



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

AND

IN THE MATTER CONCERNING

BRIAN JOHN CARMICHAEL

██████████

CONSENT RESOLUTION AGREEMENT

BETWEEN:

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

AND:

BRIAN JOHN CARMICHAEL
(“Carmichael”)

BACKGROUND and FACTS

1. Carmichael holds a valid Professional Certificate of Qualification, No. ██████████. It was issued by the B.C. College of Teachers under the *Teaching Profession Act* on November 24, 1999, is valid from September 1, 1999, and was continued under the *Teachers Act* as of January 9, 2012.
2. At all material times, Carmichael was employed as a teacher by School District No. 74 (Gold Trail) (the “District”) at a District school (the “School”).

██████████: **Matter 1**

3. On February 27, 2023, the District made a report to the Commissioner regarding Carmichael, under section 16 of the *School Act*. This has been designated Matter 1.

██████████: **Matter 2**

4. On March 17, 2023, the parents of Student A made a complaint to the Commissioner,

- under the *Teachers Act*. This has been designated Matter 2.
5. Matter 1 and Matter 2 relate to the same conduct. On May 23, 2023, the Commissioner combined both matters.
 6. The following events occurred in the 2022/2023 school year, when Carmichael was teaching a combined Grade 7, 8 and 9 math class at the School:
 - a. In the first week of January 2023, he told the class an anecdote about a distant relative [“Relative A”] being a student in his math class in a previous year. Carmichael related to the class how Relative A’s mother told Carmichael that he could give Relative A a “bare bottom spank” if Relative A was misbehaving at School.
 - b. On January 11, 2023, Carmichael told his students that if they did not “ace” an upcoming test, “I’m going to have to shoot you all”. While Carmichael meant this as a joke, this was not apparent to all students in the classroom. One student reported feeling uncomfortable and wanting to leave the classroom immediately, another was unsure if Carmichael was being serious, and a third reported feeling concerned and confused.
 7. On February 8, 2023, the District issued Carmichael a letter of discipline.
 8. Carmichael was issued two letters of expectation, one in 2013 and another in 2017. They directed that he establish and maintain appropriate professional boundaries with students, be respectful in his communications, and proportional in his responses.
 9. On May 23, 2023, the Commissioner considered this matter and determined to propose a consent resolution agreement to Carmichael in respect of Matter 1 and Matter 2, in accordance with section 53(1)(a) of the *Teachers Act*.

CONSEQUENCES

10. This Agreement is made under section 53 of the *Teachers Act*.
11. Carmichael 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”).
12. Carmichael admits that the facts set out in paragraphs 1 to 8 of this Agreement are true.
13. Carmichael admits that the conduct described in paragraph 6 of this Agreement constitutes

professional misconduct and is contrary to Standards #1 and #2 of the *Professional Standards for BC Educators*, June 2019.

14. Carmichael agrees to a reprimand under sections 53 and 64(a) of the *Teachers Act*, which will take effect on the first business day following the Effective Date.
15. Carmichael also agrees under sections 64(f) and (h) of the *Teachers Act* that by **August 31, 2024**, (the “Condition Date”):
 - a. He will successfully complete the course *Creating a Positive Learning Environment* through the Justice Institute of British Columbia (the “Course”) and provide satisfactory proof of completion to the Commissioner by the Condition Date.
 - b. If Carmichael 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 Condition Date to a later date (the “Extended Date”).
 - c. If Carmichael 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 Carmichael’s certificate of qualification under section 64(f) of the *Teachers Act*, until such time as he successfully completes the Course.
16. In determining that a reprimand and course requirement are appropriate consequences, the Commissioner considered the following factors:
 - a. Carmichael has been previously cautioned about his use of language.
 - b. Carmichael’s conduct had the effect of endangering the emotional safety of students when he made a comment about shooting them.
17. Carmichael 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

18. The Director will record the terms of this Agreement on the Ministry of Education and Child Care’s online registry under section 79(d) of the *Teachers Act*.
19. Carmichael 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: teacherregulation.gov.bc.ca.

20. A breach by Carmichael of any term in this Agreement may constitute professional misconduct which may be the subject of separate discipline proceedings.
21. Carmichael 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 Carmichael has admitted to the conduct and matters set out in this Agreement.
22. Carmichael 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 CLINTON, B.C.
this 26 day of APRIL, 2024.



Brian John Carmichael

Signed in Coquitlam, B.C.
this 30 day of April, 2024.

A handwritten signature in black ink, appearing to read "Ana", followed by a horizontal line.

Ana R. Mohammed, Commissioner