



BRITISH COLUMBIA  
COMMISSIONER FOR  
TEACHER REGULATION

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

AND

IN THE MATTER CONCERNING

WENDY ANNE BERNIER



CONSENT RESOLUTION AGREEMENT

BETWEEN:

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

AND:

WENDY ANNE BERNIER  
(“Bernier”)

#### BACKGROUND and FACTS

1. Bernier 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 August 25, 2009, is valid from September 1, 2009, and was continued under the *Teachers Act* as of January 9, 2012.
2. At all material times, Bernier was employed as an elementary school teacher by School District No. 27 (Cariboo-Chilcotin) (the “District”) at a District school (the “School”).
3. On June 21, 2022,, the District made a report to the Commissioner regarding Bernier, under section 16 of the *School Act*.
4. The following events occurred at the School on March 9, 2022:

- a. Student A was a Grade 2 student in Bernier's Grade 2/3 class.
  - b. During lunchtime, Student A wrote graffiti on an outside wall at the School. When Bernier learned of this, she went outside and attempted to take a picture of the graffiti. Student A then ran in front of Bernier in order to block the writing from Bernier's view. Bernier responded by grabbing Student A by the arm and pulling Student A quickly away. Student A fell to the ground, crying.
  - c. Student A then ran into the School, followed by other students who began teasing Student A. When a School employee told Bernier what was occurring, Bernier did not go and check on Student A.
  - d. After witnessing this incident, one of Student A's classmates reported feeling nervous, and a second classmate reported feeling scared.
5. In April 2022, the District issued Bernier a letter of discipline and suspended her for seven days without pay. Bernier served the suspension from April 22 to May 2, 2022, inclusive.
  6. The District had previously raised concerns with Bernier as follows:
    - a. On December 17, 2020, the District issued Bernier a letter of direction in which she was reminded that it was never appropriate to physically touch a student, unless the child poses a risk to themselves or to others.
    - b. On March 4, 2021, the District issued Bernier a letter of discipline after allegations that she had physically handled one of her students. The District required Bernier to address her students and make them aware that she understood their concerns and to explain how she intended to ensure a safer learning environment going forward. The District also required Bernier to complete a professional boundaries course before September 7, 2021. Bernier completed the BCTF Boundaries Workshop in April 2021 in satisfaction of this requirement.
  7. On November 9, 2022, the Commissioner considered this matter and determined to propose a consent resolution agreement to Bernier, in accordance with section 53(1)(a) of the *Teachers Act*.

## CONSEQUENCES

8. This Agreement is made under section 53 of the *Teachers Act*.
9. Bernier 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. Bernier admits that the facts set out in paragraphs 1 to 6 of this Agreement are true.
11. Bernier admits that the conduct described in paragraph 4 of this Agreement constitutes professional misconduct and is contrary to Standard #1 of the *Professional Standards for BC Educators*, June 2019.
12. Bernier agrees to a three-day suspension of her certificate of qualification under sections 53 and 64(b) of the *Teachers Act*, from March 11, 2024 to March 13, 2024, inclusive.
13. Bernier also agrees under section 64(f) and (h) of the *Teachers Act* that by March 31, 2024 (the “Condition Date”):
  - a. She will successfully complete the course *Creating a Positive Learning Environment* through the Justice Institute of British Columbia (the “Course”) and provide satisfactory proof of completion to the Commissioner by the Condition Date.
  - b. If Bernier does not successfully complete the Course by the Condition Date, she will immediately advise the Commissioner in writing of the reason(s) she has not successfully completed it and set out the date by which she proposes to do so, at which time the Commissioner may extend the Condition Date to a later date (the “Extended Date”).
  - c. If Bernier fails to provide satisfactory proof of completion of the Course by the later of the Condition Date or the Extended Date, the Commissioner may require the Director of Certification (“the Director”) to suspend Bernier’s certificate of qualification under section 64(f) of the *Teachers Act*, until such time as she successfully completes the Course.
14. In determining that a three-day suspension and course requirement are appropriate consequences, the Commissioner considered the following factors:
  - a. Bernier failed to model appropriate behaviour expected of an educator.
  - b. Bernier’s actions jeopardized the physical and emotional safety of students in her class.
  - c. Bernier had previously been instructed to treat students in a respectful manner.
15. Bernier 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

16. The Director will record the terms of this Agreement on the Ministry of Education and Child Care's online registry under section 79(d) of the *Teachers Act*.
17. Bernier 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.teacherregulation.gov.bc.ca](http://www.teacherregulation.gov.bc.ca).
18. Notification of this Agreement will be made in accordance with section 55 of the *Teachers Act*.
19. A breach by Bernier of any term in this Agreement may constitute professional misconduct which may be the subject of separate discipline proceedings.
20. Bernier 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 Bernier has admitted to the conduct and matters set out in this Agreement.
21. Bernier acknowledges that she has voluntarily entered into this Agreement with the benefit of independent legal advice, and that she fully understands the terms and conditions set out in this Agreement.

Signed in Williams Lake, B.C.  
this 16 day of January, 2024.

  
Wendy Anne Bernier

Signed in Coquitlam, B.C.  
this 29th day of January, 2024.

  
Ana R. Mohammed, Commissioner