

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

IN THE MATTER OF CHARGES OF UNPROFESSIONAL
CONDUCT AGAINST DAVID HARRIS KENNETH BEREZAN

The hearing committee of the Professional Conduct Committee of the Alberta Teachers' Association reports that charges of unprofessional conduct laid against David Harris Kenneth Berezan of [REDACTED], Alberta were duly investigated in accordance with the *Teaching Profession Act*. The hearing commenced in Barnett House, 11010 142 Street NW, Edmonton, Alberta, Canada, on Thursday, March 15, 2023, at 0900 and continued on Thursday, March 16, 2023, Monday, March 20, 2023, and Tuesday, March 21, 2023.

The participants were

1. Professional Conduct Committee members appointed as the hearing committee, [REDACTED] and [REDACTED];
2. counsel to the hearing committee, [REDACTED];
3. secretary to the hearing committee, [REDACTED];
4. administrative secretary to the hearing committee, [REDACTED];
5. presenting officers, [REDACTED] and [REDACTED]; and
6. investigated member, David Berezan, was present for portion of the first day of the hearing but was not represented by legal counsel.

COMPOSITION/JURISDICTION

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

CHARGES AND PLEA

Before the charges were read, the presenting officer notified all present that there was an error in the dates for Charge 2 and 3. There were no objections from Berezan to amend the dates in Charge 2 and 3.

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

1. David Harris Kenneth Berezan is charged with unprofessional conduct pursuant to the *Teaching Profession Act* in that Berezan, while a member of the Alberta Teachers' Association, on or about March 21, 2022, provided biased and unsubstantiated information to the students at [REDACTED] School as he departed the school. In doing so, Berezan undermined the confidence of pupils in other teachers, contrary to article 12 of the Code of Professional Conduct.
2. David Harris Kenneth Berezan is charged with unprofessional conduct pursuant to the *Teaching Profession Act* in that Berezan, while a member of the Alberta Teachers' Association, on or about

March 25, 2022, presented a report to the [REDACTED] regarding competence of [REDACTED], teacher, [REDACTED] School. In doing so, Berezan failed to notify [REDACTED] of the criticism, contrary to article 13 of the Code of Professional Conduct.

3. David Harris Kenneth Berezan is charged with unprofessional conduct pursuant to the *Teaching Profession Act* in that Berezan, while a member of the Alberta Teachers' Association, on or about March 25, 2022, presented a report to the [REDACTED] regarding performance of [REDACTED], principal, [REDACTED] School. In doing so, Berezan failed to notify a colleague when making a report on the professional performance of another teacher contrary to article 14 of the Code of Professional Conduct.
4. David Harris Kenneth Berezan is charged with unprofessional conduct pursuant to the *Teaching Profession Act* in that Berezan, while a member of the Alberta Teachers' Association, between March 17, 2022 to March 21, 2022, behaved toward staff at [REDACTED] School in a manner that was inappropriate including aggressive interactions in person in the presence of students and through e-mail and, in doing so, failed to act in a manner which maintains the honour and dignity of the profession, contrary to article 18 of the Code of Professional Conduct.
5. David Harris Kenneth Berezan is charged with unprofessional conduct pursuant to the *Teaching Profession Act* in that Berezan, while a member of the Alberta Teachers' Association, between March 17, 2022, and March 18, 2022, yelled at students in class for their actions or inability to respond appropriately, resulting in students being fearful. In doing so, Berezan failed to treat pupils with dignity and respect and be considerate of their circumstances, contrary to article 4 of the Code of Professional Conduct.
6. David Harris Kenneth Berezan is charged with unprofessional conduct pursuant to the *Teaching Profession Act* in that Berezan, while a member of the Alberta Teachers' Association, on or about March 18, 2022, had students [REDACTED] in front of him as part of a poetry lesson. In doing so, Berezan failed to treat pupils with dignity and respect and be considerate of their circumstances, contrary to article 4 of the Code of Professional Conduct.
7. David Harris Kenneth Berezan is charged with unprofessional conduct pursuant to the *Teaching Profession Act* in that Berezan, while a member of the Alberta Teachers' Association, between March 2022 to May 2022, provided instruction to students of [REDACTED] School while the [REDACTED] closed its property to the [REDACTED] employees thereby failing to adhere to agreements negotiated on the teacher's behalf by the Association, contrary to article 11 of the Code of Professional Conduct.
8. David Harris Kenneth Berezan is charged with unprofessional conduct pursuant to the *Teaching Profession Act* in that Berezan, while a member of the Alberta Teachers' Association, on or about March 25, 2022, orchestrated the closure of [REDACTED] School to the staff of the [REDACTED] [REDACTED] thereby severely damaging the reputation of the school division. In doing so, Berezan failed to act in a manner which maintains the honour and dignity of the profession, contrary to article 18 of the Code of Professional Conduct.

Berezan verbally entered a plea of not guilty to all eight charges.

WITNESSES

1. [REDACTED], an educational assistant at [REDACTED]
2. [REDACTED], lead teacher at [REDACTED]
3. [REDACTED], principal of [REDACTED] schools for the [REDACTED]
4. [REDACTED], chief superintendent, the [REDACTED]
5. Parent D, parent of one of Berezan's students at [REDACTED]

EXHIBITS FILED

- Exhibit 1—Notice of hearing and Canada post confirmation of delivery, on January 23, 2023
- Exhibit 2—Proof of Berezan's membership in the Association, dated January 9, 2023
- Exhibit 3—E-mails from [REDACTED] to [REDACTED] and [REDACTED] from March 17–25, 2022
- Exhibit 4—[REDACTED] handwritten notes from March 17–24, 2022
- Exhibit 5—The text of Berezan's opening statement, bearing the title "The Deposition"
- Exhibit 6—E-mail exchanges between [REDACTED] and [REDACTED] from March 18–19, 2022
- Exhibit 7—E-mail from [REDACTED] to [REDACTED] and [REDACTED] notes, dated March 21, 2022 and March 22–24, 2022 respectively
- Exhibit 8—[REDACTED] students' report cards for term 2 of the 2021/22 school year
- Exhibit 9—Summary of report card comments written by Berezan
- Exhibit 10—Report to the [REDACTED] written by Berezan
- Exhibit 11—E-mails between Berezan and [REDACTED] from May 18–31, 2022
- Exhibit 12—E-mail correspondence with attachments from [REDACTED], Berezan's legal counsel at the time, to [REDACTED], dated June 6-9, 2022
- Exhibit 13—E-mails between Berezan and [REDACTED], including attachments, from July 28–August 29, 2022
- Exhibit 14—Berezan's contact information from the Association's membership database
- Exhibit 15—[REDACTED] notes about March 21, 2022
- Exhibit 16—E-mail from [REDACTED], former deputy superintendent of the [REDACTED], to Berezan placing him on unassigned duties, dated March 21, 2022
- Exhibit 17—The [REDACTED] Policies: [REDACTED]—Health and Safety, [REDACTED]—Protection of Staff, and [REDACTED]—Administration policies
- Exhibit 18—Berezan's letter of resignation to [REDACTED], dated May 23, 2023 [sic], stamped received March 23, 2022
- Exhibit 19—Consent Resolution Agreement In the Matter of the *Teachers Act*, SBC 2011 c.19 and in the Matter concerning David Harris Berezan (L170694-01 and L170694-02)
- Exhibit 20—E-mails to Berezan from [REDACTED], dated March 15, 2023 and March 17, 2023
- Exhibit 21—Precedent cases submitted by [REDACTED] and [REDACTED]
- Exhibit 22—Submission on penalty from [REDACTED] and [REDACTED]

Exhibit 23—E-mail to Berezan from [REDACTED], dated March 20, 2023

PREAMBLE

1. Berezan's Objections to the Steps and Procedures

[REDACTED], at the convening of the hearing, asked parties if there were questions about the document entitled Steps and Procedures of the Hearing Committee. Berezan stated that he took issue with the hearing committee's process, as outlined in the steps and procedures. He asked, "To what end?"

[REDACTED] asked Berezan to elaborate on his question and Berezan stated that he understood that he has already been found guilty of unprofessional conduct and he did not understand why the Association was not providing him with representation at the hearing. Berezan further stated that the presenting officers should not be using documents that he had provided during the investigation stage.

[REDACTED] provided clarification to Berezan about the hearing process, including that

- The hearing committee members have no prior knowledge of Berezan's alleged misconduct or the evidence that the presenting officers intend to introduce.
- The reason the hearing committee has convened is to make a determination on Berezan's guilt or innocence; he is currently charged with potential misconduct but has not been found guilty.
- The Association, under its discipline process, acts as a professional regulator. Under this process, it does not provide representation to members who are subject to an investigation and have had their matter referred to a hearing committee.
- As outlined in section 26(5) of the *Teaching Profession Act* (TPA), during his preliminary investigation of the complaint against Berezan, the investigator is able to investigate any matters that arise, whether these are associated with the original complaint or not. As such, documents and interviews conducted by the investigator can result in charges against Berezan that go beyond the scope of the initial complaint.
- Under the Association's discipline process, an investigation could result in a hearing, an alternate disrepute resolution process, or no further action as determined by the executive secretary. In Berezan's case, the matter was referred to a hearing committee.

The investigated member had no further questions about the steps and procedures of the hearing committee.

[REDACTED] stated that the hearing will proceed according to the hearing committee's steps and procedures and also confirmed with Berezan that he was aware of his rights to have legal representation, at his own costs, at the hearing. Berezan indicated that he wanted to proceed with the hearing without representation.

2. Berezan's Opening Statement

Both parties were given the opportunity to provide opening statements to the hearing committee after the charges were read. Rather than laying out the broad strokes of his defence, Berezan read his written submission, which included a number of unsubstantiated facts which would typically be shared through witness testimony. ██████ reminded committee members that they are able to consider Berezan's submission but would need to assign it appropriate weight since the information provided was not delivered under oath or subject to cross-examination. Berezan declined to provide testimony under oath.

3. Berezan Leaves the Hearing

Immediately after cross-examining the first witness, Berezan announced to the hearing committee, "I'm done. ██████. I'm needed there." ██████ explained to Berezan that if ██████ was ill the hearing committee could adjourn to a later date if he wished to ask for an adjournment. Berezan chose not to do so but instead reiterated his issues with the investigation and hearing.

Multiple attempts were made by ██████ and ██████ to refocus Berezan and to ensure that he understood that if he left there would be opportunities for him to return and participate and that an adjournment was possible, if requested. ██████ and ██████ explained to Berezan that, without an adjournment, the hearing would proceed in his absence. Berezan continuously interrupted ██████, ██████, often by saying, "I don't care!" or "I understand!"

Berezan left his seat and started to collect his possessions. He waved the copies of his printed opening statement (Exhibit 5) at the chair and secretary and asked, "Do you want these or not?!" ██████ directed Berezan to take his seat. ██████ explained that the hearing committee could accept his document, but appropriate weight would need to be given since the perspectives shared were untested unless Berezan was prepared to testify under oath and be subject to cross-examination. Berezan refused to be cross-examined. He continued to interrupt ██████ despite numerous reminders from the chair to listen because the information being provided, "is for your benefit."

Ultimately, Berezan's document was entered as an exhibit and he left the hearing.

4. Subsequent Communication to Berezan

As the hearing progressed through the steps and procedures, the hearing committee directed the secretary to e-mail Berezan to keep him updated on the various stages and to remind him that he was welcome to continue to participate or request an adjournment. All e-mails from ██████ to Berezan were entered as exhibits. (Exhibit 20 and 23)

██████ sent e-mails on March 15, 2023, after the hearing committee adjourned for the day to inform Berezan of his options to attend the hearing, either in person or via video conference, or to request an adjournment. At the convening of the hearing on March 16, 2023, ██████ informed the hearing committee that no response was received from Berezan for the e-mail that was sent on March 15, 2023.

On March 17, 2023, at 5:20 PM, [REDACTED] provided another e-mail, with an update on what had transpired at the hearing and again offered Berezan options to participate in the hearing process or request an adjournment.

When the hearing reconvened on March 20, 2023, [REDACTED] informed the hearing committee that no response was received from Berezan for the e-mail sent on March 16, 2023.

On March 20, 2023, at 5:17 PM, [REDACTED] sent another e-mail to provide an update to Berezan on the hearing committee's findings on guilt or innocence and the proposed penalty submitted by the presenting officers. This e-mail also included options for Berezan to participate or seek an adjournment.

When the hearing committee reconvened on March 21, 2023, at 10:05 AM, [REDACTED] shared this e-mail with the hearing committee and informed them that no response had been received from Berezan.

EVIDENCE ADDUCED AND EXHIBITS FILED INDICATED

Background

1. Berezan was [REDACTED] years of age at the time of the incidents in question.
2. Berezan told the hearing committee he started teaching in 1972. Between 1990 and 2022, he held multiple contracted positions, held a number of short-term contracts and worked as a substitute teacher.
3. The Association's membership database only reflects membership since 1990. The information provided in Exhibit 2 confirmed that Berezan was a member at the time of the events that give rise to the charges.
4. Berezan taught in British Columbia from 2007 until 2012. (Exhibit 19)
5. During the period of time that gives rise to charges, Berezan was employed as a teacher at [REDACTED] [REDACTED] Both schools were part of the [REDACTED] and were located [REDACTED] [REDACTED] of [REDACTED]. ([REDACTED])
6. The [REDACTED] operates and is responsible for staffing schools [REDACTED] [REDACTED] in the area, including [REDACTED]. ([REDACTED])
7. Berezan taught Grade [REDACTED] students at [REDACTED] in the morning and then taught similar aged-students to [REDACTED] in the afternoon. [REDACTED]

8. [REDACTED] taught at [REDACTED] with Berezan. In the morning, [REDACTED] taught [REDACTED] students and in the afternoon, [REDACTED] taught the students that Berezan taught in the morning. ([REDACTED] testimony)
9. In addition to [REDACTED] teaching responsibilities, [REDACTED] was also the lead teacher at [REDACTED] at the time of the incidents. In [REDACTED] role as lead teacher, [REDACTED] was responsible for new students, paperwork, safety at school, scheduling, and [REDACTED] would liaise with [REDACTED] through the school's [REDACTED] teacher. ([REDACTED] and Exhibit 17)
10. The [REDACTED] teacher at [REDACTED] at the time of the incidents was [REDACTED]. [REDACTED] responsibility was to have meals with the students, discipline the students, and teach [REDACTED] language and religious lessons to the students. [REDACTED] worked with the students before and after the [REDACTED] school programming provided by the [REDACTED] staff. ([REDACTED])
11. During the time period covered by the charges, [REDACTED] worked as an educational assistant at [REDACTED]. [REDACTED] assisted with the instruction of younger students under [REDACTED] supervision. ([REDACTED] testimony)
12. [REDACTED] was the principal of all [REDACTED] operated by the [REDACTED] during the time of the incidents. Prior to [REDACTED] principalship, [REDACTED] worked as a teacher and lead teacher at [REDACTED]. ([REDACTED] testimony)
13. Discipline on the [REDACTED] was handled in two distinct ways. The [REDACTED] teacher, [REDACTED], handled discipline of students during [REDACTED] classes in a manner that aligned with the [REDACTED] expectations of the [REDACTED]. This included [REDACTED] and other methods of discipline that would not be acceptable under the Association's Code of Professional Conduct (code), the *Education Act* and the school division policy. ([REDACTED])
14. [REDACTED] teachers were expected to adhere to the school division policy and their obligations under the code, when administering discipline. They were not to engage in [REDACTED] that might be otherwise [REDACTED] appropriate [REDACTED]. ([REDACTED] testimony)
15. Rather than testify and be subjected to cross-examination, Berezan submitted a written submission of his narrative and rebuttal of the allegations made against him. This document, which he titled, The Deposition, was entered as Exhibit 5. This document is not the result of an official deposition; its contents are untested. Since Berezan refused to discuss its contents under oath before the hearing committee, little weight was given to Exhibit 5.
16. [REDACTED] was placed on unassigned duties on March 21, 2022. ([REDACTED])
17. The [REDACTED] did not complete an investigation of the events in question because Berezan resigned on March 23, 2022.

18. ██████ filed a complaint of unprofessional conduct against Berezan with the Association. (██████ testimony)

Events of March 17, 2022

19. Berezan entered ██████ classroom and said he wanted to speak to ██████ and ██████ about students stealing because his whiteboard marker went missing. (██████ testimony)
20. According to ██████ tried to remind Berezan that markers do go missing because ██████ believe possessions are jointly owned and use items without permission as it was part of ██████. This understanding about possessions on the ██████ was corroborated by ██████ and ██████ in their testimony. (██████ testimony)
21. ██████ characterized Berezan as “ranting” and he continued to call students thieves. (██████ testimony)
22. According to ██████, while Berezan was in the classroom, a break occurred in which students sang O Canada and recited the Lord’s prayer. Immediately following this break, Berezan returned to “ranting” about his missing marker. (██████ testimony)
23. Berezan was intent on finding who took his marker and as a result ordered all the students in the school to empty the contents of their desks onto the tops of their desks and the contents of their lockers onto the floor. (Exhibit 3)
24. Student A had crackers in their desk and was terrified that, when this was discovered, they would be ██████. “[Their] hands were shaking so badly [they] could hardly do it.” (██████ testimony and Exhibit 3)
25. After Berezan completed his search of the students’ desks and lockers, he returned to his classroom. The younger students resumed their work with ██████. (██████ testimony)
26. ██████ stated in ██████ testimony that when ██████ came back to ██████ office, ██████ noticed that Student A’s hands were shaking so much that they could not hold a pencil. (██████ testimony and Exhibit 3)
27. According to ██████, another student, Student B, needed to go to the bathroom but was afraid to go into the hall to use bathroom because they were afraid they would run into Berezan and he would yell at them. (██████ testimony and Exhibit 3)
28. ██████ had to check that Berezan was not in the halls before Student B would go to the bathroom. (██████ testimony)

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29. According to [REDACTED], shortly after Berezan had returned to his classroom, he was yelling at his students again. Student C heard Berezan and asked [REDACTED], "Why is he yelling so much?" (Exhibit 3)
30. [REDACTED] was concerned about the incident and informed [REDACTED]. [REDACTED] directed [REDACTED] to call [REDACTED]. ([REDACTED] testimony)
31. [REDACTED] asked [REDACTED] to write a written account of the day's events. [REDACTED] e-mailed [REDACTED] a summary of [REDACTED] notes from the day. ([REDACTED] testimony and Exhibit 3)

Events of March 18, 2022

32. According to [REDACTED], [REDACTED] was working in [REDACTED] small office on the morning of March 18, 2022, and could hear Berezan's teaching because he was loud and [REDACTED] office was not far from Berezan's classroom. ([REDACTED] testimony and Exhibit 3)
33. According to [REDACTED], Berezan was talking about the Bible. [REDACTED] thought this was strange because it is not the purview of the [REDACTED] teachers at the school to teach religious material to students. ([REDACTED] testimony and page 2, Exhibit 3).
34. [REDACTED] stated that the yelling became louder and more belligerent. [REDACTED] looked down the hall into Berezan's classroom and saw some students standing at attention with their hands by their sides. ([REDACTED] testimony and Exhibit 3)
35. [REDACTED] heard Berezan telling the students that he was the only one who could teach them. He berated them and told them he was taking away their recesses until they learned to pay attention. (page 2, Exhibit 3)
36. [REDACTED] went to [REDACTED] classroom to share [REDACTED] concerns with [REDACTED]. [REDACTED] was working with students. [REDACTED] interrupted [REDACTED] and quietly asked [REDACTED] to visit Berezan's classroom. [REDACTED] and [REDACTED] testimony)
37. [REDACTED] continued to work with [REDACTED] students for a couple more minutes. Eventually, [REDACTED] told the students to take their seats and that [REDACTED] would help them, which allowed [REDACTED] to visit Berezan's classroom. ([REDACTED] testimony and Exhibit 7)
38. [REDACTED] noted the look of concern on [REDACTED] face and understood there was urgency to [REDACTED] request. ([REDACTED] testimony)
39. [REDACTED] entered Berezan's classroom to investigate [REDACTED] concerns about Berezan yelling. [REDACTED] did not discover Berezan yelling but found that some students were [REDACTED] beside their desks. ([REDACTED] testimony and page 4, Exhibit 6)

40. █████ returned to █████ classroom and asked █████ if █████ was a normal occurrence in public schools. █████ explained that it was not. (█████ testimony)
41. █████ spoke to Berezan after class to ask why his students were █████ and directed him that, in the future, students should not be █████ (█████ testimony and Exhibit 6)
42. █████ followed-up his conversation with Berezan that night via an e-mail, which read, in part:

... During the Thursday morning investigation, we were looking for markers and other school supplies in the students' desks and lockers. The way you did it caused our younger students to get scared. [Student A] was shaking from fear. Later that day, Grade █████ students kept asking, "Why is he yelling so much?" They were also scared to go to the bathroom. This should not happen again. Scared kids should not be part of school.

When I went into the office this morning, I saw some students █████ by their desks. After class I talked to you about it. These kinds of methods do not belong in the classroom.
(pages 3–4, Exhibit 6)

43. Berezan replied to █████ on March 19, 2022, at 12:45 PM with a long e-mail in which he explained his actions and listed complaints about how he felt he had been mistreated by █████ (Exhibit 6).
44. A passage of Berezan's e-mail to █████ stated, "And during the 'investigation' I was loud enough to get the activity done, but kids were scared because they thought they were going to be caught with something they should not have. You can deny this and put blame where it doesn't belong, but I work with those young ones very well and they will not ever be, in the long run, afraid of me; however, they will have to learn the rules." (page 2, Exhibit 6)
45. █████ responded to Berezan on March 19, 2022, at 3:04 PM to inform him that █████ will be forwarding their e-mail correspondence to █████ (Exhibit 6)

Events of March 21, 2022

46. █████ became aware of the events of March 17 and March 18 and received e-mails (Exhibit 3 and 6) over the weekend from █████ █████ decided to conduct a site inspection at █████ on the morning of Monday, March 21, 2022, to investigate the reported █████ incident. (█████ testimony and Exhibit 15)
47. When █████ arrived, █████ went to █████ house to discuss enrolments. █████ then conducted the site inspection, while █████ waited for students to go for recess. After completing the site inspection, █████ observed Berezan teaching a poetry lesson and then went to talk to █████ as █████ students were outside for recess. (█████ testimony and Exhibit 15)

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48. ██████ shut the doors and talked with ██████ about ██████ e-mail and what ██████ observed in Berezan's classroom. (████████ testimony and Exhibit 15)
49. ██████ spoke to ██████ about ██████ e-mail and ██████ recounted the events from March 18, specifically:
- ████████ heard Berezan talking in an unprofessional way to the students and asked ██████ to go to Berezan's classroom;
 - ████████ entered Berezan's classroom and found students ██████ on the floor and Berezan was yelling at them;
 - ████████ told ██████ that "█████ didn't think that David should be ██████ next year because things are getting worse and ██████ was worried what ██████ might do." (page 1, Exhibit 15)
50. In the small room off the elementary classroom, ██████ asked ██████ to tell ██████ what happened and why his students were ██████. (████████ testimony and Exhibit 15)
51. ██████ explained that some of ██████ students had told ██████ that ██████ was an act of submission and respect. (████████ testimony and Exhibit 15)
52. ██████ in ██████ testimony stated that Berezan started to yell at ██████ because he felt that ██████ was not listening to him. ██████ assured him that ██████ was listening. (████████ testimony and Exhibit 15)
53. Berezan explained to ██████ that ██████ is part of their culture and he wanted to teach the students how horrible it was. (████████ testimony and Exhibit 15)
54. ██████ clarified with Berezan by asking him, "...you wanted them to see how horrible it was so you asked them to knee [sic] in your class?" (████████ testimony and Exhibit 15)
55. Berezan replied to ██████ by stating, "Yes, I asked them to ██████." (page 1, Exhibit 15)
56. ██████ made some notes in ██████ notebook at this point, which angered Berezan and he left the room. (████████ testimony and Exhibit 15)
57. Recess, at this point, was about to end and students were starting to return to their classrooms. ██████ wanted to follow-up with Berezan but needed to ensure that the students were not present for the conversation but would still have adult supervision. ██████ directed ██████ to take all of the students for a walk. (████████ testimony and Exhibit 7 and 15)
58. ██████ asked if ██████ wanted ██████ to walk with the students as well and ██████ said that ██████ wanted ██████ to stay with ██████ and Berezan. (████████ testimony and Exhibit 15)
59. ██████ returned to Berezan's classroom. ██████ told Berezan that ██████ did not think that he could continue to teach students in his present agitated state and told him he needed to go home and not to teach at ██████ in the afternoon. (████████ testimony, ██████ testimony and Exhibit 15)

60. According to [REDACTED], at this point Berezan told [REDACTED] that he had made the students [REDACTED] so that [REDACTED] would report it to [REDACTED] so [REDACTED] would have to visit the school. [REDACTED] reflected this back to Berezan, "... you thought [REDACTED] was horrible in [REDACTED] school but you asked the kids to do it in order to trap [REDACTED]?" Berezan had replied with a yes. [REDACTED] further stated, "He said yes I did. I said it again because I wanted him to hear how it sounded. He said yes I did." (pages 1-2, Exhibit 15)
61. Berezan then started yelling at [REDACTED], "about how [REDACTED] was a horrible teacher and that all [REDACTED] says is horrible things about [REDACTED]. He said that they [REDACTED] say the most horrible things about [REDACTED] and that they never say anything nice about them." (pages 1-2, Exhibit 15)
62. During the conversation, a couple of older students came into the classroom and [REDACTED] asked them to leave. Before the students left, Berezan said to them, "They are trying to make me leave and I won't let them." ([REDACTED] testimony and page 2, Exhibit 15)
63. According to [REDACTED], Berezan told the students, "They're trying to send me away!" ([REDACTED] testimony and page 1, Exhibit 7)
64. [REDACTED] told Berezan multiple times that he was to go home and not report to [REDACTED] in the afternoon. He refused to leave. More than once, [REDACTED] said [REDACTED] would call the RCMP. Berezan told [REDACTED] to go ahead [and call]. ([REDACTED] testimony and Exhibit 7 and 15)
65. Berezan eventually left the school and the [REDACTED]. (Exhibit 15)
66. Berezan was placed on unassigned duties on March 21, 2022. ([REDACTED] testimony)

Events of March 22, 2022

67. [REDACTED] arrived at [REDACTED] at 8:20 AM to find that the [REDACTED] school was not being instructed by [REDACTED] ([REDACTED] testimony and Exhibit 7)
68. At 8:25 AM, [REDACTED] arrived and explained to [REDACTED] and [REDACTED] that [REDACTED] had conducted a "detailed investigation" of the previous days. ([REDACTED] testimony and Exhibit 7)
69. [REDACTED] sent the students outside and invited [REDACTED] and [REDACTED] to talk to [REDACTED]. ([REDACTED] testimony and Exhibit 7)
70. [REDACTED] arrived at 11:45 AM and explained to [REDACTED] that [REDACTED] and [REDACTED] could not talk to [REDACTED] about Berezan's conduct because, under the code, [REDACTED] is not the proper authority to whom such matters can be addressed with. ([REDACTED] testimony and Exhibit 7)

71. In the afternoon, a meeting with parents from the [REDACTED] was held. [REDACTED] explained that Berezan was suspended, not fired, and that Berezan could not return to school until an investigation into his conduct was concluded. ([REDACTED] testimony and Exhibit 7)

Events of March 23, 2022

72. On March 23, 2022, at 8:20 AM [REDACTED] arrived at [REDACTED] and noticed students leaving the school. They should have been in [REDACTED] at the time. ([REDACTED] testimony and Exhibit 7)
73. When a substitute teacher arrived to teach Berezan's students, the students showed [REDACTED] a poster that said, "We fight for Dr. Berezan. He is the best teacher." The poster was signed by multiple students. (page 8, Exhibit 7)
74. According to [REDACTED], students kept locking the school from the inside throughout the day. When [REDACTED] asked them why, they told [REDACTED] they were trying to keep the devil out of the school. When [REDACTED] asked who the devil was, the students told [REDACTED] was the devil. (page 8, Exhibit 7)
75. [REDACTED] arrived to meet with [REDACTED]. During their meeting, [REDACTED] observed that their voices were getting louder. ([REDACTED] testimony and Exhibit 7)
76. According to [REDACTED], [REDACTED] wanted to talk to the students but [REDACTED] would not permit [REDACTED] to speak with them. ([REDACTED] testimony)
77. [REDACTED] heard [REDACTED] deliver an ultimatum to [REDACTED]—either [REDACTED] brings Berezan back, or [REDACTED] would report [REDACTED] for abusing students. ([REDACTED] testimony and page 7, Exhibit 3)
78. [REDACTED] accused [REDACTED] of abusing students when [REDACTED] previously taught at [REDACTED]. [REDACTED] alleged that [REDACTED] withheld bathroom privileges, made students [REDACTED] and choked students. [REDACTED] stated that [REDACTED] had a long history of working on the [REDACTED] without any incidents. ([REDACTED] testimony)
79. Berezan, on March 23, 2022, submitted his letter of resignation to [REDACTED] deputy superintendent of the [REDACTED]. The resignation letter was dated for May 23, 2023, but had a received stamp on it of March 23, 2022. [REDACTED] explained that the correct date was March 23, 2022. (Exhibit 18)
80. In his resignation letter, Berezan made mention of his colleagues' unprofessional conduct and their failure to educate students on the [REDACTED]. The body of the resignation letter stated,

I am sorry to inform you that I am leaving the employ of [REDACTED] for reasons that are personal, professional, and principled. I thank [REDACTED] for employment in a number of temporary positions and as a substitute teacher over several years.

I can no longer work under the supervision of the principal under which I have been placed or

with two other [redacted] employees at [redacted]. They have shown a deep-seated, practiced, and determined prejudice toward the intelligent and talented children in their care and toward the very loving and caring families of these children. The self-righteous, discriminatory, and judgmental attitudes and practices of these three so-called professionals have tainted their work with [redacted] children. As an educator of many years of experience, training, and education in three countries and two provinces of this country, I have never experienced or been subjected to such a wanton disregard for professional conduct and human decency. They have, effectively over many years, cheated a whole generation of [redacted] students of a quality [redacted] School Education. Their lack of professionalism, tactics of intimidation, petty power brokering; and currently, their lack of maturity and reckless, childish behaviour are unbecoming of professionals, never mind that of competent, knowledgeable educators.

An investigation of the atrocity perpetrated by this principal (long-time teacher at [redacted] as well) and the two other [redacted] relatively long-time employees there will be done, but not by a biased organization like yours or by the Alberta Teachers' Association. Legal authorities and lawyers have been consulted and CBC's Go Public investigates with integrity, balance, and truth.

I, therefore, resign my position as [redacted] teacher at [redacted] and [redacted] [redacted]; effective immediately.
(Exhibit 18)

- 81. Although Berezan's resignation was delivered on March 23, 2022, he remained an active member of the Association until March 31, 2022. (Exhibit 2)
- 82. [redacted] was contacted by the [redacted] on March 23, 2022. He was told that the [redacted] staff were not allowed to access the school. [redacted] testimony)

Events of March 24, 2023

- 83. According to [redacted], [redacted] e-mailed [redacted] at 6:00 AM and told [redacted] to come to [redacted] right away and that he was not letting the students go to school that day. [redacted] wanted to talk to the [redacted] staff. ([redacted] testimony)
- 84. On the way to school, [redacted] called [redacted] and directed him to "close the school and leave if [redacted] did not leave the school after [redacted] class." ([redacted] testimony and page 10, Exhibit 7)
- 85. The school day started as usual, but it soon became apparent to [redacted] that [redacted] had no intention of leaving, [redacted] told him that if he did not leave, [redacted] would have to close the school and that [redacted], [redacted] and Berezan's substitute would all have to leave. [redacted] said he understood. (pages 10-11, Exhibit 7)

86. [REDACTED] provided a short explanation to the students. [REDACTED] locked the school's office and left the school. [REDACTED] remained inside with the students. ([REDACTED] testimony and Exhibit 7)

Events following March 24, 2022

87. Following the events of March 25, 2022, the [REDACTED] staff were not allowed to enter the [REDACTED] [REDACTED]. ([REDACTED] testimony)
88. [REDACTED] contacted the Alberta Education official who was responsible for overseeing the education of all [REDACTED] [REDACTED] in the province. [REDACTED] was advised that the [REDACTED] staff should prepare work packets for their students and drop them off at the [REDACTED] property line every Friday. ([REDACTED] testimony)
89. None of the lesson packages prepared by the [REDACTED] staff were completed by students at [REDACTED]. ([REDACTED] testimony)
90. However, following his resignation from the [REDACTED] on March 23, 2022, but before the end of his membership in the Association, on March 31, 2022, Berezan returned to [REDACTED] to teach during the same period of time that staff from the [REDACTED] were prohibited on the [REDACTED]. ([REDACTED], [REDACTED] and [REDACTED] testimony and Exhibit 13)
91. In an e-mail exchange between [REDACTED] and Berezan, Berezan explained that he worked directly for the [REDACTED] at [REDACTED] after March 21 and "...until May 2022. I was compensated with a monthly stipend plus addons (sic) like fuel for my vehicle, meals, food, and produce." (page 9, Exhibit 13)
92. Berezan had previously expressed interest in opening a charter school on the [REDACTED] with [REDACTED] ([REDACTED] testimony).
93. Berezan and [REDACTED] operated [REDACTED] as an unauthorized independent school at [REDACTED] until early May 2022; no charter society had been established. In early May, the [REDACTED] resumed operations at [REDACTED] ([REDACTED] testimony)
94. According to Parent D's testimony, the changes to how the school operated took place over three meetings of various [REDACTED] education bodies including the [REDACTED] a committee of [REDACTED] from the nine [REDACTED] upon which the [REDACTED] operates schools, including [REDACTED], a group of [REDACTED] from across Alberta [REDACTED]. (Parent D testimony)
95. On or about March 29, 2022, Berezan presented a report to the [REDACTED] in which Berezan provided a heavily varnished account about:
- a) His academic and professional background;
 - b) His opinions about the learning conditions at [REDACTED];
 - c) [REDACTED] students being accused of being thieves;

- d) The [REDACTED] incidents;
- e) Apparent unprofessionalism by [REDACTED] and
- f) The events of March 21, 2002.
(Exhibit 10)

96. In the conclusion of his report, Berezan states,

I no longer work for [REDACTED] and I am not currently a member of the ATA. Teachers are not members unless they have a job in the public school system. This is the only way the ATA has members.

As a highly trained, skilled, and professional Educational Consultant and Professional Educator, I can *hang my shingle* (another English idiom) anywhere I want and be hired as an independent contractor in those roles and others. You can have a copy of my CV if you'd like.
(Exhibit 10, p 11)

97. Based on Exhibit 10, Berezan's impression about his membership status was incorrect. Although Berezan was no longer working for the [REDACTED] on March 29, 2022, he still remained a member of the Association until March 31, 2022. (Exhibit 2)
98. During witness testimony, multiple witnesses characterized Berezan's report to the [REDACTED] as a thinly veiled attempt to discredit/besmirch the reputation of the [REDACTED] and its staff while promoting Berezan as a possible saviour who could take over the operations of [REDACTED] (and other [REDACTED] schools) as a charter school operator. ([REDACTED] testimony).
99. The [REDACTED] School Committee eventually invited the [REDACTED] to resume operations of the school in May 2022. Berezan and [REDACTED] were no longer involved in the school's operation at this point. (Parent D testimony)
100. When the [REDACTED] staff returned to [REDACTED], they discovered significant learning gaps that they attributed to the students' learning effectively ending when the [REDACTED] staff were banned from the [REDACTED] in March. Teachings by Berezan and [REDACTED] were not apparent. ([REDACTED] testimony)
101. In their testimony, [REDACTED] and [REDACTED] described in detail the reputational harm that Berezan had caused to the school division and the considerable steps and resources the division was taking to rebuild trust at [REDACTED] and on the other [REDACTED]. ([REDACTED] testimony)

DECISION OF THE HEARING COMMITTEE

- Charge 1—Guilty
- Charge 2—Guilty
- Charge 3—Guilty
- Charge 4—Guilty

Charge 5—Guilty

Charge 6—Guilty

Charge 7—Guilty

Charge 8—Guilty

REASONS FOR DECISION

Charge 1

1. While being asked to leave the school on March 21, 2022, Berezan made comments to students to the effect that “They’re trying to make me leave and I won’t let them!” or “They’re trying to send me away!” The comments made by Berezan did not accurately relay the reasons for his requested departure. Berezan in stating those comments to students provided a biased account about what he believed was happening.
2. There was no reason for Berezan to share information about an emergent employment matter with his students. In doing so, Berezan demonstrated a severe lack of judgment on his part that left students confused.
3. The confusion caused members of the [REDACTED], including students, to lose confidence in the staff of [REDACTED] and fuelled apprehensions that [REDACTED] actions were improper. Further, testimony was heard about Berezan’s students following up on unsubstantiated information and as a result they organized poems and posters in support of Berezan.
4. Berezan’s statements to students undermined students’ confidence in other teachers at their school, contrary to article 12 of the code.
5. Documentary evidence and witness testimony [REDACTED] demonstrated internal and external consistency, leaving little doubt that the events underlying this charge played out as they described.

Charge 2

6. Throughout his report to the [REDACTED], Berezan made numerous disparaging remarks about his colleagues including, but not limited to, the following:
 - a) “I expected to find the best behaved, most capable, highly intelligent, and resourceful students I had ever taught in my entire teaching career. What I found was an [REDACTED] School in absolute chaos and out-of-control.”
 - b) “There was a lot of finger-pointing as to why students did not or would not learn by colleagues on each site and there were things said about students and their families, I found unacceptable, unprofessional, and unethical.”
 - c) “What I expected of [REDACTED] students is expected of all students in the province. Why the chaos was allowed to ensue is beyond comprehension and places in question the motives of

- educational personnel in these [REDACTED] Schools prior to my arrival.”
- d) “Daily, I heard from colleagues, derogatory remarks about the students and their families and colleagues have stated, unequivocally, many times that the children are out of control or steal things or don’t listen because they are [REDACTED], or they are from a [REDACTED] culture. Of course, these judgmental attitudes toward [REDACTED] were and are unacceptable and extremely unprofessional. And, believe me, having to call these people colleagues leave a very bitter taste in my mouth.”
 - e) “The discriminatory and judgmental attitudes of these colleagues have tainted their abilities to educate [REDACTED] students and, essentially, have cheated an entire generation out of a quality [REDACTED] School Education. For this lack of professionalism, competency, and decency, they need to be held to account.”
 - f) “I was no longer willing to tolerate the unprofessional behaviour of my colleagues and because they were unable to admit their lack of integrity and narrow-mindedness, their defiance and reckless behaviour was inevitable.”
 - g) “Predictably, the colleague came to me in the main classroom during recess to tell me how sinful my act had been by having students [REDACTED] during my class. [REDACTED] did not take a moment to ask why and no matter how I tried to explain, [REDACTED] would not listen. It was clear, this was just another thing this colleague and [REDACTED] compatriots were going to use to show how out of control I was and how they were right about all their prejudices about me, the [REDACTED] Teacher, and the [REDACTED] of [REDACTED]. What [REDACTED] didn’t understand is that [REDACTED] was acting like the Queen of Hearts by trying to symbolically put me on my knees. [REDACTED] was looking for a way to silence me and avoid facing the reality that students had not been educated for many years as per the programs of study from Alberta Education at grade level.”
 - h) “This colleague’s firm belief is that [REDACTED] School and [REDACTED] School do not mix, but of course, dedicated educators from each school much work together for the benefit of the [REDACTED] students. That [REDACTED] has such a prejudice and hatred of all things [REDACTED] makes [REDACTED] incapable of working in a [REDACTED] School effectively.”
 - i) “Over the weekend, a colleague contacted me via e-mail about how troubled [REDACTED] was and to scold me for including something from [REDACTED] School into the [REDACTED] or Public School. Again, [REDACTED] had no intention of being reasonable or professional and by so doing, breeched Article 13 of the Alberta Teachers’ Association Code of Professional Conduct. If a teacher has a grievance with another teacher [REDACTED] must present that grievance, not in writing, but to the other teacher to work out, if they can, the nature of that grievance. [REDACTED] had not tried to work out [REDACTED] grievance with me because [REDACTED] would not listen to my side of the story. [REDACTED] intent was to slander me and to maintain [REDACTED] prejudicial and nonsensical worldviews.”
 - j) “The colossal degree to which three colleagues were willing to justify their irrationality and misdeeds is not only stunning, but also unconscionable.”
 - k) “I finished the pack up and left [REDACTED]. I went home, not as an act of contrition or because the principal would send the RCMP on me, but because enough had been done to expose the hypocrisy of three people and a school division that supported them in letting down an entire generation of [REDACTED].”
 - l) “The incomprehensible and outrageous behaviours of the three so-called professionals at [REDACTED] following March 21, 2022, as witnessed by students, parents, the [REDACTED] Teacher, and other [REDACTED] members is enough to remove them from any teaching position anywhere in

Alberta or Canada without the report I have presented above. Now professional misconduct and unethical behaviour include allegations of child abuse against the principal committed over the many years teaching at [REDACTED]
(Exhibit 10)

7. Given the small number of the [REDACTED] staff at [REDACTED] and witness testimony concerning the close relationship between [REDACTED] and their schools, the hearing committee is of the opinion that members of the [REDACTED] and any of other members of the [REDACTED] who may have read Berezan's report would immediately understand that Berezan was referring to [REDACTED] in his report, although Berezan did not refer to them by their names in his report.
8. Furthermore, as [REDACTED] is the only [REDACTED] teacher at [REDACTED] aside from Berezan, there could be no confusion that Berezan's references to a [REDACTED] colleague throughout Exhibit 10 refer to [REDACTED]
9. Throughout his report to the [REDACTED], Berezan criticizes [REDACTED] professional competence and professional reputation.
10. The hearing committee heard no evidence that Berezan attempted to inform [REDACTED] of these criticisms before lodging his complaint in writing to members of the [REDACTED] and its members are not the proper officials who should receive conduct or competence complaints. Essentially, Berezan's report to the [REDACTED] in which he besmirches [REDACTED] professional competence and reputation amounts to a gross public disclosure that contravenes section 13 of the code.

Charge 3

11. In an extended passage on pages 9 to 11 in his report to the [REDACTED], Berezan made numerous disparaging remarks about his principal. The hearing committee noted the following passage had numerous allegations in it.

[REDACTED] asked if I could tell [REDACTED] about the [REDACTED] in the classroom and I started telling [REDACTED] what happened and why, but [REDACTED] predictably stopped me several times because [REDACTED] only wanted me to say there was [REDACTED] in the classroom and not to explain why. After several attempts to explain and [REDACTED] numerous and annoying interruptions, I told [REDACTED] that [REDACTED] was not listening. [REDACTED] said there was a process, blah, blah. Yes, I know the process. It is called bullying. [REDACTED], obviously, came to be boss, to tell me I had better do as I am told, and that I would be investigated by the ATA or worse.

All I can say is, [REDACTED] picked on the wrong person.

I walked away from [REDACTED], and [REDACTED] pretty much chased me into the larger classroom trying to get me to submit to [REDACTED] power as principal. I told [REDACTED] (already stated above) about all the unprofessional and unethical things [REDACTED] was doing. I became very loud so that the colleagues who were hiding in the far [REDACTED] classroom and anyone else outside the school could hear.

I listed a litany of misdemeanors this trio of non-professional behaving people have committed against the students, parents, [REDACTED], and other members of the [REDACTED]

The principal brought up the e-mails, again breaching the Code of Professional Conduct because these grievances between a colleague and I had not been dealt with at their inception and in compliance with Article 13. [REDACTED] said what was written in my response was bullying.

Here was one of the most intense bullies I had faced in my life calling me out. Who the heck is this strange [REDACTED] I told what I wrote was truth and asked the colleague to deny any of what I had written because [REDACTED] was now in the room with us. Neither would address my grievances and the principal kept on with [REDACTED] attacks toward me. [REDACTED] was physically trying to corner me in the room. I repeated my concern about [REDACTED] lack of professionalism and bullying.

The principal lost [REDACTED] cool and [REDACTED] reason. When I told [REDACTED] [REDACTED] had committed an atrocity at [REDACTED] cheating an entire generation of students of a quality [REDACTED] Education, [REDACTED] had the [REDACTED] (if I may use the idiom) and the irrationality to get in my face and say we (as in [REDACTED], [REDACTED], Power School, and the Department of Education) had the statistics to prove all [REDACTED] have similar results. An admission by this principal of the fact that all [REDACTED] have been let down by those who believe [REDACTED] children are incapable of achieving as well or better than any other student in the province. [REDACTED] [REDACTED] and their employees actually recorded the lack of learning in [REDACTED] [REDACTED] and blamed the lack of learning on students, parents, and the [REDACTED]. This is not an admission of the failure of students or parents or [REDACTED]; but rather, an admission of culpability by [REDACTED] and their employees whose actions deprived [REDACTED] [REDACTED] of a full, complete, effective, robust, engaging, and rigorous [REDACTED] Education.

By now, [REDACTED] was out of control wanting me to shut me up and I was louder to make sure [REDACTED] could not hide anything I was saying. I told the principal that [REDACTED] could take my job and threaten me with an investigation or do any other thing [REDACTED] wanted, but [REDACTED] was not going to shut me up and I have been true to my word.

[REDACTED] said I had to go home, leave the school. [REDACTED] was the bully, the unprofessional, and unethical one and I had to go home. What nightmare was this?

I told [REDACTED] I wouldn't go several times and [REDACTED] kept repeating that I had to go. When I said I had a [REDACTED] class to teach, [REDACTED] said that [REDACTED] would call the RCMP to make me go. I told [REDACTED], to go ahead.

12. In addition to the general criticism of unprofessionalism by his principal, Berezan raised allegations of child abuse committed by his principal during [REDACTED] many years teaching at [REDACTED]. (page 11, Exhibit 10)
13. Given the small number of the [REDACTED] staff at [REDACTED] and witness testimony concerning the close relationship between [REDACTED] and their schools, the hearing committee is of the opinion that

on my iPad checking e-mails and trying not to listen but he was yelling so loud I couldn't help it. [REDACTED] came in to our room and asked [REDACTED] and I to take the students for a walk instead of having them in the building after recess so [REDACTED] could continue to talk to Mr. Berezan. I was scared for [REDACTED] and I asked if [REDACTED] wanted someone to stay with [REDACTED].
(page 5, Exhibit 3)

21. This interaction was only resolved after [REDACTED] repeatedly told Berezan [REDACTED] would call the RCMP.
22. According to the Berezan's report to [REDACTED], Berezan intentionally yelled at [REDACTED], stating "I became very loud so that the colleagues who were hiding in the far [REDACTED] classroom and anyone else outside the school could hear." (page 10, Exhibit 10)
23. Berezan's aggressive interactions with his colleagues does not meet the expected standard of teachers and is an adject failure on his part to maintain the honour and dignity of the profession.

Charge 5

24. In accordance with the [REDACTED] principle, the hearing committee was careful to only consider evidence under Charge 5 that pertained to Berezan yelling at students.
25. In their testimony, [REDACTED] and [REDACTED] confirmed that Berezan yelled at students on March 17, 2022, when he entered [REDACTED] classroom to look for his missing whiteboard marker. Throughout this incident, [REDACTED] characterized Berezan as "ranting."
26. As a result of Berezan's yelling and the manner in which he insisted that students empty their desks and lockers, [REDACTED] and [REDACTED] reported that students were frightened.
27. In [REDACTED] e-mailed account to [REDACTED] on March 17, 2022, [REDACTED] recounts the following:

[Student A] had not cleaned out [their] desk, so I helped [them]. Student A didn't want to clean out [their] desk because [they] had crackers in it and the [REDACTED] (sic) teacher [REDACTED] (who was not there) would have [REDACTED] [them] for having food in [their] desk. I talked quietly to [them] and said I would help [them]. I got the garbage can and we put paper, crackers and garbage on there. Then put everything back in [their] desk. [Their] hands were shaking so badly that [they] could hardly do it."

... Berezan dismissed the little kids and we ... went into our rooms. While we were in our little room, Student A's hands were shaking so badly that [they] could hardly hold [their] pencil. [Student B] had to go to the washroom but didn't want to go into the hall in case Mr. Berezan would see [them] and yell at [them]. I said I would check and gave [them] the OK to go. Mr. Berezan has never yelled at [them] for using the bathroom, [they were] just afraid because of his rant during the desk clean out.

... We spent the rest of the morning trying to work while listening to him yell, rant a (sic) belittle the kids in his class. I can't give the names of specific students he was yelling at

because I was trying to get our work done and calm fears in our little room. [Student C] commented why is he yelling so much?

The whole morning was very disturbing. My little class were afraid.

(page 1, Exhibit 3)

28. On March 18, 2022, a lesson about the [REDACTED], resulted in Berezan yelling at his students.

29. From [REDACTED] small office next to [REDACTED] classroom, [REDACTED] made the following bulleted notes of direct quotes [REDACTED] heard Berezan make that morning:

- “You are here to listen and learn and you are wasting my time.”
- “Tell me why you can’t write an essay on why you can’t learn. Come on there. You have been learning how to write an essay for 7 months.”
- “Where does your mind go?”
- “Tell me!”
- “Just be honest.”
- “Where does your mind go, [Student E]?”
- “[Student E] your mind is always on something else.”
- “[Student E] your mind is always on other things.”
- “[Student F], where is your mind?”
- “Is there any reason why I should teach you?”
- “No, are you going to lie to me?”
- “Pay attention.”

(page 4, Exhibit 3)

30. In [REDACTED] e-mailed account to [REDACTED], [REDACTED] provides more context about Berezan’s lesson and how it deteriorated:

He then started to talk about the poem [REDACTED] (sic) and it came from [REDACTED]. His tone was ok. He then read the poem. At the end he asked what the title of the poem was? Nobody could answer. He then went on to berate the kids for not paying attention. Made comments about being the only teacher to teacher to teach them. How they hadn’t learnt anything until he came along. He called out students demanding answers to his questions, all the while getting louder and more belligerent. When the students that he called out would answer he would berate them because they didn’t say what he wanted. He said he was taking away today’s recess and all the recesses for the next week until they learned to pay attention. This continued including him bragging about what a good teacher he was and they were finally going to learn. His voice kept getting louder, his tone was scaring me.

(page 2, Exhibit 3)

31. The fact that a missing whiteboard marker and an unsuccessful poetry lesson could result in Berezan berating his students and making them fearful is very troubling. Berezan’s response to

these two relatively mundane events showed a total lack of consideration for his students' dignity, respect and circumstances.

Charge 6

32. Berezan did not deny having students [REDACTED] in his class on the morning of March 18, 2022, but he provided numerous alternative explanations to justify why he had asked them to do so:
- “[REDACTED], it is a symbol of respect. I didn't bring the [REDACTED] into the lesson, the students did. Before you pick on the one thing about what I know or don't know about public education and teaching a lesson, you had better ask what the students bring to the lesson.” (page 2, Exhibit 6)
 - Berezan explained at another time, that he was using [REDACTED] as an educational strategy to demonstrate the themes of power and subjugation that were present in the [REDACTED] and [REDACTED] (page 10, Exhibit 5)
 - Later, Berezan said that his students had explained to him that [REDACTED] could be used for [REDACTED]. (pages 6–7, Exhibit 10).
 - Additionally, Berezan explained that, when he entered the school on March 18, he noticed two students on the floor by [REDACTED] desk. “But why? It wasn't for prayer. These students had obviously been there before I was there. I asked the student in charge, what was happening – they were talking.” (page 7, Exhibit 10)
 - made the students [REDACTED] so that [REDACTED] would report it to [REDACTED] so [REDACTED] have to come out and see it. [REDACTED] reflected this back to Berezan, “...you thought [REDACTED] was horrible in [REDACTED] school but you asked the kids to do it in order to trap [REDACTED]? He said yes I did. I said it again because I wanted him to hear how it sounded. He said yes I did.” (pages 1-2, Exhibit 15)
33. The lack of internal and external consistency throughout the evidence led the hearing committee to conclude that Berezan's motivations were purely punitive and that his decision to have his students [REDACTED] was emulative of the type of [REDACTED] that was meted out by the [REDACTED] at the school.
34. Berezan's decision to have his students [REDACTED] contravened the school division's policy, which explicitly states that [REDACTED] staff are not to employ disciplinary methods that involve [REDACTED] of any sort, even those that may be [REDACTED] accepted if used by the [REDACTED].
35. Berezan was clearly aware that, in the [REDACTED] context, students are sometimes required to [REDACTED] as a form of [REDACTED] administered by the [REDACTED]. Despite Berezan's multiple explanations for his actions, to his students, the [REDACTED] would be unanimously and unequivocally understood to be punitive in nature. As such, Berezan failed to treat his students with dignity and respect and he totally failed to be considerate of their circumstances.

Charge 7

36. [REDACTED] was closed to the [REDACTED] staff on March 25, 2022.

37. Following his resignation from the [REDACTED] on March 23, 2022, but before the end of his active membership in the Association on [REDACTED] Berezan returned to [REDACTED] to teach until May 2022 for which he received a “monthly stipend plus addons (sic) like fuel for my vehicle, meals, food, and produce” from the [REDACTED]. (page 9, Exhibit 13)
38. As such, while still a member of the Association, Berezan effectively negotiated his own employment arrangement with the [REDACTED] and continued to work at [REDACTED] while his school division colleagues were prohibited from entering the [REDACTED]
39. The Association has negotiated a collective agreement with the [REDACTED] that includes mandatory terms and conditions of employment for all teachers, including the teachers working at [REDACTED]. Berezan's actions in negotiating terms and conditions inconsistent with the collective agreement violates article 11 of the code.
40. Despite Berezan's statement in his report to the [REDACTED], he was not free to “[REDACTED] he wants as an independent contractor,” when he resigned from the [REDACTED]; the legal frameworks between Alberta Education, the [REDACTED], the [REDACTED] and the Association remained intact.

Charge 8

41. Berezan, through his relationship with [REDACTED], attempted to undermine the reputation of the [REDACTED] and the staff at [REDACTED] with [REDACTED]
42. In his report to the [REDACTED], Berezan specifically and methodically disparaged the [REDACTED] staff. He described the events by the [REDACTED] and their employees as an “atrociousness committed against the [REDACTED]” and that the [REDACTED] and its employees had deprived [REDACTED] children of a proper education. Berezan said the [REDACTED] employees had let down an entire generation of [REDACTED] students. He then concluded his report by offering himself up as an independent contractor who could save the day and offered a copy of his curriculum vitae.
43. The only reasonable inference from the sequence of events is that Berezan's report to the [REDACTED] and the unprofessional comments caused the [REDACTED] to bar [REDACTED] employees for an approximately six-week period during which Berezan returned to work at the school that was not licensed or regulated. Berezan was a member of the Association when he made his submission to the [REDACTED] which had far-reaching consequences.
44. Berezan's actions impacted staff beyond [REDACTED]. According to witness testimony by [REDACTED] and [REDACTED], teachers at other [REDACTED] operated by the [REDACTED] contacted human resources for support when the relationship between the [REDACTED] on which they work and the school division started to be questioned by members of the community following Berezan's presentation to the [REDACTED]

45. When the [REDACTED] staff were barred from the [REDACTED] but Berezan reinserted himself as a teacher at [REDACTED] for a period of six weeks, Berezan interfered with the smooth operations of the school and provided instruction outside of the purview of a school authority.
46. As a result of his actions, students at [REDACTED] experienced significant learning loss due to poor instruction over a six-week period.
47. Additionally, the [REDACTED] and its staff experienced significant reputational harm. According to [REDACTED] and [REDACTED], the school division has had to invest significant financial and human resources to begin to rebuild trust with [REDACTED].

SUBMISSION ON PENALTY

[REDACTED] Submission

1. [REDACTED] provided a breakdown of Berezan's unprofessional conduct charge-by-charge as follows.

For Charge 1, [REDACTED] stated,

- a) The nature and gravity of Charge 1 was of moderate severity.
- b) Berezan fashioned undermining comments regarding staff in the presence of impressionable students.
- c) Berezan also furthered his unprofessional communication when he was reported being on the [REDACTED] and speaking with students and parents about his conjectured claims.
- d) These events resulted in parents and students coming to [REDACTED] demonstrating to the staff, their opposition to Berezan's status.

For Charges 2 and 3, [REDACTED] stated,

- a) The nature and gravity of the Charge 2 and Charge 3 were considered to be in the moderate to high range.
- b) Violations of section 13 and 14 of the code, for which Berezan was found guilty, would often be categorized at the low to moderate range of severity; however, because the written document was shared and presented to the entire [REDACTED] it had greater impact thus elevating the severity of the unprofessional conduct.
- c) Berezan's portrayal of [REDACTED] damaged and continues to impact their professional reputations and the relationships developed with the community.

For Charge 4, [REDACTED] stated,

- a) The nature and gravity of Charge 4 would be classified at a moderate range severity.
- b) The factor that maintains the rating at a moderate level is there was not physical interactions however the psychological impact and distress caused by the manner Berezan communicated both in e-mail and in person is concerning.
- c) [REDACTED] was fearful of being assaulted while [REDACTED] felt attacked.

For Charges 5 and 6, [REDACTED] stated,

- a) The nature and gravity of the Charge 5 and Charge 6 coincide with all aspects of the spectrum at the high range.
- b) Berezan failed to treat students with dignity and respect. He berated students while investigating them for theft of a marker.
- c) Berezan as a teacher in a position of authority, took the liberty to have students [REDACTED] in his presence and treat them as [REDACTED]
- d) Berezan did not take into consideration the age range of the students nor their [REDACTED] [REDACTED] while stating claims of researching and studying the [REDACTED] history and its culture.

For Charge 7, [REDACTED] stated,

- a) The nature and gravity of Charge 7 should be considered at the high end of severity.
- b) Berezan entered into an agreement for compensation and additional benefits that was not negotiated or approved by the Association with a school division that the Association holds the bargaining certificate.
- c) In doing so, Berezan disregarded the jurisdiction of the Association in negotiating agreements for the benefit of its members.
- d) Berezan put the livelihood and well-being of the staff in each of the [REDACTED] in jeopardy.
- e) By negotiating without the authority to do so, Berezan threatened the legislated authority of the Association as the rightful authority in bargaining teacher collective agreements.

For Charge 8, [REDACTED] stated,

- a) The nature and gravity of Charge 8 is at the extreme level of severity.
- b) The actions of Berezan that led to the six-week closure of [REDACTED] to the school division staff and as a result denied students of an appropriate and quality education are unprecedented in regulatory affairs in Canada.
- c) This conduct was severely damaging the reputation of the staff and school division in the eyes of its stakeholders and used students as pawns for Berezan's personal gain.
- d) Berezan through his relationship with [REDACTED] and the presentation of his report to the [REDACTED] [REDACTED] orchestrated the closure of [REDACTED] and his actions can only be deemed as a failure to act in a manner that maintained the honour and dignity of the profession.

2. [REDACTED] provided the hearing committee with a summary of the [REDACTED] factors for the hearing committee's consideration when deliberating about penalty.

3. The following penalty was recommended by [REDACTED]:
- A single letter of severe reprimand for all eight charges.
 - Charge 1—a fine of \$500.
 - Charge 2—a fine of \$2,000.
 - Charge 3—a fine of \$2,000.
 - Charge 4—a fine of \$2,000.
 - Charge 5—a fine of \$1,000.
 - Charge 6—a fine of \$1,000.

Charge 7—a fine of \$4,000.

Charge 8—no financial penalty, but a declaration that Berezan be declared permanently ineligible for membership in the Alberta Teachers' Association and a recommendation to the minister of education that Berezan's teacher certification be permanently cancelled.

No submission from Berezan

4. Berezan chose not to attend the hearing and after repeated e-mails to him and as a result a submission on penalty was not received from Berezan.

PENALTY

The hearing committee imposed the following penalty:

A single letter of severe reprimand to encompass all eight charges.

Charge 1—a fine of \$500.

Charge 2—a fine of \$2,000.

Charge 3—a fine of \$2,000.

Charge 4—a fine of \$2,000.

Charge 5—a fine of \$1,000.

Charge 6—a fine of \$1,000.

Charge 7—a fine of \$4,000.

Charge 8—that Berezan be made permanently and immediately ineligible for membership in the Alberta Teachers' Association and a recommendation to the minister of education that Berezan's teaching certificate be permanently cancelled.

All fines are payable within 180 days of receipt of the written decision of the hearing committee. Failure to pay the fines in full within the prescribed timeframe may result in enforcement action.

REASONS FOR PENALTY

When considering penalty, the hearing committee considered the [REDACTED] factors. The hearing committee's reflection on each of these factors are as follows.

Age and experience of the teacher

1. Berezan was [REDACTED] years of age at the time of the incidents that resulted in the charges.
2. Association proof of membership states that Berezan has been teaching since [REDACTED]
3. Berezan noted that he taught in the [REDACTED], but Association membership records are not available for this time period and no archival records were produced to confirm this statement. That said, the hearing committee has no reason to doubt Berezan's statement of teaching since the [REDACTED].

Age and condition of individual(s) affected by conduct

10. The [REDACTED] students involved in the incidents that give rise to the charges were described as being in [REDACTED]. This makes their approximate ages between [REDACTED] years old.
11. Regardless of their age, students are always in an unequal power dynamic with their teachers which makes them vulnerable. The cultural context of [REDACTED] adds an additional element of sensitivity as [REDACTED] is used by the [REDACTED] teacher to discipline students. Given Berezan's yelling and directing his students to [REDACTED], his students would be understandably fearful that the yelling and [REDACTED] could escalate into [REDACTED].
12. The ages of [REDACTED] and [REDACTED] range from mid [REDACTED] to mid [REDACTED]. Although they all are relatively experienced and [REDACTED] in their positions with the [REDACTED] Berezan's attempts to discredit them and the school division resulted in reputational harm to them and their employer.

Impact on the individual(s) affected by the unprofessional conduct

13. Berezan's unprofessional interactions from March 17–21, 2022 impacted the mental wellbeing of the students and staff of [REDACTED].
14. Berezan's search for his marker resulted in younger students being so afraid that they were shaking and were scared to go to the bathroom.
15. When Berezan's students were not responsive to his lesson on the [REDACTED], he yelled at them and made some of them [REDACTED]. These [REDACTED] approaches to classroom management resulted in Berezan's students to be confused and concerned.
16. Berezan's report to the [REDACTED] resulted in staffing uncertainty for school division employees. [REDACTED], [REDACTED] and [REDACTED] were not the only school division staff who were impacted by the [REDACTED] barring their access to [REDACTED]. Based on [REDACTED] and [REDACTED] testimony, other school division staff that were employed at [REDACTED] were also impacted by Berezan's machinations.
17. As teachers, the hearing committee is greatly concerned by the loss of appropriate instruction [REDACTED] students suffered when the [REDACTED] staff were barred from accessing the [REDACTED]. For a six-week period from late March to early May 2022, [REDACTED] and [REDACTED] attempted to instruct students at their [REDACTED]. Witnesses told the hearing committee that, when the [REDACTED] staff returned to [REDACTED], the students had regressed in their learning. Significant impacts were noted for the students at lower grade levels and lower [REDACTED] abilities.
18. The hearing committee heard that the school division is now expending significant cash and human resources at [REDACTED] to attempt to bridge the chasm of trust that Berezan dug between members of the [REDACTED] and the school division. Although [REDACTED] and [REDACTED] continue in their roles, [REDACTED] is no longer employed as a lead teacher.

19. Berezan engaged in what amounts to character assassination of his colleagues in this report to the [REDACTED] and in doing so, besmirched the reputation of his colleagues across [REDACTED]
[REDACTED]
20. Teachers have an obligation to notify their colleagues of any concerns they have about their professional competence or performance prior to reporting these concerns. Berezan, by airing his grievances about [REDACTED] and [REDACTED] to the [REDACTED] without providing prior notice, failed to do so.

Whether the member has already suffered consequences

21. Although Berezan resigned before the [REDACTED] could complete its formal investigation, his change in employment status was self-imposed.

Presence or absence of mitigating factors

22. Berezan was also resistant to participate in the hearing and eventually left the hearing after [REDACTED] testimony. The hearing committee does not hold Berezan's resistance or departure against him. Professional conduct hearings are stressful especially when investigated members do not have the benefit of legal counsel to help them navigate the proceedings.
23. The hearing committee, through its secretary, made multiple attempts to communicate with Berezan as the hearing progressed. The secretary's e-mails to Berezan always included a reminder that Berezan was welcome to continue to participate or that he could request an adjournment.
24. In Berezan's absence, the hearing committee had no choice but to make its decisions without his testimony or input. Regrettably, Berezan's lack of participation was to his disadvantage.

Penalties in similar cases

25. [REDACTED] provided a binder of precedent cases collated by charge to provide the committee with an idea about penalties in similar matters. The hearing committee reviewed all the precedent cases presented.

Need to promote deterrence and maintain confidence in the profession

26. The Association needs to promote general deterrence to ensure that teachers do not engage in the range of conduct with students and colleagues on which Berezan has been found guilty.
27. The profession and the public have no tolerance for teachers who yell at their students or colleagues, use demeaning or abusive disciplinary measures with their students, or publicly criticize their colleagues without first exhausting all professional avenues to remedy differences of opinion.

28. There are precedent-setting elements in Berezan's case that require more specific deterrence. Berezan's deliberate and premeditated attempts to undermine the [REDACTED] confidence in the [REDACTED] and its staff resulted in the closure of [REDACTED] to the [REDACTED] staff. Berezan followed this up by positioning himself as an independent contractor who could save the day and provide independent instruction at [REDACTED]
29. In the hearing committee's vast experience hearing professional conduct matters, it has never heard a case in which an investigated member so clearly and wantonly engaged in behaviour that can be described as seditious. Berezan's actions not only attempted to circumvent the Association's collective agreements and bargaining authority, but to also go beyond the powers of a teacher that are laid out in the *Education Act*.
30. As a result of the anarchy caused by Berezan, his students' learning was impaired and the reputation of the [REDACTED] and the staff of [REDACTED] have been damaged considerably and will take years to repair.
31. Given Berezan's history of attempting to avoid consequences by resigning when subjected to disciplinary investigations in British Columbia and during the initial investigations by the [REDACTED] the hearing committee feels the need to ensure that Berezan is not able to recidivate. As such, the hearing committee ordered permanent suspension of membership in the Association and the recommendation to the minister to cancel Berezan's teaching certificate.

Dated at the City of Edmonton in the Province of Alberta, Monday, May 15, 2023.

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

