

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

IN THE MATTER OF CHARGES OF UNPROFESSIONAL
CONDUCT AGAINST JARED JOHN ESZCZUK

The hearing committee of the Professional Conduct Committee of the Alberta Teachers' Association reports that charges of unprofessional conduct laid against Jared John Eszczuk of [Location 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 Wednesday, May 12, 2010 at 0900.

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

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

CONSTITUTION/JURISDICTION

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

CHARGES AND PLEA

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

1. Jared John Eszczuk 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 November 1, 2006 to June 20, 2007 inclusive, engaged in conduct for which he, on April 14, 2009, pleaded guilty to an indictable offence and received a conditional discharge, to wit: Between the 1st day of November, 2006, and the 20th day of June, 2007, both dates inclusive, at or near [Location Redacted], did commit a sexual assault by touching [Names Redacted], contrary to Section 271 of the *Criminal Code* of Canada.
2. Jared John Eszczuk 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 November 1, 2006 to June 20, 2007 inclusive, engaged in unacceptable physical contact with students in a manner that failed to treat the students with dignity and respect.

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The investigated member entered a plea of guilty to each of the charges by way of written submission (Exhibit 3).

WITNESSES

No witnesses were called.

EXHIBITS FILED

- Exhibit 1—Notice of hearing and Canada Post confirmation of delivery
- Exhibit 2—Statutory Declaration, signed by Eszczuk
- Exhibit 3—Submission on Plea, signed by Eszczuk
- Exhibit 4—Agreed Statement of Facts including: Appendix A (Agreed Statement of Facts filed in the Court of Queen's Bench of Alberta), Appendix B (Probation Order), Appendix C (Criminal Code section 730), Appendix D (Forensic Psychological Assessment)
- Exhibit 5—Submission on Penalty, signed by Eszczuk

EVIDENCE ADDUCED INDICATED THAT:

1. Eszczuk had been properly served with notice of the hearing (Exhibit 1).
2. Eszczuk was a member of the Alberta Teachers' Association, and taught at [School Redacted],[School Division Redacted], between November 1, 2006 and June 20, 2007, during which time the incidents that led to the criminal charge occurred (Exhibit 3).
3. Eszczuk was suspended from employment with pay on June 21, 2007 (Exhibit 4, Appendix D), and ceased to be employed by [School Division Redacted] on March 15, 2008 (Exhibit 4).
4. On April 14, 2009, Eszczuk pleaded guilty to an indictable offence under section 271 of the *Criminal Code* for which he received a conditional discharge (Exhibit 4, Appendix B).
5. The agreed statement of facts states that Eszczuk touched five [Gender Redacted] [Grade Redacted] students between November 1, 2006 and June 20, 2007. The touching consisted of rubbing, patting and/or slapping [Gender Redacted] buttocks and this occurred in various locations throughout the school, during regular school hours, and in the presence of other staff and students (Exhibit 4, Appendix A).

6. Within the agreed statement of facts presented to the Court of Queen's Bench, it was stated that Eszczuk acted without sexual intent. However, he admitted that the touching violated the complainants' sexual integrity (Exhibit 4, Appendix A).
7. During the 2006/07 school year, prior to these complaints coming forward, Eszczuk received several verbal warnings from school administration that he had to stop this type of interaction with [Gender Redacted] students. His behavior did not stop completely and he was given a formal reprimand letter in April, 2007 (Exhibit 4, Appendix A).
8. Eszczuk underwent an extensive forensic psychological assessment [Medical Information redacted]
9. [REDACTED]
10. Eszczuk pleaded guilty to both charges (Exhibit 3).

DECISION OF THE HEARING COMMITTEE

The committee accepted Eszczuk's guilty pleas on each of the charges, based upon the exhibits filed.

REASONS FOR DECISION

1. Eszczuk pleaded guilty to an indictable offence under section 271 of the *Criminal Code* relative to incidents that occurred while he was a member of the Association.
2. Pursuant to section 24(4) of the *Teaching Profession Act*, while Eszczuk pleaded guilty to an indictable offence after he ceased to be a member of the Association, the incidents that led to the criminal charge occurred while he was a member. Therefore, Charge 1 of unprofessional conduct can be dealt with under the *Teaching Profession Act*.

3. Eszczuk admitted to engaging in unacceptable physical contact with students in a manner that failed to treat the students with dignity and respect. Society expects teachers to refrain from inappropriately touching students.
4. Teachers are expected to conduct themselves in a manner that maintains the honour and dignity of the profession.
5. Eszczuk continued to commit these offences with students over an extended period of time, even after he received verbal reprimands for the behaviour.

PENALTY

The hearing committee imposed the following penalty:

1. Eszczuk is declared ineligible for membership in the Alberta Teachers' Association for a period of one year.
2. A recommendation will be made to the minister of education that Eszczuk's teaching certificate be suspended for a period of one year.

REASONS FOR PENALTY

1. Eszczuk pleaded guilty to an indictable offence under section 271 of the *Criminal Code* but received a conditional discharge. Eszczuk will not have a criminal record for this offence if the conditions are met.
2. Eszczuk failed to treat students with dignity and respect when he engaged in unacceptable physical contact with them. He continued these actions despite repeated instruction from school administration to cease his behaviour.
3. By committing these actions with students, Eszczuk failed to maintain the honour and dignity of the profession.
4. Evidence indicated that Eszczuk's actions were without sexual intent.
5. The forensic psychological assessment indicated that Eszczuk has an "extremely low" or "virtually zero" risk for sexual abuse of students in the future.
6. Eszczuk was forthright and cooperative with the investigating officer.

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- 7. Evidence suggests that Eszczuk is truly contrite and genuinely apologetic for his misguided behaviour which caused discomfort for students, parents and colleagues.**

Dated at the City of Edmonton in the Province of Alberta, Wednesday, May 12, 2010.

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

