

THE ALBERTA TEACHERS' ASSOCIATION  
REPORT OF THE HEARING COMMITTEE  
OF THE PROFESSIONAL CONDUCT COMMITTEE  
IN THE MATTER OF CHARGES OF UNPROFESSIONAL  
CONDUCT AGAINST DARYL SAMETZ

The hearing committee of the Professional Conduct Committee of the Alberta Teachers' Association reports that charges of unprofessional conduct laid against Daryl Sametz of [REDACTED] were duly investigated in accordance with the *Teaching Profession Act*. The hearing was held in Barnett House, 11010 142 Street NW, Edmonton, Alberta, Canada on Thursday, June 19, 2014.

Professional Conduct Committee members present as the hearing committee were [REDACTED] presented the case against the investigated member. The investigated member, Darryl Sametz, was not present and was not represented by counsel. Sametz was contacted by phone during the penalty phase of the hearing to give him an opportunity to speak to penalty.

CONSTITUTION/JURISDICTION

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

CHARGES AND PLEA

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

1. Daryl Sametz is charged with unprofessional conduct pursuant to the *Teaching Profession Act* in that he, while a member of the Alberta Teachers' Association, on or about February 2009 to December 2010, attended as a referee at school events at which he appeared intoxicated, thus acting in a manner which failed to maintain the honour and dignity of the profession.
2. Daryl Sametz is charged with unprofessional conduct pursuant to the *Teaching Profession Act* in that he, while a member of the Alberta Teachers' Association, on or about September 2006 to March 2011, attended at school after he had been drinking, smelling of alcohol and acting in an inappropriate manner towards staff and students, thus engaging in activities that adversely affected the quality of the teacher's professional service.

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3. Daryl Sametz is charged with unprofessional conduct pursuant to the *Teaching Profession Act* in that he, while a member of the Alberta Teachers' Association, on or about September 2006 to March 2011, made derogatory statements toward students, in front of other students and staff, thus failing to treat students with dignity and respect.
4. Daryl Sametz is charged with unprofessional conduct pursuant to the *Teaching Profession Act* in that he, while a member of the Alberta Teachers' Association, on or about September 2006 to March 2011, bullied and intimidated staff, thus acting in a manner that failed to maintain the honour and dignity of the profession.
5. Daryl Sametz is charged with unprofessional conduct pursuant to the *Teaching Profession Act* in that he, while a member of the Alberta Teachers' Association, on or about September 2006 to March 2011, criticized the professional reputation of colleagues contrary to section 13 of the Code of Professional Conduct.
6. Daryl Sametz is charged with unprofessional conduct pursuant to the *Teaching Profession Act* in that he, while a member of the Alberta Teachers' Association, on or about September 2006 to March 2011, attended various social functions where he behaved in an intoxicated and aggressive manner, thus acting in a manner detrimental to the best interests of the profession.

The presenting officer, [REDACTED], withdrew Charges 1, 2 and 6 and to support that action, submitted a letter from Sametz's doctor stating that his actions with respect to those charges were attributable to a medical condition, [Personal Information Redacted].

Sametz entered a plea of guilty to each of Charges 3, 4 and 5 by written submission.

The hearing committee noted that the exhibits referred to the remaining charges (3, 4 and 5) as Charges 1, 2 and 3 and, in some other places as (a) (b) and (c). However, for the purpose of this decision, those charges remain as originally identified, ie, Charges 3, 4 and 5.

WITNESSES

No witnesses were called. The evidence was presented to the hearing committee by way of an agreed statement of facts.

EXHIBITS FILED

Exhibit 1—Letter from [REDACTED] of [REDACTED] LLP to Sametz, dated June 16, 2014

Exhibit 2—Affidavit of execution, signed by Sametz and [REDACTED], dated June 16, 2014

Exhibit 3—Notice of hearing and affidavit of service on June 1, 2014



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- Exhibit 4—Letter from Sametz's doctor, [REDACTED] dated June 18, 2014  
Exhibit 5—Declaration of awareness of rights, signed by Sametz, dated June 16, 2014  
Exhibit 6—Submission on plea, signed by Sametz, dated June 16, 2014  
Exhibit 7—Agreed statement of facts, signed by Sametz and [REDACTED], dated June 16, 2014  
Exhibit 8—Proof of Sametz's membership in the Alberta Teachers' Association from September 1, 2005 to March 31, 2011  
Exhibit 9—Joint submission on penalty, signed by Sametz and [REDACTED] dated June 16, 2014

EVIDENCE ADDUCED AND EXHIBITS FILED INDICATED THAT:

1. Darryl Sametz was a member of the Alberta Teachers' Association from September 1, 2005 to March 31, 2011 inclusive (Exhibit 8).
2. Sametz was employed as the principal at [School Redacted], [School Division Redacted] during that period. (Exhibit 7)
3. Based on the agreed statement of facts, Sametz admitted to using inappropriate and poor language to describe students, behind closed doors.
4. According to the agreed statement of facts, the following reports were made about Sametz's actions:
  - (a) [Name Redacted], a teacher at [School Redacted], reported witnessing Sametz calling students "[REDACTED] retards."
  - (b) [Name redacted] reported hearing the same remarks at high school level meetings.
  - (c) [Name Redacted] witnessed Sametz commenting at a [Grade Level Redacted] meeting (2006/07) of staff that a student was "a waste of flesh."
  - (d) In the fall of 2009, [Name Redacted], the vice-principal, reported that Sametz directed [REDACTED] to speak to a student saying, [REDACTED]
  - (e) [Name Redacted] reported that at [Grade level Redacted] meetings, Sametz commented on some students being "[REDACTED] idiots."
  - (f) [Name Redacted] reported that Sametz used profanity in front of and towards students.
  - (g) During [Name Redacted] first year (2007), [REDACTED] reported that Sametz would say to students, "Get the [REDACTED] out of here. Leave."
  - (h) [Name Redacted] reported that students would come back to class and say, "I can't believe he said that to me."

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- (i) [Name Redacted], the superintendent of schools, reported that in [redacted] investigation of Sametz, he admitted to calling students names or referring to them pejoratively in front of other students.
- (j) [Name Redacted] reported that Sametz put his hand on [redacted] thigh at a staff function.
- (k) [Name Redacted] reported that Sametz chastised [Name Redacted] in [redacted] [Subject Redacted] class for providing assistance to a student who had been removed from regular classes and was doing distance learning. Sametz's comments included, "you will never [redacted] do that again. I told you not to use class time to help [redacted]."
- (l) [Name Redacted] and [Name Redacted] reported that Sametz was impatient and interrupted staff members during staff meetings. He asked for input and when staff contributed, he rolled his eyes, swore, and asked if they could get on with the meeting.
- (m) [Name Redacted] reported that Sametz made comments at staff meetings about the vice-principal, [Name Redacted], which showed no respect for [redacted] as part of the administrative team. His comments included, "[redacted] is never here," and "I might as well run the school by myself."
- (n) [Name Redacted] reported that Sametz made comments about diploma marks in [Name Redacted] classroom in front of students, and students noted that the remarks were inappropriate.
- (o) [Name Redacted] reported that Sametz made a comment at a [School Division Redacted] Leadership and Administration Development session about [Name Redacted] sexual orientation. [Name Redacted] was uncomfortable with the comments for [Name Redacted] sake and other people were uncomfortable also.
- (p) [Name Redacted] reported that Sametz debased [Name Redacted] about [redacted] diploma results at a school meeting.
- (q) [Name Redacted] reported that Sametz criticized [Name Redacted] and [Name Redacted], when they wanted to combine classes on a cold/snow day saying in front of students, "You want to join these kids in one room, and yet your marks are horrible. You can use your class time better."

DECISION OF THE HEARING COMMITTEE

Charge 3—guilty  
Charge 4—guilty  
Charge 5—guilty



## REASONS FOR DECISION

### Charge 3

1. By his own admission and as described in the evidence set out in the agreed statement of facts, Sametz repeatedly used inappropriate language and profanity when referring to students, thus failing to treat students with dignity and respect, and failed to be considerate of their circumstances.
2. By his own admission and as described in the evidence set out in the agreed statement of facts, Sametz repeatedly used inappropriate language and profanity when addressing students, thus failing to treat students with dignity and respect, and failed to be considerate of their circumstances.
3. Students, parents and the public have the right to expect that teachers will treat students with dignity and respect and in a manner that is considerate of their circumstances. Sametz failed to fulfill that expectation and, as such, engaged in unprofessional conduct pursuant to the *Teaching Profession Act*.

### Charge 4

1. By his own admission, and as described in the evidence set out in the agreed statement of facts, Sametz did bully and intimidate staff, thus acting in a manner that failed to maintain the honour and dignity of the profession.
2. Sametz, using profanity, berated a staff member for providing assistance to a student who was not in the staff member's regular class, thus acting in a manner that failed to maintain the honour and dignity of the profession.
3. Sametz did place his hand on a [REDACTED] staff member's thigh during a staff function, thus acting in a manner that failed to maintain the honour and dignity of the profession.
4. Sametz, during staff meetings, would ask for staff input. Sametz was then impatient, interrupted staff members, rolled his eyes, swore and asked if they could get on with the meeting, thus failing to be respectful of his colleagues and acting in a manner that failed to maintain the honour and dignity of the profession.
5. The hearing committee recognizes that there are various appropriate leadership styles. However, regardless of style, the committee believes that an administrator must strive diligently to maintain the collegiality and respect of the staff members to which the administrator is responsible. Sametz's actions in using profanity towards staff members, berating them and ignoring their input failed to meet this standard and as such, his actions amount to unprofessional conduct as defined in the *Teaching Profession Act*.



Charge 5

1. Sametz undermined the confidence of students in a teacher by repeatedly criticizing [REDACTED] professional competence in the presence of students in a manner that was derogatory and demeaning and violates professional conduct standards as outlined in section 13 of the Code of Professional Conduct.
2. Sametz showed no respect for his vice-principal as part of the administrative team when he made comments at staff meetings that included "[REDACTED] is never here," and "I might as well run the school by myself," thus violating the professional conduct standards as outlined in section 13 of the Code of Professional Conduct.
3. Sametz made critical comments about diploma marks to teachers in front of students, thus violating the professional conduct standards as outlined in section 13 of the Code of Professional Conduct.
4. By his own admission, Sametz, at a [School Division Redacted] Leadership and Administration Development session, made a public comment about [Name Redacted] sexual orientation, which made other teachers who were present to hear the comment uncomfortable. This conduct was insensitive, inappropriate and unprofessional.
5. The hearing committee recognizes that there are various appropriate leadership styles. However, regardless of style, the committee believes that an administrator must strive diligently to maintain the collegiality and respect of the staff members to which the administrator is responsible. Sametz's open criticism of and lack of respect for teachers at his school and a fellow administrator failed to meet this standard and as such, his actions amount to unprofessional conduct as defined in the *Teaching Profession Act*.

PENALTY

The hearing committee received a joint submission on penalty recommending a severe letter of reprimand for each of Charge 3 and Charge 4 and a letter of reprimand for Charge 5.

After receiving the joint submission on penalty from the presenting officer, the committee went into caucus to consider the joint submission. After considering the joint submission, the committee reconvened the hearing and advised the presenting officer that it was considering imposing more serious penalties than those recommended in the joint submission on penalty. In particular, the committee advised that it was considering imposing a period of suspension and a fine.

As Sametz was not present at the hearing at this time, arrangements were made for Sametz to be connected into the hearing by phone. Sametz was advised that the committee was considering the more serious penalties of suspension and a fine. Both [REDACTED] and Sametz were then given an



opportunity to provide submissions on the committee's advice that it was considering more serious penalties than those recommended by the parties in the joint submission.

█████ indicated that █████ considered including a period of suspension in the joint submission on penalty but that in █████ review of the relevant precedent cases dealing with similar charges, none of these cases had imposed suspensions. Rather, most precedent cases dealing with similar charges imposed severe letters of reprimand.

Sametz advised the committee that he was extremely regretful for his actions and that his [MedicalCondition] had an effect on his patience which led him to be short and abrupt with his staff. He noted that for 31 years he had given his heart and soul to education. Sametz was concerned about the possibility of the committee ordering a fine as he indicated that he was currently struggling to make ends meet. He indicated that he was presently drawing employment insurance, trying to find an alternate income and trying to rebuild his life.

The committee considered the submissions provided by █████ and Sametz and Sametz's apology for his actions, but felt that the penalty proposed remained too lenient, given the extensive nature of the offences and for the reasons set out below.

The hearing committee imposed the following penalty for Charge 3:

1. A letter of severe reprimand
2. A declaration of ineligibility for membership in the Alberta Teachers' Association for a period of six months
3. A recommendation to the minister of education to suspend Sametz's teaching certificate for a period of six months

The hearing committee imposed the following penalty for Charge 4:

1. A letter of severe reprimand
2. A declaration of ineligibility for membership in the Alberta Teachers' Association for a period of six months
3. A recommendation to the minister of education to suspend Sametz's teaching certificate for a period of six months.

It is the hearing committee's intention that the suspensions for Charge 3 and Charge 4 run concurrently so that the effective total suspension would be a period of six months.

The hearing committee imposed the following penalty for Charge 5:

1. A letter of severe reprimand

The hearing committee determined that a fine was ultimately not necessary as a penalty, both in consideration of Sametz's current financial circumstances and the fact that Sametz has already suffered financially as a result of the conduct described in the charges. As set out in the joint submission on penalty, Sametz resigned from his employment at [School Redacted] on March 31, 2011. He was then employed as the superintendent of schools for [School Division Redacted]



from August 19, 2012 to March 17, 2014. Sametz was summarily dismissed from his employment on March 17, 2014 after the [School Division Redacted] received an anonymous letter outlining incidents that occurred at [School Redacted] during Sametz's employment there. He has since been unable to obtain employment in the education sector. As indicated both by Sametz in his submissions and in the agreed statement of facts, he is currently in receipt of employment insurance and pursuing small business interests in the [REDACTED]

### REASONS FOR PENALTY

The hearing committee chose to vary the penalty from that proposed in the joint statement on penalty for the following reasons:

1. Sametz engaged in intimidation, bullying and the use of profanity, on numerous occasions, with numerous staff members and students. He continued these actions over a period of four and a half years.
2. Sametz used highly inappropriate and offensive language in front of, and about, students.
3. Sametz used highly inappropriate and offensive language in front of, and about, staff members.
4. Sametz's behaviour and comments had a profoundly negative impact on students and staff members.
5. Sametz's negative comments regarding a person's sexual orientation were offensive, insensitive and potentially damaging.
6. Sametz was in a leadership position and did not maintain the collegiality and respect of the staff members to whom he was responsible.
7. Sametz was in a leadership position and did not maintain a safe and caring environment for the students for whom he was responsible.
8. The committee also considered the following mitigating circumstances:
  - (a) The effects of Sametz's [Medical Condition]
  - (b) The high price he has already paid for his actions
  - (c) His loss of employment due to his actions
  - (d) His apologies and the accountability he has shown for his actions by entering into an agreed statement of facts and acknowledging his unprofessional conduct



9. While the hearing committee commends Sametz for taking responsibility for his actions and taking steps to rebuild his life, the committee is of the view that the relevant mitigating factors must be weighed against the serious and prolonged nature of the conduct at issue. The conduct displayed by Sametz as set out in Charges 3, 4, and 5 was completely unacceptable for the leader of a school and negatively impacted both students and staff over a prolonged period. More weight must be put on these factors when determining penalty.
10. As such, when all of the above factors are considered, the hearing committee was of the view that a period of suspension was warranted in addition to the severe letters of reprimand.

Dated at the City of Edmonton in the Province of Alberta, June 20, 2014

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

