

THE ALBERTA TEACHERS' ASSOCIATION
DECISION OF THE HEARING COMMITTEE
OF THE PROFESSIONAL CONDUCT COMMITTEE
IN THE MATTER OF CHARGES OF UNPROFESSIONAL
CONDUCT AGAINST MARC RICHARD DAIGLE

The hearing committee of the Professional Conduct Committee of the Alberta Teachers' Association reports that charges of unprofessional conduct laid against Marc Richard Daigle of [Location Redacted] were duly investigated in accordance with the *Teaching Profession Act* (TPA). The hearing was held in Barnett House, 11010 142 Street NW, Edmonton, Alberta, Canada on Friday, January 24, 2020.

Professional Conduct Committee members present at the hearing committee were [Redacted]

[Redacted] presented the case against the investigated member. The investigated member, Marc Daigle, was not present. While [Redacted] Daigle's counsel signed a number of documents on Daigle's behalf, [Redacted] was not present either.

COMPOSITION/JURISDICTION

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

PRELIMINARY MATTERS

Under section 40 of the TPA, a hearing committee, on proof of service of the notice of hearing on the investigated person in accordance with the TPA, may proceed with the hearing in the absence of the investigated person and may act and decide on the matter being heard in the same way as if the investigated person were in attendance.

CHARGES AND PLEA

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

1. Marc Richard Daigle is charged with unprofessional conduct pursuant to the *Teaching Profession Act* in that he, while a member of the Alberta Teachers' Association, on or about November 21, 2016, engaged in conduct for which he, on March 12, 2019, was convicted of an indictable offence, to wit: On or about the 21st day of November, 2016, at or near [Redacted] Alberta, did transmit, make available, distribute, sell, import, export, or possess for the purpose of transmission, making available, distribution, sale or exportation, child pornography, contrary to section 163.1(3) of the *Criminal Code of Canada*.

2. Marc Richard Daigle is charged with unprofessional conduct pursuant to the *Teaching Profession Act* in that he, while a member of the Alberta Teachers' Association, on or about

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November 21, 2016, engaged in conduct for which he, on March 12, 2019, was convicted of an indictable offence, to wit: On or about the 21st day of November, 2016, at or near [REDACTED] Alberta, did access child pornography, contrary to section 163.1(4.1) of the *Criminal Code of Canada*.

3. Marc Richard Daigle is charged with unprofessional conduct pursuant to the *Teaching Profession Act* in that he, while a member of the Alberta Teachers' Association, on or about May 24, 2017, engaged in conduct for which he, on March 12, 2019, was convicted of an indictable offence, to wit: On or about the 24th day of May, 2017, at or near [REDACTED] did possess child pornography, contrary to section 163.1(4) of the *Criminal Code of Canada*.

The investigated member entered a plea of guilty to the three charges.

WITNESSES

There were no witnesses called.

EXHIBITS FILED

Exhibit 1—Declaration of awareness of rights, signed by [REDACTED] dated January 13, 2020
Exhibit 2—Notice of hearing and Canada Post confirmation of delivery on December 19, 2019
Exhibit 3—Submission on plea, signed by [REDACTED] dated January 13, 2020
Exhibit 4—Certificate of conviction aligned with Charge 1, dated July 16, 2019
Exhibit 5—Certificate of conviction aligned with Charge 2, dated July 16, 2019
Exhibit 6—Certificate of conviction aligned with Charge 3, dated July 16, 2019
Exhibit 7—Agreed statement of facts, dated March 11, 2019, from Daigle's court trial
Exhibit 8—Joint submission on penalty, signed by [REDACTED] and [REDACTED] dated January 13, 2020

EVIDENCE ADDUCED AND EXHIBITS FILED INDICATED THAT:

1. Daigle was a member of the Alberta Teachers' Association during the 2016/17 school year. (Exhibit 3)
2. Daigle pled guilty and was convicted under section 163.1(3) of the *Criminal Code of Canada* on June 24, 2019. The charge read: on or about the 21st day of November, 2016, at or near [REDACTED] did transmit, make available, distribute, sell, import, export, or possess for the purpose of transmission, making available, distribution, sale or exportation, child pornography. (Exhibit 4)
3. Daigle pled guilty and was convicted under section 163.1(4.1) of the *Criminal Code of Canada* on June 24, 2019. The charge read: on or about the 21st day of November, 2016, at or near [REDACTED] did access child pornography. (Exhibit 5)

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4. Daigle pled guilty and was convicted under section 163.1(4) of the *Criminal Code* of Canada on June 24, 2019. The charge read: on or about the 24th day of May, 2017, at or near [REDACTED] [REDACTED] did possess child pornography. (Exhibit 6)
5. Section 23(2) of the TPA states that if a member has been convicted of an indictable offence, the conduct of the member on which the conviction is based is deemed to constitute unprofessional conduct. Also, section 41(2)(a) of the TPA also provides that if a member has been convicted of an indictable offence, a hearing committee has no authority to find that the conduct of the member on which the conviction is based does not constitute unprofessional conduct.

DECISION OF THE HEARING COMMITTEE

Charge 1—Guilty

Charge 2—Guilty

Charge 3—Guilty

REASONS FOR DECISION

1. Daigle entered a plea of guilty to the three charges. (Exhibit 3)
2. Further, Daigle was convicted of indictable offences under sections 163.1(3), 163.1(4.1) and 163.1(4) of the *Criminal Code* of Canada and is therefore guilty of unprofessional conduct under section 23(2)(a) of the TPA.
3. Section 23(2)(a) of the TPA stipulates that if a member has been convicted of an indictable offence, the conduct of the member upon which the conviction is based is deemed to constitute unprofessional conduct.

SUBMISSION ON PENALTY

The hearing committee received a joint submission on penalty recommending:

1. A declaration that Daigle is permanently ineligible for membership in the Alberta Teachers' Association
2. A recommendation to the minister of education to permanently cancel Daigle's teaching certificate. (Exhibit 8)

PENALTY

The hearing committee ordered the following penalty:

1. A declaration that Daigle is permanently ineligible for membership in the Alberta Teachers' Association
2. A recommendation to the minister of education to permanently cancel Daigle's teaching certificate.

REASONS FOR PENALTY

1. Daigle pled guilty to the three charges against him. He was also convicted of three indictable offences under section 163.1 of the *Criminal Code* of Canada.
2. If a member is convicted of an indictable offence, then the conduct on which the conviction is based is deemed to be unprofessional conduct and the hearing committee must find that the conduct of the member on which the conviction is based constitutes unprofessional conduct.
3. Due to the egregious nature of the offences, and due to a teacher's position of trust in relation to students, and due to a teacher's duty to act only in a manner that safeguards the interests of children generally, the hearing committee ruled that Daigle should be permanently ineligible for membership in the Alberta Teachers' Association. For the same reasons, the hearing committee also ruled that a recommendation should be made to the minister of education to permanently cancel Daigle's teaching certificate.
4. Teachers are held to the highest standards by the public, as well as their peers. Teachers must maintain the public's confidence; therefore, Daigle's conduct failed to uphold the honour and dignity of the profession and jeopardized the public's trust in the profession.

Dated at the City of Edmonton in the Province of Alberta, Wednesday, February 26, 2020.

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

