

In the matter of an employer's notice pursuant to Sections 35 and 36 of *The Registered Teachers Act, 2015* and KIMBERLY CHAGNON, Teacher Certificate #[XXXXXXX].

**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:

**KIMBERLY CHAGNON, REGISTERED TEACHER #[XXXXXX]**

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 [XXXXXXX] and was registered with the Saskatchewan Professional Teachers Regulatory Board ("SPTRB") to teach in Saskatchewan at the time the complaint regarding her professional conduct was received. For the remainder of this agreement K.C. will be referred to as "the Registered Teacher".
- 1.2 On June 8, 2018 the SPTRB received an Employer's Notice from the [SCHOOL DIVISION XXXXX].
- 1.3 The Registered Teacher was employed as a teacher by [SCHOOL DIVISION XXXXX], Saskatchewan during the time of the alleged professional misconduct.
- 1.3.1 The concerns alleged professional misconduct contrary to sub-sections 33(a), (b) and (c) 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.

and as defined in sub-section 2.01 (a), (b) and (e) 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 registered teacher is misconduct:

- (a) conduct which is harmful to the best interest of pupils or affects the ability of a registered teacher to teach;
- (b) any intentional act or omission designed to humiliate or cause distress or loss of dignity to any person in school or out of school which may include verbal or non-verbal behaviour . . .
- (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 The registered teacher, by way of private/personal text messages with her partner shared three photos of four of her students. These were sent without consent of the students' parents/guardians or the school division. The Registered Teacher was unaware at the time of how such actions fit into expectations and privacy issues in relation to student images.
- 1.4.2 The accompanying texts commented on a student's behaviour and commented on the students' academic ability.

1.4.3 The accompanying texts appeared to parody the students' names by applying pronunciations that reflected those used in a 'Key and Peele' comedy sketch which was shown at a school division professional development session.

1.5 Facts were found to support these allegations as follows:

1.5.1 The Registered Teacher's written responses.

1.5.2 Text messages provided by the school division and the Registered Teacher.

1.5.3 Information and data gathered from the school division.

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:

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

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

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 registered 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 she is guilty of the facts and that she 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 will receive and accept a reprimand.

3.3 The Registered Teacher will successfully complete, at her expense, one course or seminar on the topic of privacy law and/or policy.

- 3.3.1 The course must be pre-approved by the Registrar.
- 3.3.2 The course must be completed within 3 months of signing of the agreement.
- 3.3.3 If the Registered Teacher does not successfully complete the course requirement by the condition date she will immediately advise the Registrar in writing of the reason(s) she has not successfully done so and set out the date by which she proposes to do so, at which time the Registrar may extend the deadline.
- 3.3.4 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.

#### **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.

#### **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 her certificate or registration.

**7. SIGNATURES**

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

original signed  
KIMBERLY CHAGNON  
REGISTERED TEACHER

original signed  
Witness

Date: April 3, 2019

Date: April 3, 2019

**8. APPROVAL BY PROFESSIONAL CONDUCT COMMITTEE**

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

original signed  
Chair, SPTRB Professional Conduct Committee

original signed  
Witness

Date: April 2, 2019

Date: April 2, 2019