

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

The hearing committee of the Professional Conduct Committee of the Alberta Teachers' Association reports that charges of unprofessional conduct laid against Esim Fayad 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 Monday, March 18, 2013 at 0900.

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

[Redacted] presented the case against the investigated member. The investigated member, Esim Fayad, was not present and was not represented by counsel.

CONSTITUTION/JURISDICTION

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

CHARGES AND PLEA

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

1. Esim Fayad is charged with unprofessional conduct pursuant to the *Teaching Profession Act* in that he, while a member of the Alberta Teachers' Association, during the 2011/12 school year, made comments, to a student(s), that were of a sexual nature and inappropriate to the acceptable teacher-student relationship, thus failing to treat the student(s) with dignity and respect.
2. Esim Fayad is charged with unprofessional conduct pursuant to the *Teaching Profession Act* in that he, while a member of the Alberta Teachers' Association, in or around March 1986, engaged in a sexual relationship with a student, [Name redacted], thus failing to treat [Name Redacted] with dignity and respect.

The investigated member entered a plea of guilty to each of the charges, by written submission.

WITNESSES

There were no witnesses called.

EXHIBITS FILED

- Exhibit 1—Notice of hearing and Canada Post confirmation of delivery, on February 7, 2013
- Exhibit 2—Submission on plea, signed by Fayad, dated February 27, 2013
- Exhibit 3—Agreed statement of facts, signed by Fayad and [REDACTED] dated February 27, 2013
- Exhibit 4—Submission on penalty, signed by Fayad, dated February 27, 2013 and appended victim impact statement, dated September 27, 2012, relating to ATA Discipline Case 191/91

EVIDENCE ADDUCED AND EXHIBITS FILED INDICATED THAT:

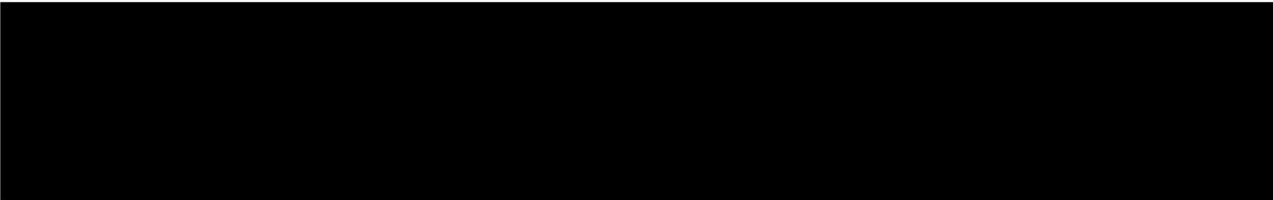
1. Fayad began working as a teacher for [School Division redacted] in 1982 and continued until he resigned in 1990. (Exhibit 3)
2. Fayad was a member of the Alberta Teachers' Association from September 1, 1982 to June 30, 1990 and from September 1, 2002 to June 30, 2012. (Exhibit 2)
3. Fayad began working as a teacher for [School Division redacted] in 2002 and continued until June 30, 2012. (Exhibit 3)
4. Superintendent [Name redacted] filed a complaint with the Association on April 13, 2012 in which he alleged that Fayad made inappropriate comments of a sexual nature to [Gender Redacted] students on at least two occasions, once in 2010 and again in 2012. The allegations were confirmed through a school division investigation prior to the complaint being filed with the Association. (Exhibit 3)
5. During the 2011/12 school year, Fayad made a comment of a sexual nature to a [Grade Redacted] student, [Name Redacted]. (Exhibit 3)
6. The comment was overheard by another student, [Name Redacted], who was in close proximity. [Name Redacted] recalled Fayad saying that he had a dream about [Name Redacted]. The way that Fayad made the statement caused [Name Redacted] to believe the dream was of a sexual nature. [Gender Redacted] reported that when [Name Redacted] queried Fayad about the content of the dream, Fayad said to [Name Redacted], [REDACTED] [Name Redacted] noted that [Gender Redacted]

7. [Name Redacted] reported to the investigating officer that Fayad said to [Gender Redacted] that he had dreamt about [Gender Redacted] but could not say what it was about "because it was obscene." (Exhibit 3)
8. Prior to this interaction with [Name Redacted], in or around June 2010, Fayad was reprimanded by Associate Superintendent [Name Redacted] for making an inappropriate comment of a sexual nature to a [Gender Redacted] student. In the 2010 situation, while the student was viewing a picture of a belt on a computer screen, Fayad commented to [Gender Redacted] that [Gender Redacted] would look good in the belt if [Gender redacted] were not wearing anything else. (Exhibit 3)
9. In the course of investigation, former student [Name Redacted], parent of [Name redacted], revealed to the investigating officer that when [Gender Redacted] was a student, it was well known that Fayad would seek out students for special attention. [Gender Redacted] recalled Fayad was overly nice to fellow student [Name Redacted] and that they were seen together in and out of school. (Exhibit 3)
10. [Name Redacted] acknowledged to the investigating officer that [Gender Redacted] had a relationship with Fayad after [Gender Redacted] reached 18 years of age but was unwilling to provide any details of her social interactions or relationship with Fayad while [Gender Redacted] was his student. (Exhibit 3)

11. Other former students interviewed [Names Redacted] reported

that there was an ongoing relationship between Fayad and [Name redacted] while [Gender Redacted] was a student in high school. (Exhibit 3)

12. [Redacted], Fayad engaged in a sexual relationship with [Name redacted] was a [Grade] student at [School redacted] where Fayad taught and was [Age redacted] years of age at the beginning of [C [Redacted]. [Gender Redacted] and Fayad began a sexual relationship circa March [Redacted]. Fayad was [Gender Redacted] teacher at the time.
13. [Gender Redacted] provided the details of that relationship in a written statement dated September 15, 2012. (Exhibit 3):
 - a) Fayad taught [Gender Redacted] [Subjects Redacted].
 - b) Fayad started to flirt with [Name Redacted] and [Gender Redacted] flirted back.
 - c) When [Gender Redacted] turned [Age Redacted] in March of [Redacted], the relationship included [Redacted]
 - d) Fayad would make arrangements to pick up [Name Redacted] at [Gender Redacted] house at midnight. [Name Redacted] would sneak out of [Gender Redacted] house and wait by the road for Fayad. [Name Redacted] remembered Fayad asking [Gender Redacted] to crouch down on the floor of his car as they drove through town.



- f) [Name Redacted] was another student with whom Fayad was in a sexual relationship. [Name Redacted] remembered Fayad talking to [Gender Redacted] and [Name Redacted] simultaneously regarding rumours going around school about him and warning them to be careful about conversations. [Name Redacted] noted that Fayad did not explicitly say what the [Gender Redacted] were supposed to be quiet about, but that they both knew what he meant.
- g) [Name Redacted] reported that after [Grade Redacted], [Name Redacted] moved to [Location Redacted] and Fayad contacted [Gender Redacted] there and they met "a couple of more times."

DECISION OF THE HEARING COMMITTEE

Charge 1—guilty
Charge 2—guilty

REASONS FOR DECISION

Charge 1

1. Fayad made comments which were overtly sexual in nature, on two occasions, to students. It is inappropriate and unprofessional to make comments of a sexual nature to students.
2. Fayad failed to treat the students with dignity and respect when he made statements about obscene dreams and speculated about what a student would look like wearing only a belt.
3. When Fayad made sexual comments to students, he violated the trust relationship between teacher and students and made them uncomfortable. He did not treat them with dignity, nor was he considerate of their circumstances.

Charge 2

1. Fayad engaged in a sexual relationship with [Name Redacted], who was a [Age Redacted] old student enrolled in Fayad's [Subjects Redacted] classes.
2. Fayad did not treat [Name Redacted] with dignity and respect, nor was he considerate of [Gender Redacted] circumstances, when he engaged [Gender Redacted] in a sexual relationship.

3. It is solely the responsibility of the teacher to maintain appropriate teacher student boundaries.
4. Fayad failed to maintain appropriate boundaries with a student and exploited the power difference within the teacher student relationship for his own gratification.

PENALTY

The hearing committee imposed the following penalty to address both charges:

- 1) Fayad is declared ineligible for membership in the Alberta Teachers' Association
- 2) A recommendation will be made to the minister of education to cancel Fayad's teaching certificate.

REASONS FOR PENALTY

1. Students and society expect that teachers will refrain from making statements of a sexual nature to students.
2. When Fayad made inappropriate sexual statements to students, he caused the students discomfort and thus failed to treat them with dignity and respect and to be considerate of their circumstances.
3. Students and society expect that teachers will refrain from engaging in sexual relationships with students.
4. The fact that Fayad engaged in a sexual relationship with a student is reprehensible, repugnant and deplorable.
5. Teachers are in a position of power over students; therefore, it is a teachers' fiduciary obligation to protect students, not exploit their vulnerability through the teacher student relationship.
6. In the submission on penalty, the hearing committee was provided with documentation to demonstrate that Fayad had also been found guilty in 1991, by the then Discipline Committee of the Alberta Teachers' Association, of having a sexual relationship with student [REDACTED]

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7. The hearing committee concluded that Fayad's actions in the present case demonstrate a pattern of behaviour which must preclude him from ever teaching again.

Dated at the City of Edmonton in the Province of Alberta, Monday, March 18, 2013.

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

