

THE ALBERTA TEACHERS' ASSOCIATION

REPORT OF THE HEARING COMMITTEE
OF THE PROFESSIONAL CONDUCT COMMITTEE

IN THE MATTER OF CHARGES OF UNPROFESSIONAL
CONDUCT AGAINST PIOTR MARIUSZ ZALOBA

The hearing committee of the Professional Conduct Committee of the Alberta Teachers' Association reports that charges of unprofessional conduct laid against Piotr Mariusz Zaloba 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 Friday, April 22, 2016.

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

CONSTITUTION/JURISDICTION

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

CHARGES AND PLEA

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

1. Piotr Mariusz Zaloba is charged with unprofessional conduct pursuant to the *Teaching Profession Act* in that he, while a member of the Alberta Teachers' Association, between January 3, 2013 and March 10, 2013, engaged in conduct for which he, on May 29, 2015, was convicted of three indictable offences, to wit:
 - a) did, for a sexual purpose, unlawfully touch, directly or indirectly, with a part of the body or with an object, a part of the body a person under the age of sixteen years, contrary to section 151 of the *Criminal Code of Canada*;
 - b) did, by means of telecommunication, communicate with a person who was, or who the accused believed was, [REDACTED] years, for the purpose of facilitating the commission of an offence under subsection 163.1, with respect to that person, contrary to section 172.1(1)(A) of the *Criminal Code of Canada*;

- c) did, by means of telecommunication, communicate with a person who was, or who the accused believed was, [REDACTED], for the purpose of facilitating the commission of an offence under section 151 or 152, 173(2) or section 271, with respect to that person, contrary to section 172.1(1)(B) of the *Criminal Code of Canada*;
2. Piotr Mariusz Zaloba is charged with unprofessional conduct pursuant to the *Teaching Profession Act* in that he, while a member of the Alberta Teachers' Association, between February 1, 2013 and March 8, 2013, engaged in conduct for which he, on May 29, 2015, was convicted of seven indictable offences, to wit:
- a) did, for a sexual purpose, unlawfully touch, directly or indirectly, with a part of the body or with an object, a part of the body of a [REDACTED] years, contrary to section 151 of the *Criminal Code of Canada*;
 - b) did, for a sexual purpose, unlawfully invite, counsel or incite a [REDACTED] [REDACTED] years to touch, directly or indirectly, with a part of the body or with an object, the body of the same person, contrary to section 152 of the *Criminal Code of Canada*;
 - c) did, by means of telecommunication, communicate with a person who was, or who the accused believed was, [REDACTED] years, for the purpose of facilitating the commission of an offence under section 163.1, or 4 with respect to that person, contrary to section 172.1(1)(A) of the *Criminal Code of Canada*;
 - d) did, by means of telecommunication, communicate with a person who was, or who the accused believed was, [REDACTED] years, for the purpose of facilitating the commission of an offence under section 151 or 152, or section 271, or 173(2) with respect to that person, contrary to section 172.1(1)(B) of the *Criminal Code of Canada*;
 - e) did make, print, publish or possess of [Name Redacted] for the purpose of publishing, child pornography, contrary to section 163.1(2) of the *Criminal Code of Canada*;
 - f) did transmit, make available or distribute child pornography of [Name Redacted], contrary to section 163.1(3) of the *Criminal Code of Canada*;
 - g) did possess child pornography of [Name Redacted], contrary to section 163.1(4) of the *Criminal Code of Canada*.

In the absence of Zaloba, the chair directed a plea of not guilty to the charges.

WITNESSES

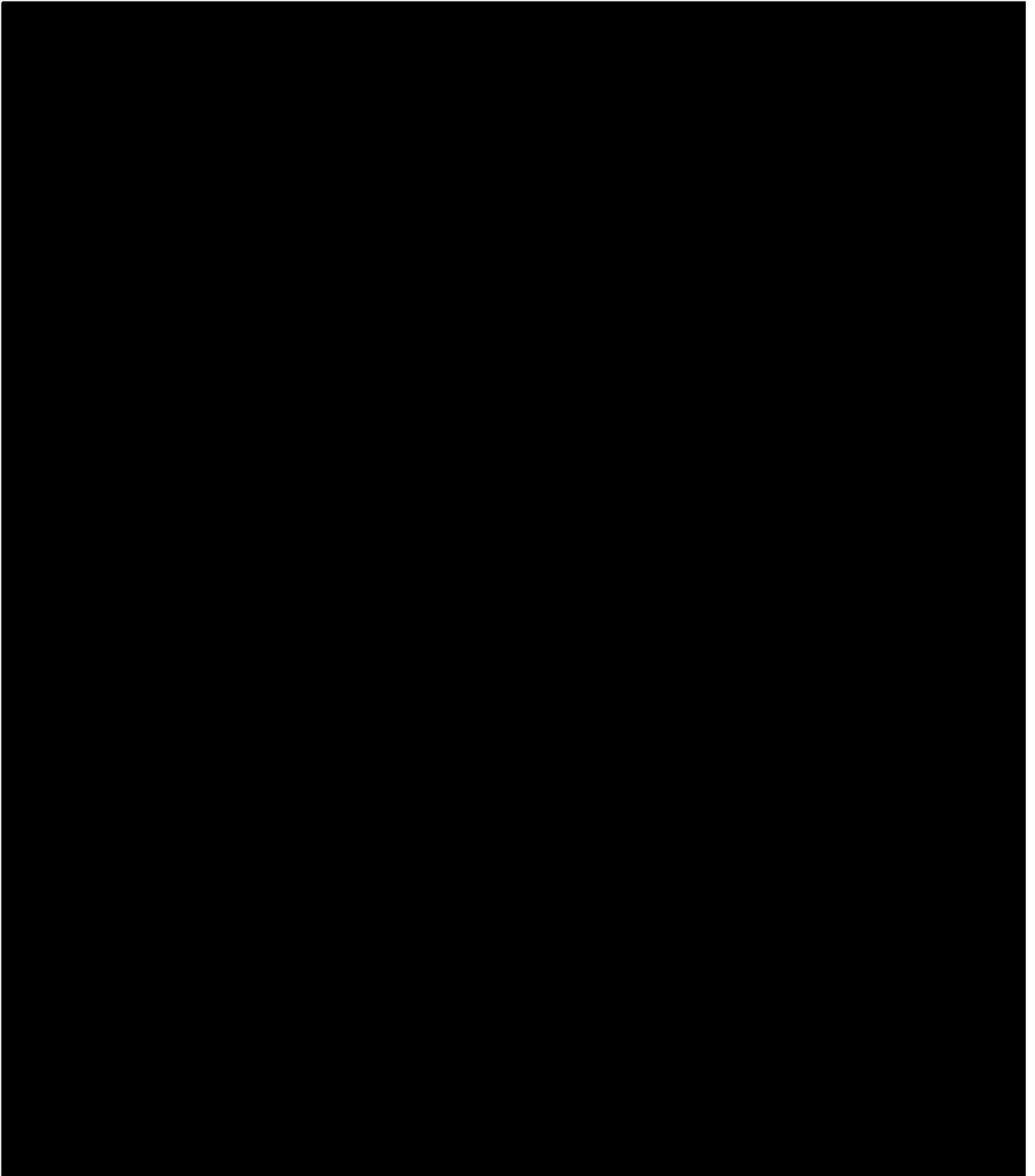
There were no witnesses called.

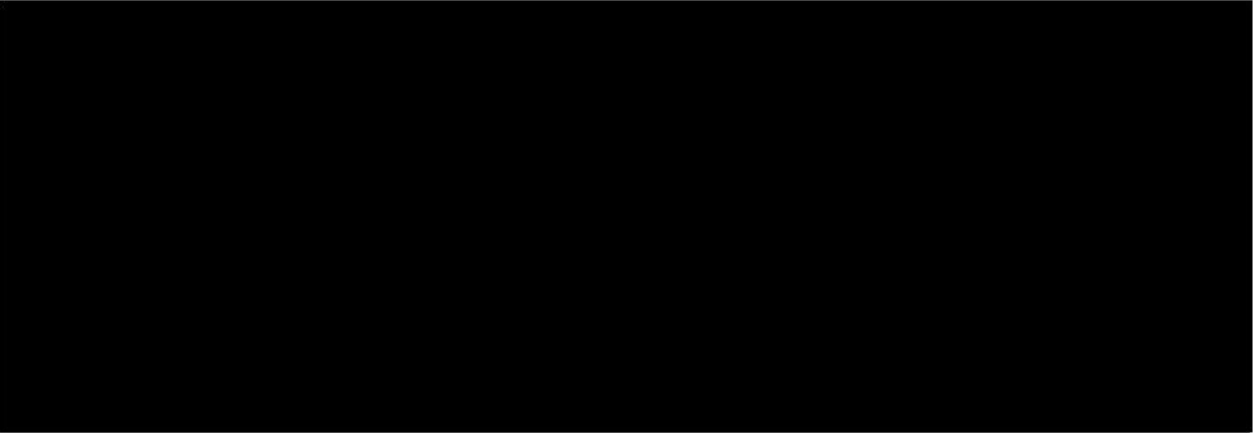
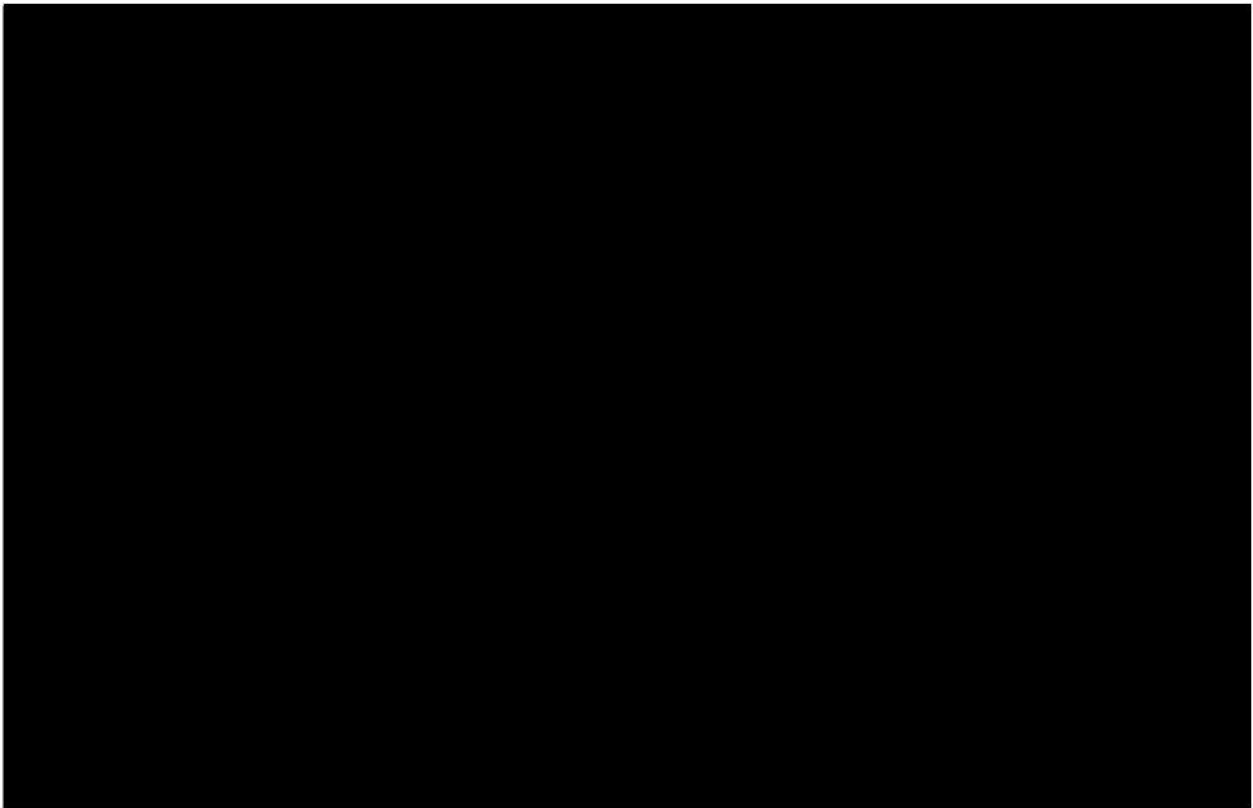
EXHIBITS FILED

- Exhibit 1—Notice of hearing and affidavit of service on March 30, 2016
- Exhibit 2 Proof of Zaloba's membership in the Association from September 1, 2010 to April 30, 2013
- Exhibit 3—Certificate of conviction dated January 7, 2016 File # 140283524Q1-01-002
- Exhibit 4 Certificate of conviction dated January 7, 2016 File # 140283524Q1-01-003
- Exhibit 5 Certificate of conviction dated January 7, 2016 File # 140283524Q1-01-004
- Exhibit 6—Certificate of conviction dated January 7, 2016 File # 140283524Q1-01-005
- Exhibit 7—Certificate of conviction dated January 7, 2016 File # 140283524Q1-01-006
- Exhibit 8—Certificate of conviction dated January 7, 2016 File # 140283524Q1-01-008
- Exhibit 9—Certificate of conviction dated January 7, 2016 File # 140283524Q1-01-009
- Exhibit 10—Certificate of conviction dated January 7, 2016 File # 140283524Q1-01-011
- Exhibit 11—Certificate of conviction dated January 7, 2016 File # 140283524Q1-01-012
- Exhibit 12 Certificate of conviction dated January 7, 2016 File # 140283524Q1-01-013
- Exhibit 13 Agreed Statement of Facts Between Her Majesty The Queen and Piotr Mariusz Zaloba, dated June 29, 2015

EVIDENCE ADDUCED AND EXHIBITS FILED INDICATED THAT:

1. Zaloba was a member of the Alberta Teachers' Association from September 1, 2010 to April 30, 2013 inclusive. (Exhibit 2)
2. Zaloba was employed by [School Division Redacted] in [School redacted]. He held that position from October 22, 2010 until his arrest on March 10, 2013. (Exhibit 13, item 1)
3. The two complainants, [Name Redacted] and [Name Redacted], were both students at the school where Zaloba taught. (Exhibit 13, items 2, 3)
4. While teaching at the [School redacted] in 2010/11, Zaloba met [Name redacted] who was a [Grade Redacted] student. (Exhibit 13, item 5)
5. The communication between Zaloba and [Name Redacted] became inappropriate and included sexual suggestions, requests for secrecy, requests for photos and suggestions for a future adult relationship. (Exhibit 13)





26. As a result of his convictions, Zaloba was imprisoned for a number of years.

DECISION OF THE HEARING COMMITTEE

Charge 1—guilty

Charge 2—guilty

REASONS FOR DECISION

1. Zaloba was convicted of ten indictable offences under sections 151, 152, 163.1(2), 163.1(3), 163.1(4), 172.1(1)(A), and 172.1(1)(B), of the *Criminal Code* of Canada and, therefore, pursuant to section 23(2) of the *Teaching Profession Act*, is deemed to have engaged in unprofessional conduct.
2. Zaloba was convicted of ten indictable offences. He did not adhere to the Code of Professional Conduct, and thus failed to maintain the honour and dignity of the profession.
3. The public has a right to expect that children will be protected from sexual predators. By his conduct, Zaloba proved to be a sexual predator and jeopardized the public's trust in the profession and failed to uphold the honour and dignity of the profession.

PENALTY

The hearing committee of the Professional Conduct Committee imposes the following penalty on Zaloba:

1. A declaration of ineligibility for membership in the Alberta Teachers' Association effective immediately
2. A recommendation to the minister of education to permanently cancel his teaching certificate

REASONS FOR PENALTY

1. Zaloba was convicted of ten indictable offences. By engaging in highly inappropriate sexual communication and activities with students, including the making and distributing of child pornography, he acted in a manner which did not maintain the honour and dignity of the profession.
2. Zaloba violated the trust and authority that was vested in him as a teacher by grooming young [gender redacted] for the purpose of his sexual gratification. The Code of Professional Conduct requires, and society expects, that teachers will treat pupils with dignity and respect and be considerate of their circumstances. Zaloba did not uphold this provision of the code and took advantage of two children, one of whom was particularly vulnerable and looked to him for guidance. Zaloba's actions were repugnant and reprehensible and put children at serious risk.
3. Due to the grievous nature of the indictable offences in question and due to the teacher's position of trust in relation to pupils and due to a teacher's duty to only act in a manner that safeguards the interests of children generally, the committee ruled that Zaloba can no longer be a member of the Association, nor should he be considered suitable for certification as a teacher.

Report of the Hearing Committee of PCC re P Zaloba, page 7

4. Zaloba's arrests and subsequent convictions were widely reported in the local media and discussed in the community, all of which reflected poorly on the profession.
5. In his texts and communications to [Name Redacted] and [Name Redacted], Zaloba acknowledged the illegality of his actions. Clearly, he was fully aware of the criminal nature of his actions.

Dated at the City of Edmonton in the Province of Alberta, Tuesday, May 31, 2016.

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

