



BRITISH COLUMBIA
COMMISSIONER FOR
TEACHER REGULATION

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

AND

IN THE MATTER CONCERNING

JAMES DOUGLAS KLASSEN

██████████

CONSENT RESOLUTION AGREEMENT

BETWEEN:

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

AND:

JAMES DOUGLAS KLASSEN
 (“Klassen”)

BACKGROUND and FACTS

1. Klassen held a Standard Certificate, No. ██████████. It was issued by the B.C. Ministry of Education on February 16, 1987, and was valid from September 1, 1987.
2. Klassen held a Standard Certificate of Qualification, No. ██████████. It was issued by the B.C. College of Teachers (the “College”) under the *Teaching Profession Act* on June 3, 1991 and was valid from January 1, 1988.
3. Klassen holds a valid Professional Certificate of Qualification, No. ██████████. It was issued by the College under the *Teaching Profession Act* on November 2, 1998, is valid from September 1, 1998 and was continued under the *Teachers Act* as of January 9, 2012.
4. At all material times, Klassen was employed as a middle school teacher by School District No. 34 (Abbotsford) (the “District”) at a District school (the “School”).
5. On June 8, 2018, the District made a report to the Commissioner regarding Klassen, under

section 16 of the *School Act*.

6. The following occurred during the 2017-2018 school year:
 - a. In December, 2017, the School principal spoke with Klassen informally about making physical contact with students, telling him that he should not touch students on the shoulder.
 - b. In January, 2018, the School principal spoke with Klassen again, reminding him that he should keep his hands in his pockets as a complaint had been made that he had made physical contact with a female student.
 - c. In February, 2018, the Abbotsford Police Liaison Officer spoke with Klassen, and advised him that he needed to be careful about keeping a physical distance with students.
 - d. In January, 2018, Klassen began teaching Student A, Student B, and Student C.
 - e. Despite the earlier warnings he had received, Klassen made physical contact with Student A, Student B and Student C as follows:
 - Klassen made contact with Student A's lower back, arm, shoulder and hip.
 - Klassen made contact with Student B's arm, shoulder and hip and also gave her a sideways hug.
 - Klassen made contact with Student C's arm and shoulder.
 - f. Student A, Student B, and Student C reported feeling uncomfortable as a result of Klassen's conduct, but did not believe the touching was sexual in nature.
7. On June 29, 2018, the District issued Klassen a letter of expectation. In its letter, the District advised Klassen of its expectation that he not have any physical contact with students, as this is not permitted. The District also recommended that Klassen enroll in a professional boundaries course offered by the Justice Institute of British Columbia.
8. On August 21, 2018, the Commissioner considered this matter and determined to propose a consent resolution agreement to Klassen, in accordance with section 53(1)(a) of the *Teachers Act*.

DISPOSITION

9. This Agreement is made under section 53 of the *Teachers Act*.
10. Klassen 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. Klassen admits that the facts set out in paragraphs 1 to 7 of this Agreement are true.
12. Klassen admits that the conduct described in paragraph 6 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. Klassen agrees to a 3-day suspension of his certificate of qualification under sections 53 and 64(b) of the *Teachers Act*. The suspension will take effect on October 15, 16 and 17, 2019.
14. Klassen also agrees under section 64(f) and (h) that by **April 30, 2020** (the “Condition Date”):
 - a. He will successfully complete the course “Reinforcing Respectful Professional Boundaries” through the Justice Institute of British Columbia (the “Course”) and provide satisfactory proof of completion to the Commissioner by the Condition Date.
 - b. If Klassen 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 deadline to a later date (the “Extended Date”).
 - c. If Klassen 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 Klassen’s certificate of qualification under section 64(f) of the *Teachers Act*, until such time as he successfully completes the Course.
15. In determining that a suspension and course requirement are appropriate consequences, the Commissioner considered the following factors:
 - a. Klassen was warned to stop engaging in this conduct, but failed to do so.

- b. Klassen failed to appreciate that he was making these students uncomfortable.
 - c. Klassen lacked insight into his behaviour as it was his expectation that students should tell him that they were feeling uncomfortable.
 - d. Having inappropriate physical contact with students was an invasion of their personal space.
16. Klassen 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.

CONSEQUENCES OF THE AGREEMENT

17. The Director will record the terms of this Agreement on the Teacher Regulation Branch's online registry under section 79(d) of the *Teachers Act*.
18. Klassen 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.bcteacherregulation.ca.
19. Notification of this Agreement will be made in accordance with section 55 of the *Teachers Act*.
20. A breach by Klassen of any term in this Agreement may constitute professional misconduct which may be the subject of separate discipline proceedings.
21. Klassen 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 Klassen has admitted to the conduct and matters set out in this Agreement.

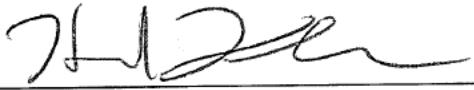
22. Klassen acknowledges that he has voluntarily entered into this Agreement with the benefit of independent legal advice, and that he fully understands the terms and conditions set out in this Agreement.

Signed in Abbotsford, B.C.
this 30 day of September, 2019.



James Douglas Klassen

Signed in Vancouver, B.C.
this 9 day of October, 2019.


Howard L. Kushner, Commissioner