



BRITISH COLUMBIA
COMMISSIONER FOR
TEACHER REGULATION

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

AND

IN THE MATTER CONCERNING

JOSEPH GREGORY GERICH



CONSENT RESOLUTION AGREEMENT

BETWEEN:

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

AND:

JOSEPH GREGORY GERICH
(“Gerich”)

BACKGROUND and FACTS

1. Gerich held a Standard Certificate of Qualification, [REDACTED] It was issued by the B.C. College of Teachers (the “College”) under the *Teaching Profession Act* on November 26, 2002 and was valid from September 1, 2002.
2. Gerich holds a valid Professional Certificate of Qualification, [REDACTED] It was issued by the College under the *Teaching Profession Act* on December 18, 2002, is valid from September 1, 2002, and was continued under the *Teachers Act* as of January 9, 2012.
3. At all material times, Gerich was employed as a junior school teacher at Quesnel Junior School, a Grade 8 and 9 school, by School District No. 28 (Quesnel) (the “District”) at a District school (the “School”).
4. On October 23, 2020, the District made a report to the Commissioner regarding Gerich, under section 16 of the *School Act*.

5. The following events occurred in September 2020 when Gerich was teaching woodworking at the School:
 - a. Student A and Student B were both in Grade 9. On September 22, 2020, Student A was spinning a wooden project, unsecured, on a hand drill. Doing so was unsafe as it could have resulted in the project flying into the air and hitting someone. On that same day, Student B was using a lathe to turn a wood block without wearing safety glasses. Student B's operation of the lathe in this manner caused wood chips to fly into the air. Student A and Student B only stopped engaging in these activities when the School principal, who was observing this, told them to stop.
 - b. Gerich did not always maintain a neat and tidy shop and did not consistently reinforce with students the need to tidy up at the end of class. Having a messy shop also created a safety risk for the students in Gerich's care.
6. Gerich's failure to ensure that students were safely using equipment in the classroom was contrary to the following handbook and policies:
 - a. The *Heads Up for Safety: A Safety Handbook for Technology Education Teachers* (the "Handbook") is a safety manual prepared for technology educators in BC. According to the manual, the safety procedures for using a lathe included wearing approved eye protection. With respect to the drill press, the manual stated that an object intended to be drilled using a drill press "must be secured in a drill vice or clamped down to the drill press table" in order to "prevent [the object] from spinning around and hurting [the student] if the drill bit were to catch."
 - b. District Policy 340 (Supervision of Students) says that teachers are "responsible for the care, discipline and instruction of students in their charge..."
 - c. District Policy 235 (Supervision of Instruction) says that students are best served when a high quality of classroom instruction and teaching performance is provided, of which supervision is an element.
7. On October 5, 2020, the District issued Gerich a letter of discipline and on October 15, 2020, the District suspended Gerich for five days without pay. Gerich served the suspension from October 19 to 23, 2020, inclusive.
8. Between January 22, 2020, and May 10, 2022, the following events occurred:
 - a. On February 5, 2020, three of Gerich's students were outside, wrestling in the snow during class time. The School's vice principal returned the students to Gerich's

classroom. Gerich had told the students to “go outside and wrestle in the hall,” although the students were supposed to be working on safety booklets in class.

- b. On March 12, 2020, a student who was not enrolled in woodworking was in Gerich’s class, using machinery, and without wearing safety eyewear.
- c. On April 12, 2022, the School principal removed students from Gerich’s classroom who were not registered in Gerich’s class.
- d. On May 10, 2022, a student threw a wooden knife they had made in Gerich’s class down a crowded hallway at the School. The knife narrowly missed hitting someone in the head. When the School principal asked Gerich if this student had made the knife in Gerich’s class, Gerich said that he was not sure what the student had been working on.

Previous letters of direction and discussions with Gerich

- 9. On at least nine occasions, the District raised concerns with Gerich in relation to safety in the shop, and issued him the following letters of direction:
 - a. On November 7, 2019, he was issued a letter of direction regarding a student’s use of a nail gun.
 - b. On January 9, 2020, he was issued a letter of direction reminding him to maintain shop cleanliness and to supervise students.
 - c. On February 18, 2020, he was issued a letter of direction regarding a student’s creation of real and replica weapons. Gerich was directed to approve projects, monitor students’ work and refer students to the office if they create real or replica weapons.
- 10. On December 4, 2020, the Commissioner ordered an investigation under section 47(1) of the *Teachers Act*.
- 11. On August 16, 2022, the Commissioner considered this matter and determined to propose a consent resolution agreement to Gerich, in accordance with section 53(1)(a) of the *Teachers Act*.

CONSEQUENCES

- 12. This Agreement is made under section 53 of the *Teachers Act*.

13. Gerich 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”).
14. Gerich admits that the facts set out in paragraphs 1 to 9 of this Agreement are true.
15. Gerich admits that the conduct described in paragraphs 5 and 8 of this Agreement constitutes professional misconduct and is contrary to Standard #1 of the *Professional Standards for BC Educators*, June 2019.
16. Gerich agrees under section 64(f) and (h) of the *Teachers Act* that by August 31, 2024 , (the “First Condition Date”):
 - a. He will successfully complete the online course *Supervising for Safety* through Worksafe BC (the “Course”) and provide satisfactory proof of completion to the Commissioner by the First Condition Date.
 - b. If Gerich does not successfully complete the Course by the First 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 First Condition Date to a later date (the “First Extended Date”).
 - c. If Gerich fails to provide satisfactory proof of completion of the Course by the later of the First Condition Date or the First Extended Date, the Commissioner may require the Director of Certification (“the Director”) to suspend Gerich’s certificate of qualification under section 64(f) of the *Teachers Act*, until such time as he successfully completes the Course.
17. Gerich further agrees under sections 64(f) and (h) of the *Teachers Act* that by June 30, 2024 (the “Second Condition Date”):
 - a. Gerich will complete at least eight mentoring sessions through the BCTF focused on student safety, student supervision, meeting the needs of students with diverse learning profiles, as well as appropriate planning, marking, and reporting.
 - b. Gerich will provide the Commissioner with a letter from the BCTF mentor which:
 - confirms that Gerich has completed at least eight mentoring sessions;
 - includes the dates of the mentoring sessions; and
 - confirms the topic(s) addressed.

(the “Letter”)

- c. If Gerich does not provide the Commissioner with the Letter by the Second Condition Date, he will immediately advise the Commissioner in writing of the reason(s) he has not done so and set out the date by which he proposes to do so, at which time the Commissioner may extend the deadline to a later date (the “Second Extended Date”).
 - d. If Gerich does not provide the Commissioner with the Letter by the later of the Second Condition Date or the Second Extended Date, the Commissioner may require the Director to suspend Gerich’s certificate of qualification under section 64(f) of the *Teachers Act*, until such time as he provides the Commissioner with the Letter.
18. Gerich agrees to a five-day suspension of his certificate of qualification under sections 53 and 64(b) of the *Teachers Act*, from November 20, 2023 to November 24, 2023, inclusive.
19. In determining that a course requirement, mentorship and five-day suspension are appropriate consequences, the Commissioner considered the following factors:
- a. Gerich failed to ensure a safe learning environment for his students; and
 - b. Gerich had been previously made aware of the need to maintain a safe learning environment for his students.
20. Gerich 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

21. 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*.
22. Gerich 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: <https://teacherregulation.gov.bc.ca>.
23. Notification of this Agreement will be made in accordance with section 55 of the *Teachers Act*.
24. Gerich 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 Gerich has admitted to the conduct and matters set out in this Agreement.
25. Gerich 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 Quesnel, B.C.
this 4 day of November, 2023.


Joseph Gregory Gerich

Signed in Coquitlam, B.C.
this 7th day of November, 2023.


Ana R. Mohammed, Commissioner