

**BEFORE THE NEW ZEALAND  
TEACHERS DISCIPLINARY TRIBUNAL**

**NZTDT 2022/34**

**COMPLAINTS ASSESSMENT  
COMMITTEE**

**V**

**PAUL ARTUS  
Respondent**

Hearing: 26 June 2024, on the papers  
Appearances: R Belcher and L Eastlake for the CAC  
Mr Artus self-represented  
Date of Decision: 24 July 2024  
Tribunal: T J Mackenzie, D Shaver, W Flavell

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**DECISION OF THE TRIBUNAL REGARDING CHARGE,  
PENALTY, NONPUBLICATION AND COSTS**

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## Introduction

[1] Mr Artus has been referred to the Tribunal on the basis of alleged conduct occurring in 2000-2001. The CAC says that this conduct would if proven entitle the Tribunal to cancel his registration pursuant to s 129 Education Act 1989 (the operative disciplinary provision which applies to alleged conduct from that period).

[2] Mr Artus contests the Referral, as he is entitled to do.

## The Referral

[3] The referral reads as follows:

## Reasons for Referral

1 The CAC alleges that **PAUL ARTUS**, registered teacher, of Auckland, engaged in the following conduct whilst teaching at Dilworth School (**Dilworth**):

- 1.1. On one occasion between 1 June 2000 – 18 July 2000, Mr Artus spooned **“Student A”** (aged 14 years old) on a couch in his private residence.
- 1.2. Between 1 January 2000 and 31 December 2000, Mr Artus breached professional boundaries with student **“Student B”** when he:
  - (a) on one occasion, invited and/or allowed **“Student B”** to visit him at his private residence late at night; and/or
  - (b) on the occasion referred to at paragraph 1.2(a), discussed with **“Student B:”**
    - i. his relationship with **“Student A”**;
    - ii. his involvement in a Dilworth disciplinary process in respect of his relationship with **“Student A”**;
    - iii. his sexuality; and/or
    - iv. the sexuality of other teachers at Dilworth.
- 1.3. Between 1 January 2000 and 31 December 2001<sup>1</sup>, Mr Artus breached professional boundaries with **“Student C”** when he:
  - (a) gave and/or loaned a cell phone to **“Student C;”**

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<sup>1</sup> Date range amended on application by the CAC.

- (b) regularly communicated with **"Student C"** outside of school hours, including whilst Mr Artus was overseas on a sabbatical;
- (c) on one occasion, confided in **"Student C"** and another Dilworth student about his involvement in a disciplinary process at Dilworth when they visited Mr Artus' private residence;
- (d) told **"Student C"** that he loved him;
- (e) picked **"Student C"** up from his job at Burger King on several occasions and held his hand in the car on the drive home;
- (f) told **"Student C"** that in Ancient Greek times, sexual intimacy between older males and younger males was considered normal;
- (g) participated in drinking games with **"Student C"** and other Dilworth students at the flat Mr Artus resided at;
- (h) slept in a bed with **"Student C"** on a least one occasion after **"Student C"** had been drinking; and/or
- (i) regularly put his arm around **"Student C"** while they were lying on the couch together watching television at Mr Artus' flat.

1.4 In or around 2001, Mr Artus flatted in a flat near Dilworth with three former Dilworth students, who were aged 17-18 years old at the time.

[4] Previously the parties had been on course for a full hearing of all allegations. Mr Artus however then agreed that all particulars, bar 1.1 ("spooning") were accepted. An agreed summary of facts was reached. The parties then remained set for a disputed hearing just over that outstanding particular. The Tribunal then suggested to the parties that a hearing may not be justified given the extent of other conduct that was accepted.

[5] The parties were content to proceed on the basis that particular 1.1 was left undetermined but remained in the Referral. The Tribunal has then proceeded on that basis. Accordingly the hearing was vacated and a hearing on the papers was conducted, on the basis of the agreed summary of facts and submissions from the parties.

[6] The agreed facts read as follows:

## SUMMARY OF FACTS

1. The respondent, **PAUL ARTUS**, is a registered teacher. Mr Artus held consecutive Limited Authorities to Teach (**LAT**) from 3 October 1997 until 16 February 2006. He has been fully registered since 28 August 2009, and his last practising certificate expired on 19 January 2021.

### **Circumstances of the conduct**

#### *Inappropriate relationship with "Student A"*

#### Background

2. In 2000, Mr Artus was the Housemaster of Armagh House at Dilworth College. He was approximately 36 years old. Mr Artus lived on site at Dilworth College.
3. At the relevant time, "**Student A**" was 14 years old. [REDACTED] and "**Student A**" also lived on campus, two doors away from Mr Artus.
4. Mr Artus had known "**Student A**" since "**Student A**" was nine years old and had developed a strong emotional friendship/relationship with "**Student A**" from when "**Student A**" was 13 – 14 years old.
5. Mr Artus and "**Student A**"'s relationship involved:
  - 5.1. Mr Artus and "**Student A**" corresponding over email and chat rooms, during which Mr Artus talked about his love/feelings for "**Student A**". This included comments, from Mr Artus to "**Student A**", such as:
    - a. "you know I love you / you know u mean everything in the world to me / i consider u like a boyfriend"; and
    - b. "No matter how much, or how little, I want you in my life. I want to grow old knowing you. Knowing who you are and what you are doing;"
  - 5.2. Mr Artus travelling to Australia with "**Student A**;"
  - 5.3. Mr Artus buying "**Student A**" gifts;
  - 5.4. Mr Artus and "**Student A**" driving together, during which Mr Artus would occasionally let "**Student A**" drive;
  - 5.5. Mr Artus telling "**Student A**" about his personal life; and

- 5.6. Mr Artus going to **“Student A”**’s house with a 17-year-old to “break up” with **“Student A.”**
6. A Dilworth Trust Board sub-committee investigated Mr Artus’ relationship with **“Student A.”** Mr Artus acknowledged that he had developed a friendship with **“Student A”** but said that there was no “conduct” with **“Student A”** apart from the email and chat room records. Mr Artus said that the conduct was not sexual, nor harassment, and, while it may have been inappropriate, said it was only so in a relatively minor way.
  7. The sub-committee ultimately found that the relationship that had developed between Mr Artus and **“Student A”** constituted serious misconduct. The sub-committee recommended instant dismissal.
  8. The Dilworth Trust Board decided (and communicated to Mr Artus in a letter dated 1 October 2000) that, while Mr Artus’ conduct constituted serious misconduct that could warrant dismissal, the appropriate outcome was for Mr Artus to remain on staff as an LAT teacher and to remove him from his role as a Housemaster. The Dilworth Trust Board observed that any further misconduct or unacceptable behaviour could lead to instant dismissal and that Mr Artus was on a final warning.
  9. The Dilworth Trust Board forwarded the information to the Teacher Registration Board. Mr Artus submitted to the Teacher Registration Board that he disagreed with the Dilworth Trust Board’s finding of serious misconduct and said that it had overreacted. Mr Artus asked the Teacher Registration Board to accept his interpretation of his emails and chat room messages with **“Student A.”** As part of his explanation of the context, Mr Artus said that when he realised that he was “feeling inappropriate emotions of closeness and a certain dependence on **“Student A”**” he “pulled away from the friendship”.
  10. On 18 October 2000, the Teacher Registration Board decided not to cancel Mr Artus’ LAT. It said that it accepted, from the information provided, that Mr Artus admitted that he was responsible for the emails and that the communications were at best inappropriate.
  11. The above-detailed conduct does not form the basis of a new allegation before the Tribunal. However, it is relevant context to the **“Student B”** allegation described below.

*Inappropriate interactions with **“Student B”***

12. In 2000, **“Student B”** was a Year 13 student at Dilworth College.
13. In September 2000, while Mr Artus’ relationship with **“Student A”** was being investigated, Mr Artus invited or allowed **“Student B”** to go to Mr Artus’ house, late at night. **“Student B”** visited Mr Artus’ house along with three other students.

14. Mr Artus confided in him about his relationship with **"Student A"** in an attempt to gain support from students about the disciplinary matter involving **"Student A."**
15. Mr Artus showed **"Student B"** pictures of **"Student A"** (whom **"Student B"** thought was approximately 13 at the time). He also told **"Student B"** that **"Student A"** was "beautiful", that Mr Artus felt that **"Student A"** was an old soul in a kid's body and that he had never experienced such a connection with anyone else before. Mr Artus also told **"Student B"** that he did not care about what **"Student A"**'s parents thought about Mr Artus and **"Student A"**'s relationship, as it was none of their business.
16. Mr Artus also spoke to **"Student B"** about his own sexuality and the sexuality of other Dilworth College staff members.
17. **"Student B"** was shocked that a teacher would tell him this information and told his father about what Mr Artus had told him.

*Inappropriate interactions with "Student C"*

18. In 2000, **"Student C"** was a Year 11 Student at Dilworth College.
19. Mr Artus developed a friendship with **"Student C"** and relied on **"Student C"** for emotional support. One evening, between 1 January 2000 and 31 December 2000, **"Student C"** and another Dilworth College student, **"Student D"** visited Mr Artus' flat. Mr Artus confided in these students about the Dilworth disciplinary process involving **"Student A"**.
20. **"Student C"** said that, after Mr Artus ceased to be a Housemaster, he and some other gay students formed a support group for Mr Artus because coming out as gay was tough at that time. **"Student C"** said that he and **"Student D"** had gone over to Mr Artus' flat to check on him because they had not heard from him since he was stood down as a Housemaster. **"Student D"** recalled that he was so concerned about Mr Artus' welfare that he refused Mr Artus' requests to leave and to go back to the boarding house.
21. Mr Artus went for a holiday to Europe at some point between 2000 – 2001. Before he left, Mr Artus gave/loaned a cell phone to **"Student C"**. Mr Artus regularly communicated with **"Student C"**, outside of school hours and while Mr Artus was on an overseas sabbatical. When Mr Artus returned from being overseas, he immediately contacted **"Student C"** to get his cell phone back.
22. **"Student C"** got a job at Burger King. Mr Artus would regularly visit **"Student C"** at Burger King, and he would sometimes drive him home. Mr Artus would hold **"Student C"**'s hand in the car on the drive home. Mr Artus would hug **"Student C"** after he dropped him home.
23. Mr Artus told **"Student C"** that he loved him. He also told **"Student C"** that in Ancient Greek times, sexual intimacy between older males and younger males was considered normal.

24. In or around 2001, Mr Artus lived in a flat with three former Dilworth students who were aged 18 - 20 years old. Mr Artus would attend gatherings at his residence with current and former Dilworth students where he participated in drinking games with **"Student C"** and other students. **"Student C"** did not reside at the flat but would visit often.
25. On at least one occasion, **"Student C"** slept in Mr Artus' bed after **"Student C"** had been drinking.
26. Additionally, Mr Artus put his hand around **"Student C"**'s shoulder while they were watching television.
27. In March 2002, the Headmaster of Dilworth College, Donald MacLean wrote a memo to Mr Artus advising him to cease all informal "friendly" contact with **"Student C"**.

*Flatting with former Dilworth College students*

28. Around 2001, Mr Artus flatted with three former Dilworth College students (**"Student E"**, **"Student F"** and **"Student G"**). All these students were recent school leavers and aged between 18 – 20.
29. While Mr Artus lived at this flat, it was host to parties with drugs and alcohol. Current students of Dilworth College sometimes attended the parties. Mr Artus would drink and party with the students.

**Teacher's response**

*Initial response*

30. Mr Artus provided an initial response to the CAC investigator, through counsel, on 22 January 2022.
31. Mr Artus said that he could not recall the alleged contact involving **"Student B"** and denied that he spoke to him in the way alleged.
32. Mr Artus, in respect of his interactions with **"Student C"** said that, while Dilworth College investigated the **"Student A"** matter, he was feeling isolated, depressed, and lacking in support. Mr Artus said that there was a student-led movement to support him. He says that **"Student C"** and another student were very concerned for his wellbeing and that **"Student C"** ended up with Mr Artus' old phone as the students wanted to keep in touch and ensure he was safe. Mr Artus acknowledged that he contacted **"Student C"** soon after he returned from being overseas because he wanted to get his phone back and "move on without causing further issues."
33. Mr Artus acknowledged flatting with **"Student E"**, **"Student F"** and **"Student G"** in 2001. He said he accepted an invitation, from these former students, to flat with them as they had been a huge support to him. Mr Artus acknowledged that there were parties at this flat but said that he did not involve himself in them and

was “horrified” when current Dilworth College students turned up on one occasion. He said he was totally against drugs and underage drinking and denied ever being present when cannabis was being smoked at the flat.

#### *CAC meeting*

34. At the CAC meeting, Mr Artus said that he shared a close friendship with “**Student A**” and did not view him as a student, however, he now understands that this may have been wrong.
  35. Mr Artus told the CAC he was “pretty broken” at the end of 2000 because the allegations about his relationship with “**Student A**” were being considered by Dilworth and the Teaching Registration Board. Mr Artus said that, at a low moment, “**Student B**” and another student came to his door. Although he told them to go away, eventually Mr Artus broke down and cried to them.
  36. Mr Artus told the CAC that he never contacted “**Student B**” and is unsure how “**Student B**” ended up being involved in any conversations at that time. He said in general he never talks about personal issues such as sexuality with students but concedes that he did discuss such issues when students were contacting him about the Dilworth investigation.
- [7] Unfortunately, despite reaching agreed facts the various submissions filed by Mr Artus have in places added various new facts which are not accepted by the CAC. We do not see a need to traverse these further facts or set a path to determine them. Even if they were correct they would not make a difference to the outcomes.

#### **Discussion – liability for the referral**

- [8] We begin by noting that although the first set of conduct (paras 2 – 11 of the summary) describe conduct which was dealt with at the time through a formal disciplinary process, we consider it relevant to take that conduct into account as part of our overall assessment of fitness and character. It would be entirely artificial to ignore it. It is very similar behaviour, including being close in time, and the outcome put Mr Artus firmly on notice. We must take an overall view of his character, and that part of the narrative is highly relevant in doing so.
- [9] We also note that we have put aside the current particular which was not accepted or proven (the “spooning” particular).
- [10] The Referral test that we are to apply is often said to be much the same as the current legislative tests for serious misconduct – did it or was it likely to adversely affect students, and/or does it bring fitness into question, and/or does it bring the profession into disrepute (plus a serious breach of the reporting Rules).
- [11] We are required to look at all of the conduct cumulatively. In doing so we note several serious features of the conduct:



- That the students were met through the teaching role.
- The age disparities.
- Discussions of sexuality and sexual intimacy with students.
- Elements of grooming behaviour.
- The continuance of conduct despite formal warnings.
- The establishment of personal and/or intimate relationships.
- Purchasing of gifts.
- Residing with young former students.
- Sleeping in a bed with a student.
- Socialising with former and current students.

[12] The list could go on, and we refer back to the summary and particulars for the full account.

[13] Overall, we consider that this conduct is at the higher end of inappropriate behaviour from a teacher. We have no hesitation in finding that the referral is made out, in that Mr Artus is not of good character and not fit to be a teacher.

[14] In doing so we do not ignore that this was all some time ago. The mere passage of time however is not sufficient to remedy our concerns over such a significant set of conduct.

[15] We have also considered the response and explanations from Mr Artus. We will spare Mr Artus from a full revelation of those explanations. Suffice to say however we consider that he minimises the conduct and attempts to shift responsibility to other circumstances, instead of taking full ownership of the behaviour.

[16] Given the extent of the conduct however, even if a better approach had been taken by Mr Artus, it is unlikely that we would have been shifted in our views.

[17] As to outcome, we have taken into account that Mr Artus has not had any further similar issues and has dedicated himself as a classics teacher. It is obvious he has discharged his role with passion and has positively influenced many students in his teachings. It is unfortunate that we are faced with now having to make such serious findings against him, with all of that good work done.

[18] We consider however that due to the nature and extent of the conduct that cancellation of registration is the only appropriate outcome in this case.

## **Non publication**

*Mr Artus*

- [19] Mr Artus seeks a permanent order for non-publication of his name. He raises several grounds. He says he has an unusual surname. He notes that he derives some income from selling classics books that he authors. He also operates an Airbnb. He plans to travel to Africa and considers that there are some “strict anti-gay laws” in some areas. He says his name and reputation would be damaged. Lastly he is concerned for any association with Dilworth school, which has had some public attention of late for other legal issues including criminal prosecutions of former staff.
- [20] The Tribunal power to make such an order is at s 501(6) of the Education and Training Act 2020. We can make an order if we consider it proper to do so. There is a general presumption of open justice. There is also a principle that professionals will struggle to displace the presumption.
- [21] Here we consider that none of the grounds in isolation or together are sufficient reason to order permanent non publication. Concerns as to business, reputation and travel are all speculative. Equally they are commonly and easily raised concerns. As for any association with public concerns around Dilworth, the facts of the offending are laid clear and we do not see a risk of conflation with other conduct that may have stemmed from that School.
- [22] The application by Mr Artus is declined.

## **Other non-publication orders**

- [23] We make permanent orders for non-publication of all of the names of students and former students mentioned in the Referral and the summary of facts.

## **Costs**

- [24] CAC costs at the time of submissions were circa \$43000. On its face this is a high amount for a matter determined on agreed facts, on the papers. The CAC explains that the costs are at this level due to a number of issues including the large historical file, that a hearing was attempted three times, the pre hearing issue regarding earlier discipline (raised by Mr Artus), and that several conferences were required.
- [25] The CAC suggest an order of 30% of costs is appropriate, recognising that the usual 40% (or more) may need to be softened to reflect that not all of the work was caused by Mr Artus.

- [26] We will set the reasonable costs that Mr Artus should be liable for at \$30,000, which we consider is an appropriate and reasonable amount for this matter. We would prefer to follow the usual practice note method of then directing that 40% of those costs be met by Mr Artus. That is a sum of \$12,000 (little different from the \$12900 if 30% of \$43000 was instead taken).
- [27] Tribunal costs will be at or in excess of \$2000. A contribution of 40% or \$800 is also directed.



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**T J Mackenzie Deputy Chair**