



DISCIPLINE CASE SUMMARY

- a. Michael Anthony Kolesar (Case 01 and 02)
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- b. Professional misconduct and conduct unbecoming a member of the College.
- c. The hearing was held on April 27, 2011 at the College's offices in Vancouver, BC. This matter originated as a report under section 15.5 of the *School Act* as well as a Registrar's Report under section 28(4) of the *Teaching Profession Act*. The College received a report from the school district advising that Mr. Kolesar was suspended following allegations that he engaged in a sexual relationship with a student. In addition, a newspaper report informed the College that Mr. Kolesar had been charged with two counts of sexual exploitation of a person with a disability and sexual assault, contrary to section 153.1(1) and section 271 of the *Criminal Code of Canada*.
- d. Mr. Kolesar was employed as a teacher from September 1, 1997 to March 18, 2007, when he engaged in sexual acts with two of his students in a special needs life-skills program. On September 9, 2008, Mr. Kolesar was convicted of sexually assaulting both students contrary to section 271(1) of the *Criminal Code*. Court documents revealed that Mr. Kolesar admitted to frequently engaging in unprotected sexual acts with both students over a long period of time. After awhile, one of the students began to diarize these encounters with Mr. Kolesar. There were approximately 233 separate entries on her computer documenting these sexual encounters. Mr. Kolesar also admitted that he sent emails to one of the students in which he made suggestions and/or demands for sex. In addition, Mr. Kolesar obtained an apartment key under the guise of maintaining the student's residence while she was away. Mr. Kolesar admitted that he would enter her residence at night and demand sex from her despite her verbal objections. Further, he admitted that he provided the other student with gifts as compensation for sex and to prevent disclosure of these sexual activities.
- e. The Discipline Hearing Sub-Committee (the "Sub-Committee") was unanimous in its decision that Mr. Kolesar was guilty of professional misconduct. The Sub-Committee found Mr. Kolesar guilty of professional misconduct in that he repeatedly fondled one of the student's breasts in class during classroom hours and "French-kissed" her at school during school hours. The Sub-Committee was also unanimous in its decision that Mr. Kolesar was guilty of conduct unbecoming a member of the College. The Sub-Committee found that Mr. Kolesar engaged in sexual acts with two students who were both suffering from mental disabilities. The Sub-Committee concluded from the facts that Mr. Kolesar particularly breached Standards 1 and 2 of the College's *Standards for the Education, Competence and Professional Conduct of Educators in British Columbia*. **Standard 1: Educators value and care for all students and act in their best interests.** The Sub-Committee emphasized the following: Educators do not abuse or exploit students or minors for personal, sexual, ideological, material or other advantage. **Standard 2: Educators are role models who act ethically and honestly.** The Sub-Committee concluded from the facts that Mr. Kolesar developed a sexual relationship with these



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two mentally disabled students, who were incapable of comprehending the gravity and ramifications of their relationships with Mr. Kolesar. Mr. Kolesar violated his position of trust and his sexual desires demeaned and degraded these students. Mr. Kolesar's heinous acts were committed against some of the most vulnerable students in the school system. His actions amounted to the most severe breach of trust relative to the students' parents, other students and teachers, the greater community and the teaching profession as a whole.

- f. On May 4, 2011, the Sub-Committee found Mr. Kolesar's behaviour so egregious that they unanimously agreed that Mr. Kolesar not be issued a College certificate of qualification for an indefinite period, but for no less than 30 years. Mr. Kolesar's certificate of qualification had been cancelled on November 1, 2008 for non-payment of fees. The Sub-Committee also found that Mr. Kolesar had taken no steps to acknowledge the gravity of these offences to the College and the teaching profession. He failed to cooperate in setting a hearing date or respond to any College correspondence. Mr. Kolesar could have spared the profession the cost of the hearing by coming to a consent resolution on this case. As a result of Mr. Kolesar's lack of acknowledgement, the Sub-Committee ordered that Mr. Kolesar pay costs in the amount of \$2,575. The Sub-Committee was of the view that the membership of the College should not bear the full financial burden for conducting a hearing. With respect to publication, the Sub-Committee ordered that Mr. Kolesar's name, along with a case summary of the Sub-Committee's findings, be published.