

In the matter of an employer's notice pursuant to Sections 35 and 36 of *The Registered Teachers Act, 2015* and REID LOZINSKI, Teacher Certificate #[XXXXXXX]

**Saskatchewan Professional Teachers Regulatory Board (SPTRB)**

**Consensual Complaint Resolution Agreement**

This agreement is made pursuant to clause 36(2)(b)(i) of *The Registered Teachers Act, 2015* and the related bylaws and procedures.

Between:

**REID LOZINSKI, REGISTERED TEACHER #[XXXXXX]**

and

**THE PROFESSIONAL CONDUCT COMMITTEE OF THE SPTRB**

## 1. HISTORY OF COMPLAINT, BACKGROUND AND RELEVANT FACTS

- 1.1 The Registered Teacher held Saskatchewan teacher's certificate #[XXXXXXX] and was registered with the Saskatchewan Professional Teachers Regulatory Board ("SPTRB") to teach in Saskatchewan at the time the complaint regarding his professional conduct was received. For the remainder of this agreement R.L. will be referred to as "the Registered Teacher".
- 1.2 On June 19, 2017 the SPTRB received an Employer's Notice from [SCHOOL DIVISION XXXXX].
- 1.3 The Registered Teacher was employed as a teacher by [SCHOOL DIVISION XXXXX] in [XXXXX], Saskatchewan during the time of the alleged professional incompetence and professional misconduct.

1.3.1 The concerns alleged professional incompetence and professional misconduct contrary to sections 32 and 33 of *The Registered Teachers Act*:

s. 32 Professional incompetence is a question of fact, but the display by a registered teacher of a lack of knowledge, skill or judgment or a disregard for the welfare of a student or other member of the public served by the profession of a nature or to an extent that demonstrates that the registered teacher is unfit to:

- (a) continue in the practice of the profession; or
- (b) provide one or more services ordinarily provided as part of the practice of the profession

is professional incompetence within the meaning of this Act.

s. 33 Professional misconduct is a question of fact, but any matter, conduct or thing, whether or not disgraceful or dishonourable, constitutes professional misconduct within the meaning of this Act if:

- (a) it is harmful to the best interests of students or other members of the public;
- (b) it tends to harm the standing of the profession;
- (c) it is a breach of this Act or the bylaws...

and as defined in sections 2.01 and 3.1, and Schedule H, of the SPTRB Regulatory Bylaws:

s. 2.01 Without restricting the generality of section 33 of the Act, the following conduct on the part of a registered teacher is misconduct:

- (a) conduct which is harmful to the best interest of pupils or affects the ability of a registered teacher to teach;
- (b) any intentional act or omission designed to humiliate or cause distress or loss of dignity to any person in school or out of school which may include verbal or non-verbal behavior; . . .
- (e) an act or omission that, in the circumstances, would reasonably be regarded by the profession as disgraceful, dishonourable or unprofessional

s.3.1(2) Without restricting the generality of section 32 of the Act, the Standards of Competence are to be used by the Professional Conduct Committee and the Discipline Committee when considering the matter of a registered teacher's competence.

#### Schedule H—Standards of Competence

Registrants of the Saskatchewan Professional Teachers Regulatory Board shall:

...  
(6) Work with colleagues in mutually supportive ways and develop effective professional relationships with members of the educational community.

(7) Conduct all professional relationships in ways that are consistent with principles of equity, fairness and respect for others.

#### 1.4 Facts were found to support the allegations as follows:

1.4.1 The Registered Teacher has had instances of mental health and addictions issues for several years. In 2015 and 2016, family pressures, workload and health challenges increased and he resumed alcohol consumption in addition to taking prescription medications prescribed by his physician, thus impairing his judgment.

1.4.2 In August of 2016 the Registered Teacher commenced sending anonymous text messages to a woman with whom he had previously been acquainted. In late September 2016, the two ultimately agreed to meet outside her home. Following that meeting, the Registered Teacher left the woman's premises and returned to his home.

1.4.3 Within 45 minutes of returning home, the Registered Teacher began texting the woman again persistently and he returned to her home. She declined to let him in and the Registered Teacher left. Subsequently, with the consent of the Registered Teacher, a peace bond was issued against him.

#### 1.5 Facts were found to support these allegations as follows:

1.5.1 The Registered Teacher's written response and interview statement.

1.5.2 Interview statement of other witnesses.

1.5.3 Information and data gathered from the school division.

#### 1.6 This agreement relates to non-compliance with *The Registered Teachers Act* and the bylaws and raises issues regarding professional misconduct as defined in the Act:

s. 33 Professional misconduct is a question of fact, but any matter, conduct or thing, whether or not disgraceful or dishonourable, constitutes professional misconduct within the meaning of this Act if:

- (a) it is harmful to the best interests of students or other members of the public;
- (b) it tends to harm the standing of the profession;

(c) it is a breach of this Act or the bylaws...

and as defined in the SPTRB Regulatory Bylaws:

s. 2.01 Without restricting the generality of section 33 of the Act, the following conduct on the part of a registered teacher is misconduct:

(b) any intentional act or omission designed to humiliate or cause distress or loss of dignity to any person in school or out of school which may include verbal or non-verbal behavior; . . .

(e) an act or omission that, in the circumstances, would reasonably be regarded the profession as disgraceful, dishonourable or unprofessional...

## **2. ISSUES FOR RESOLUTION**

2.1 The Registered Teacher is willing to enter into this agreement to ensure professional conduct. The Registered Teacher acknowledges that he is guilty of the facts and that he violated the sections of the Act and bylaws stated in Part 1 of the agreement.

## **3. TERMS, CONDITIONS, RESTRICTIONS AND PENALTY**

This agreement takes effect on the date of signing and will remain in effect until such time as the agreement is completed.

3.1 Recognizing the need for treatment, the Registered Teacher undertakes not to teach and not to apply for registration with the SPTRB until such time as the following conditions are in place:

3.1.1 The Registered Teacher demonstrates ongoing treatment, including attendance at regularly scheduled sessions and compliance with directions of Care Providers, for his mental health and addictions issues, and documented clearance from all such Care Providers to return to the classroom setting;

3.1.2 Upon receiving clearance from Care Providers to return to the classroom, the Registered Teacher will be allowed to apply for registration with the SPTRB. If registered, the Registered Teacher provides written consent and authorization for reports to be provided on an ongoing, regular basis, following clearance to return to the classroom setting, to the Registrar of the SPTRB from all Care Providers treating the Registered Teacher for his mental health and addictions issues. Such reports are to include the Registered Teacher's attendance, compliance, progress and prognosis, with any costs of such reports to be borne by the Registered Teacher;

3.1.3 The above-noted conditions in section 3.1.2 shall continue for a period of at least one year following the time when, in the opinion of the Registered Teacher's Care Providers, regularly scheduled sessions and treatment are no longer necessary. If during that period regularly scheduled sessions and treatment are again required, the matter will be referred back to the Professional Conduct Committee;

3.1.4 In the event the Registered Teacher changes Care Provider(s), he shall forthwith advise the Registrar of the change and provided the necessary written authorizations to ensure ongoing status reports.

#### **4. COMPLIANCE WITH AGREEMENT AND STATUS OF COMPLIANCE**

- 4.1 Upon this agreement taking effect and for so long as the Registered Teacher complies with this agreement, the Professional Conduct Committee will take no further action with respect to the complaint and the conduct described in Part 1.
- 4.2 A breach of the agreement will result in the Registered Teacher being referred back to the Professional Conduct Committee for review and further action that may include referral to the Discipline Committee. This agreement may be filed in a subsequent discipline hearing as proof of the facts and admission of guilt.
- 4.3 A breach by the Registered Teacher of this agreement may be professional misconduct. The Registered Teacher acknowledges and understands that if the PCC has reason to believe that the Registered Teacher has breached the agreement, the PCC may initiate a hearing before the Discipline Committee.

#### **5. TRANSPARENCY AND NOTIFICATION**

- 5.1 Notification of this agreement shall be in accordance with subsection 36(5) of *The Registered Teachers Act*, SPTRB Bylaws and policies that may exist from time to time.
- 5.2 The existence of the Consensual Complaint Resolution Agreement with the Registered Teacher shall be recorded on the Register.
- 5.3 The Professional Conduct Committee and the Registrar of the SPTRB shall receive and keep a signed copy of the agreement for their records.
- 5.4 The SPTRB shall notify Canadian teaching regulatory bodies and any other regulatory body deemed appropriate.
- 5.5 The Consensual Complaint Resolution Agreement shall be published on the SPTRB website.

#### **6. CONCLUSION OF TERMS, CONDITIONS, RESTRICTIONS AND PENALTY**

- 6.1 The PCC Committee reserves the right to negotiate an extension of the terms, conditions and restrictions of this agreement, if the facts warrant it.
- 6.2 Once the Registrar is satisfied that the Registered Teacher has completed all the terms, conditions and restrictions he shall inform the PCC and the Registered Teacher that:
- 6.2.1 the Registered Teacher's compliance with the agreement has been satisfactory;

6.2.2 the Registered Teacher no longer has terms, conditions and restrictions on his certificate or registration.

**7. SIGNATURES**

7.1 The Registered Teacher acknowledges that he has voluntarily entered into this agreement and is aware of his rights and responsibilities. The Registered Teacher is aware of his right to legal counsel and has chosen to exercise that right. The Registered Teacher accepts this Consensual Complaint Resolution Agreement:

original signed  
REID LOZINSKI  
REGISTERED TEACHER

original signed  
Witness

Date: November 19, 2018

Date: November 19, 2018

**8. APPROVAL BY PROFESSIONAL CONDUCT COMMITTEE**

8.1 The Professional Conduct Committee of the SPTRB approves this Consensual Complaint Resolution Agreement:

original signed  
Chair, SPTRB Professional Conduct Committee

original signed  
Witness

Date: November 9, 2018

Date: November 9, 2018