Facts, Between: Her Majesty the Queen and Brett Daniel Mittelsteadt

EVIDENCE ADDUCED AND EXHIBITS FILED INDICATED THAT:

1. Mittelsteadt was a member of the Alberta Teachers' Association from March 01, 2005 to March 31, 2015 inclusive. (Exhibit 2)
2. Mittelsteadt was born [REDACTED] (Exhibit 5)
3. Mittelsteadt was employed by [School Division Redacted] where he taught and coached [Age Redacted] students [Grades Redacted]. (Exhibits 2 and 5)
4. Mittelsteadt plead guilty and was convicted, on August 22, 2016, of two indictable offences related to sexual interference and luring of a child under sections 151 and 172.1 of the *Criminal Code* of Canada. (Exhibit 5)
5. The actions for which Mittelsteadt was convicted occurred between March 1, 2013 and September 1, 2014. (Exhibit 5)
6. Mittelsteadt taught and coached Student A; he also coached [Gender Redacted] [Sibling] on a sports team at school. (Exhibit 5)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] 5)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

DECISION OF THE HEARING COMMITTEE

Charge 1—Guilty

REASONS FOR DECISION

1. Mittelsteadt, while a member of the Alberta Teachers' Association, between March 1, 2013 and September 1, 2014, engaged in conduct for which he, on August 22, 2016, was convicted of two indictable offences, to wit: sexual interference and luring a child, contrary to sections 151 and 172.1 of the *Criminal Code* of Canada.
2. Mittelsteadt is guilty of two indictable offenses involving sexual inference and luring a child. The *Teaching Profession Act* section 23(2) states that conduct of the member on which such indictable conviction is based is deemed to constitute unprofessional conduct.

PENALTY

The committee ordered the following penalty:

1. A declaration that Mittelsteadt is ineligible for membership in the Alberta Teachers' Association
2. A recommendation to the minister of education to cancel Mittelsteadt's teaching certificate

REASONS FOR PENALTY

1. Mittelsteadt is guilty of two indictable offences involving sexual inference and luring a child. This behaviour is a heinous and reprehensible betrayal of the trust placed in him by the public, profession and children. Society expects teachers to refrain from sexual interference and luring of students.
2. Mittelsteadt's persistent and repeated sexual interference with Student A was sustained over a period of approximately one and a half years.
3. Mittelsteadt's sexual interference with a child occurred both during and after school hours, and in a variety of locations, including the school. Through his actions, Mittelsteadt abused his position of trust, authority and responsibility.
4. Mittelsteadt influenced Student A by threatening to take action against a [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

5. Mittelsteadt deceived a colleague and Student A's parents in order to gain access to Student A for the purposes of sexual interference and luring a child.
6. The hearing committee ordered a penalty that reflects the extreme and egregious nature of Mittelsteadt's unprofessional conduct. The penalty is intended to protect the interests of children, the profession and society.

Dated at the City of Edmonton in the Province of Alberta, Friday, October 7, 2016.

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

