

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

The hearing committee of the Professional Conduct Committee of the Alberta Teachers' Association reports that a charge of unprofessional conduct laid against Duane Ostapiw of [REDACTED] was duly investigated in accordance with the *Teaching Profession Act*. The hearing was held in Barnett House, 11010 142 Street NW, Edmonton, Alberta, Canada on Thursday, May 26, 2005 at 0900.

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

the case against the investigated member. The investigated member and his counsel did not appear in person.

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. Duane Ostapiw is charged with unprofessional conduct pursuant to the *Teaching Profession Act* in that he, on February 22, 2005, was convicted of an indictable offence which was based on his conduct on or about June 2003, while he was a member of the Alberta Teachers' Association.
2. Duane Ostapiw 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 June 2003, failed to treat a student with dignity and respect in that he, while in a position of trust and authority, engaged in a sexual relationship with a [REDACTED] from the school at which he taught.

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3. Duane Ostapiw 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 June 2003, acted in a manner which failed to maintain the honour and dignity of the profession in that he, while in a position of trust and authority, engaged in a sexual relationship with a grade [REDACTED] student from the school at which he taught.
4. Duane Ostapiw 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 June 2003, acted in a manner which failed to maintain the honour and dignity of the profession in that he engaged in an attempted cover-up of a sexual relationship with a grade [REDACTED] student from the school at which he taught.

The prosecuting officer submitted the following amendment to Charge 1:

1. Duane Ostapiw is charged with unprofessional conduct pursuant to the *Teaching Profession Act* in that he, on or about June 2003, while a member of the Alberta Teachers' Association, engaged in a sexual relationship with a grade [REDACTED] student which led to his conviction, on February 22, 2005, of an indictable offence.

The hearing committee accepted the amendment.

The investigated member entered a plea of guilty to each of the charges through a written submission. (Exhibit 5)

The committee directed that the name(s) of any student(s) referenced in the hearing would not be used during the proceedings or in any documents issued by the hearing committee, to protect their privacy.

WITNESSES

No witnesses were called.

EVIDENCE ADDUCED AND EXHIBITS FILED INDICATED THAT:

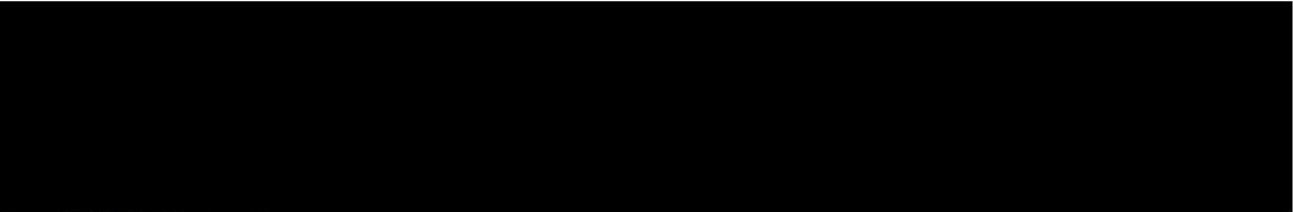
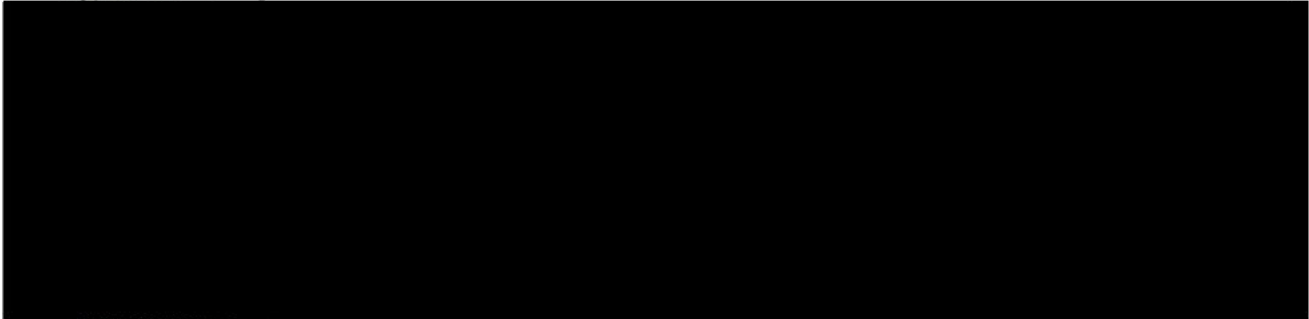
1. Ostapiw began working as a teacher for [REDACTED] September 1, 2002 under a probationary contract which expired on June 30, 2003. (Exhibit 6)
2. Ostapiw was a member of the Alberta Teachers' Association during the time he taught for [REDACTED] as a teacher at [REDACTED] School. (Exhibit 5)

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3. On February 22, 2005, Ostapiw plead guilty under part XIX (indictable) of the Criminal Code of Canada to the charge that: *Between May 1, 2003 and June 22, 2003, at or near [REDACTED] Alberta, being in a position of trust or authority towards or in a relationship of dependency with [Student X], did for a sexual purpose, unlawfully touch, directly or indirectly, with a part of the body or with an object, a part of the body of [Student X] contrary to section 153(1)(A) of the Criminal Code of Canada. (Exhibits 6 and 9)*
  4. Ostapiw was convicted of the offence on February 22, 2005 and was sentenced to imprisonment in the community for a term of 18 months, and assessed a victim fine surcharge in the amount of \$100. The committee was provided with a copy of the conviction certificate. (Exhibit 6)
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]



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14. Ostapiw, in a written submission, acknowledged that the relationship and ensuing publicity caused significant emotional harm to Student X. (Exhibit 7)
15. Ostapiw was arrested on or about August 19, 2003. (Exhibit 6)

DECISION OF THE HEARING COMMITTEE

The hearing committee accepted Ostapiw's plea of guilty to each of the four charges.

REASONS FOR DECISION

1. Ostapiw was convicted of an indictable offence under section 153 of the Criminal Code of Canada. He, therefore, is guilty of unprofessional conduct under section 23(2)(a) of the *Teaching Profession Act*.
2. Students have a reasonable expectation that teachers will not abuse their positions of trust and authority by engaging in sexual relationships with them. Such relationships fail to treat the students involved with dignity and respect.
3. Ostapiw brought dishonour and disrepute to the teaching profession through his actions which gave rise to his conviction of an indictable offence.

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4. Ostapiw attempted to cover-up the sexual relationship with Student X by engaging in duplicitous action. In so doing, he attempted to discredit a colleague's reporting on a matter of possible misconduct.

### PENALTY

The hearing committee imposes the following penalty for each of the four charges:

1. Ostapiw is declared ineligible for membership in the Alberta Teachers' Association.
2. The Alberta Teachers' Association will recommend to the minister of education that Ostapiw be declared ineligible for teacher certification in the province of Alberta.
3. A severe reprimand, the four reprimands to be addressed in a single letter.

### REASONS FOR PENALTY

1. Ostapiw was convicted of an indictable offence which constitutes unprofessional conduct.
2. Ostapiw had a sexual relationship with Student X which violated his position of trust and authority.
2. The relationship and ensuing publicity caused significant emotional harm to Student X. The youthful age of the victim exacerbates the severity of Ostapiw's breach of trust and authority. The responsibility for the relationship rested solely on Ostapiw in his role as teacher.
3. The profession views the abuse of authority involving sexual activity with a student as abhorrent.
4. Teachers must not engage in sexual activities with their students. Society views such actions as repugnant and reprehensible.
5. Society has a reasonable expectation that teachers will act in a manner that establishes and maintains a trust relationship between teachers and students. Ostapiw exploited that relationship by cultivating and engaging in a sexual relationship with a student.
6. Ostapiw initially made a deliberate attempt to cover up his actions.
7. Ostapiw failed to fully recognize that any sexual relationship between a teacher and a student of school age is a breach of trust and is unacceptable.
8. Ostapiw's criminal actions harmed the honour and dignity of the profession.

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OTHER MATTERS CONSIDERED

The prosecuting officer noted for the record that Ostapiw's unprofessional actions were brought to the attention of proper officials through the diligent and professional actions of [REDACTED] exemplified appropriate professional conduct by first notifying Ostapiw that [REDACTED] had witnessed the inappropriate behaviour and then by bringing [REDACTED] concerns to the attention of the proper authorities. At the suggestion of the prosecuting officer, the hearing committee recommends that the Association send a letter of commendation to [REDACTED].

Dated at the City of Edmonton in the Province of Alberta, Thursday, May 26, 2005.

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

[REDACTED]