

REPORT OF THE DISCIPLINE COMMITTEE

IN THE MATTER OF a charge of unprofessional conduct against Boyd Sommerfeldt

The Discipline Committee of The Alberta Teachers' Association reports that charges of unprofessional conduct laid against Boyd Sommerfeldt of [REDACTED] were duly investigated in accordance with the *Teaching Profession Act* (RSA 1980, Chapter T-3) and the Discipline Bylaws of the said Association. The hearing was held in Barnett House, 11010 142 Street NW, Edmonton, Alberta, Canada on Tuesday, April 30, 1996 at 0900 hours. Discipline Committee members present were: [REDACTED]
[REDACTED] [REDACTED] presented the case against the accused. Boyd Sommerfeldt was present and assisted by [REDACTED]

CONSTITUTION/JURISDICTION

There being no objection to the constitution of the Committee and no objection to its jurisdiction to hear the case, the hearing proceeded.

The secretary to the Committee read the following charges:

1. Boyd Sommerfeldt is charged with unprofessional conduct contrary to the Discipline Bylaws of The Alberta Teachers' Association in that he, a member of The Alberta Teachers' Association on the 21st day of November, AD 1995 in the [REDACTED] [REDACTED] was convicted of an offence under Part XIX of the Criminal Code to wit: Between the 1st day of January, 1982 and the 31st day of December, 1983, both dates inclusive, at or near [Location Redacted], Alberta, did commit an indecent assault upon [Name Redacted], a [Gender Redacted] person, contrary to section 149 of the Criminal Code of Canada.
2. Boyd Sommerfeldt is charged with unprofessional conduct contrary to the Discipline Bylaws of The Alberta Teachers' Association in that he, a member of The Alberta Teachers' Association has failed to act in a manner which maintains the honor and dignity of the profession, to wit: Mr Sommerfeldt plead guilty to and was convicted of an offence under Part XIX of the Criminal Code of Canada, that being the commission of an indecent assault upon [Name Redacted], a [Gender Redacted] student of Mr Sommerfeldt who was between the ages of [Age Redacted] years at the time of the assault.

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D L Jeary requested that charge 2 be amended to read as follows:

2. Boyd Sommerfeldt is charged with unprofessional conduct contrary to the Discipline Bylaws of The Alberta Teachers' Association in that he, a member of The Alberta Teachers' Association has failed to act in a manner which maintains the honor and dignity of the profession, to wit: Mr Sommerfeldt between the 1st day of January 1982 and the 31st day of December 1983 both dates inclusive, at or near [Location Redacted], Alberta committed an indecent assault upon [Name Redacted], a [Gender Redacted] student of Mr Sommerfeldt, who was between the ages of [Age Redacted] years at the time of the assault.

The accused agreed to the amendment which the Committee accepted.

PLEA

A plea of "Guilty" was entered to the charges.

WITNESSES

No witnesses were called by either the prosecution or defendant.

EVIDENCE ADDUCED AND EXHIBITS FILED INDICATED THAT:

1. B Sommerfeldt was employed as a teacher by the [School Division Redacted] at the time of the offence. (Exhibit 3)
2. B Sommerfeldt was a member of The Alberta Teachers' Association at the time of the offence. (Exhibit 3)
3. B Sommerfeldt informed the Committee he was a teacher at [School Redacted] from September 1979 through September 1995 when he was suspended with pay.

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4. B Sommerfeldt taught [Name Redacted] when [gender redacted] was in [Grade Redacted].
5. [Name Redacted] was a [Grade Redacted] student at [School Redacted] at the time of the offence, but not in B Sommerfeldt's classroom.
6. During 1982 and 1983, [Name Redacted] [REDACTED] for B Sommerfeldt's [REDACTED] (Exhibit 9)
7. On one occasion, B Sommerfeldt touched [REDACTED] area of [NAME Redacted]. (Exhibit 9)
8. On another occasion, B Sommerfeldt exposed [REDACTED] [Name Redacted]. (Exhibit 9)
9. On his own initiative, B Sommerfeldt brought the matter to the attention of his [REDACTED] [REDACTED] and [REDACTED]. He accepted responsibility and demonstrated remorse. No evidence was provided that this matter was reported to the police. (Exhibits 9 and 10)
10. On 1995 11 21, B Sommerfeldt plead guilty to a charge of indecent assault under section 149 of Part XIX of the Criminal Code. (Exhibit 5)
11. The case received media coverage in the [Location Redacted] areas. (Exhibits 7 and 8)
12. B Sommerfeldt submitted a document which included performance evaluations, letters of reference prior and subsequent to conviction, character references, and a psychological assessment, all of which support the defendant's character, teaching record, and extensive community service since 1983. (Exhibit 10)

RECOMMENDED PENALTY

The Discipline Committee recommends to Provincial Executive Council the following penalty:

Charge 1—That the defendant's eligibility for membership in The Alberta Teachers' Association be suspended for a period of three years, and that a recommendation be made to the Minister of Education that the defendant's teaching certificate be suspended for a period of three years.

Charge 2—That the defendant's eligibility for membership in The Alberta Teachers' Association be suspended for a period of three years, and that a recommendation be made to the Minister of Education that the defendant's teaching certificate be suspended for a period of three years.

The suspension of membership and the suspension of certificate should be served concurrently.

REASONS FOR RECOMMENDED PENALTY

1. A teacher should not be involved in sexual relationships with students. Society views such actions as repugnant and reprehensible. The defendant's actions showed disregard for societal expectations of teachers.
2. Teachers who engage in such deplorable activities create negative impacts on families, communities and the teaching profession.
3. The court proceedings were reported in the [Locations Redacted] media which resulted in negative publicity for the teaching profession.
4. Teachers who are convicted of indictable offences bring dishonor and disrespect to the profession.
5. Shortly after the offence the defendant discussed this matter with his [REDACTED] and followed the advice. (Exhibit 9)
6. The defendant plead guilty in court. (Exhibit 9)
7. The defendant expressed remorse and is currently in [REDACTED]
8. A chartered psychologist, [REDACTED], did an assessment, stated that Mr Sommerfeldt was [REDACTED]
[REDACTED]. (Exhibit 10)
9. Numerous character references, including letters from B Sommerfeldt's superintendent, principal, colleagues and parents attested to his teaching competence, community service and character were taken into consideration.

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10. By all reports and indications, the defendant's conduct and performance in the last decade that has passed since the offence have been impeccable.

DATED at the City of Edmonton in the Province of Alberta, Tuesday 1996 04 30.

THE DISCIPLINE COMMITTEE
THE ALBERTA TEACHERS' ASSOCIATION

