



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

AND

IN THE MATTER CONCERNING
SHANE GORDON ASHLEY KENNEDY



CONSENT RESOLUTION AGREEMENT

BETWEEN:

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

AND:

SHANE GORDON ASHLEY KENNEDY
 (“Kennedy”)

BACKGROUND and FACTS

1. Kennedy 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 July 27, 2006, is valid from September 1, 2006, and was continued under the *Teachers Act* as of January 9, 2012.
2. At all material times, Kennedy was employed as a middle school teacher by School District No. 43 (Coquitlam) (the “District”) at a District school (the “School”).
3. On June 4, 2019, the District made a report to the Commissioner regarding Kennedy, under section 16 of the *School Act*.
4. The following events occurred in June 2018, when Kennedy assigned a media violence project to his two Grade 6 Health and Career Education (HACE) classes:
 - a. In preparation for the project, Kennedy instructed his students to watch the Fourth R



video, “Impact of Media Violence on Today’s Youth” (the “Fourth R Video”). The Fourth R Video is meant for adults and educators, and contains a media montage which depicts physical violence, assault, sexual content, sexual violence, drugs, drug use, alcohol use and gender stereotyping.

- b. Students were then instructed to work in pairs to find an advertisement, either from the Fourth R Video, YouTube, or a poster, and analyze it by answering questions about its purpose, message, negative images and messages and desensitization. They were to then present the advertisement they had selected, and their analysis of it, to their class. Kennedy put no restrictions on the students’ internet research for this project.
 - c. Five parents complained to Kennedy about the Fourth R Video which they felt was inappropriate for students in Grade 6. Kennedy’s response was to write the parents and tell them that reviewing the Fourth R Video was optional. This is not a message he shared with other students or their parents. Kennedy also did not change any other aspect of the project, and by this point, many students had already watched the Fourth R Video.
 - d. Students found a number of age-inappropriate advertisements on the internet when preparing their projects which included imagery or references to simulated sexual intercourse, oral sex and offensive racial prejudices. Some of these advertisements formed the basis for some class presentations and were shown in class.
5. On November 2, 2018, the District issued Kennedy a letter of discipline and suspended him for 3 days without pay. Kennedy served the suspension on October 24, 25 and 26, 2018. The District also suggested that Kennedy take the following course offered by the Justice Institute of B.C.: *Creating a Positive Learning Environment*.
 6. On April 7, 2020, the Commissioner considered this matter and determined to propose a consent resolution agreement to Kennedy, in accordance with section 53(1)(a) of the *Teachers Act*.

CONSEQUENCES

7. This Agreement is made under section 53 of the *Teachers Act*.
8. Kennedy 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”).
9. Kennedy admits that the facts set out in paragraphs 1 to 5 of this Agreement are true.

10. Kennedy admits that the conduct described in paragraph 4 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.
11. Kennedy agrees to a 1-day suspension of his certificate of qualification under sections 53 and 64(b) of the *Teachers Act*. The suspension will be served on October 9, 2020.
12. In determining that a 1-day suspension is an appropriate consequence, the Commissioner considered the following factor:
 - a. Kennedy failed to establish a positive learning environment by using material that was not age-appropriate.
13. Kennedy 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

14. 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*.
15. Kennedy 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.
16. Notification of this Agreement will be made in accordance with section 55 of the *Teachers Act*.
17. A breach by Kennedy of any term in this Agreement may constitute professional misconduct which may be the subject of separate discipline proceedings.
18. Kennedy 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 Kennedy has admitted to the conduct and matters set out in this Agreement.

19. Kennedy 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 Pitt Meadows, B.C.
this 26 day of June, 2020.



Shane Gordon Ashley Kennedy

Signed in Vancouver, B.C.
this 13 day of July, 2020.



Howard L. Kushner, Commissioner

