

**DECISION OF THE INVESTIGATION COMMITTEE
OF THE ONTARIO COLLEGE OF TEACHERS
IN THE MATTER OF**

**A COMPLAINT SUBMITTED BY THE REGISTRAR
REGARDING SHERIF ASHAMALLA**

PANEL: David Somer, Gord Hough, Iain Munro

On January 24, 2003, the Ontario College of Teachers (the "College") received notification from the Durham Catholic District School Board (the "Board"), about Mr. Sherif Ashamalla (the "member"), a teacher at [**] School in Oshawa, dated January 15, 2003. The board wrote to the College, pursuant to section 47 (3) of the *Ontario College of Teachers Act, 1996*. (although this section was repealed and replaced by section 43.3 of the Act, as a result of the *Student Protection Act*.)

On January 15, 2003, the Durham Regional Police announced by way of a Media Release, that the member had been charged with sexual exploitation and luring a child. According to the release, the child was not a student of the member, but did attend the same school where the member taught.

On review of the court Information, it was noted that the member was charged with:

1. communicating 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;
2. inviting [**], to touch directly, for a sexual purpose, his penis;
3. communicating 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;
4. inviting [**], to touch directly, for a sexual purpose, his penis.

On October 17, 2003, the complaint against the member was assessed as suitable for the College's Dispute Resolution Program, and the parties indicated that they were amenable to participating in dispute resolution.

In November, the parties signed a Memorandum of Agreement (the "MOA"), which, in their opinion, resolved the issues raised by the complaint.

Allegations

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. between October 1, 2002 and January 15, 2003, invited [**], a female minor, to touch his penis;
3. between December 2, 2002 and January 15, 2003, sent inappropriate sexualized e-mail communications to [**], a female minor;
4. between December 2, 2002 and January 15, 2003, invited [**], a female minor, to touch his penis;
5. contravened laws which were relevant to the member's suitability to hold a certificate of qualification and registration.

Documents Considered by the Committee

- Request for Ratification
- Toronto Sun article of charges against member
- Board's notification letter (with attachments):
 - School board's news release
- Letter requesting court Information
- Information and Appearances
- Memo - Registrar Initiating Complaint
- Request to Initiate Investigation Form dated February 17, 2003
- (Revised) Request to Initiate Investigation Form dated March 4, 2003
- Letter - Member - Notification of Registrar's Complaint
- Letter from Superintendent to the Manager of Intake and Hearings, dated February 21, 2003 (with attachments):
 - Durham Catholic District - Employee Demographics Maintenance
 - Newspaper Articles
- Letter from Superintendent dated March 4, 2003
- Letter from member's counsel, dated March 21, 2003 (with attachments):
 - Curriculum Vitae of Sherif Ashamalla
- Letter - Acknowledgement of Correspondence to member's counsel
- Letter to member's counsel dated October 17, 2003
- Newspaper Article: 'Teacher convicted of stalking teen', dated November 21, 2003

- Memorandum of Agreement signed by the parties

Decision of the Committee

On December 19, 2003, a panel of the Investigation Committee considered this complaint and, in accordance with the provisions of 26(5)(d) of the *Ontario College of Teachers Act, 1996*, the Investigation Committee ratified the attached Memorandum of Agreement. This is based on the opinion of the committee that the terms of this Agreement resolve the complaint in the public interest.

David Somer

Gord Hough

Iain Munro