

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

The hearing committee of the Professional Conduct Committee of the Alberta Teachers' Association reports that charges of unprofessional conduct laid against Faryn Schnapp of [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 Tuesday, December 11, 2012, commencing at 0900.

Professional Conduct Committee members present as the hearing committee were [REDACTED]
[REDACTED]
[REDACTED] presented the case against the investigated member. The investigated member, Faryn Schnapp, was not present and was not represented by counsel.

CONSTITUTION/JURISDICTION

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

CHARGES AND PLEA

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

1. Faryn Schnapp 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 March 2011, engaged in an inappropriate conversation with several [Gender Redacted], [School Redacted] students about tattoos and piercings and, in so doing, did not treat the students with respect and dignity and failed to show consideration for their circumstances.
2. Faryn Schnapp 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 December 2010, during the Christmas vacation break, engaged a former [School Redacted] student in a Skype online sexual conversation thereby failing to treat the student with respect and dignity and failing to show consideration for [gender redacted] circumstances.
3. Faryn Schnapp 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 December 2010, failed to uphold the honour and dignity of the profession when he used technology to interact with a student, during off-duty hours, for nonprofessional and inappropriate purposes.

4. Faryn Schnapp 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 March 2011, engaged in an inappropriate conversation with several [Gender Redacted] [School Redacted] students and, in so doing, failed to uphold the honour and dignity of the profession.
5. Faryn Schnapp 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 December 2010, during the Christmas vacation break, engaged a former [School Redacted] student in a Skype online sexual conversation and, in so doing, failed to uphold the honour and dignity of the profession.

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

WITNESSES

There were no witnesses called.

EXHIBITS FILED

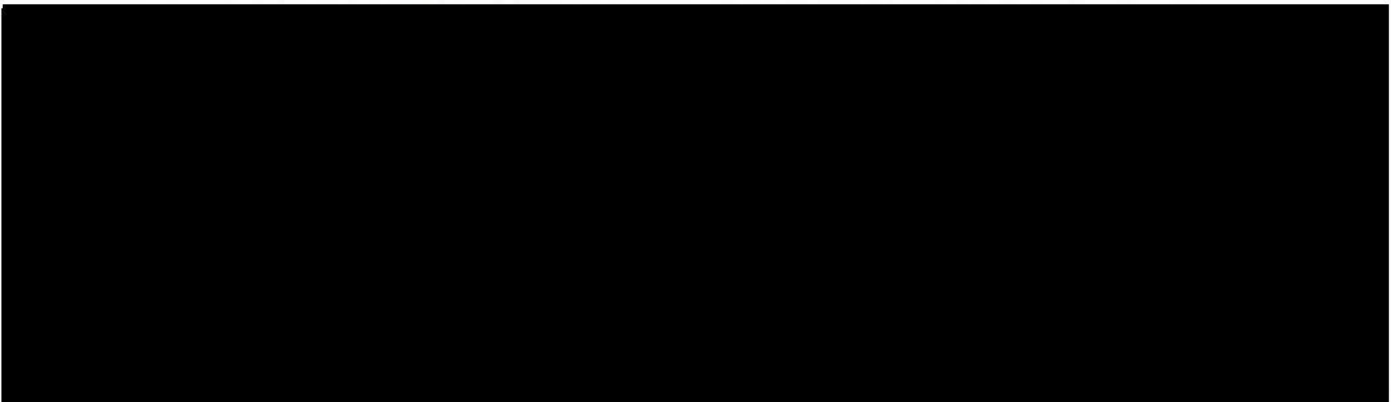
- Exhibit 1—Notice of hearing
- Exhibit 2—Canada Post confirmation of delivery, on October 24, 2012
- Exhibit 3—Proof of Schnapp's membership in the Association from November 1, 2004 to March 31, 2011 inclusive
- Exhibit 4—Declaration of awareness of rights, signed by Schnapp, dated December 04, 2012
- Exhibit 5—Submission on plea, signed by Schnapp, dated December 04, 2012
- Exhibit 6—Agreed statement of facts, signed by Schnapp and [REDACTED] dated December 04, 2012
- Exhibit 7—Package of media clippings, containing copies of news articles regarding the incident
- Exhibit 8—Joint submission on penalty, signed by Schnapp and [REDACTED], dated December 04, 2012

EVIDENCE ADDUCED AND EXHIBITS FILED INDICATED THAT:

1. Schnapp was a member of the Alberta Teachers' Association during the time of the incidents giving rise to the charges. (Exhibit 3)
2. Schnapp was employed as a teacher at [School Redacted] from 2007 until August 2010, at which time he was transferred to [School Redacted]. He taught at [School Redacted] until his resignation on March 11, 2011. (Exhibit 6)
3. While a member of the [School Redacted] staff, Schnapp maintained his connection to [School Redacted]. He volunteered with the [Subject Redacted] department, held a key to the school and supervised students after hours. He stated a desire to return to employment at [School Redacted]. (Exhibit 6)

- 8.

[illegible]

13. [Name redacted] confirmed the conversation occurred by interviewing three students who were part of the conversation. The coordinator of Human Resources, [Name Redacted], was called to investigate and subsequently interviewed two of the [students]. (Exhibit 6)
 14. The students interviewed said they thought it was a weird and inappropriate topic of conversation for a teacher to discuss. One of them commented that Schnapp had crossed the line. (Exhibit 6)
 15. At various times during the investigation, Schnapp indicated he knew he had transgressed professional boundaries but he also, at times, diminished the significance of the conversation. (Exhibit 6)
 16. On March 10, 2011, Schnapp divulged information about the investigation to his colleagues, [Name Redacted] and [Name Redacted], via telephone conversations with each of them. He then confessed to his colleagues that he had participated in a sexual, online interaction, via Skype, with a student during the 2010 Christmas holidays. (Exhibit 6)
 17. The student with whom Schnapp engaged in the online conversation was a student he had previously taught and is the same student referenced in paragraphs 7 and 8 above, in this section. The student continued to attend [School Redacted] and graduated in [Year redacted]. (Exhibit 6)
 18. [Name Redacted], who viewed [redacted] as a mentor to Schnapp, called Principal [Name Redacted] that evening to report what Schnapp had revealed in their telephone conversation. [redacted] was very upset about what Schnapp had reported to [redacted] and felt an urgency to report the matter. (Exhibit 6)
 19. [Name Redacted] also viewed [redacted] as a mentor to Schnapp and [redacted] felt stunned by the information. The student who was involved was one of [Name Redacted] [Subject Redacted] students. [redacted] reported the incident to [Name Redacted] on the morning of March 11, 2011, believing that Schnapp needed to be removed from contact with the [Subject Redacted] students. (Exhibit 6)
 20. The student who was involved in the Skype interaction revealed to Assistant Principal [Name Redacted] that there was communication going on between [redacted] and Schnapp that included rude jokes, sexual innuendo and inappropriate questions. The student indicated that when [Gender Redacted] felt uncomfortable, [gender Redacted] would ask Schnapp to stop and usually he would stop. (Exhibit 6)
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when [Gender Redacted] asked if he had done this before, he said he had done this with former students who had graduated. (Exhibit 6)

23. [REDACTED]
24. On March 11, 2011, Schnapp resigned from his teaching position with the [School Division Redacted] (Exhibit 6)
25. The Royal Canadian Mounted Police engaged in a criminal investigation between March 2011 and July 2011 that was initiated by the mother of the student involved in the online sexual Skype interaction. A further complaint was brought forward to the RCMP by the school district. A police investigation concluded with no charges being laid. (Exhibit 6)
26. Throughout March 2011, several articles regarding the incidents were published in the [Names of Newspapers Redacted] and appeared on the [School Division Redacted] website. The articles did not include the name of the teacher or the specifics of the incidents and inaccurately reported the teacher as being fired. Copies of nine articles were submitted as an exhibit. (Exhibit 7)
27. Schnapp contacted the Association in August 2011, after the conclusion of the criminal investigation of the incident, to indicate he was willing to cooperate in the Association's investigation. (Exhibit 6)

DECISION OF THE HEARING COMMITTEE

Charge 1—guilty
Charge 2—guilty
Charge 3—guilty
Charge 4—guilty
Charge 5—guilty

REASONS FOR DECISION

Charge 1

1. Schnapp failed to treat students with dignity and respect and failed to show consideration for their circumstances when he, by his own admission, led a conversation with [gender redacted] students that included his references to [REDACTED] tattooing and [REDACTED] piercing.
2. Teachers are expected to refrain from conversations that do not have an appropriate pedagogical context, are highly personal or are likely to lead to the unnecessary discomfort of students. Teachers are expected to deal with controversial topics in a sensitive and judicious manner.

3. The students themselves found the conversation inappropriate and weird and caused one student to question the professionalism of Schnapp.
4. Teachers are in a position of trust and authority and are expected to maintain appropriate social conduct with students.

Charge 2

1. Schnapp did not treat his former student with dignity and respect, nor was he considerate of [Gender Redacted] circumstances when he, by his own admission, initiated and sustained online sexual interaction with [Gender Redacted] via Skype text messaging.
2. Schnapp violated the trust relationship that he developed over time with this student, while knowing full well that [Gender Redacted] was emotionally vulnerable.
3. Teachers are expected to refrain from inappropriate and sexual interactions with students.
4. Teachers are expected to refrain from actions with students which serve only to fulfil their own gratification.
5. Teachers are expected to build and maintain healthy and trusting relationships and to recognize the position of trust and authority they hold with students.

Charge 3

1. Schnapp failed to uphold the honour and dignity of the profession when he, by his own admission, used technology to communicate with a student, for inappropriate and nonprofessional purposes, during off-duty hours.
2. Schnapp's misuse of technological communication created a situation where the student's vigilance was diminished and [REDACTED] trust was violated.
3. Schnapp's use of technology exacerbated the betrayal suffered by the student because the student should be able to expect an online space between teacher and student to be neutral and safe.
4. Schnapp's use of technology was neither safe nor neutral and therefore, undermined the honour and dignity of the profession.
5. Schnapp's use of technology to engage in self-gratifying sexual acts constituted a situation where he abused his power and corrupted his position of trust.
6. When Schnapp used technology for self-gratifying, sexual interaction involving a student, he undermined the honour and dignity of the profession.

Charge 4

1. Schnapp failed to uphold the honour and dignity of the profession when he, by his own admission, engaged with students in an inappropriate conversation that included references to genitalia. Such behaviour tends to reflect negatively on the profession as a whole.
2. Schnapp's conduct harmed the standing of the profession because a parent and a student complained about the incident and questioned the professionalism of the teacher.
3. Media reports about Schnapp's actions and the school district website posting, though not specific enough to identify either the teacher or the specific behaviour, served to undermine public confidence in teachers because it was noted that a teacher had lost his job due to unbecoming conduct.
4. Schnapp's conduct was unprofessional because it undermined the confidence of the community in teachers.

Charge 5

1. Schnapp harmed the honour and dignity of the profession by having an inappropriate relationship with a student.
2. Schnapp failed to uphold the honour and dignity of the profession when he, by his own admission, engaged in an online sexual conversation with a student. Such behaviour tends to reflect negatively on the profession as a whole.
3. The investigation and the resulting media reports drew negative attention to the teaching profession in this small community.
4. Teachers are expected to maintain the dignity of the profession by cultivating healthy student-teacher relationships. Through his actions, Schnapp failed to fulfil this expectation.

PENALTY

The hearing committee imposed the following penalty to address all five charges:

1. Schnapp is ineligible for membership in the Alberta Teachers' Association for a period of four years.
2. A recommendation shall be made to the minister of education to suspend Schnapp's teaching certificate for a period of four years.

REASONS FOR PENALTY

1. The hearing committee received a joint submission on penalty, recommending a three-year suspension of eligibility for membership in the Association and a three-year suspension of teaching certificate.
2. The committee concluded that the proposed penalty did not adequately address the severity of Schnapp's misconduct and its effect on students and the community.
3. Schnapp broke a fundamental trust placed upon teachers by society and damaged the public's faith in teachers.
4. Society has a right to expect that teachers will not establish inappropriate relationships nor have inappropriate conversations with students. Schnapp's actions clearly violated this expectation.
5. Schnapp's actions were deliberate and intentional and harmed students.
6. Through his actions, Schnapp brought dishonour and disrepute to the teaching profession.
7. The committee noted that Schnapp had acknowledged his wrongdoing and was cooperative in the investigation.

Dated at the City of Edmonton in the Province of Alberta, Tuesday, December 11, 2012.

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

