



BRITISH COLUMBIA
COMMISSIONER FOR
TEACHER REGULATION

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

AND

IN THE MATTER CONCERNING
SYLVAIN JOSEPH-LEO DESBIENS
[REDACTED]

CONSENT RESOLUTION AGREEMENT

BETWEEN:

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

AND:

SYLVAIN JOSEPH-LEO DESBIENS
(“Desbiens”)

BACKGROUND and FACTS

1. Desbiens 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 22, 1997, is valid from September 1, 1997, and was continued under the *Teachers Act* as of January 9, 2012.
2. At all material times, Desbiens was employed as an elementary school teacher by School District No. 44 (North Vancouver) (the “District”) at a District school (the “School”).

[REDACTED]: Matter 1

3. On July 4, 2019, Parent A made a complaint to the Commissioner regarding Desbiens under the *Teachers Act*. This has been designated Matter 1.

Matter 2

4. On July 11, 2019, Parent B made a complaint to the Commissioner regarding Desbiens under the *Teachers Act*. This has been designated Matter 2.

Matter 3

5. On September 27, 2019, the District made a report to the Commissioner regarding Desbiens, under section 16 of the *School Act*. This has been designated Matter 3.

Matter 4

6. On October 9, 2019, Parent C made a complaint to the Commissioner regarding Desbiens under the *Teachers Act*. This has been designated Matter 4.

7. On June 1, 2021, the Commissioner combined Matters 1, 2, 3 and 4..

8. The following events occurred between September 4, 2018 and October 28, 2018, when Desbiens was teaching a Grade 4/5 class at the School:

- a. Student A, the child of Parent A, was a Grade 5 student in Desbiens' class.
- b. Desbiens would use the "back-breaker" in class on male students. The "back-breaker" consisted of Desbiens placing his knee in the student's back while pulling backwards on the student's shoulders and arms, without using his full strength. The "back-breaker" was perceived by some of the students as being punitive in nature. Desbiens performed the "back-breaker" on Student A.
- c. On one occasion, Desbiens lifted Student A to move Student A as Student A was standing in the wrong spot.
- d. Desbiens said to Student A: "oh, I thought you were in Grade 4 because you are so small!"
- e. Desbiens said to Student A's classmate: "Student A is always lost."
- f. In October 2018, Parent A spoke with Desbiens, raising concerns about the methods Desbiens' used in class.

9. From April 8, 2019 until June 30, 2019, Desbiens was assigned to a Grade 5 class at the School. Students B and C, the children of Parent B and Parent C, were in this class. During this time, the following events occurred:

- a. Desbiens performed the "back breaker" on students, including Student C. More than

one student said that this caused pain.

- b. On one occasion, a group of students nominated a classmate to “sacrifice” themselves for punishment by receiving the “back breaker” as the other students did not want to have the “back breaker” performed on them.
 - c. Desbiens would sometimes pinch a student’s trapezoid to the point where it hurt. Desbiens did this to Student C.
 - d. Desbiens would pretend to strike students by forcefully slapping one of his hands into his open palm above their heads. On one occasion, he accidentally made contact with a student’s head while doing this.
 - e. Desbiens told the class that he would bring a whip to school, implying that it would be used to punish students.
 - f. At least one student reported being afraid of Desbiens.
10. On September 17, 2019, the District issued Desbiens a letter of discipline and suspended him for three days without pay. Desbiens served the suspension on October 23, November 10 and November 27, 2020. Desbiens was also required to attend a counselling/coaching session with a workplace psychologist with a focus on boundaries and expectations.
11. Desbiens had been previously employed by School District No. 39 (Vancouver). On June 17, 2011, School District No. 39 issued Desbiens a letter of expectation after he had used masking tape to tape shut a student’s mouth. In the letter of expectation, Desbiens was reminded to “treat students in a respectful way by dealing judiciously with them, always mindful of their individual rights and sensibilities.”
12. On June 1, 2021 the Commissioner considered this matter and determined to propose a consent resolution agreement to Desbiens, in accordance with section 53(1)(a) of the *Teachers Act*.

CONSEQUENCES

13. This Agreement is made under section 53 of the *Teachers Act*.
14. Desbiens 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”).
15. Desbiens admits that the facts set out in paragraphs 1 to 11 of this Agreement are true.

16. Desbiens admits that the conduct described in paragraphs 8 and 9 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.
17. Desbiens agrees to a five-day suspension of his certificate of qualification under sections 53 and 64(b) of the *Teachers Act*, from May 16, 2022 to May 20, 2022, inclusive.
18. Desbiens agrees under section 64(f) and (h) of the *Teachers Act* that by **March 31, 2023**, (the "Condition Date"):
 - a. He 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 Desbiens does not successfully complete the Course by the Condition Date, he will immediately advise the Commissioner in writing of the reason(s) he has not successfully completed it and set out the date by which he proposes to do so, at which time the Commissioner may extend the Condition Date to a later date (the "Extended Date").
 - c. If Desbiens 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 Desbiens' certificate of qualification under section 64(f) of the *Teachers Act*, until such time as he successfully completes the Course.
19. In determining that a five-day suspension and course requirement are appropriate consequences, the Commissioner considered the following factors:
 - a. Desbiens failed to create a positive learning environment for his students.
 - b. Desbiens' actions jeopardized the physical and emotional safety of the students in his class.
 - c. Desbiens had been previously instructed to treat his students in a respectful way.
20. Desbiens 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

21. The Director of Certification will record the terms of this Agreement on the Ministry of

Education's online registry under section 79(d) of the *Teachers Act*.

22. Desbiens 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.
23. Notification of this Agreement will be made in accordance with section 55 of the *Teachers Act*.
24. A breach by Desbiens of any term in this Agreement may constitute professional misconduct which may be the subject of separate discipline proceedings.
25. Desbiens 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 Desbiens has admitted to the conduct and matters set out in this Agreement.
26. Desbiens 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 Burnaby, B.C.
this 28th day of April, 2022.


Sylvain Joseph-Leo Desbiens

Signed in Victoria, B.C.
this 2nd day of May, 2022.


Howard L. Kushner, Commissioner