



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

AND

IN THE MATTER CONCERNING

GERARD MACINTOSH

██████████

CONSENT RESOLUTION AGREEMENT

BETWEEN:

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

AND:

GERARD MACINTOSH
(“MacIntosh”)

BACKGROUND and FACTS

1. MacIntosh holds a valid, system restricted, Independent School Teaching Certificate, No. ██████████. It was issued by the Ministry of Education Teacher Regulation Branch (the “Branch”) under the *Teachers Act*, on June 25, 2012, and is valid from December 31, 2008.
2. At all material times, MacIntosh was employed as an elementary school teacher by an independent school in North Vancouver (the “School”).
3. On May 22, 2014, the School’s principal made a report to the Commissioner regarding MacIntosh, under section 7 of the *Independent Schools Act*.
4. MacIntosh was both a teacher and the principal at the School. The follow events occurred during the 2013-2014 school year, when MacIntosh was teaching a Grade 8 class:
 - a. One of MacIntosh’s students was a female who had been diagnosed on the Autism spectrum (“Student A”). One day, in January or early February 2014, Student A

asked MacIntosh for an eraser. In response, and in front of other students, MacIntosh held out a pocket knife to Student A and said “here, use this to erase your life.” This incident was extremely upsetting to Student A.

- b. In February 2014, MacIntosh’s Grade 8 class was scheduled to visit the Grade 11 class. Student B was in MacIntosh’s Grade 8 class. MacIntosh said to a group of Grade 11 students words to the effect “I bet you five dollars that Student B will say something stupid like ‘how do you get laid in Grade 9?’”
 - c. During a Halloween party for the Grade 7 and 8 classes, a student asked him if he was going to wear a costume. MacIntosh replied that he was already in costume, as he was dressed up as a pedophile.
5. From May 16-21, 2014, the School placed MacIntosh on paid leave. Contrary to specific instructions he had received from the School, he told some parents that he was on leave because of students in his class. He then told some students that he was on leave because of Student A. As a result, the School issued MacIntosh a letter of reprimand on May 22, 2014.
 6. On May 20, 2014, the School issued MacIntosh a letter of discipline as a result of the conduct described at paragraph 4(a) above. MacIntosh also ceased being the School principal.
 7. MacIntosh was on leave again from August until December, 2014.
 8. On August 18, 2014, MacIntosh completed the Branch’s Professional Identity and Boundaries course.
 9. On December 18, 2014, MacIntosh resigned from the School.
 10. On July 9, 2015 the Commissioner considered this matter and determined to propose a consent resolution agreement to MacIntosh, in accordance with section 53(1)(a) of the *Teachers Act*.

DISPOSITION

11. This Agreement is made under section 53 of the *Teachers Act*.
12. MacIntosh 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”).
13. MacIntosh admits that the facts set out in paragraphs 1 to 9 of this Agreement are true.

14. MacIntosh admits that the conduct described in paragraphs 4 and 5 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.
15. MacIntosh agrees to a two-month suspension of his Independent School Teaching Certificate under sections 53 and 64(b) of the *Teachers Act*. The suspension will commence on September 21, 2015 and will expire on November 21, 2015.
16. MacIntosh 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.

CONSEQUENCES OF THE AGREEMENT

17. The Director of Certification will record the terms of this Agreement on the Branch's online registry under section 79(d) of the *Teachers Act*.
18. MacIntosh 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.bcteacherregulation.ca.
19. Notification of this Agreement will be made in accordance with section 55 of the *Teachers Act*.
20. A breach by MacIntosh of any term in this Agreement may constitute professional misconduct which may be the subject of separate discipline proceedings.
21. MacIntosh 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 MacIntosh has admitted to the conduct and matters set out in this Agreement.

22. MacIntosh acknowledges that he has voluntarily entered into this Agreement after being advised of his right to obtain independent legal advice, and that he fully understands the terms and conditions set out in this Agreement.

Signed in North Vancouver, B.C.
this 6th day of September, 2015.

Signed in Vancouver, B.C.
this 15 day of September, 2015.



Gerard MacIntosh

A handwritten signature in black ink, appearing to read "Bruce M. Preston", written over a horizontal line.

Hon. Bruce M. Preston, Commissioner