

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

IN THE MATTER OF CHARGES OF UNPROFESSIONAL
CONDUCT AGAINST VICTOR TIMOTHY MARTENS

The hearing committee of the Professional Conduct Committee of The Alberta Teachers' Association reports that charges of unprofessional conduct laid against Victor Timothy Martens 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, December 19, 2001 at 1300.

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

[REDACTED] presented the case against the investigated member. The investigated member was not present and was not represented by counsel.

CONSTITUTION/JURISDICTION

There was no objection to the constitution of the committee or its jurisdiction to hear the case.

PLEA

The following charges were read by the secretary to the hearing committee.

1. Victor Timothy Martens is charged with unprofessional conduct pursuant to the *Teaching Profession Act* in that he, while a member of The Alberta Teachers' Association, failed to treat a student with dignity and respect and to be considerate of [REDACTED] circumstances.
2. Victor Timothy Martens is charged with unprofessional conduct pursuant to the *Teaching Profession Act* in that he, while a member of The Alberta Teachers' Association, did not act in a manner which maintains the honor and dignity of the profession when he contravened and was found guilty of contravening section 159(1) and section 159(1)(A), indictable offences under the Criminal Code of Canada.

[REDACTED] introduced an amendment to charge 2 to change the reference to section 159(1)(A) to 153(1)(A) as in the statement of conviction. It was pointed out that there is no section 159(1)(A) in the Criminal Code of Canada. There was evidence that the accused member clearly understood the charges against him despite the erroneous numbering. Consequently the committee accepted

the amendment and directed that numbering in Exhibits 1 and 2 also be changed to the correct reference.

The investigated member entered a plea of "guilty" to the charges by way of a written submission signed by the member earlier and tendered by the prosecuting officer.

WITNESSES

No witnesses were called.

EVIDENCE ADDUCED AND EXHIBITS FILED INDICATED THAT:

1. V Martens began working as a teacher for [REDACTED] Division [REDACTED] beginning August 30, 1999 and continued his employment until September 21, 2001. (Exhibits 2 and 5)
2. V Martens, was a member of The Alberta Teachers' Association during his tenure as a teacher with [REDACTED]. This period included the time the indictable offences in question took place (between May 1, 2000 and September 13, 2000) as well as the date of conviction for these offences (September 21, 2001). (Exhibits 2 and 5)
3. V Martens, on or between the 1st day of May A.D. 2000 and the 22nd day of September A.D. 2000, at or near [REDACTED] in the province of Alberta, did, while being in a position of trust or authority towards or in a relationship of dependency with a young person, 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 this young person contrary to section 153(1) (A) of the Criminal Code of Canada. (Exhibit 2)
4. V Martens, on or between the 1st day of May A.D. 2000 and the 22nd day of September A.D. 2000, at or near [REDACTED] in the province of Alberta, did unlawfully engage in [REDACTED] intercourse with a young person contrary to section 159(1) of the Criminal Code of Canada. (Exhibit 2)
5. V Martens, on the 21st day of September, 2001, plead guilty under part XIX (indictable) of the Criminal Code to the charge that:
On or between the 1st day of May A.D. 2000 and the 22nd day of September A.D. 2000 at or near [REDACTED] in the province of Alberta, did while being in a position of trust or authority towards or in a

relationship of dependency with a young person, 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 said young person contrary to Section 153(1) (A) of the Criminal Code of Canada. (Exhibit 3.)

6. V Martens, on the 21st day of September, 2001, plead guilty under part XIX (indictable) of the Criminal Code to the charge that:
On or between the 1st day of May A.D. 2000 and the 22nd day of September A.D. 2000 at or near [REDACTED] in the province of Alberta, did unlawfully engage in [REDACTED] intercourse with a young person contrary to Section 159(1) of the Criminal Code of Canada. (Exhibit 4)
7. V Martens was convicted of the said offences on the 21st day of September, 2001 and was sentenced to two years imprisonment. (Exhibit 2)
8. V Martens taught at [REDACTED] School until September 23, 2000. He voluntarily resigned from his position with [REDACTED] on September 21, 2000. (Exhibit 2 and 5)

DECISION OF THE HEARING COMMITTEE

The hearing committee accepted the guilty plea on both counts.

PENALTY

The hearing committee imposes the following penalty for each charge

1. That V Martens' membership in The Alberta Teachers' Association be canceled and that he be declared ineligible for membership in the Association
2. That a recommendation be made to the minister of learning that V Martens' teaching certificate be canceled.

REASONS FOR PENALTY

1. V Martens was convicted of two indictable offences.
2. V Martens failed to treat a student with dignity and respect and to be considerate of [REDACTED] circumstances.

3. A teacher convicted of an indictable offence brings dishonor and disrepute to the profession.
4. Teachers should not engage in sexual activity with students. Society views such actions as repugnant and reprehensible.
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. V Martens violated this trust relationship.
6. V Martens, in his initial conversation with the investigating officer, volunteered to relinquish his teaching certificate. (Exhibit 8)
7. V Martens was forthright and cooperative in his interviews with the investigating officer confirming the facts stated above. He provided the investigating officer with all documents requested and answered all questions asked of him. (Exhibits 1 and 2)
8. The penalty imposed is consistent with previous cases in that, where there is evidence of acceptance of responsibility and cooperation, no fine is assessed in addition to the penalty imposed.

Dated at the City of Edmonton in the Province of Alberta, Wednesday, December 19, 2001.

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

