



IN THE MATTER OF THE *TEACHERS ACT*, SBC 2011 c. 19

AND

IN THE MATTER CONCERNING

FRED BARISENKOFF

██████████

CONSENT RESOLUTION AGREEMENT

BETWEEN:

THE COMMISSIONER, APPOINTED UNDER THE *TEACHERS ACT*
(the “Commissioner”)

AND:

FRED BARISENKOFF
(“Barisenkoff”)

BACKGROUND and FACTS

1. Barisenkoff holds a valid Standard Certificate of Qualification, No. ██████████. It was issued by the B.C. College of Teachers under the *Teaching Profession Act* on October 3, 1995, is valid from September 1, 1995 and continued under the *Teachers Act* as of January 9, 2012.
2. At all material times, Barisenkoff was employed as a high school teacher by School District No. 8 (Kootenay Lake) (the “District”) at a District school (the “School”).
3. On September 7, 2016, the District made a report to the Commissioner regarding Barisenkoff, under section 16 of the *School Act*.
4. The following events occurred:
 - a. Barisenkoff would periodically pat female students on the head. Some students reported feeling uncomfortable as a result.

- b. During the 2015/2016 school year, Barisenkoff would periodically use profane language such as “fuck” and “shit” or raise his voice when he was feeling angry and frustrated.
 - c. On November 20, 2015, Barisenkoff was teaching a Grade 9 class. A student wanted to leave the class early to attend a hockey tournament, and there was some confusion about whether or not he had appropriate permission to do so. Barisenkoff lost his temper and yelled at the student in front of the class, telling him that he was not allowed to leave. During this interaction, Barisenkoff was maybe 20 centimeters away from the student.
 - d. On November 23, 2015, after the storage compound used by the mechanics class had been vandalized, Barisenkoff proposed a solution for the students to all agree to be responsible for the equipment in the compound in order to use it. A Grade 9 student, who had missed many of the discussions, questioned Barisenkoff’s proposal. In response, Barisenkoff told the student he was selfish and was keeping other students back. The student reported feeling threatened and ultimately dropped the class.
 - e. On February 2, 2016, Barisenkoff was teaching a Grade 10-12 mechanics class. A Grade 9 student had been given permission to take the advanced class. Barisenkoff told the student in front of his classmates that he knew a little about a lot of things but not a lot about everything, which the student reported was humiliating. He also made the student repeatedly read a safety rule out loud in front of his classmates. This student reported feeling embarrassed. The student subsequently dropped the class.
5. On August 18, 2016, the District issued Barisenkoff a letter of discipline. The District also directed as follows:
- a. Barisenkoff was to attend a BCTF boundaries workshop before December 31, 2016, which he has completed;
 - b. Barisenkoff was to take an anger management workshop, which he completed on November 14, 2016;
 - c. the District will request school administration to undertake a teacher evaluation within the next two years;
 - d. Barisenkoff is to be aware of personal space and maintain proper distance from students; and
 - e. Barisenkoff is not to pat students on the head and is to limit physical contact with students.

6. In September 2016, Barisenkoff was transferred to a different District school.
7. The District had previously raised concerns with Barisenkoff as follows:
 - a. On October 19, 2015, the District issued Barisenkoff a letter of direction and expectation. In that letter he was directed to deal with all students in a manner which upholds the expected behaviour of District employees, including how he speaks, the tone of his voice, his actions towards his students and having consideration for a student's age when interacting with them.
8. On October 20, 2016 the Commissioner considered this matter and determined to propose a consent resolution agreement to Barisenkoff, in accordance with section 53(1)(a) of the *Teachers Act*.

DISPOSITION


9. This Agreement is made under section 53 of the *Teachers Act*.
10. Barisenkoff understands and acknowledges that this Agreement is not effective until executed by the Commissioner, and that the date of execution by the Commissioner will be the effective date of this Agreement (the "Effective Date").
11. Barisenkoff admits that the facts set out in paragraphs 1 to 8 of this Agreement are true.
12. Barisenkoff admits that the conduct described in paragraph 4 of this Agreement constitutes professional misconduct and is contrary to Standard #1 of the *Standards for the Education, Competence and Professional Conduct of Educators in British Columbia*, Fourth Edition, January 2012.
13. Barisenkoff agrees to a reprimand under sections 53 and 64(a) of the *Teachers Act*. The reprimand will take effect on the first business day following the Effective Date.
14. Barisenkoff 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.

CONSEQUENCES OF THE AGREEMENT

15. The Director will record the terms of this Agreement on the Teacher Regulation Branch's online registry under section 79(d) of the *Teachers Act*.
16. Barisenkoff acknowledges that this Agreement will be published in accordance with section 54 of the *Teachers Act*, which includes posting the Agreement, in full, on the following website: www.bcteacherregulation.ca.

17. A breach by Barisenkoff of any term in this Agreement may constitute professional misconduct which may be the subject of separate discipline proceedings.
18. Barisenkoff acknowledges and understands that if the Commissioner has reason to believe that he has breached any term of this Agreement:
 - a. the Commissioner may initiate an investigation under section 47(1)(b) of the *Teachers Act* into his conduct; and
 - b. the conduct and matters described in the "Background and Facts" to this Agreement are admissible in that inquiry as proof that Barisenkoff has admitted to the conduct and matters set out in this Agreement.
19. Barisenkoff acknowledges that he has voluntarily entered into this Agreement with the benefit of independent legal advice, and that he fully understands the terms and conditions set out in this Agreement.

Signed in Castlegas, B.C.
this 15 day of Dec, 2017.


Fred Barisenkoff

Signed in Vancouver, B.C.
this 10 day of January, 2018.
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Ce Miller
Hon. Bruce M. Preston, Commissioner (Acting)
Elena Miller