



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

AND

IN THE MATTER CONCERNING

SHERRI LEE LOEWEN

██████████

CONSENT RESOLUTION AGREEMENT

BETWEEN:

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

AND:

SHERRI LEE LOEWEN
(“Loewen”)

BACKGROUND and FACTS

1. Loewen held a non-expiring teaching certificate, No. ██████████. It was issued by the B.C. Ministry of Education, Science and Technology on September 19, 1979 and was valid from September 1, 1979.
2. Loewen holds a valid Professional Certificate of Qualification, No. ██████████. It was issued by the B.C. College of Teachers under the *Teaching Profession Act* on June 3, 1991, is valid from January 1, 1988 and continued under the *Teachers Act* as of January 9, 2012.
3. At all material times, Loewen was employed as a teacher on call (“TOC”) by School District No. 68 (Nanaimo Ladysmith) (the “District”) at a District school (the “School”).
4. On December 1, 2016, the District made a report to the Commissioner regarding Loewen, under section 16 of the *School Act*.
5. The following events occurred on September 16, 2016 when Loewen was working as a

TOC at the School:

- a. Student A is a 6-year old autistic boy who was having a temper tantrum. The Education Assistant (“EA”) assigned to work with Student A moved him to a storage room containing bookshelves, books, a table and chairs. The EA was called away to attend to another child, leaving Student A with Loewen. At the time the EA left Student A, the door to the storage room was open.
 - b. Loewen then closed the door to the storage room, locking Student A inside. She opened the door once to ask him if he wanted to play outside, but shut the door when Student A yelled at her.
 - c. While the storage room door had a window, Loewen did not stay at the window to supervise Student A and ensure that he was safe.
 - d. When the EA returned to the classroom she found Loewen some distance from the storage room door. When the EA looked through the window into the storage room, she could not see Student A because he was sitting with his back against the door, by the door’s hinges.
 - e. The EA also found that the storage room door was locked shut, requiring her to use her key to open it so that she could care for Student A, who was curled up in a ball, crying. When the EA turned around, she discovered that Loewen had left the room without confirming that the responsibility for caring for Student A had been transferred to the EA.
6. On November 7, 2016, the District issued Loewen a letter of discipline, suspending her from the TOC list from October 26 to November 8, 2016. This represented a four day suspension without pay based on her average work week of two days per week. In addition, Loewen is required to successfully complete a 6-hour course called “Non-Violent Crisis Intervention” which is being offered on February 21, 2017. This course is designed to assist staff in working with children who have challenging behaviour.
 7. On December 7, 2016 the Commissioner considered this matter and determined to propose a consent resolution agreement to Loewen, 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. Loewen 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. Loewen admits that the facts set out in paragraphs 1 to 6 of this Agreement are true.
11. Loewen admits that the conduct described in paragraph 5 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. Loewen 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.
13. Loewen also agrees to a two-day suspension of her certificate of qualification under sections 53 and 64(b) of the *Teachers Act*. The suspension will take place on May 29th and May 30th, 2017.
14. Loewen 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 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*.
16. Loewen 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. Notification of this Agreement will be made in accordance with section 55 of the *Teachers Act*.
18. A breach by Loewen of any term in this Agreement may constitute professional misconduct which may be the subject of separate discipline proceedings.
19. Loewen acknowledges and understands that if the Commissioner has reason to believe that she has breached any term of this Agreement:
 - a. the Commissioner may initiate an investigation under section 47(1)(b) of the *Teachers Act* into her conduct; and
 - b. the conduct and matters described in the “Background and Facts” to this Agreement are admissible in that inquiry as proof that Loewen has admitted to the conduct and matters set out in this Agreement.

20. Loewen acknowledges that she has voluntarily entered into this Agreement after being advised of her right to obtain independent legal advice, and that she fully understands the terms and conditions set out in this Agreement.

Signed in Nanaimo, B.C.
this 22 day of March, 2017.



Sherri Lee Loewen

Signed in Vancouver, B.C.
this 07 day of June, 2017.

A handwritten signature in black ink, appearing to read "B. Preston", written over a horizontal line.

Hon. Bruce M. Preston, Commissioner