

In the matter of a public complaint pursuant to Sections 35 and 36 of *The Registered Teachers Act, 2015* and Brian Chapman, Teacher Certificate # [REDACTED].

Saskatchewan Professional Teachers Regulatory Board (SPTRB)

Consensual Complaint Resolution Agreement

This agreement is made pursuant to clause 36(2)(b)(i) of *The Registered Teachers Act, 2015* and the related bylaws and procedures.

Between:

BRIAN CHAPMAN, REGISTERED TEACHER # [REDACTED]

and

THE PROFESSIONAL CONDUCT COMMITTEE OF THE SPTRB

1. HISTORY OF COMPLAINT, BACKGROUND AND RELEVANT FACTS

1.1 The Registered Teacher held Saskatchewan teacher's certificate number [REDACTED] and was registered with the Saskatchewan Professional Teachers Regulatory Board ("SPTRB") to teach in Saskatchewan at the time the complaint regarding his professional conduct was received. For the remainder of this agreement BC will be referred to as "the Registered Teacher".

1.2 On October 13, 2016 the SPTRB received a Teacher Complaint Form from a member of the public.

1.2.1 The complainant was a student teacher attending an internship seminar September 15 and 16, 2016.

1.2.2 The Registered Teacher was not the complainant's cooperating teacher or supervisor.

1.3 The Registered Teacher was employed as a teacher by the [REDACTED] in [REDACTED], Saskatchewan during the time of the alleged professional misconduct.

1.3.1 The concerns alleged professional misconduct contrary to section 33 of the *Registered Teachers Act*:

33 Professional misconduct is a question of fact, but any matter, conduct or thing, whether or not disgraceful or dishonourable, constitutes professional misconduct within the meaning of this Act if:

(a) it is harmful to the best interests of students or other members of the public;

(b) it tends to harm the standing of the profession;

(c) it is a breach of this Act or the bylaws; or

and as defined in section 20.1 of the SPTRB Regulatory Bylaws:

2.01 Without restricting the generality of section 33 of the Act, the following conduct on the part of a teacher is misconduct:

...

(e) an act or omission that, in the circumstances, would reasonably be regarded by the profession as disgraceful, dishonourable or unprofessional.

1.4 Facts were found to support the allegations as follows:

1.4.1 While at a social gathering attended by teachers and student teachers during an internship seminar at [REDACTED] Saskatchewan, on September 15 and 16, 2016 and while playing the game, "Cards Against Humanity" the Registered Teacher acted out a card that referred to "touching a thigh and catching a side

boob" by touching the complainant's top of thigh with his hand and the side of her chest with his elbow and/or arm.

1.4.2 While at the same social gathering attended by teachers and student teachers during an internship seminar at ██████████ Saskatchewan, on September 15 and 16, 2016 and while playing the game, "Cards Against Humanity" the Registered Teacher attempted to touch the complainant's thigh with his hand and the side of her chest with his elbow and/or arm a second time.

1.4.3 While at a different social gathering, a campfire, attended by teachers and student teachers during an internship seminar, at ██████████ Saskatchewan, September 15 and 16, 2016 the Registered Teacher repeatedly approached a group of participants and engaged a small group teachers and student teachers in conversation. On one of those occasions the Registered Teacher approached the complainant, put his hands on the complainant's shoulder and made comments to which the complainant took offense.

1.5 Facts were found to support these allegations as follows:

1.5.1 The Registered Teacher's written response and interview statements.

1.5.2 Interview statement of the complainant.

1.5.3 Interview statements of numerous witnesses including the complainant's cooperating teacher and other teachers attending the internship seminar.

1.6 This agreement relates to non-compliance with *The Registered Teachers Act, 2015* and the bylaws and raises issues regarding professional misconduct as defined in the Act:

33 Professional misconduct is a question of fact, but any matter, conduct or thing, whether or not disgraceful or dishonourable, constitutes professional misconduct within the meaning of this Act if:

(a) it is harmful to the best interests of students or other members of the public;

(b) it tends to harm the standing of the profession;

(c) it is a breach of this Act or the bylaws; or

1.6.1 and as defined in the SPTRB Regulatory Bylaws:

2.01 Without restricting the generality of section 33 of the Act, the following conduct on the part of a teacher is misconduct:

...

(e) an act or omission that, in the circumstances, would reasonably be regarded by the profession as disgraceful, dishonourable or unprofessional;

2. ISSUES FOR RESOLUTION

- 2.1 The Registered Teacher is willing to enter into this agreement to ensure professional conduct. The Registered Teacher acknowledges that he is guilty of the facts and that he violated the sections of the Act and bylaws stated in Part 1 of the agreement.

3. TERMS, CONDITIONS, RESTRICTIONS AND PENALTY

- 3.1 This agreement takes effect on the date of signing and will remain in effect until such time as the agreement is completed.
- 3.2 The Registered Teacher voluntarily offers and agrees to provide a written apology to the complainant. A copy of the written apology and proof of receipt will be provided to the Registrar no later than 30 days of signing of the agreement.
- 3.3 The Registered Teacher agrees that a statement of reprimand shall be placed on his SPTRB record.
- 3.4 The Registered Teacher will successfully complete, at his expense, one course that covers the topics of professional boundaries, sensitivity and/or gender equity and provide proof of attendance and completion to the Registrar.
- 3.4.1 The course must be pre-approved by the Registrar.
- 3.4.2 The course must be completed within 3 months of signing of the agreement.
- 3.4.3 If the Registered Teacher does not successfully complete the course requirement by the condition date he will immediately advise the Registrar in writing of the reason(s) he has not successfully done so and set out the date by which he proposes to do so, at which time the Registrar may extend the deadline.
- 3.4.4 If the Registered Teacher does not provide satisfactory proof of completion of the course requirement by the condition date or the extended deadline, the Registrar will report the matter to the Professional Conduct Committee for review and further action.
- 3.5 The Registered Teacher agrees not to participate in any field placement activities or programs that involve him supervising or mentoring undergraduate education students for the period of 5 years from the date of signing of the agreement. This includes, but is not limited to, serving as a cooperating teacher for student teachers.
- 3.6 If any conduct concerns are identified during the existence of the CCRA, this may be considered a breach of the agreement. These concerns will be reported to the Professional Conduct Committee for review and further action.
- 3.7 The Registered Teacher gives the Registrar or the Registrar's designate permission to provide a copy of the agreement to the Registered Teacher's current employers.
- 3.8 The Registered Teacher agrees not to make any statement orally or in writing which

contradicts, disputes or calls into question the terms of this Agreement or the admissions made in it.

4. COMPLIANCE WITH AGREEMENT AND STATUS OF COMPLIANCE

- 4.1 Upon this agreement taking effect and for so long as the Registered Teacher complies with this agreement, the Professional Conduct Committee will take no further action with respect to the complaint and the conduct described in Part 1.
- 4.2 A breach of the agreement will result in the Registered Teacher being referred back to the Professional Conduct Committee for review and further action that may include referral to the Discipline Committee. This agreement may be filed in a subsequent discipline hearing as proof of the facts and admission of guilt.
- 4.3 A breach by the Registered Teacher of this agreement may be professional misconduct. The Registered Teacher acknowledges and understands that if the PCC has reason to believe that the Registered Teacher has breached the agreement, the PCC may initiate a hearing before the Discipline Committee.
- 4.4 All documents requested in the terms of this agreement must be sent to the Saskatchewan Professional Teachers Regulatory Board (SPTRB) **directly from source**, marked "Personal & Confidential", to the attention of the Registrar, SPTRB, 204 – 3775 Pasqua Street, Regina, S4S 6W8.

5. TRANSPARENCY AND NOTIFICATION

- 5.1 Notification of this agreement shall be in accordance with subsection 36(5) of *The Registered Teachers Act* 2015, SPTRB Bylaws and policies that may exist from time to time.
- 5.2 The existence of the Consensual Complaint Resolution Agreement with the Registered Teacher shall be recorded on the Register.
- 5.3 The Professional Conduct Committee and the Registrar of the SPTRB shall receive and keep a signed copy of the agreement for their records.
- 5.4 The SPTRB shall notify Canadian teaching regulatory bodies and any other regulatory body deemed appropriate.
- 5.5 The Consensual Complaint Resolution Agreement shall be published on the SPTRB website.

6. CONCLUSION OF TERMS, CONDITIONS, RESTRICTIONS AND PENALTY

- 6.1 The PCC Committee reserves the right to negotiate an extension of the terms, conditions and restrictions of this agreement, if the facts warrant it.

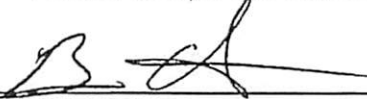
6.2 Once the Registrar is satisfied that the Registered Teacher has completed all the terms, conditions and restrictions he shall inform the PCC and the Registered Teacher that:

6.2.1 the Registered Teacher's compliance with the agreement has been satisfactory;

6.2.2 the Registered Teacher no longer has terms, conditions and restrictions on his certificate or registration.

7. SIGNATURES

7.1 The Registered Teacher acknowledges that he has voluntarily entered into this agreement and is aware of his rights and responsibilities. The Registered Teacher is aware of his right to legal counsel and has chosen to exercise that right. The Registered Teacher accepts this Consensual Complaint Resolution Agreement:



BRIAN CHAPMAN
REGISTERED TEACHER



Witness

Date: June 1, 2017

Date: June 1/17

8. APPROVAL BY PROFESSIONAL CONDUCT COMMITTEE

8.1 The Professional Conduct Committee of the SPTRB approves this Consensual Complaint Resolution Agreement:



Chair, SPTRB Professional Conduct Committee
Date: June 21, 2017



Witness
Date: June 21, 2017