

MEMORANDUM OF AGREEMENT

B E T W E E N :

Ontario College of Teachers

- and -

Sherif Ashamalla

WHEREAS Sherif Ashamalla is a member of the Ontario College of Teachers (Registry number 278403);

AND WHEREAS, J.W. (Joe) Atkinson, former Registrar and Chief Executive Officer (the "complainant") has filed a complaint, dated February 17, 2003, with respect to the conduct or actions of Sherif Ashamalla (the Registrar's complaint is attached as Appendix "A");

THE PARTIES to this agreement are the Ontario College of Teachers (the "College") and Sherif Ashamalla (the "member"). The Registrar's signature on this Memorandum of Agreement (the "MOA") does not bind the Investigation Committee in its function to consider and dispose of this matter.

The parties agree to resolve the complaint as follows:

1. the parties agree and understand that the terms of this MOA constitute a proposed settlement of this matter and that the terms are subject to ratification by the Investigation Committee of the College. Accordingly, this MOA is not considered final and binding on the parties until such time as it is ratified by the Investigation Committee;
2. the parties agree and undertake that if the Investigation Committee ratifies this MOA, there shall be no appeal of any or all of the terms of this agreement, to any forum of the College;
3. the parties agree and undertake to take no further action with respect to the complaint provided that the terms of this MOA are complied with;
4. pursuant to subsection 14(2) of the *Ontario College of Teachers Act, 1996*, the member agrees to resign his membership in the College to take effect upon ratification of the MOA by the Investigation Committee;
5. the member agrees and understands that, upon ratification of this MOA, the Registrar shall cancel his certificate of qualification and registration pursuant to subsection 14(3) of the *Ontario College of Teachers Act, 1996*;
6. the member agrees and understands that within 30 calendar days of ratification of this MOA by the Investigation Committee, he will surrender his certificate of qualification and registration to the Registrar;

7. the member agrees and undertakes not to reapply to the College for a certificate of qualification and registration for a period of three years to commence upon the ratification of this MOA by the Investigation Committee;
8. the member agrees and understands that should he apply for a certificate of qualification and registration, pursuant to section 18 of the *Ontario College of Teachers Act, 1996*, the Registrar shall review this MOA in considering the member's application;
9. subject to paragraph 7 of the MOA, the member agrees and undertakes not to seek or engage in employment where a certificate of qualification and registration is required;
10. the member agrees and understands that the public register maintained by the Registrar, in accordance with section 23 of the *Ontario College of Teachers Act, 1996*, will include the following notation:

On (insert date of ratification by Investigation Committee), the member resigned his membership in the Ontario College of Teachers and the Registrar cancelled his certificate of qualification and registration. At the time of the resignation, a professional misconduct investigation was in progress regarding the member allegedly engaging in sexual communication with two female students;

11. the member agrees and understands that the College will publish his name with a summary of the complaint and its resolution as contained in this MOA. Such publication will be made in the College's official publication, *Professionally Speaking/Pour parler profession*, on the College's website, or in such other manner as the Registrar and Chief Executive Officer deems appropriate;
12. the member agrees and understands that upon ratification of this MOA by the Investigation Committee, the College will maintain a copy of the Decision of the Investigation Committee, including this MOA, in the College's Margaret Wilson Library. The Decision will be available for review by the public;
13. the member agrees and understands that the College will provide notice of the cancellation of the member's certificate of qualification and registration to any Canadian school or school board, any Canadian teacher federation or affiliate, the Ontario Directors of Education and Heads of Private Schools, and the teacher licensing and governing bodies in Canada and elsewhere who are routinely notified by the College of such cancellations;
14. pursuant to section 43.4 of the *Ontario College of Teachers Act, 1996*, the member agrees and understands that if the Investigation Committee ratifies this MOA, the College will provide the member's current employer, the Durham Catholic District School Board, with the committee's Decision and Reasons, including this MOA;
15. the parties agree and understand that if any phrase or paragraph of this MOA is deemed null and void, the MOA shall be read as though the phrase or paragraph was stricken from the MOA and the amended MOA shall remain in force and effect;

Registrar and Chief Executive Officer

Appendix "A"

Registrar's Complaint against Sherif Ashamalla

The Registrar alleges that Sherif Ashamalla, while employed as a teacher by the Durham Catholic District School Board with [**] School acted inappropriately, in that he:

1. between October 1, 2002 and January 15, 2003, sent inappropriate sexual or sexualized e-mail communications to [**], a female minor;
2. in January 2003, was charged criminally, in that he on or between the 1st day of October, 2002 and the 15th day of January 2003, at the town of Ajax and elsewhere in the province of Ontario, in the said Region, unlawfully did by means of computer system within the meaning of subsection 342.1(2) of the Criminal Code, communicated with [**], a person known to him to be under the age of 18 years, for the purpose of facilitating the commission of an offence under section 153(1) of the Criminal Code with respect to that person contrary to the Criminal Code and the amendments thereto;
3. between October 1, 2002 and January 15, 2003, invited [**], a female minor, to touch his penis;
4. in January 2003, was charged criminally, in that he on or between the 1st day of October, 2002 and the 15th day of January 2003, at the Town of Ajax and elsewhere in the province of Ontario, in the said Region, being a person of trust of and authority towards [**], a young person, did for a sexual purpose invite [**], a young person to touch directly a part of his body to wit: his penis, contrary to the Criminal Code and the amendments thereto;
5. between December 2, 2002 and January 15, 2003, sent inappropriate sexualized e-mail communications to [**], a female minor;
6. in January 2003, was charged criminally, in that he on or between the 2nd day of December 2002, and the 15th day of January 2003, at the town of Ajax and elsewhere in the province of Ontario, in the said Region, unlawfully did by means of computer system within the meaning of subsection 342.1(2) of the Criminal Code, communicated with [**], a person known to him to be under the age of 18 years, for the purpose of facilitating the commission of an offence under section 153(1) of the Criminal Code with respect to that person contrary to the Criminal Code and the amendments thereto;
7. between December 2, 2002 and January 15, 2003, invited [**], a female minor, to touch his penis;
8. in January 2003 was charged criminally, in that he on or between the 2nd day of December 2002, and the 15th day of January 2003, at the Town of Ajax and elsewhere in the province of Ontario, in the said Region, being a person of trust of and authority towards [**], a young person, did for a sexual purpose invite [**], a young person to touch directly a part of his body to wit: his penis, contrary to the Criminal Code and the amendments thereto.