



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

AND

IN THE MATTER CONCERNING

JOHN KEITH GILBERT



CONSENT RESOLUTION AGREEMENT

BETWEEN:

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

AND:

JOHN KEITH GILBERT
("Gilbert")

BACKGROUND and FACTS

1. Gilbert holds a valid Professional Certificate of Qualification, No. [REDACTED]. It was issued by the B.C. College of Teachers under the *Teaching Profession Act* on September 17, 2003, is valid from September 1, 2003 and continued under the *Teachers Act* as of January 9, 2012.
2. At all material times, Gilbert was employed as a high school teacher by School District No. 75 (Mission) (the "District") at a District school (the "School").
3. On July 7, 2015, the District made a report to the Commissioner regarding Gilbert, under section 16(2) of the *School Act*.
4. The following events occurred in 2014, when Gilbert was teaching at the School:
 - a. On December 1, 2014, Gilbert showed a documentary film called "Sluts, the Documentary" to his English 8 class, and to two of his Social Studies 8 classes. The film, which is about girls who are or were labeled "sluts" in high school, was not on the curriculum and its content was inappropriate given the age and grade of the students. Students reported finding the film awkward and embarrassing.

- b. In December 2014, when interviewed by the District about the high failure rate of students in his classes, Gilbert indicated that he had communicated with the parents of all students who had received a letter grade of “F” in the first term, which was untrue.
5. On December 8, 2014, the District placed Gilbert on administrative leave pending the outcome of its investigation.
6. The District had previously communicated its concerns about Gilbert’s behaviour as follows:
 - a. On June 8, 2009, Gilbert received a letter of expectation following an incident where he had spoken with people in public using an aggressive tone and inappropriate language.
 - b. On June 24, 2011, Gilbert received a written warning after he had treated a District employee in an inappropriate and intimidating manner in front of other staff.
 - c. On October 7, 2013, the District issued Gilbert a 2-day disciplinary suspension because of inappropriate statements he had made to his students, and because of his angry, aggressive and intimidating behaviour with both students and staff. These incidents also resulted in regulatory action, with Gilbert signing a Consent Resolution Agreement with the Commissioner on May 29, 2014. Under the terms of that agreement, Gilbert agreed to a reprimand, and also agreed to complete the Teacher Regulation Branch Professional Identity and Boundaries Course.
7. On August 21, 2015 the Commissioner considered this matter and determined to propose a consent resolution agreement to Gilbert, in accordance with section 53(1)(a) of the *Teachers Act*.

DISPOSITION


8. This Agreement is made under section 53 of the *Teachers Act*.
9. Gilbert 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”).
10. Gilbert admits that the facts set out in paragraphs 1 to 6 of this Agreement are true.
11. Gilbert 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.

12. Gilbert agrees to 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.
13. Gilbert 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.

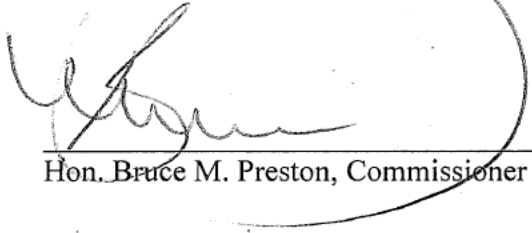
CONSEQUENCES OF THE AGREEMENT

14. The Director of Certification will record the terms of this Agreement on the Teacher Regulation Branch's online registry under section 79(d) of the *Teachers Act*.
15. Gilbert 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.
16. A breach by Gilbert of any term in this Agreement may constitute professional misconduct which may be the subject of separate discipline proceedings.
17. Gilbert 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 Gilbert has admitted to the conduct and matters set out in this Agreement.
18. Gilbert 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 Mission, B.C.
this 5 day of Dec, 2016.


John Keith Gilbert

Signed in Vancouver, B.C.
this 29 day of December, 2016.


Hon. Bruce M. Preston, Commissioner