



2026 TAHP 02

Decision issued: June 11, 2026

Citation issued: February 6, 2025

Citation amended: October 6, 2025

File No.: [REDACTED]

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

AND

A HEARING CONCERNING

David Joseph Lamb

(An Authorized Person under the *Teachers Act*)

REASONS FOR DECISION ON CONSEQUENCES

Written Submissions filed: April 2, 2026

Panel: Paul Singh (Chair), Lisa Kishkan, Dr. Michelle LaBounty

Counsel for the Commissioner: Maureen Boyd & Joanne Kuroyama

No appearance by the Respondent

INTRODUCTION

- [1] On January 30, 2026, the panel issued its Summary of Reasons for Decision wherein it found that David Joseph Lamb (the “Respondent”) committed professional misconduct under section 63(1)(b) of the *Teachers Act* SBC 2011, c.19 (“*Teachers Act*”) (see *In the Matter of the Teachers Act – and – Lamb*, 2026 TAHP 01 (the “Reasons for Decision on Findings”)).
- [2] The Respondent’s professional misconduct can be characterized as follows, as set out in the Reasons for Decision on Findings:
- selectively offering some students assistance and using flawed or unfair assessment strategies which had the effect of favoring some students;
 - communicating with students by email at unreasonable times and in a matter that placed a burden on students and disregarded their emotional safety; and

- engaging in a wide range of boundary violations by which the Respondent attempted to build an improper personal relationship with Student A, including giving her excessive compliments, giving her gifts, communicating with her about personal matters, and emotionally manipulating her for his personal goals.
- [3] Following our finding of professional misconduct, the panel sought submissions in writing from the parties on the appropriate penalty to be imposed. The panel received submissions from the Commissioner but no submissions from the Respondent.
- [4] The Commissioner submits that the appropriate consequence is cancellation of the Respondent's certificate of qualification under section 64(e) of the *Teachers Act*.

ANALYSIS

Purpose of consequences

- [5] The primary purpose of professional discipline is protection of the public interest. As noted by the BC Court of Appeal in *McKee v. College of Psychologists of British Columbia* (1994), 95 BCLR 2(d) 66:
- 7...where the legislature has entrusted the disciplinary process to a self governing professional body, the legislative purpose is regulation of the profession in the public interest. The emphasis must clearly be upon the protection of the public interest, and to that end, an assessment of the degree of risk, if any, in permitting a practitioner to hold himself out as legally authorized to practice his profession...
- [6] In the regulation of the teaching profession, the public interest is the guiding principle for determination of disciplinary consequences (see *In the Matter of the Teachers Act – and – Obert*, 2020 TAHP 02 (“*Obert*”) at para. 15).

Factors to consider for consequences

- [7] The factors to consider when imposing consequences under section 64 of the *Teachers Act* are set out in *In the Matter of the Teachers Act – and- McGeough* (January 17, 2013) (“*McGeough*”). They include: (a) the nature of the allegations; (b) the impact of the conduct on the students; (c) the presence or absence of prior misconduct; (d) the extent to which the teacher has already suffered consequences; (e) the role of the teacher in acknowledging the gravity of the conduct; (f) the need to promote specific and general deterrence; (g) and the need to maintain public confidence in the teaching profession as a whole.
- [8] In considering these factors, the panel must consider whether and to what extent each factor mitigates or aggravates the circumstances of the case.
- [9] Aggravating factors are those that demonstrate a need for more severe consequences and include conduct which was repeated or which continued over a long period of time, risk of harm to students or actual harm, lack of insight or remorse by the teacher, conduct intended to hide the teacher's misconduct, and a disciplinary history particularly with misconduct of a similar nature.

- [10] Mitigating factors are those that could reduce the severity of consequences and include the absence of prior misconduct, the fact that a teacher has already suffered significant consequences, an acknowledgment by the teacher of the misconduct, and steps taken voluntarily by the teacher to address their misconduct (see *In the Matter of the Teachers Act – and Robertson*, 2016 TAHP 02 and *In the Matter of the Teachers Act – and Ammon*, 2017 TAHP 01 (“*Ammon*)).
- [11] As the Respondent did not participate in this process, there is no evidence before the panel of any mitigating circumstances, such as steps taken by him to address his behaviour. The relevant factors in this case are therefore mostly aggravating in nature. These include the presence of prior misconduct, the serious impact on students, and the Respondent’s lack of insight into his conduct. Along with those factors, the panel is particularly concerned with the need to maintain public confidence in the teaching profession as a whole.

The Respondent’s discipline history

- [12] The Respondent has a significant history of violating professional boundaries with students, which is an aggravating factor. The Respondent’s discipline history includes the following:
- In June 2006, he was given a letter of expectation about the need to treat students respectfully and to demonstrate professional teacher-student relationships.
 - In October 2009, he was given a letter of expectation about the need to maintain professional teacher-student boundaries and treat students in a respectful way.
 - In May 2011, he was given a letter of discipline about violating the professional boundaries of a teacher towards students.
 - In February 2012, he was given a letter of expectation setting out expectations that there be no students in his office area at any time, including lunch hour and breaks; no transporting of students to school or personal events; no eating meals with students whether on or off school property; no discussion either by cellphone or texting with students; and no evening music practices without the knowledge and consent of the administration.
- [13] In December 2014, the Respondent entered into a consent resolution agreement with the Commissioner in which he admitted to a wide range of professional boundary violations, including involving himself in students’ personal lives. The Respondent agreed to a reprimand and to complete the Justice Institute of BC Reinforcing Respectful Professional Boundaries course. These remedial steps did not, however, improve the Respondent’s conduct. He was next disciplined in October 2018 when the District gave him a disciplinary letter and suspended him without pay for one day. His improper conduct continued even after the Teacher Regulation Branch began an investigation in January 2019.

Impact of conduct on students

- [14] The Respondent's improper conduct negatively impacted students in significant ways, which is an aggravating factor. As noted in the Reasons for Decision on Findings, Student A testified at the hearing that she felt anxious, unhappy and manipulated by the Respondent.
- [15] The evidence before the panel demonstrates that other students felt similarly. In his affidavit, Ricardo Lopez (who, at the material time, was the principal of the high school where the Respondent taught) deposed that he spoke with two school counsellors and two students in April and May 2018 about concerns that students were feeling overwhelmed and pressured by the Respondent and uncomfortable in his class. Mr. Lopez also received two requests from parents to withdraw their children from band classes that the Respondent taught. In the fall of 2018, a school counsellor told Mr. Lopez that a student was struggling emotionally in the Respondent's band class with the student subsequently dropping the class. In the spring of 2019, a student told Mr. Lopez that students felt uncomfortable and stressed because of the Respondent, but that they were apprehensive and reluctant to say anything about him because they feared reprisal.
- [16] The panel notes that the Respondent was aware from the October 2018 discipline letter that his behaviour had significant negative impacts on students. As stated in that letter:
- It was reported that students in your classes were becoming mentally overwhelmed and that they were feeling bullied by you. Students reported that you make everything feel negative and that they feel trapped in the band room. They also stated that they feel pushed, isolated to stay in your classes and felt obligated to take band or they would be letting other students down. Multiple students reported feeling angry, uncomfortable, upset and disappointed by your actions.
- Further it was reported that your behaviour is worse when you are stressed and students have reported they do not want to participate in band because you make it too stressful. It was also reported the atmosphere you create and portray to students stresses them out personally, and there is a feeling of uncomfortableness and anxiety around you.
- [17] Despite his discipline history, the Respondent has exhibited little to no insight into his conduct and little to no understanding of its impact on students, which is an aggravating factor. In fact, he has consistently blamed the students for his inappropriate behaviour. As noted in the affidavit evidence before the panel, during the Respondent's interview in the District's 2018 investigation, he stated that students misperceived him and wanted to get him into trouble. During the Respondent's interview in the District's 2019 investigation, he stated that the students' allegations against were lies or misperceptions.
- [18] The panel notes that a failure to express remorse or admit misconduct is not an aggravating factor since a person is entitled to defend themselves (see Salte, *The Law of Professional Regulation* at pg. 234). However, the Respondent's behaviour demonstrates his limited insight into the negative effects his conduct has had on students, which is a relevant consideration for the panel.

- [19] The panel notes that despite the Respondent's lack of participation in this process, he has paid his annual fee to maintain his certificate of qualification (the citation was issued in February 2025 and he paid his annual fee in May 2025). Accordingly, the Respondent's risk of harm to students is a continuing concern since he holds a valid certificate while refusing to rectify his behaviour despite a history of professional boundary violations

Specific and general deterrence

- [20] In *In the Matter of the Teachers Act –and – Mooney*, 2025 TAHP 01 ("*Mooney*"), the panel noted the importance of deterrence as a consideration when imposing a penalty:

8. ...Teaching is a profession resting on trust. Given the importance of the education system in maintaining, supporting and educating people in a free and democratic society, trust in the system by the students, parents and general public is fundamental. Protection of the public is a cornerstone duty of any professional regulator. The conduct of the Respondent in attempting to form relationships with young female students outside of the professional realm breached that trust and must be seen, at the very least, as exploitative and serious. **The penalty must be of sufficient weight to act as a general deterrence to other teachers and to maintain the public's confidence in the system...** (emphasis added)

- [21] This panel endorses the importance of deterrence as set out in *Mooney*. The public must have confidence that an effective disciplinary outcome will occur when a teacher (such as the Respondent) is repeatedly unwilling to comply with the standards required of them and their improper conduct continues despite sustained remedial and disciplinary intervention. An effective outcome is one which must address both specific deterrence of the Respondent and general deterrence to other teachers.

- [22] In light of these considerations, the panel reviewed the consequences imposed on teachers in past cases, including the following:

- In *McGeough*, the teacher was found to have entered into a relationship with a 17 year old female student that was not sexual but had "sexual overtones". The teacher sent highly personal emails to the student, encouraged her to keep their relationship secret, took her out for meals and coffee, gave her gifts, and invited her to his home. He touched her by kissing her hand and head and rubbing her head and back. He had no prior misconduct. The panel imposed a reprimand and a 15-year ban on the reissuance of his certificate.
- In *Ammon*, the teacher was found to have entered an unprofessional and inappropriately personal relationship with a student that lasted for three months. The teacher's conduct included spending time with the student in early mornings before class time in a one-on-one fitness program, communicating with the student about personal topics, frequently emailing with the student, expressing affection for the student, and giving the student gifts. The teacher continued to give the student gifts after the parents asked him to stop and failed to inform the parents or the school of the student's emotional vulnerability and poor academic performance. The teacher had no prior misconduct. The panel imposed a five month suspension.

- In *Mooney*, the panel imposed a five year ban on the reissuance of the Respondent's certificate. The teacher's misconduct involved online communication with several students in which he lied, told them to keep the communication secret, and attempted to prompt them into sexualized topics in a way that the panel found approached grooming. The misconduct initially occurred for a short period in June and September 2021 but continued after he was warned by his employer to maintain appropriate boundaries with students. He had no prior misconduct.

[23] The panel agrees with the Commissioner that the Respondent's conduct in this case is more serious than the respondents' conduct in *Mooney* and *Ammon*, given the Respondent's history of boundary violations and significantly longer period of time over which his misconduct occurred. The panel also notes that the Respondent had a significant history of prior misconduct, which was not present in *McGeough*.

Public confidence in the teaching profession

[24] As set out in the preamble to the *School Act*, RSBC 1996, c. 412, an important goal of the education system is to enable children to acquire the knowledge, skills and attitudes needed to contribute to a healthy, democratic and pluralistic society and a prosperous and sustainable economy. In order for the education system to meet these goals, parents must have confidence to send their children to school and leave them in the care of teachers.

[25] In *R. v. Audet*, [1996] SCJ No. 61, the Supreme Court of Canada quoted with approval the statement that, "[i]n our society the role of the teacher is second in importance only to the parent" (at para. 41).

[26] The panel considered the public's confidence in the teaching profession to be an important factor in this case. Given the importance of teachers and their critical role, the public must be confident that individuals like the Respondent, are maintaining rigorous professional standards. The Respondent's lack of insight into his conduct and his enduring conduct issues are sufficiently aggravating such that the penalty imposed must be commensurate to ensure the maintenance of that confidence. A serious penalty in this case demonstrates to teachers and to the public that a teacher's refusal to remediate their conduct despite repeated interventions will result in a loss of the privilege to hold a certificate.

[27] In this case, the panel agrees with the Commissioner that the appropriate consequence is cancellation of the Respondent's certificate. A suspension will have no impact on the Respondent as he no longer works in the K-12 system. In addition, the panel notes from the medical evidence that the Respondent, who is 68 years old and suffers from debilitating medical issues, will likely never be able to return to work in any event.

[28] The Respondent's discipline history suggests that any other measure imposed by the panel would not be sufficient to remediate his conduct. The Respondent has been repeatedly advised that his conduct is not acceptable and he has continued unabated. In order to maintain the public's confidence in the teaching profession and to ensure no further impact to students, the panel considers cancellation necessary.

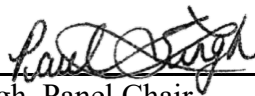
ORDER

- [29] The panel orders the director of certification to cancel the Respondent's certificate of qualification under section 64(e) of the *Teachers Act*.

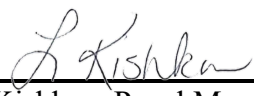
PUBLICATION

- [30] These reasons will be made public in accordance with section 66 of the *Teachers Act* unless an application is made to the panel under section 66(4) for non-publication or publication of a summary. If either party intends to make an application regarding publication, they must either file written submissions or provide written notice of their intent to make an application to the hearing coordinator within two weeks of receiving these Reasons for Decision.

Dated this 11th day of June, 2026



Paul Singh, Panel Chair



Lisa Kishkan, Panel Member



Dr. Michelle LaBounty, Panel Member