



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

AND

IN THE MATTER CONCERNING

JUSTIN DANIEL MOSES ENNS

██████████

CONSENT RESOLUTION AGREEMENT

BETWEEN:

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

AND:

JUSTIN DANIEL MOSES ENNS
(“Enns”)

BACKGROUND and FACTS

1. Enns held an Interim Professional Certificate, ██████████. It was issued by the B.C. College of Teachers (the “College”) under the *Teaching Profession* on November 18, 2005 and was valid from September 1, 2005 until June 30, 2010.
2. Enns holds a valid Professional Certificate of Qualification, ██████████. It was issued by the College under the *Teaching Profession Act* on November 14, 2008, is valid from September 1, 2008, and was continued under the *Teachers Act* as of January 9, 2012.
3. At all material times, Enns was employed as a middle school teacher by School District No. 23 (Central Okanagan) (the “District”) at a school in the District (the “School”).
4. On February 26, 2019, the District made a report to the Commissioner regarding Enns, under section 16 of the *School Act*.

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5. The following events occurred when Enns was teaching a Grade 8 class at the School in the 2018/2019 school year:
 - a. Enns often hit a metre stick on desks or tables in order to get his students' attention.
 - b. Enns showed the class two videos which were age-inappropriate. The first was a clip from the show, "Last Week with John Oliver", in which security passwords were discussed. John Oliver suggested that "admiralalonzoghostpenis420YOLO" and "margarethatcheris100%SEXY" would be strong passwords. The second was a clip from South Park where an animated character was so engrossed in playing video games that he had his mother bring him a pot in which to defecate so that he would not have to interrupt his game.
 - c. On January 14, 2019, Enns asked Student A in front of the entire class whether Student A had attention deficit disorder. Student A was embarrassed and upset by the question and left the classroom. After class, Enns found Student A and apologized for his conduct. Later that day, Enns approached Student A and said that he had done his part by apologizing, but that Student A needed to apologize for leaving the classroom.
 - d. On January 16, 2019, Student A's father (Parent A) emailed Enns with concerns about the two videos which had been shown as well as the incident of January 14, 2019.
 - e. On January 16, 2019, Enns responded to the Parent A's email. In that email, Enns embedded a link to the South Park video clip he had shown the class. Enns then forwarded his email to Parent A to the School principal, but altered the message by removing the link to the South Park video clip, a fact he did not bring to the principal's attention. Enns removed the South Park clip from the email he sent to the School principal as he did not want the principal to see it.
6. On February 21, 2019, the District issued Enns a letter of discipline and suspended him for five days without pay. Enns served the suspension on March 5-8 and March 11, 2019. The School principal subsequently wrote Enns on March 14, 2019 to clarify what the District's expectations are going forward. The District's expectations are as follows:
 - a. Enns is to speak and act towards students with respect and dignity;
 - b. Enns is to refrain from singling students out publicly regarding confidential, medical, or sensitive information;



- c. Enns is to find ways to redirect students other than hitting a rule against a desk or table;
 - d. Enns is to seek assistance from school administrators any time he feels the conditions in the classroom have deteriorated;
 - e. Enns is to vet all communication with parents and guardians through school administrators; and
 - f. Enns is to use respectful and developmentally appropriate teaching resources and instructional methods.
7. The District had previously raised concerns it had with Enns as follows:
 - a. On January 31, 2017, the District issued Enns a letter of direction following allegations that he had interacted inappropriately with students and parents. The District directed Enns to:
 - Demonstrate care for the emotional well-being of his students and to promote an atmosphere of mutual respect and safety at all times
 - Speak and act towards students with respect and dignity
 - Solicit the assistance of the administrative team if he required support in resolving a conflict
 - Maintain his professionalism when dealing with parents and students
 - Attend a boundaries workshop on March 2, 2017
 - b. On November 25, 2016, the District issued Enns a letter of expectation in which he was reminded to “exercise judgment and sensitivity in monitoring the appropriateness of all subject matter to ensure [his] classroom is a racism-free and discrimination-free environment.”
 - c. The District had spoken with Enns informally on more than one occasion about his lack of judgment in comments made to his colleagues, and in selecting photographs for inclusion in the yearbook.
8. On January 14, 2020, the Commissioner considered this matter and determined to propose a consent resolution agreement to Enns, in accordance with section 53(1)(a) of the *Teachers Act*.



CONSEQUENCES

9. This Agreement is made under section 53 of the *Teachers Act*.
10. Enns 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”).
11. Enns admits that the facts set out in paragraphs 1 to 7 of this Agreement are true.
12. Enns admits that the conduct described in paragraph 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.
13. Enns agrees to a 3-day suspension of his certificate of qualification under sections 53 and 64(b) of the *Teachers Act*, from June 4, 2020 to June 8, 2020, inclusive.
14. In determining that a suspension is an appropriate consequence, the Commissioner considered the following factors:
 - a. Enns failed to create a positive learning environment for his students; and
 - b. Enns failed to use effective communication and classroom management strategies.
15. Enns 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 of Certification will record the terms of this Agreement on the Ministry of Education’s online registry under section 79(d) of the *Teachers Act*.
17. Enns 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. Enns 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 Enns has admitted to the conduct and matters set out in this Agreement.

20. Enns 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 Kelowna, B.C.
this 20 day of May, 2020.


Justin Daniel Moses Enns

Signed in Vancouver, B.C.
this 22 day of May, 2020.


Howard L. Kushner, Commissioner