



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

**AND**

**IN THE MATTER CONCERNING**

**MARLA ELAINE MCLELLAN**



**CONSENT RESOLUTION AGREEMENT**

BETWEEN:

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

AND:

MARLA ELAINE MCLELLAN  
 (“McLellan”)

**BACKGROUND and FACTS**

1. McLellan held a Non-Expiring Professional Certificate No. [REDACTED]. It was issued by the B.C. Ministry of Education on October 23, 1986 and was valid from September 1, 1986.
2. McLellan currently 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 June 3, 1991, is valid from January 1, 1988 and continued under the *Teachers Act* as of January 9, 2012.
3. At all material times, McLellan was employed as a counsellor by School District No. 45 (West Vancouver) (the “District”) at a District school.
4. On October 12, 2016, the District made a report to the Commissioner regarding McLellan, under section 16 of the *School Act*.
5. The following events occurred:

- a. In 2014, McLellan began working part-time as a sales representative for a company (the “Company”).
  - b. Between October 2014 and September 2016, McLellan called in sick to the District on eight separate days in order to attend Company conferences or training.
  - c. One of the days McLellan called in sick when she was not was October 23, 2014. The following day, October 24<sup>th</sup>, was a professional development day. Instead of attending professional development activities, she attended a Company conference.
6. On October 11, 2016, the District disciplined McLellan by suspending her without pay for eighteen days. In addition, she was required to repay the nine days she inappropriately took as sick leave.
  7. On October 25, 2016 the Commissioner considered this matter and determined to propose a consent resolution agreement to McLellan, in accordance with section 53(1)(a) of the *Teachers Act*.

## **DISPOSITION**

8. This Agreement is made under section 53 of the *Teachers Act*.
9. McLellan 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. McLellan admits that the facts set out in paragraphs 1 to 6 of this Agreement are true.
11. McLellan admits that the conduct described in paragraph 5 of this Agreement constitutes professional misconduct and is contrary to Standard #2 of the *Standards for the Education, Competence and Professional Conduct of Educators in British Columbia*, Fourth Edition, January 2012.
12. McLellan agrees to 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. McLellan 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**

14. The Director of Certification will record the terms of this Agreement on the Teacher Regulation Branch’s online registry under section 79(d) of the *Teachers Act*.

15. McLellan 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](http://www.bcteacherregulation.ca).
16. A breach by McLellan of any term in this Agreement may constitute professional misconduct which may be the subject of separate discipline proceedings.
17. McLellan 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 McLellan has admitted to the conduct and matters set out in this Agreement.
18. McLellan acknowledges that she has voluntarily entered into this Agreement with the benefit of independent legal advice, and that she fully understands the terms and conditions set out in this Agreement.

Signed in West Vancouver, B.C.  
this 6 day of Feb, 2017.



Marla Elaine McLellan

Signed in VANCOUVER, B.C.  
this 1 day of MARCH, 2017.

A handwritten signature in black ink, enclosed within a hand-drawn oval.

Hon. Bruce M. Preston, Commissioner