

THE ALBERTA TEACHERS' ASSOCIATION

REPORT OF THE HEARING COMMITTEE
OF THE PROFESSIONAL CONDUCT COMMITTEE

IN THE MATTER OF CHARGES OF UNPROFESSIONAL
CONDUCT AGAINST JAMEY BRIAN KRISTIAN

The hearing committee of the Professional Conduct Committee of the Alberta Teachers' Association reports that charges of unprofessional conduct laid against Jamey Brian Kristian 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 Wednesday, March 15, 2017 at 0930.

Professional Conduct Committee members present as the hearing committee were [REDACTED]

[REDACTED] presented the case against the investigated member. The investigated member, Jamey Kristian, was not present and was not represented.

CONSTITUTION/JURISDICTION

There was no objection to the constitution or jurisdiction of the hearing committee.

CHARGES AND PLEA

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

1. Jamey Brian Kristian is charged with unprofessional conduct pursuant to the *Teaching Profession Act* in that he, while a member of the Alberta Teachers' Association, between July 1, 2012 and October 31, 2012, engaged in conduct for which he, on September 15, 2015, was convicted of an indictable offence, to wit: Did, for a sexual purpose, touch, directly or indirectly, with a part of the body or with an object, a part of the body of a person under the age of [REDACTED] contrary to section 151 of the *Criminal Code of Canada*.
2. Jamey Brian Kristian is charged with unprofessional conduct pursuant to the *Teaching Profession Act* in that he, while a member of the Alberta Teachers' Association, between August 1, 2012 and January 31, 2013, engaged in conduct for which he, on September 15, 2015, was convicted of an indictable offence, to wit: Did, surreptitiously observe or make visual recording of persons in circumstances that give rise to a reasonable expectation of privacy and did thereby commit voyeurism in various changerooms, contrary to section 162(1)(A) of the *Criminal Code of Canada*.

3. Jamey Brian Kristian is charged with unprofessional conduct pursuant to the *Teaching Profession Act* in that he, while a member of the Alberta Teachers' Association, between July 1, 2012 and October 31, 2012, engaged in conduct for which he, on September 15, 2015, was convicted of an indictable offence, to wit: Did, make, print, publish, or possess for the purpose of publishing, child pornography depicting a child, contrary to section 163.1(2) of the *Criminal Code of Canada*.
4. Jamey Brian Kristian is charged with unprofessional conduct pursuant to the *Teaching Profession Act* in that he, while a member of the Alberta Teachers' Association, between September 1, 2012 and January 31, 2013, engaged in conduct for which he, on September 15, 2015, was convicted of an indictable offence, to wit: Did, make, print, publish, or possess for the purpose of publishing, child pornography (various changerooms), contrary to section 163.1(2) of the *Criminal Code of Canada*.
5. Jamey Brian Kristian is charged with unprofessional conduct pursuant to the *Teaching Profession Act* in that he, while a member of the Alberta Teachers' Association, between March 5, 2006 and January 24, 2014, engaged in conduct for which he, on September 15, 2015, was convicted of an indictable offence, to wit: Did, posses child pornography, contrary to section 163.1(4) of the *Criminal Code of Canada*.
6. Jamey Brian Kristian is charged with unprofessional conduct pursuant to the *Teaching Profession Act* in that he, while a member of the Alberta Teachers' Association, between June 23, 2007 and June 22, 2012, engaged in conduct for which he, on September 15, 2015, was convicted of an indictable offence, to wit: Did, commit a sexual assault upon a child, contrary to section 271 of the *Criminal Code of Canada*.

In the absence of the investigated member, the chair directed a plea of not guilty to each of the charges.

WITNESSES

No witnesses were called.

EXHIBITS FILED

- Exhibit 1—Notice of hearing sent by registered mail to last address in Association records and returned unclaimed
- Exhibit 2—Proof of Kristian's membership in the Association from October 1, 2007 to May 30, 2014 inclusive
- Exhibit 3—Conviction certificate, file 141111039P1-01-013 (related to Charge 1)
- Exhibit 4—Conviction certificate, file 141111039P1-01-016 (related to Charge 2)
- Exhibit 5—Conviction certificate, file 141111039P1-01-010 (related to Charge 3)

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- Exhibit 6—Conviction certificate, file 141111039P1-01-014 (related to Charge 4)
Exhibit 7—Conviction certificate, file 141111039P1-01-024 (related to Charge 5)
Exhibit 8—Conviction certificate, file 141111039P1-01-003 (related to Charge 6)
Exhibit 9—Order of Provincial Court of Alberta Criminal Division, dated December 7, 2016, describing a publication ban and conditions of release of the agreed statement of facts to the Association
Exhibit 10—Agreed statement of facts, dated September 15, 2015, from Kristian's court trial

EVIDENCE ADDUCED AND EXHIBITS FILED INDICATED THAT:

1. Kristian was a member of the Alberta Teachers' Association during the period of October 1, 2007 to May 5, 2014. (Exhibit 2)
2. Kristian was employed by a public school board in Alberta during the time the offences occurred. (Exhibit 2)
3. Kristian was convicted of six indictable offences under Canada's *Criminal Code* [sections 151, 162(1)(A), 163.1(2), 163.1(2), 163.1(4), and 271]. (Exhibits 3-8)
4. Kristian admitted to having sexually interfered with Student A in the summer of 2013, while he was a member of the Association. (Exhibit 10)
5. Kristian admitted to committing sexual assault on Student B and making child pornography of Student B, over a period of approximately two to three years, in the role of a [REDACTED] of Student B and while a member of the Association. (Exhibit 10)
6. Kristian admitted to committing sexual assault on Student C and making child pornography of Student C, over a period of approximately two to three years and while a member of the Association. (Exhibit 10)

DECISION OF THE HEARING COMMITTEE

- Charge 1—guilty
Charge 2—guilty
Charge 3—guilty
Charge 4—guilty
Charge 5—guilty
Charge 6—guilty

REASONS FOR DECISION

1. The findings of guilt are based on the evidence that Kristian, while a member of the Alberta Teachers' Association, engaged in misconduct for which he subsequently was convicted of six indictable offences under the *Criminal Code* and pursuant to section 41(2) of the *Teaching Profession Act*.

SUBMISSION ON PENALTY

The presenting officer recommended the penalty of

1. permanent ineligibility for membership in the Alberta Teachers' Association and
2. a recommendation to the minister of education for permanent cancellation of Kristian's teaching certificate.

PENALTY

The committee imposes the penalty of

1. permanent ineligibility of membership in the Alberta Teachers' Association and
2. a recommendation to the minister of education for permanent cancellation of Kristian's teaching certificate.

REASONS FOR PENALTY

1. Kristian was convicted of six indictable offences under Canada's *Criminal Code* [sections 151, 162(1)(A), 163.1(2), 163.1(2), 163.1(4), and 271] for which he was sentenced to a lengthy prison term in a federal penitentiary.
2. There was evidence of planned predatory behaviour, including grooming of students, over extended periods of time, various circumstances, and settings. These acts involved at least three minor children. (Exhibit 10)
3. Kristian preyed on vulnerable students causing them severe emotional and psychological damage. This reprehensible behaviour caused harm to the students and their families. (Exhibit 10)
4. Kristian took advantage of his position of authority and trust to exploit minors. (Exhibit 10)
5. At a minimum, the public has a right to expect that children will be protected from the heinous acts and behaviours in which Kristian engaged.

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6. Kristian failed to demonstrate respect for the students he abused and as such, failed to maintain the honour and dignity of the profession.
7. The egregious nature of the offences requires that Kristian be permanently removed from the teaching profession. (Exhibits 3 through 8)

Dated at the City of Edmonton in the Province of Alberta, Wednesday, March 29, 2017.

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

