

**ONTARIO COLLEGE OF TEACHERS**

**DISCIPLINE COMMITTEE**

**REASONS FOR DECISIONS AND ORDERS**

*IN THE MATTER OF ONTARIO COLLEGE OF TEACHERS ACT, 1996, and the Regulation (Ontario Regulation 437/97) thereunder:*

**AND IN THE MATTER OF** discipline proceedings against George Fred Abdallah.

The Discipline Committee held a hearing on November 8 and 9, 1999,

**BETWEEN:**

**ONTARIO COLLEGE OF TEACHERS**

**- and -**

**GEORGE FRED ABDALLAH**  
**(Certificate #257688)**

**PRESENT:**

Members of the Panel

George Merrett (Chair)

Solette N. Gelberg

Donna Marie Kennedy

The Honourable Lloyd Houlden, Independent Counsel to the Panel

L. Thomas Forbes, Q.C. , and Chris Sach-Anderson, Senior Law Clerk, McCarthy  
Tétrault, Counsel for the Prosecution

Paul Cavalluzzo and Jeff Andrew, Cavaluzzo Hayes Shilton McIntyre & Cornish,  
Defense Counsel

George Fred Abdallah

A Notice of Hearing, dated February 13, 1998, was served on George Fred Abdallah, requesting his attendance before the Discipline Committee of the Ontario College of Teachers on July 13, 1998, setting a date for hearing and specifying the charges. Counsel for both parties later agreed that the hearing would be delayed until November 8, 1999.

It is alleged that George Fred Abdallah is guilty of professional misconduct in that:

- a) he failed to maintain the standards of the profession, contrary to Section 1(5) of the Professional Misconduct Regulation made under the *Ontario College of Teachers Act* and filed as Ontario Regulation 437/97 on December 4, 1997;
- b) he failed to comply with the *Ontario College of Teachers Act* and the *Education Act* and Regulations contrary to Section 1(14) and (15) of the Professional Misconduct Regulation made under the *Ontario College of Teachers Act* and filed as Ontario Regulation 437/97 on December 4, 1997;
- c) he contravened laws relevant to the member's suitability to hold a certificate of qualification and registration contrary to Section 1(16) of the Professional Misconduct Regulation made under the *Ontario College of Teachers Act* and filed as Ontario Regulation 437/97 on December 4, 1997;
- d) he performed acts or omissions that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional contrary to Section 1(18) of the Professional Misconduct Regulation made under the *Ontario College of Teachers Act* and filed as Ontario Regulation 437/97 on December 4, 1997;

- e) he engaged in conduct unbecoming a member contrary to Section 1(19) of the Professional Misconduct Regulation made under the *Ontario College of Teachers Act* and filed as Ontario Regulation 437/97 on December 4, 1997.

The Notice of Hearing states that George Fred Abdallah is a member of the Ontario College of Teachers and therefore comes under the jurisdiction of the Ontario College of Teachers (Exhibit #1).

On November 8 and 9, 1999, the Discipline Committee of the Ontario College of Teachers conducted a hearing into whether George Fred Abdallah was guilty of professional misconduct.

Proof of service of the Notice of Hearing was presented and accepted by the panel. The Committee agreed with Counsel's request for a publication ban on the names of the two witnesses, [■] and [■], and any information identifying those witnesses. George Fred Abdallah pleaded guilty to professional misconduct under the *Ontario College of Teachers Act*, Section 1 (5), (14), (15) and (16) and not guilty to professional misconduct under Section 1 (18) and (19).

Defense Counsel reserved the right to dispute the jurisdiction of the Ontario College of Teachers in this matter on the basis that the events under consideration took place before the Ontario College of Teachers took effect. The College did not concede George Fred Abdallah's right to contest its jurisdiction.

**EVIDENCE:**

An Admission Statement of Mr. Abdallah was accepted by the Committee (Exhibit #2).

The Committee accepted George Fred Abdallah pleaded guilty (Exhibit #2), with respect to Ontario Regulation 437/97 made under the *Ontario College of Teachers Act, 1996* in that:

- a) He has failed to maintain the standards of the profession, contrary to Section 1(5) of the Professional Misconduct Regulation made under the *Ontario College of Teachers Act* and filed as Ontario Regulation 437/97 on December 4, 1997;
- b) He has been convicted of contravening a law, the Criminal Code of Canada, that is relevant to his suitability to hold a Certificate of Qualification and Registration contrary to Section 1 (16) of the Professional Misconduct Regulation made under the *Ontario College of Teachers Act* and filed as Ontario Regulation 437/97 on December 4, 1997;
- c) He contravened Section 264(1)(c) of the *Education Act*, contrary to Section 1 (14),(15) of the Professional Misconduct Regulation made under the *Ontario College of Teachers Act* and filed as Ontario Regulation 437/97 on December 4, 1997;

and not guilty with respect to the following:

- d) He performed acts or omissions that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional contrary to Section 1(18) of the Professional Misconduct

Regulation made under the *Ontario College of Teachers Act* and filed as Ontario Regulation 437/97 on December 4, 1997;

- e) He engaged in conduct unbecoming a member contrary to Section 1(19) of the Professional Misconduct Regulation made under the *Ontario College of Teachers Act* and filed as Ontario Regulation 437/97 on December 4, 1997.

Counsel for the College of Teachers indicated that the College did not accept the plea of not guilty to Sections 1 (18) and 1 (19).

Counsel presented evidence that George Fred Abdallah is a member of the Ontario College of Teachers (Exhibit 1). At all material times, George Fred Abdallah was employed by the Kent County Roman Catholic Separate School Board as a teacher. An Admission Statement of Mr. Abdallah was filed as Exhibit #2.

#### **FINDINGS OF FACT:**

George Fred Abdallah was tried in the Ontario Court (General Division) on charges of:

- 1) sexual assault, Section 271 (1) of the Criminal Code of Canada against [REDACTED];
- 2) unlawful confinement, Section 279 (2), of the Criminal Code of Canada against [REDACTED];
- 3) sexual assault, Section 271 (1) of the Criminal Code of Canada against [REDACTED]; and
- 4) sexual assault, Section 271, of the Criminal Code of Canada against [REDACTED].

On January 18, 1996, George Fred Abdallah was convicted on Counts #1, 2 and 4, and was found not guilty on Count 3. On May 31, 1996 he was sentenced to:

Count #1 – 2 years less a day

Count #2 – 45 days to be served concurrently to the term imposed in Count #1

Count #4 – 90 days, to be served concurrently to the term imposed in Count #1.

The convictions did not involve any students from the school system, but rather involved two adult females who had no connection with the school system.

There was no question of George Fred Abdallah’s ability as a teacher (Exhibit #2, Exhibit #6 and Exhibit #12).

George Fred Abdallah contributed as a community volunteer in more than one area (Exhibit #2, Exhibit #13).

George Fred Abdallah did apologize to the Board, the parents and the students that he taught (Exhibit #12).

The Committee notes that, to date, he has not apologized to Witness [ ] or Witness [ ].

**REASONS:**

Based on the evidence presented in this case, the Committee is of the view that the imposition of a suspension until August 31, 2000 is appropriate as both a specific and a general deterrent.

In reviewing Exhibit #6, the Committee accepts the statement of The Honourable Mr. Justice R. Daudlin<sup>2</sup> that “I was satisfied after having heard the trial, and this has been confirmed by the Pre-Sentence Report, that you continue – you did then and you continue to maintain today, that you did nothing against, or without the consent of the complainant. That is your right to maintain that that in fact is the state of things. For the reasons which I expressed at the trial, I decline to accept that and found that no consent has been given.”

The Committee accepts the statements included in Judge Daudlin’s Reasons on Sentencing (Exhibit #6) that:

- 1) “I have to weigh any remorse that may be shown and clearly the usual indications of remorse are absent.” (page 2)
- 2) “ I have to be mindful as well that the community from which we all come has come to a point where in fact it is recognized and realized that women, collectively and individually, have to be protected from those who would use them for their own purposes.” (page 3)
- 3) “Count number one dealt with the sexual assault of [■], and my recollection was, and is, that throughout you maintained that in effect consent had indeed been given. Notwithstanding those protestations, based on the evidence that I heard at the trial from the complainant and from yourself, I concluded that in fact no consent had been given, and found you guilty.” (page 1)
- 4) “Count number two dealt with [■] and had to do with the unlawful confinement of [■], which I found had taken place.” (page 5)

- 5) “Count four, although a sexual assault had to do with a non-consented to and unwanted touching.” (page 5)

The Committee notes that George Fred Abdallah was sentenced on Count One to two years less a day, on Count Two, 45 days to be served concurrently and on Count Four, 90 days to be served concurrently. George Fred Abdallah was sentenced to two years less a day but was given early release after fourteen months.

The Committee accepts that these convictions did not involve any students from the school system, but rather involved two adult females who had no connection with the school system.

The Committee accepts the information provided about George Fred Abdallah’s community activities. He has coached school teams, is a volunteer teacher of English as a Second Language and teaches Arabic to children belonging to his church. The Committee notes that following the suspension from teaching duties, “he obtained several jobs in an effort to support himself and regain his dignity” (Exhibit #2).

The Committee accepts that George Fred Abdallah’s teaching abilities “have always been considered very good and are not in question” (Exhibit #12). The Committee accepts that George Fred Abdallah was “hard-working, committed to doing a good job,...and was an asset” to the school staff (Exhibit #2).

The Committee notes that George Fred Abdallah has pleaded guilty to professional misconduct contrary to Section 1, (5), (14), (15), and (16) made under the *Ontario College of Teachers Act* as filed as Ontario Regulation 437/97 on December 4, 1997.

The Committee agrees with The Honourable Mr. Justice R. Daudlin's statement that "George Fred Abdallah did then and continues to maintain that he did nothing against or without the consent of the complainant(s)." (page 2)

#### **DECISIONS AND ORDERS:**

Based on the reasons outlined above, the Committee finds George Fred Abdallah guilty of professional misconduct under Section 1, (5), (14), (15), (16) (18) and (19) of the Professional Misconduct Regulation, as alleged, and directs the Registrar to suspend George Fred Abdallah's Certificate of Qualification and Registration until August 31, 2000.

Reinstatement is contingent upon the Registrar receiving a report from a licensed psychiatrist indicating:

- 1) George Fred Abdallah is not likely to reoffend, and
- 2) George Fred Abdallah understands the importance of the gender issues involved in this case.

#### **Notice**

It is important to the College's role in the governance of the profession to provide evidence to members that the College is active in self-regulation and is vigilant to

breaches of its bylaws and rules of conduct. Such evidence is provided through notification of the decisions and orders of the College's disciplinary Committees, and is, in the opinion of the panel, a practice that has significant general deterrent value.

Pursuant to Section 30(5)(iii) of the Ontario College of Teachers Act, the Committee orders that the findings of this hearing, as well as the name of the member, be published in the official publication of the Ontario College of Teachers.

**DATED AT TORONTO, THIS 19th DAY OF November, 1999  
BY ORDER OF THE DISCIPLINE COMMITTEE**

---

George Merrett, **Chair**

---

Solette N. Gelberg

---

Donna Marie Kennedy