



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

AND

IN THE MATTER CONCERNING

ANDREW DUNCAN NAIRN

L161374-01

CONSENT RESOLUTION SUMMARY

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

1. Nairn holds a valid Professional Certificate of Qualification. It was issued by the B.C. College of Teachers under the *Teaching Profession Act* on September 27, 2001, is valid from September 1, 2001, and was continued under the *Teachers Act* as of January 9, 2012.
2. At all material times, Nairn was employed as a secondary school teacher by a school district in B.C. (the “District”).
3. On June 14, 2021, the District made a report to the Commissioner regarding Nairn, under section 16 of the *School Act*.
4. The following events occurred in 2021, in a Grade 10 class Nairn taught at the School:
 - a. Student A thought they had overheard Nairn discussing Student B with other educators and shared that information with Student B.
 - b. When Nairn heard of this, he first met with Student B and asked Student B what they had been told.
 - c. Nairn then met with Student A, at which time he appeared angry. Student A reported that they felt pressured into making a written apology, to be sent by email, which Nairn drafted on Student A’s behalf. Nairn also determined who should receive the apology and hit the “send” button on the email himself. The apology Nairn drafted included the following sentence which he had written:

“Please know that Mr. Nairn is a great teacher and works hard to keep good working relationships with all his students”.

5. On June 2, 2021, the District issued Nairn a letter of discipline and suspended him for three days without pay. Nairn served the suspension on June 25, 28, and 29, 2021.
6. On June 22, 2021, Nairn sent a written apology to Student A’s parents, addressed to Student A.
7. The District had previously raised concerns with Nairn as follows:
 - a. On December 13, 2018, the District issued Nairn a letter of expectation where he was reminded of the District’s expectations that he:
 - i. Interact with students in a respectful and professional manner at all times.
 - ii. Consider and respond appropriately to the needs, feelings, and capabilities of others.
 - iii. Create and maintain an environment that is caring, inclusive and supportive of all students.
 - b. On February 12, 2020, the District issued Nairn a letter of warning after he made insensitive comments perpetuating racial stereotypes and used racially offensive terms to describe people with diverse backgrounds.
8. On **October 31, 2022**, Nairn entered into a consent resolution agreement with the Commissioner in which Nairn admitted that his conduct described in paragraph 4 above constitutes professional misconduct and is contrary to Standard #1 of the *Professional Standards for BC Educators*, June 19, 2019.
9. Under the consent resolution agreement, Nairn agreed to a one-day suspension of his certificate of qualification under sections 53 and 64(b) of the *Teachers Act*. Nairn will serve the suspension on **November 21, 2022**. Nairn further agreed to complete the course, *Reinforcing Respectful Professional Boundaries* through the Justice Institute of B.C. by March 31, 2023.
10. In determining that a one-day suspension and course requirement are appropriate consequences, the Commissioner considered the following factors:
 - a. Nairn failed to model appropriate behaviour expected of an educator.
 - b. Nairn had been previously advised about the need to maintain a caring and supporting environment for all students.