

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

IN THE MATTER OF CHARGES OF UNPROFESSIONAL
CONDUCT AGAINST JAMES P R DESJARDINS

The hearing committee of the Professional Conduct Committee of the Alberta Teachers' Association reports that charges of unprofessional conduct laid against James Desjardins 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, July 5, 2006.

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.

A written request was received from one of the two complainants that the hearing be held in camera (Exhibit 1). The committee ruled that the hearing would be held in camera.

CONSTITUTION/JURISDICTION

There was no objection to the composition or the jurisdiction of the hearing committee.

CHARGES AND PLEA

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

1. James P R Desjardins 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 January 2001 to April 2005, failed to maintain an appropriate teacher-student relationship with Student A.
2. James P R Desjardins 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 3, 2004, failed to treat Student A with dignity and respect when he engaged in kissing, hugging and sexual touching with [Gender Redacted].

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

At the request of the prosecuting officer, to be consistent with the written submission and guilty plea, Charge 1 was amended to read:

1. James P R Desjardins 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 January 2001 to April 2005, failed to treat Student A with dignity and respect that was considerate of [gender redacted] circumstances.

WITNESSES

No witnesses were called.

EVIDENCE ADDUCED AND EXHIBITS FILED INDICATED THAT:

1. Confirmation of membership was submitted, declaring that Desjardins was a member of The Alberta Teachers' Association during the period August 26, 1997 to April 28, 2005 inclusive (Exhibit 4).
2. Confirmation was submitted that the notice of hearing had been delivered to the investigated member in compliance with the required statutory time frame (Exhibit 2).
3. Desjardins taught for [School division Redacted] from August 26, 1997 to April 28, 2005 inclusive, at [School Redacted] (Exhibits 3 and 5).
4. Desjardins taught [Subjects redacted] to Student A in [Grade Redacted] at [School Redacted] from 2000 to 2002 (Exhibit 5).
5. The mother of Student A became concerned that her [child] had an inappropriate relationship with Desjardins when she saw an e-mail from Desjardins on her [child]'s computer on or about November 4, 2004 (Exhibit 5).
6. The mother of Student A took her concerns to the [school division redacted]. With the mother's assistance, the division investigated, gathered evidence and then confronted Desjardins with the evidence on April 22, 2005 (Exhibit 5).

7. Desjardins was forced to resign his position as a teacher with [School Division Redacted] , effective April 28, 2005 (Exhibit 5).
8. Desjardins exchanged e-mails with Student A while [gender redacted] was in [Grade redacted] [Age Redacted]. The e-mails contained inappropriate personal information about Desjardins' divorce, personal problems and financial problems (Exhibit 5).
9. The e-mail conversations were re-established by Student A on March 15, 2004 and Desjardins willingly responded and continued the inappropriate e-mail relationship (Exhibit 5).
10. The e-mails contained personal and inappropriate sexual discussions. Desjardins encouraged the student to keep the relationship secret by suggesting that [gender redacted] delete evidence of the mails from the computer [gender redacted] was using (Exhibit 5).
11. For fear of losing his job, Desjardins tried to conceal his relationship with Student A while [gender redacted] was in high school.
12. From the time that the e-mail conversations were re-established, electronic messages shared between Desjardins and Student A became sexually suggestive and explicit. Desjardins' inappropriate sexual electronic conversations with Student A included "cyber sex" while [gender redacted] was attending [Grade and Age redacted] at another school (Exhibit 5).
13. On or about November 3, 2004, Student A, while [gender redacted] was in [Grade Redacted], went to see Desjardins to pick up some sponsorship money from him. During that visit, Student A and Desjardins kissed. There was a close hug where their bodies were against each other and there was inappropriate sexual touching between them. Desjardins asked Student A to leave because he thought his wife might come home (Exhibit 5).
14. Desjardins demonstrated no remorse about, or insight into, the impact of his actions on Student A and the possible harm he may have brought to [gender redacted] and/or [gender redacted] family (Exhibit 11).
15. Desjardins was forthright and cooperative in his interviews with the investigating officer, confirming the facts. He provided the investigating officer with all documents requested and answered all questions asked of him (Exhibit 5).

DECISION OF THE HEARING COMMITTEE

The hearing committee accepted Desjardins' pleas of guilty to Charges 1 and 2.

REASONS FOR DECISION

1. Desjardins violated his position of trust and authority as a teacher when he participated in an inappropriate e-mail relationship with a student.
2. Desjardins kissed, hugged and sexually touched Student A.
3. Desjardins tried to conceal his relationship with Student A.
4. Society expects that when students are under the care of a teacher, they will be treated with dignity and respect.
5. It is inappropriate and unacceptable for a teacher to engage in inappropriate relationships with students even if there is no current student-teacher relationship.
6. The honour and dignity of the profession is harmed by a teacher having an inappropriate relationship with a student.

PENALTY

The hearing committee imposed the following penalty for both charges:

1. Desjardins is ineligible for membership in The Alberta Teachers' Association for four years, subject to compliance with the bylaws of the Association.
2. A recommendation will be made to the Minister of Education that Desjardins' teaching certificate be suspended for four years.

REASONS FOR PENALTY

1. Desjardins broke a fundamental trust that society places on teachers.
2. Society has the right to expect that teachers will not establish inappropriate relationships with students.
3. Desjardins was intentional and knew that his relationship with Student A was inappropriate.
4. Desjardins tried to hide the relationship and encouraged Student A to do the same.
5. Desjardins did not show remorse about his actions that may have caused harm to the student.

6. Desjardins was forthright and cooperative in his interviews with the investigating officer confirming the facts. He provided the investigating officer with all documents requested and answered all questions asked of him.

Dated at the City of Edmonton in the Province of Alberta, Wednesday, July 5, 2006.

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

