

In the matter of an employer's notice pursuant to Sections 35 and 36 of *The Registered Teachers Act, 2015* and Derick Paice, 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:

DERICK PAICE #[XXXXXXX]

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 his professional conduct was received. For the remainder of this agreement DP will be referred to as "the Registered Teacher".
- 1.2 On June 14, 2018 the SPTRB received an Employer's Notice from [SCHOOL DIVISION XXXXX].
- 1.3 The Registered Teacher was employed as a teacher by the [SCHOOL DIVISION XXXXX] in [XXXXX], 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.*

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

2.01(2) 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 behavior;*
- (c) physically abusive conduct which involves the application of physical force which is excessive or inappropriate in the circumstances to any person;*
- (d) sexually abusive conduct that violates a person's sexual integrity, whether consensual or not which includes sexual exploitation;*
- (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 On May 16, 2018 the Registered Teacher participated in a consensual conversation regarding masturbation with three other male staff members in the school's staff room. A female staff member, Person A, walked into the staffroom

during the conversation at which time the Registered Teacher directed a comment toward her regarding masturbation repeating the comment to Person A at least once more.

- 1.4.2 In response to the comment, Person A suggested the Registered Teacher repeat the comment to two additional female colleagues when they entered the staffroom. The Registered Teacher repeated the comment to the colleagues.
 - 1.4.3 Following the staffroom conduct, and once the Registered Teacher discovered that it had been reported to the Principal, the Registered Teacher referred to Person A in a derogatory fashion to their colleagues.
 - 1.4.4 On more than one occasion between 2014 and 2018, the Registered Teacher greeted at least three colleagues, including Person A, with a 'side kick', which involved flicking them with the side of his foot.
 - 1.4.5 Between 2014 and 2018 the Registered Teacher repeatedly hugged, in a nonsexual nature, at least seven female colleagues without consent.
 - 1.4.6 Between 2014 and 2018 the Registered Teacher made jokes including sexualized comments that included reference to Person A's adult daughter and commented on Person A's physical appearance in comparison to her daughter.
 - 1.4.7 Between 2014 and 2018 the Registered Teacher engaged with colleagues in banter that included comments on their appearance/dress and sexual innuendo.
- 1.5 Facts to support these allegations were found, inter alia, in the following sources:
- 1.5.1 The Registered Teacher's written response and interview statement.
 - 1.5.2 Interview statement of other witnesses.
 - 1.5.3 Information and data gathered from the school division.
 - 1.5.4 Board of Reference decision of Derick Paice and [SCHOOL DIVISION XXXXX] dated June 18, 2019.
- 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.*
- 1.6.1 and as defined in the SPTRB Regulatory Bylaws:

2.01(2) *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 behavior;

(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 will receive and accept a reprimand.

3.3 The Registered Teacher's SK teaching certificate will be suspended for sixty (60) days effective the date of signing of the agreement.

3.4 The Registered Teacher will successfully complete, at his expense, a course related to respect in the workplace and/or workplace harassment.

3.4.1 The program must be pre-approved by the Registrar.

3.4.2 The program must be completed prior to the Registered Teacher's teaching certificate being reinstated.

3.5 Upon the completion of the course in section 3.4, the Registered Teacher will complete a reflective essay outlining how his professional practice will change to ensure positive and appropriate professional relationships.

3.5.1 The essay must be submitted to the Registrar for review and approval on behalf of the PCC.

3.5.2 The essay must be completed prior to the Registered Teacher's teaching certificate being reinstated.

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 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:

original signed
DERICK PAICE
REGISTERED TEACHER

Date: November 12, 2019

original signed
Witness

Date: November 12, 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
Date: November 18, 2019

original signed
Witness
Date: November 18, 2019