



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

AND

IN THE MATTER CONCERNING

JAY ALEXANDER KOHLMAN

[REDACTED]

CONSENT RESOLUTION AGREEMENT

BETWEEN:

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

AND:

JAY ALEXANDER KOHLMAN  
(“Kohlman”)

**BACKGROUND and FACTS**

1. Kohlman holds a valid Professional Certificate of Qualification, [REDACTED]. It was issued by the B.C. College of Teachers under the *Teaching Profession Act* on November 24, 1995, is valid from September 1, 1995, and was continued under the *Teachers Act* as of January 9, 2012.
2. At all material times, Kohlman was employed as a secondary school teacher by School District No. 22 (Vernon) (the “District”) at a school in the District (the “School”).
3. On June 25, 2018, an employee of the Ministry of Education made a complaint to the Commissioner regarding Kohlman, under the *Teachers Act*. This complaint is designated as Matter 01.
4. On September 12, 2018, the District made a report to the Commissioner regarding Kohlman, under section 16 of the *School Act*. This report is designated as Matter 02.

[REDACTED]

5. In the 2017-2018 school year, Kohlman was employed as a teacher at the School, where he taught three classes of English 12, when:
- a. Kohlman distributed to his English 12 students for exam preparation purposes a sample exam he prepared. This sample exam included content from English 12 Provincial Examinations which had been previously given, but which the Ministry of Education held as “secure” and had not released to use as study or practice aids (the “Secure Exams”).
  - b. It was Kohlman’s general practice to make or obtain a copy of the Secure Exams when they were given each year and then use them to make sample exams to prepare his students.
  - c. Kohlman used content from Secure Exams to prepare his students, even though he was aware that the Ministry of Education re-used readings and questions from the Secure Exams.
  - d. The following statement was printed on the front of the Secure Exams:

SECURE EXAM Distribution of this exam is permitted for exam administration purposes and must be returned to the Ministry of Education. Copying, storing or sharing this exam, in part or in whole, is a direct violation of exam security policy.
  - e. While his students were writing the English 12 Provincial Exam on January 25, 2018 (the “January 2018 Exam”), Kohlman asked the School vice-principal if he could look at it so he could support his students after the exam. The vice-principal allowed him to look at it.
  - f. Kohlman took a copy of the January 2018 Exam.
  - g. When he returned the January 2018 Exam to the vice-principal, she asked him to confirm he had not taken a copy, and he lied by responding to her that he had not.
  - h. Kohlman showed this copy of the January 2018 Exam to another teacher at the School.
  - i. During the District investigation, Kohlman was asked whether he had used any content from a Secure Exam to prepare his students, and he said that he had not, which he knew was not true.

6. On September 5, 2018, the District disciplined Kohlman by suspending him for one day without pay.
7. On June 7, 2019, the Commissioner considered this matter and determined to propose a consent resolution agreement to Kohlman, in accordance with section 53(1)(a) of the *Teachers Act*.

## **CONSEQUENCES**

8. This Agreement is made under section 53 of the *Teachers Act*.
9. Kohlman 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").
10. Kohlman admits that the facts set out in paragraphs 1 to 6 of this Agreement are true.
11. Kohlman admits that the conduct described in paragraph 5 of this Agreement constitutes professional misconduct and is contrary to Standard #2 of the *Standards for the Education, Competence and Professional Conduct of Educators in British Columbia*, Fourth Edition, January 2012.
12. Kohlman agrees to a suspension of his certificate of qualification for three days, under sections 53 and 64(b) of the *Teachers Act*, from December 18, 2019 to December 20, 2019, inclusive.
13. In determining that a suspension is an appropriate consequence, the Commissioner considered Kohlman's dishonesty when:
  - a. He obtained copies of Secure Exams inappropriately and, in one instance by misleading the school administration.
  - b. Kohlman denied using content from previous Secure Exams when he was questioned by District staff.
14. Kohlman 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.

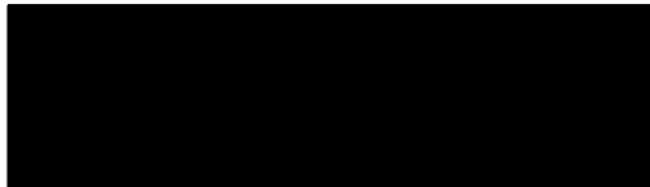
## **EFFECT OF THE AGREEMENT**

15. The Director of Certification will record the terms of this Agreement on the Branch's online registry under section 79(d) of the *Teachers Act*.



16. Kohlman 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](http://www.teacherregulation.gov.bc.ca)
17. Notification of this Agreement will be made in accordance with section 55 of the *Teachers Act*.
18. A breach by Kohlman of any term in this Agreement may constitute professional misconduct which may be the subject of separate discipline proceedings.
19. Kohlman 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 Kohlman has admitted to the conduct and matters set out in this Agreement.
20. Kohlman 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 Vernon, B.C.  
this 4<sup>th</sup> day of December, 2019.



Jay Alexander Kohlman

Signed in Vancouver, B.C.  
this 5 day of December, 2019.

A handwritten signature in black ink, appearing to read "H. Kushner", written over a horizontal line.

Howard L. Kushner, Commissioner

