

THE ALBERTA TEACHERS' ASSOCIATION

REPORT OF THE HEARING COMMITTEE  
OF THE PROFESSIONAL CONDUCT COMMITTEE

IN THE MATTER OF CHARGES OF UNPROFESSIONAL  
CONDUCT AGAINST PAUL ROGER MARTIAL

The hearing committee of the Professional Conduct Committee of the Alberta Teachers' Association reports that charges of unprofessional conduct laid against Paul Roger Martial 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 Thursday, May 17, 2018, commencing at 0900.

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

CONSTITUTION/JURISDICTION

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

CHARGES AND PLEA

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

1. Paul Roger Martial 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 the first day of November 2012 and the 30th day of September 2014, both days inclusive, at or near [REDACTED], engaged in conduct for which he, on the 16th day of October 2017, was convicted of an indictable offence, to wit: did for sexual purpose, unlawfully touch directly or indirectly, with a part of the body or with an object, a part of the body of a student, a person [REDACTED] contrary to section 151 of the *Criminal Code of Canada*, thus failing to treat the pupil with dignity and respect and be considerate of their circumstances.
2. Paul Roger Martial 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 the first day of November 2012 and the 30th day of September 2014, both days inclusive, at or near [REDACTED], engaged in conduct for which he, on the 16th day of October 2017, was convicted of an indictable offence, to wit: did for sexual purpose,

unlawfully touch directly or indirectly, with a part of the body or with an object, a part of the body of a student, a person [REDACTED] contrary to section 151 of the *Criminal Code of Canada*, thereby failing to act in a manner which maintains the honour and dignity of the profession.

3. Paul Roger Martial 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 the 9th day of August 2012 and the 16th day of November 2014, both days inclusive, at or near [REDACTED] engaged in conduct for which he, on the 16th day of October 2017, was convicted of a summary offence, to wit: by means of telecommunication, communicated 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, subsection 160(3) or 173(2) or section 271, 272, 273, or 280 with respect to that person, contrary to section 172,1 (1) (B) of the *Criminal Code of Canada*, thus failing to treat the pupil with dignity and respect and be considerate of their circumstances.

[REDACTED] said [REDACTED] wanted to withdraw Charge 3. The hearing committee agreed to the withdrawal of the charge.

In Martial's absence, the chair directed a plea of not guilty to each of the charges, on his behalf.

#### WITNESSES

There were no witnesses called.

#### EXHIBITS FILED

- Exhibit 1—Notice of hearing, returned by Canada Post as unclaimed registered mail. Copy of newspaper advertisements that were placed in the Edmonton Journal on April 24, 2018 and May 1, 2018 advising the investigated member of the date and particulars of the hearing
- Exhibit 2—Proof of Martial's membership in the Association from September 1, 2010 to October 31, 2015 inclusive
- Exhibit 3—Copy of a statement of conviction of Martial under Part XIX (indictable) of the *Criminal Code* dated October 16, 2017
- Exhibit 4—Trial excerpt in the Court of Queens's Bench of Alberta, Judicial Centre of Edmonton, Her Majesty the Queen v. Paul Roger Martial.
- Exhibit 5—Copy of a news story by CBC.ca [REDACTED]
- Exhibit 6—List of precedent cases

EVIDENCE ADDUCED AND EXHIBITS FILED INDICATED THAT:

1. In accordance with section 64(a) of the *Teaching Profession Act*, the notice of hearing was sent to the last recorded address for Martial in Association records. Given the registered mail was not claimed and in accordance with section 64(b), a notice was published in the *Edmonton Journal* on April 24, 2018 and May 1, 2018 announcing the date of the hearing.
2. The committee determined that service has been effected in accordance with the requirements as set out in 64 (a) and (b) of the *Teaching Profession Act*. Given that there was proof of service in accordance with the act, the committee proceeded with the hearing in the absence of Martial, in accordance with section 40.
3. Martial was a member of the Alberta Teachers' Association, employed by [School Division Redacted], during the period from September 1, 2010 to October 31, 2015 inclusive (Exhibit 2).
4. On October 16, 2017, Martial was convicted of an indictable offence, under section 151 of the *Criminal Code*, sexual interference of a [REDACTED] and sentenced to 8 years' imprisonment (Exhibit 3).
5. The actions for which Martial was convicted occurred between November 1, 2012 and September 30, 2014.
6. [REDACTED], out of concern for the privacy and vulnerability of the victim, requested a publication ban on the use of the student's name. The hearing committee agreed to protect the anonymity of the student in its written decision, referring to the student as Student A.
7. [REDACTED] outlined the following summary of events:
  - a) Martial met Student A, [Age Redacted], in the 2010/11 school year when he was Student A's [Grade Redacted] teacher.
  - b) Although Martial was not Student A's teacher in the following year, as he was at a different school, he remained in contact with Student A.
  - c) During this year Martial became friends with Student A's parents and visited the family home.
  - d) In 2012/13 when Student A was in [Grade Redacted], the student asked Martial for his contact number in order to use him as a referee for a job.
  - e) During this same year, Student A's parents engaged Martial to tutor Student A.
  - f) Between 2012 and 2014, 88,000 messages were exchanged between Martial and Student A, using [REDACTED] (a social networking app that allows for private text messaging).
  - g) Between 2012 and 2014, numerous phone calls were also exchanged between Martial and Student A.
  - h) In November 2012, physical [REDACTED] interference began and lasted until the fall of 2014. It involved repeated [REDACTED]

8. After a nine-month police investigation, Martial was charged on September 9, 2015 and was suspended the following day by [School Division Redacted] (Exhibit 5).

#### DECISION OF THE HEARING COMMITTEE

Charge 1—Guilty

Charge 2—Guilty

#### REASONS FOR DECISION

1. Martial, while a member of the Alberta Teachers' Association, between September 1, 2010 and October 31, 2015, engaged in conduct for which he, on October 16, 2017 was convicted of an indictable offence, to wit: [REDACTED] interference of a child contrary to section 151 of the *Criminal Code* of Canada, thereby failing to treat the pupil with dignity and respect and to be considerate of their circumstances.
2. Martial was convicted of an indictable offence involving sexual interference of a child under section 151 of the *Criminal Code*. As per section 23(2)(a) of the *Teaching Profession Act*, if a member has been convicted of an indictable offence, the conduct of the member on which the conviction is based is deemed to be unprofessional conduct, thereby failing to act in a manner which maintains the honour and dignity of the profession.

#### SUBMISSION ON PENALTY

[REDACTED] recommended the following penalty:

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

#### PENALTY

The committee ordered the following penalty:

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

### REASONS FOR PENALTY

1. Martial is guilty of an indictable offence involving [REDACTED] interference of a child. This behaviour is a heinous and reprehensible betrayal of the trust placed in him by the public, profession and students. Society has a right to expect that teachers will act in a manner which establishes and maintains a trust relationship between teachers, parents and students. Martial violated this trust relationship.
2. Martial's persistent and repeated [REDACTED] interference with Student A was sustained over a period of approximately two years.
3. Through his actions, Martial abused his position of authority and responsibility. His actions included a lengthy period of grooming and manipulation of Student A.
4. Martial's actions had a severe negative impact on Student A's life and ability to form age-appropriate relationships.
5. Martial used his position as a teacher to gain an elevated status and authority over Student A and exploited the faith and trust of Student A's parents.
6. Society views [REDACTED] relationships between teachers and students as repugnant. The committee determined that the egregious level of wrongdoing in this case merits the most significant of sanctions.
7. Martial's actions were reported widely in the media, which undermines the public's trust in the teaching profession.
8. Martial's behaviour demonstrates that he is unfit to teach and should never again be part of the teaching profession.
9. Martial brought dishonour and disrepute to the teaching profession through his actions and subsequent conviction of an indictable offence.
10. The penalty is intended to protect the interests of children, the profession and society. The public must be assured that teachers who engage in unprofessional conduct will not go unpunished.
11. The committee considered [REDACTED] submission on penalty to be appropriate. The committee considered similar precedent cases and found the recommend penalty to be consistent with similar cases.

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12. The committee did not order a fine in addition to the sanction noting, in part, it is possible Martial would be unable to pay the fine, particularly given his loss of livelihood and incarceration.

Dated at the City of Edmonton in the Province of Alberta, Friday, June 1, 2018.

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

