



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

AND

IN THE MATTER CONCERNING

DARRIN JAMES PONAOK



CONSENT RESOLUTION AGREEMENT

BETWEEN:

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

AND:

DARRIN JAMES PONAOK
 (“Ponak”)

BACKGROUND and FACTS

1. Ponak 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 25, 1989, is valid from September 1, 1989 and was continued under the *Teachers Act* as of January 9, 2012.
2. At all material times, Ponak was employed as a secondary school teacher by School District No. 35 (Langley) (the “District”) at a District school (the “School”).
3. On June 4, 2020, the District made a report to the Commissioner regarding Ponak, under section 16 of the *School Act*.
4. The following events occurred on March 4, 2020 when Ponak was teaching a class in applied mathematics at the School:
 - a. Student A, who was in Grade 12, was a student in Ponak’s class. Ponak and the



students were in the woodshop where they were building a mock shed which included electrical wiring. Student A wore a leather tool pouch with large pockets on each side and a small pocket in front.

- b. Student A was installing electrical boxes with a classmate, and Ponak wanted to double check the measurements the students had made. Ponak asked the students for a measuring tape and when neither responded, he reached into Student A's leather tool pouch and retrieved one. Ponak did not ask Student A's permission before reaching into the tool pouch.
 - c. Student A reported feeling very uncomfortable having their personal space invaded by Ponak as Student A could feel Ponak's hand close to their groin area when Ponak retrieved the measuring tape.
5. On May 21, 2020, the District disciplined Ponak by issuing him a written warning letter. The District also indicated its expectation that Ponak complete a boundaries course.
 6. The District had previously its concerns with Ponak as follows:
 - a. On March 15, 2010, the District issued Ponak verbal warning and a letter of direction, reminding him that teachers cannot put their hands on students in a manner that a reasonable person would consider as inappropriate.
 - b. On April 13, 2017, the District issued Ponak a written reprimand following allegations that he made inappropriate comments to students and making unnecessary physical contact with a student. Ponak was reminded of the District's expectation that teachers exercise an appropriate duty of care towards students which takes into consideration their emotional and physical safety concerns.
 7. On August 27, 2020 the Commissioner considered this matter and determined to propose a consent resolution agreement to Ponak, 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. Ponak 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. Ponak admits that the facts set out in paragraphs 1 to 6 of this Agreement are true.

11. Ponak 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. Ponak agrees to a one-day suspension of his certificate of qualification under sections 53 and 64(b) of the *Teachers Act*. Ponak will serve the suspension on January 21, 2022.
13. Ponak also agrees under section 64(f) and (h) that by April 30, 2022 (the “Condition Date”):
 - a. He will successfully complete the course *Reinforcing Respectful Professional Boundaries* through the Justice Institute (the “Course”) and provide satisfactory proof of completion to the Commissioner by the Condition Date.
 - b. If Ponak 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 deadline to a later date (the “Extended Date”).
 - c. If Ponak 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 Ponak’s certificate of qualification under section 64(f) of the *Teachers Act*, until such time as he successfully completes the Course.
14. In determining that a suspension and course requirement are appropriate consequences, the Commissioner considered the following factor:
 - a. Ponak failed to appreciate the emotional and physical impact of his inappropriate invasion of Student A’s personal space.
15. Ponak 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.

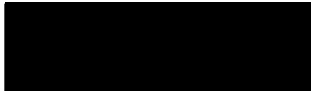
EFFECT OF THE AGREEMENT

16. The Director will record the terms of this Agreement on the Ministry of Education’s online registry under section 79(d) of the *Teachers Act*.
17. Ponak 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. Notification of this Agreement will be made in accordance with section 55 of the *Teachers Act*.
19. A breach by Ponak of any term in this Agreement may constitute professional misconduct which may be the subject of separate discipline proceedings.
20. Ponak 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 Ponak has admitted to the conduct and matters set out in this Agreement.
21. Ponak 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 Abbotsford, B.C.
this 18 day of November, 2021.


Darrin James Ponak

Signed in Victoria, B.C.
this 23 day of November, 2021.


Howard L. Kushner, Commissioner