

REPORT OF THE DISCIPLINE COMMITTEE

IN THE MATTER OF a charge of unprofessional
conduct against Brian Staszewski

The Discipline Committee of The Alberta Teachers' Association reports that charges of unprofessional conduct laid against Brian Staszewski 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, Edmonton, Alberta, Canada on Thursday, October 21, 1993 at 0900 hours. Discipline Committee members present were: [REDACTED]

[REDACTED] presented the case against the accused.

The hearing was convened at 0905 hours and recessed in order to give the defendant 30 additional minutes to appear. During the recess, the secretary and committee counsel contacted by telephone [REDACTED] counsel acting for the defendant, to determine whether the defendant would be appearing. The secretary reported that [REDACTED] had communicated that the defendant would neither appear nor be represented by counsel. The hearing reconvened at 1000 hours.

There was no objection to the constitution or the jurisdiction of the committee.

A plea of "not guilty" to each of the following charges was entered on behalf of the accused.

1. Brian Staszewski is charged with unprofessional conduct in that he, a member of The Alberta Teachers' Association, contrary to the Discipline Bylaws of The Alberta Teachers' Association, on or between March 1, 1981 and August 31, 1981, in his private residence at or near [REDACTED], Alberta, did show movies containing sexually inappropriate material to a pupil, [REDACTED], thereby failing to uphold the honor and dignity of the profession.

2. Brian Staszewski is charged with unprofessional conduct in that he, a member of The Alberta Teachers' Association, contrary to the Discipline

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Bylaws of The Alberta Teachers' Association, on or between December 3, 1978 and June 30, 1979, in his private residence at or near [REDACTED], Alberta, did interfere or otherwise inappropriately touch a pupil, [REDACTED], thereby failing to uphold the honor and dignity of the profession.

3. Brian Staszewski is charged with unprofessional conduct in that he, a member of The Alberta Teachers' Association, contrary to Clause 4 of the Code of Professional Conduct of The Alberta Teachers' Association, on or between December 3, 1978 and June 30, 1979, in his private residence at or near [REDACTED], Alberta, did interfere or otherwise inappropriately touch a pupil, [REDACTED], thereby failing to treat the pupil with dignity and respect and was not considerate of the pupil's circumstances.

4. Brian Staszewski is charged with unprofessional conduct in that he, a member of The Alberta Teachers' Association, contrary to the Discipline Bylaws of The Alberta Teachers' Association, on or between June 30, 1980 and September 5, 1980, at or near [REDACTED], Alberta, did interfere or otherwise inappropriately touch a pupil, [REDACTED], thereby failing to uphold the honor and dignity of the profession.

5. Brian Staszewski is charged with unprofessional conduct in that he, a member of The Alberta Teachers' Association, contrary to Clause 4 of the Code of Professional Conduct of The Alberta Teachers' Association, on or between June 30, 1980 and September 5, 1980, at or near [REDACTED], Alberta, did interfere or otherwise inappropriately touch a pupil, [REDACTED], thereby failing to treat the pupil with dignity and respect and was not considerate of the pupil's circumstances.

6. Brian Staszewski is charged with unprofessional conduct in that he, a member of The Alberta Teachers' Association, contrary to the Discipline Bylaws of The Alberta Teachers' Association, on or between October 1, 1980 and December 3, 1980, at or near [REDACTED], Alberta, did make a sexually suggestive remark or request to a pupil, [REDACTED], thereby failing to uphold the honor and dignity of the profession.

7. Brian Staszewski is charged with unprofessional conduct in that he, a member of The Alberta Teachers' Association, contrary to Clause 4 of the Code of Professional Conduct of The Alberta Teachers' Association, on or between October 1, 1980 and December 3, 1980, at or near [REDACTED], Alberta, did make a sexually suggestive remark or request to a pupil, [REDACTED], thereby failing to treat the pupil with dignity and respect and was not considerate of the pupil's circumstances.

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8. Brian Staszewski is charged with unprofessional conduct in that he, a member of The Alberta Teachers' Association, contrary to the Discipline Bylaws of The Alberta Teachers' Association, on or between September 1, 1990 and October 1, 1992, in his private residence at or near [REDACTED] Alberta, did allow or facilitate the consumption of alcohol by pupils, [REDACTED], thereby failing to uphold the honor and dignity of the profession.

9. Brian Staszewski is charged with unprofessional conduct in that he, a member of The Alberta Teachers' Association, contrary to the Discipline Bylaws of The Alberta Teachers' Association, on or between August 21, 1984 and August 28, 1984, at or near [REDACTED] Alberta, did interfere with or otherwise conduct himself inappropriately in the presence of a pupil, [REDACTED], thereby failing to uphold the honor and dignity of the profession.

10. Brian Staszewski is charged with unprofessional conduct in that he, a member of The Alberta Teachers' Association, contrary to Clause 4 of the Code of Professional Conduct of The Alberta Teachers' Association, on or between August 21, 1984 and August 28, 1984, at or near [REDACTED] Alberta, did interfere with or otherwise conduct himself inappropriately in the presence of a pupil, [REDACTED], thereby failing to treat the pupil with dignity and respect and was not considerate of the pupil's circumstances.

Witnesses:

The prosecution called the following witnesses: [REDACTED] and [REDACTED]

Evidence Adduced and Exhibits Filed indicated that:

1. At the time of the offences B Staszewski was a member of The Alberta Teachers' Association and employed as a teacher by the [REDACTED] (Exhibit 3)
2. At the time of the offences B Staszewski was a teacher at [REDACTED] School. (Exhibit 3)
3. [REDACTED] testified that B Staszewski was a trusted friend of the [REDACTED] family. From 1975 through 1981 B Staszewski was a frequent guest in the [REDACTED] home which was located three miles south of [REDACTED]
4. B Staszewski was [REDACTED] school [REDACTED] teacher.
5. [REDACTED] became a regular visitor at the Staszewski residence. Frequently B Staszewski provided [REDACTED] with transport to and from [REDACTED] home.

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6. B Staszewski made available to [REDACTED] a wide selection of food and drink, including a variety of alcoholic beverages. [REDACTED] testified that [REDACTED] was impressed by B Staszewski's generosity and his possessions.

[REDACTED]


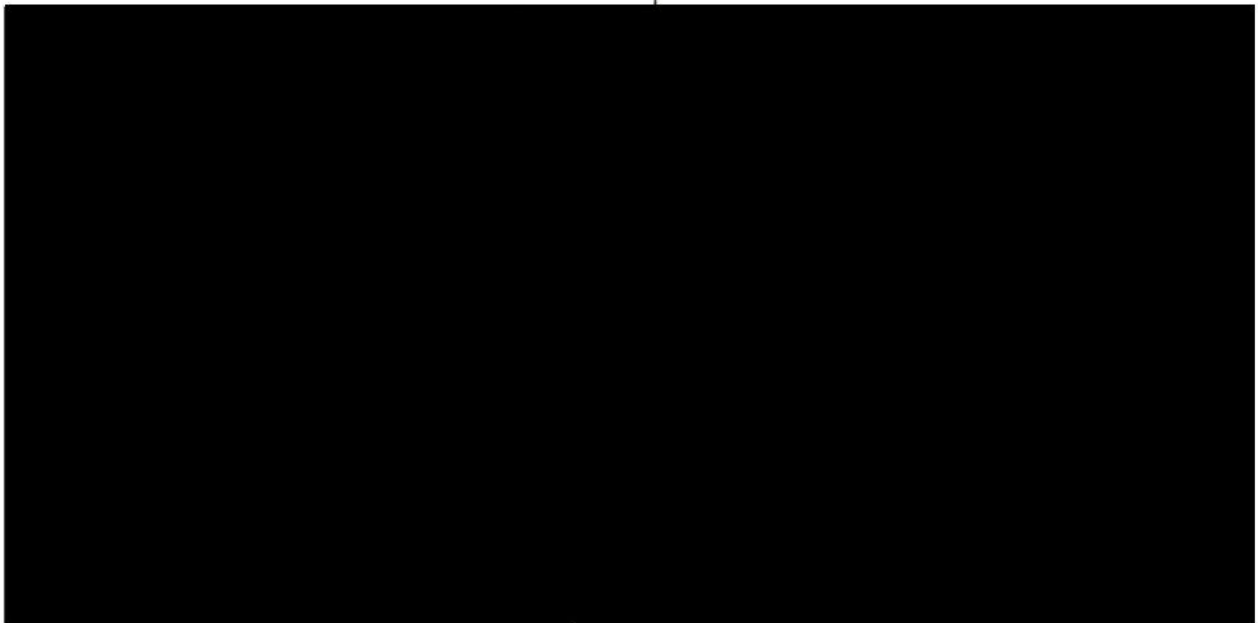

[REDACTED]

[REDACTED]

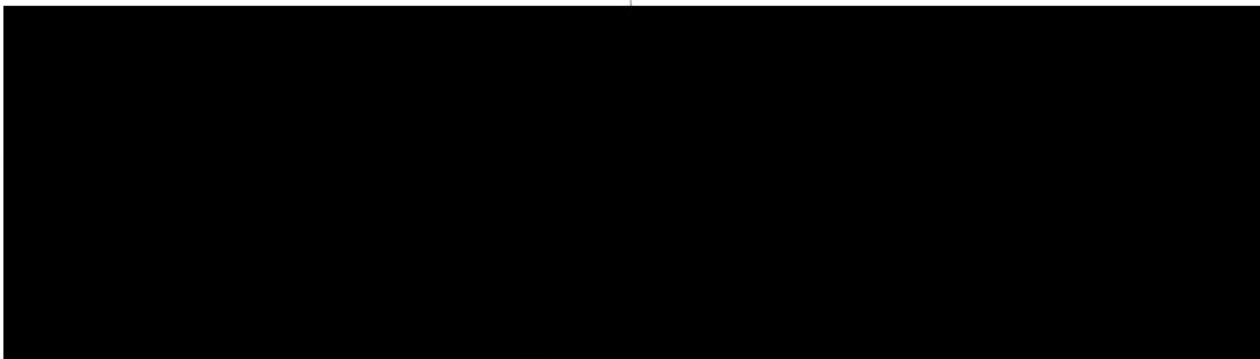
[REDACTED]

[REDACTED]

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Decision of the Discipline Committee:

Charge 1 - Guilty
Charge 2 - Guilty
Charge 3 - Guilty
Charge 4 - Guilty
Charge 5 - Guilty
Charge 6 - Guilty
Charge 7 - Guilty
Charge 8 - Dismissed
Charge 9 - Guilty
Charge 10 - Guilty

Reasons for decision:

Charge 1 - By showing sexually inappropriate movies to a student, the defendant failed to uphold the honor and dignity of the profession.

Charges 2, 4 and 6 - By initiating sexual touching and making an inappropriate sexual request to [REDACTED] the defendant failed to uphold the honor and dignity of the profession.

Charges 3, 5 and 7 - By initiating sexual touching and making an inappropriate sexual request to [REDACTED], the defendant failed to treat the student with dignity and respect. The defendant was not considerate of the student's circumstances.

Charge 8 - No evidence was led to indicate that the supplying of alcohol to [REDACTED], an [REDACTED] year old, was necessarily an unprofessional act. Although this charge contained numerous components that were supported by the agreed statement of facts, lack of evidence regarding the circumstances pertaining to [REDACTED] resulted in the dismissal of the charge.

Charge 9 - By initiating inappropriate touching of [REDACTED], the defendant failed to uphold the honor and dignity of the profession.

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Charge 10 - By initiating inappropriate touching, the defendant failed to treat [REDACTED] with dignity and respect. The defendant was not considerate of the student's circumstances.

The testimony accepted in the *voir dire* was considered useful by the committee in that it supported the credibility of prior witnesses and corroborated a pattern of inappropriate behavior on the part of the defendant.

Recommended penalty:

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

Charge 1 - That Brian Staszewski's membership in The Alberta Teachers' Association be suspended for a period of five years and that a recommendation be made to the Minister of Education that Brian Staszewski's teaching certificate be suspended for a period of five years.

For each of Charges 2, 3, 4, 5, 6 and 7 - That Brian Staszewski's membership in The Alberta Teachers' Association be cancelled and that a recommendation be made to the Minister of Education that Brian Staszewski's teaching certificate be cancelled.

For each of Charges 9 and 10 - That Brian Staszewski's membership in The Alberta Teachers' Association be suspended for a period of five years and that a recommendation be made to the Minister of Education that Brian Staszewski's teaching certificate be suspended for a period of five years.

The suspensions of membership and recommended suspensions of certificate shall be concurrent.

Reasons for Recommended Penalty:

1. Teachers are role models for students. B Staszewski did not model acceptable behavior for students at [REDACTED] School.
2. B Staszewski's actions toward [REDACTED] and [REDACTED] were predatory and completely inappropriate.
3. B Staszewski showed a complete lack of sound judgement and responsibility by inviting and permitting [REDACTED] to view sexually explicit movies in his presence.

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4. B Staszewski left the students feeling entrapped and manipulated by a teacher in a position of authority.
5. The unprofessional acts of B Staszewski were not isolated incidents but occurred over a long period of time.
6. The defendant's behavior was deplorable and reprehensible in that he took advantage of adolescents.
7. Society expects that teachers will not engage in sexual activities with students. The committee considers the sexual activities of B Staszewski with regard to students to be unacceptable and a grave offence.
8. Society has the right to expect that teachers will act in a manner which establishes and maintains the trust relationship between teachers and students. B Staszewski betrayed such trust.
9. B Staszewski's behavior was aberrant and unacceptable to both the profession and society.
10. The profession expects teachers to treat students with dignity and respect and will not tolerate behavior which exploits and abuses students.
11. A teacher has the responsibility to follow the provisions of the Code of Professional Conduct at all times.

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DATED at the City of Edmonton in the Province of Alberta, Saturday, October 23, 1993.

THE DISCIPLINE COMMITTEE
THE ALBERTA TEACHERS' ASSOCIATION

