



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

AND

IN THE MATTER CONCERNING  
DELPHINE YVETTE ANDRÉE GUÉRINEAU

██████████

CONSENT RESOLUTION AGREEMENT

BETWEEN:

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

AND:

DELPHINE YVETTE ANDRÉE GUÉRINEAU  
(“Guérineau”)

**BACKGROUND and FACTS**

1. Guérineau holds a valid Professional Certificate of Qualification, No. ██████████. It was issued by the Director of Certification (the “Director”) under the *Teachers Act* on April 17, 2015 and is valid from April 17, 2015.
2. At all material times, Guérineau was employed as a vice-principal by School District No. 93 (Conseil scolaire francophone de la Colombie Britannique) (the “District”) at a District school (the “School”).
3. On December 12, 2018, the District made a report to the Commissioner regarding Guérineau, under section 16 of the *School Act*.
4. The following events occurred on June 19, 2018:
  - a. A soiled pair of boys’ underwear was found on the lid of the toilet in the boys’ bathroom, with feces on the floor. As the School principal was off-site, Guérineau

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stepped in to address the issue.

- b. Guérineau wanted to identify the student responsible. She began by having the School secretary announce over the School's PA system that Guérineau would be visiting the classrooms of students in grades 3-6 to check if the boys were wearing underwear. Guérineau did attend each classroom, and had each student show her the waistband of their underwear.
  - c. Guérineau then had all male students in grades 7-11 assemble in a hallway so that she could confirm that they were wearing underwear. She did so by having them display the waistband of their underwear.
5. On June 21, 2018, the District placed Guérineau on paid leave, pending the conclusion of the District's investigation.
  6. On October 1, 2018, the District terminated Guérineau's employment, effective September 17, 2018.
  7. On July 9, 2019, the Commissioner considered this matter and determined to propose a consent resolution agreement to Guérineau, 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. Guérineau 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. Guérineau admits that the facts set out in paragraphs 1 to 6 of this Agreement are true.
11. Guérineau 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. Guérineau 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. In determining that a reprimand is an appropriate consequence, the Commissioner considered the following factors:
  - a. Guérineau failed to give proper consideration to the consequences of her actions;
  - b. Guérineau's actions had the potential to cause emotional harm to students;
  - c. Guérineau failed to role model appropriate behaviour for an administrator; and
  - d. Guérineau has acknowledged that her reaction was inappropriate.
14. Guérineau 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**

15. The Director will record the terms of this Agreement on the Ministry of Education's online registry under section 79(d) of the *Teachers Act*.
16. Guérineau 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).
17. A breach by Guérineau of any term in this Agreement may constitute professional misconduct which may be the subject of separate discipline proceedings.
18. Guérineau 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 Guérineau has admitted to the conduct and matters set out in this Agreement.

19. Guérineau acknowledges that she 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 Winnipeg, <sup>MB</sup><sub>B.C.</sub>  
this 14 day of Septembre, 2019.



Delphine Yvette Andrée Guérineau

Signed in Vancouver, B.C.  
this 8 day of October, 2019.

A handwritten signature in black ink, appearing to read "Howard L. Kushner", written over a horizontal line.

Howard L. Kushner, Commissioner

