



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

AND

IN THE MATTER CONCERNING
MATTHEW NORMAN LETTINGTON



CONSENT RESOLUTION AGREEMENT

BETWEEN:

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

AND:

MATTHEW NORMAN LETTINGTON
(“Lettington”)

BACKGROUND and FACTS

1. Lettington holds a valid Professional Certificate of Qualification, [REDACTED] It was issued by the B.C. College of Teachers under the *Teaching Profession Act* on January 11, 2006, is valid from January 11, 2006 and was continued under the *Teachers Act* as of January 9, 2012.
2. At all material times, Lettington was employed as a teacher librarian by School District 68 (Nanaimo Ladysmith) (the “District”) at a District secondary school (the “School”).
3. On December 20, 2019, the District made a report to the Commissioner regarding Lettington, under section 16 of the *School Act*.
4. The following events occurred when Lettington was working as a teacher-librarian at the School:
 - a. Lettington was employed as the Learning Commons Teacher (“LCT”), or teacher-



librarian, at the School from September 2015 until December 20, 2019, when the District terminated his employment.

- b. As LCT, Lettington was responsible for selecting and purchasing books for the School library. According to the District's job description, an LCT is to: "organize, maintain evaluate, select, order and provide print, digital and non-print materials that improves student learning, student engagement, aboriginal connections and curriculum."
- c. The District has an administrative policy, Administrative Procedure AP223, which applies to LCTs and the selection of learning resources (the "Policy"). Under the Policy, it is the responsibility of staff to:
 - Provide materials that will enrich and support the curriculum, taking into consideration the varied interests, abilities, learning styles and maturity levels of the students served;
 - Provide materials that will facilitate the development of process skills;
 - Provide materials that will stimulate growth and factual knowledge, literary appreciation, aesthetic values and societal standards;
 - Provide material on various sides of controversial issues so that young citizens may have an opportunity to develop under guidance the practice of critical analysis and to make informed judgments in their daily lives;
 - Provide materials representative of the many religious, ethnic and cultural groups and their contributions to our national heritage and the world community; and
 - Place principle above personal opinion and reason above prejudice in the selection of materials of the highest quality, in order to assure a comprehensive collection appropriate to the school community.
- d. On September 27, 2016, Lettington ordered a graphic novel entitled "My New York Diary" for the School library. In January 2018, a student's parent contacted the School to complain about this book, which their child had checked out of the School library. This graphic novel contains images of nudity, sexual acts, drug use and mature language. Following this complaint, the School principal met with Lettington. Lettington agreed the book was not suitable for all students in the school and may not be suitable for the library collection. Ultimately, "My New York Diary"



was removed from the School's library collection.

- e. On November 30, 2017, Lettington purchased another graphic novel for the School library entitled "La lesbienne invisible." This book contains images of nudity, sexual acts and drug use. When the book arrived at the School, Lettington identified it as a book which may not be suitable for the School library, but instead of discarding it immediately, he added it to a pile of books which he intended to review later for suitability. Lettington did not begin his review of this book until May 2019.
 - f. On May 22, 2019, Lettington was absent for one day due to illness. During this absence, a colleague of his inadvertently placed "La lesbienne invisible" on the open library shelves. Upon his return to work, Lettington failed to follow up on the books he had put aside to review, including "La lesbienne invisible." This book consequently remained in circulation.
 - g. On May 31, 2019, Lettington checked out "La lesbienne invisible" to a Grade 8 student, whose parent later complained to the School principal about the book's content.
5. On December 20, 2019, the District disciplined Lettington by terminating his employment, effective that day.
 6. Lettington had been previously disciplined by the District as follows:
 - a. On March 2, 2009, the District suspended Lettington for 20 days due to inappropriate interactions and communications with students. The District also required Lettington to complete a course on relationship and boundaries issues.
 - b. On June 27, 2016, the District issued Lettington a letter of discipline and suspended him for five days without pay. Lettington was directed by the District as follows:
 - He was to avoid any and all behavior which could be perceived as "grooming" behavior;
 - He was told not to have any communications with students using any technology other than his District email account;
 - He was told not to communicate with students using an alias of any kind;
 - He was told not to take any photographs or form any images whatsoever of students; and
 - He was told he was not to sponsor or participate in any school clubs, teams

or other extra-curricular activities.

7. Lettington has previously admitted to engaging in professional misconduct as follows:
 - a. On August 13, 2013, the Commissioner signed a Consent Resolution Agreement with Lettington which was based on the same facts which gave rise to the District's March 2, 2009 letter of discipline. Under the terms of that agreement, Lettington agreed to a 30-day suspension of his certificate of qualification.
 - b. On October 3, 2017, the Commissioner signed a Consent Resolution Agreement with Lettington in which Lettington admitted to making inappropriate comments to students and engaging in non-sexual boundary violations. Under the terms of that agreement, Lettington agreed to a reprimand and he also agreed to complete the Justice Institute of B.C. course, *Creating a Positive Learning Environment*.
8. On November 24, 2020, the Commissioner considered this matter and determined to propose a consent resolution agreement to Lettington, in accordance with section 53(1)(a) of the *Teachers Act*.

CONSEQUENCES


9. This Agreement is made under section 53 of the *Teachers Act*.
10. Lettington 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").
11. Lettington admits that the facts set out in paragraphs 1 to 7 of this Agreement are true.
12. Lettington 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.
13. Lettington agrees to a reprimand under sections 53 and 64(a) of the *Teachers Act*, which will take effect on the first business day following the Effective Date.
14. In determining that a reprimand is an appropriate consequence, the Commissioner considered the following factor:
 - a. Lettington failed to exercise the due care and attention expected of an educator.

15. Lettington 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 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*.
17. Lettington 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.
18. A breach by Lettington of any term in this Agreement may constitute professional misconduct which may be the subject of separate discipline proceedings.
19. Lettington 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 Lettington has admitted to the conduct and matters set out in this Agreement.
20. Lettington 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 Nanaimo, B.C.
this 23 day of MARCH, 2021


Matthew Norman Lettington

Signed in Vancouver, B.C.
this 31 day of March, 2021.


Howard L. Kushner, Commissioner