



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

AND

IN THE MATTER CONCERNING

BRETT EDWARD WASYLIK



CONSENT RESOLUTION AGREEMENT

BETWEEN:


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

AND:

BRETT EDWARD WASYLIK
(“Wasylik”)

This summary is published under section 54(3) of the Teachers Act to protect the identity of a student who was harmed, abused or exploited by the teacher.

BACKGROUND and FACTS

1. Wasylik holds a valid Professional Certificate of Qualification, . It was issued by the B.C. College of Teachers (the “College”) under the *Teaching Profession Act* on September 28, 2001, is valid from September 1, 2001 and was continued under the *Teachers Act* as of January 9, 2012.
2. At all material times, Wasylik was employed as a middle school teacher by School District No. 73 (Kamloops-Thompson) (the “District”) at a school in the District (the “School”).
3. On December 7, 2016, the District made a report to the Commissioner regarding Wasylik, under section 16(2) of the *School Act*.

4. On the evening of November 12, 2016, when Wasylik went to a restaurant in Kamloops for an end-of-season celebration dinner with a sports team, he behaved inappropriately with a former student, as follows:
 - a. A hostess working at the restaurant was a former student (the “Former Student”) whom Wasylik had taught.
 - b. When Wasylik arrived at the restaurant, he noticed the Former Student and another former student were working there as hostesses.
 - c. Sometime after he arrived, he went up to the Former Student and spoke to her for about five minutes, during which time he commented on her appearance and referred to her looking “fucking hot”. He told her he had been awarded the most valuable player trophy, that he had recently completed the course work for a Master of Education degree, it was near his birthday and he was having fun that night.
 - d. During this conversation he also showed the Former Student two photos from his phone. One photo was of him with the most valuable player trophy and the other was a professionally-taken photo of him shirtless. Wasylik says that he showed the Former Student these pictures because they were shown by his team in the slide show for his sports team. Wasylik says he showed her this picture because he was “a bit embarrassed” about it.
 - e. During this conversation, Wasylik was observed to be standing very close to the Former Student. He also hugged her.
 - f. During the evening, when Wasylik was seated in the patio area, he called to the Former Student a couple times when he saw her walking by in the course of her work, calling to her to “come here”. He also told a server at the restaurant that he had been the Former Student’s teacher. He made a comment to the Former Student about how he would like her to join the celebration with him when her shift ended. His conduct made the Former Student feel uncomfortable.
 - g. Wasylik saw the Former Student in the hallway when she was preparing to leave work. He offered to walk her to her car. She declined his offer but he insisted. The Former Student was uncomfortable in the situation and tried to delay leaving the restaurant, but Wasylik insisted on walking her to her car. He put his arm around her. As they were leaving, the Former Student used gestures to convey to a co-worker that she was uncomfortable with the situation.

- h. Wasylik walked the Former Student to her car, where he hugged her again, as she was about to get into her car. He was aware that she was uncomfortable. He said to her words to the effect of “I’m not going to kiss you, just your neck”, which he did. The Former Student drove away. She was upset by Wasylik’s behavior.
 - i. While this was happening, the co-worker told the restaurant manager about the situation.
 - j. As Wasylik was walking back towards the restaurant, the manager came out and told him that he was not welcome in the restaurant. Wasylik responded by saying words to the effect that the manager did not have to worry about him, because he had been her teacher. Wasylik agreed to leave the restaurant.
5. On November 28, 2016, the District disciplined Wasylik by suspending him without pay for three days and requiring him to complete the course *Reinforcing Respectful Professional Boundaries* at the Justice Institute of British Columbia.
6. On January 10, 2019, the Commissioner considered this matter and determined to propose a consent resolution agreement to Wasylik, in accordance with section 53(1)(a) of the *Teachers Act*.

CONSEQUENCES

7. This Agreement is made under section 53 of the *Teachers Act*.
8. Wasylik 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”).
9. Wasylik admits that the facts set out in paragraphs 1 to 5 of this Agreement are true.
10. Wasylik admits that the conduct described in paragraph 4 of this Agreement constitutes conduct unbecoming and is contrary to Standards #1 and 2 of the *Standards for the Education, Competence and Professional Conduct of Educators in British Columbia*, Fourth Edition, January 2012.
11. Wasylik agrees to a two day suspension of his certificate of qualification under sections 53 and 64(b) of the *Teachers Act*, to be served before October 31, 2019.

12. In determining that a suspension is an appropriate consequence, the Commissioner considered the following factors:
 - a. Wasylik made statements to others that he had been her teacher and his conduct occurred in a public setting.
 - b. Wasylik was persistent in continuing his conduct towards the Former Student when it should have been apparent to him that it was unwelcome, and then insisted on accompanying her to a private setting where he initiated physical contact with her.
 - c. Wasylik has successfully completed the course *Reinforcing Respectful Professional Boundaries* at the Justice Institute of British Columbia.
13. Wasylik 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.

EFFECT OF THE AGREEMENT

14. The Director of Certification will record the terms of this Agreement on the Branch's online registry under section 79(d) of the *Teachers Act*.
15. Wasylik acknowledges that this Agreement will be published in accordance with section 54 of the *Teachers Act*, which includes posting on the following website: www.bcteacherregulation.ca.
16. Notification of this Agreement will be made in accordance with section 55 of the *Teachers Act*.
17. A breach by Wasylik of any term in this Agreement may constitute professional misconduct which may be the subject of separate discipline proceedings.
18. Wasylik 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 Wasylik has admitted to the conduct and matters set out in this Agreement.
19. Wasylik 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.