

THE ALBERTA TEACHERS' ASSOCIATION
REPORT OF THE HEARING COMMITTEE
OF THE PROFESSIONAL CONDUCT COMMITTEE
IN THE MATTER OF CHARGES OF UNPROFESSIONAL
CONDUCT AGAINST ROBERT JOHN PAOLINELLI

The hearing committee of the Professional Conduct Committee of the Alberta Teachers' Association reports that charges of unprofessional conduct laid against Robert John Paolinelli of [Location 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 Monday, December 16, 2013 at 0900.

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

[REDACTED] The investigated member, Robert Paolinelli, was not present and was not represented by counsel.

The presenting officer requested that hereafter any documents naming the young person referenced in the charges refer to that young person by the initials [REDACTED] only. The hearing committee allowed that request and so directed.

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. Robert John Paolinelli 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 October 4, 2011, at or near [REDACTED], in the Province of Alberta, engaged in conduct for which he was convicted of an indictable offence, where he did, for a sexual purpose, touch directly the body of [REDACTED], a young person, with a part of his body, his hand, contrary to section 153(1)(a) of the *Criminal Code*, thus failing to treat the student with dignity and respect and consideration for [REDACTED] circumstances.
2. Robert John Paolinelli 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 October 4, 2011, at or near [REDACTED], in the Province of Alberta, provided alcohol to a minor, thus failing to treat the student with dignity and respect and consideration for [REDACTED] circumstances.

3. Robert John Paolinelli 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 October 4, 2011, at or near [REDACTED], in the Province of Alberta, engaged in conduct for which he was convicted of an indictable offence where he did, for a sexual purpose, touch directly the body of [REDACTED], a young person, with a part of his body, his hand, contrary to section 153(1)(a) of the *Criminal Code*, thus failing to maintain the honour and dignity of the profession.
4. Robert John Paolinelli 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 October 4, 2011, at or near [REDACTED], in the Province of Alberta, engaged in partying and consuming alcohol with a minor, in Paolinelli's home, thus failing to maintain the honour and dignity of the profession.

The investigated member entered a plea of guilty to each of the charges by written submission.

WITNESSES

No witnesses were called.

EXHIBITS FILED

- Exhibit 1—Notice of hearing and affidavit of service on December 5, 2013
- Exhibit 2—Proof of Paolinelli's membership in the Association from September 1, 2006 to December 31, 2011 inclusive
- Exhibit 3—Declaration of awareness of rights, signed by Paolinelli, dated December 12, 2013
- Exhibit 4—Submission on plea, signed by Paolinelli, dated December 12, 2013
- Exhibit 5—Agreed statement of facts, signed by Paolinelli and [REDACTED] dated December 12, 2013
- Exhibit 6—Certificate of Conviction (Condemnation) from the Province of Alberta
- Exhibit 7—Joint submission on penalty, signed by Paolinelli and [REDACTED] dated December 12, 2013
- Exhibit 8—Personal letter to the hearing committee, titled Speaking to Penalty, from Paolinelli, dated December 12, 2013

EVIDENCE ADDUCED AND EXHIBITS FILED INDICATED THAT:

1. Paolinelli was a member of the Alberta Teachers' Association during the period September 1, 2006 to December 31, 2011 inclusive (Exhibit 2).
2. Paolinelli was employed by [School Division Redacted] from 2006 to 2012 (Exhibit 5).

3. Paolinelli was a [Subject Redacted] teacher at [School Redacted](Exhibit 5).
4. On December 14, 2011, Paolinelli was convicted of an indictable offence under section 153(1)(a) of the *Criminal Code* (Exhibit 6).
5. Paolinelli resigned his teaching position with [School Division Redacted] in January 2012 (Exhibit 5).
6. Paolinelli was a minor hockey coach and was actively involved in coaching since 1986, except for a period of four years while he was attending university (Exhibit 5).
7. In the spring of 2007, [Name Redacted], then deputy superintendent, spoke to Paolinelli regarding an accusation from a parent that Paolinelli had hosted a party in his home where adults, hockey players and minors drank alcohol. Paolinelli acknowledged that alcohol was served but stressed that no one was intoxicated. The next day, Paolinelli resigned from his coaching position (Exhibit 5).

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



DECISION OF THE HEARING COMMITTEE

Charge 1—Guilty

Charge 2—Guilty

Charge 3—Guilty

Charge 4—Guilty

REASONS FOR DECISION

1. Paolinelli was convicted of an indictable offence under section 153(1)(a) of the *Criminal Code* of Canada. Paolinelli is therefore guilty of unprofessional conduct under section 23(2)(a) of the *Teaching Profession Act*.
2. By engaging in inappropriate discussions and actions of a sexual nature with a student, Paolinelli failed to treat the student with dignity and respect and violated his position of trust as a teacher.
3. By engaging in inappropriate discussions and actions of a sexual nature with a student, Paolinelli failed to maintain the honour and dignity of the profession.
4. Teachers should not engage in sexual activities with students; such actions are repugnant and reprehensible.
5. By providing alcohol to a student who was also a minor, and engaging in an alcohol-related drinking game with the student, Paolinelli failed to treat the student with dignity and respect and consideration for [REDACTED] circumstances.
6. By providing alcohol to the student/minor, and engaging in an alcohol-related drinking game with the student, Paolinelli failed to maintain the honour and dignity of the profession.
7. Society has the right to expect that teachers will act in a manner which establishes and maintains a trust relationship between teachers and students. Paolinelli violated this trust relationship.

PENALTY

The hearing committee of the Professional Conduct Committee imposed the following penalty on Paolinelli:

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

REASONS FOR PENALTY

1. Paolinelli brought dishonour and disrepute to the teaching profession because of his conviction of an indictable offence and his conduct giving rise to that conviction.
2. The penalty imposed is consistent with previous cases of a similar nature where there is evidence of inappropriate actions of a sexual nature with a student.
3. Paolinelli acted in a manner that was detrimental to the best interests of a student when he provided alcohol to the student/minor and engaged in an alcohol-related drinking game with the student/minor.
4. Paolinelli brought dishonour and disrepute to the profession when he provided alcohol to a student/minor and engaged in an alcohol-related drinking game with the student/minor.
5. Society has the right to expect that teachers will act in a manner which establishes and maintains a trust relationship between teachers and students. Paolinelli violated this trust relationship.

Dated at the City of Edmonton in the Province of Alberta, Monday, December 16, 2013.

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

