



BRITISH COLUMBIA
COMMISSIONER FOR
TEACHER REGULATION

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

AND

IN THE MATTER CONCERNING

DAVID JOSEPH LAMB

[REDACTED]

CONSENT RESOLUTION AGREEMENT

BETWEEN:

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

AND:

DAVID JOSEPH LAMB
(“Lamb”)

BACKGROUND and FACTS

1. Lamb holds a valid Professional Certificate of Qualification, No. [REDACTED]. It was issued by the B.C. College of Teachers (the “College”) under the *Teaching Profession Act* on October 5, 2004, is valid from September 1, 2004 and continued under the *Teachers Act* as of January 9, 2012.
2. At all material times, Lamb was employed as a high school band teacher by School District No. 39 (Vancouver) (the “District”) at David Thompson Secondary School (the “School”).
3. On June 21, 2011, the District made a report to the College regarding Lamb, under section 16 of the *School Act*.
4. In the 2010-2011 school year, while teaching jazz and concert band and other music courses at the School, Lamb spoke to students disrespectfully when:
 - a. In the fall of 2010, Lamb was attempting to locate some physics help for another band student. Lamb asked a male student (“Student A”) to help but Student A

declined, saying he was busy with his own homework. Shortly after, Lamb came up to Student A and said words to the effect that students in the band help each other and that he did not appreciate Student A's attitude. He then told Student A to go do his homework in the library or another quiet spot instead of the bandroom.

- b. On or about June 3, 2011, Lamb made a disrespectful comment about a student who was not present. During a rehearsal a couple days earlier, some students were absent and Lamb asked this student ("Student B") to use her cellphone to call the missing students and tell them to attend rehearsal. She attempted to call them, but was unable to contact some students. On June 3, 2011, when some students were missing, he asked another student to call them and said words to the effect of "and don't fake it like [Student B] did". This comment was heard by students in the class.
5. On October 5, 2009, Lamb was directed in writing by the School principal on October 5, 2009 not to hold music practices of any type after 5:00 p.m. without the prior approval of the principal. During the 2010-2011 school year, Lamb frequently held after-hours band practices. In November 2010, Lamb arranged to use space at a church in order to hold a practice on the weekend with many, but not all, of the students in the band. He did not obtain the prior approval of the principal.
6. In the 2010-2011 school year, Lamb failed to observe appropriate professional boundaries with students :
 - a. Lamb held after-hours practices in the evening, sometimes with only two or three students (including Student D) and sometimes lasting as late as 10:00 p.m. He did not obtain the prior approval of the principal as he was required to do for these practices.
 - b. Lamb went out with small groups of two to five students (including Students C and D) for four "celebratory dinners". While the dinners were purportedly to celebrate band performances, they were only attended by a few students in the band.
7. During the 2010-2011 school year, Lamb failed to observe appropriate professional boundaries with a male student ("Student C").
 - a. Lamb often called Student C at home between 7:00 p.m. and 10:00 p.m. at night and talked to him about music and other matters, often for periods in excess of an hour. The parents were aware that Lamb was phoning Student C.
 - b. Lamb visited Student C at his home on two occasions and discussed personal matters.

8. During the 2010-2011 school year, Lamb failed to observe appropriate professional boundaries when he formed an inappropriately close relationship with a female student ("Student D").
 - a. On many occasions, Lamb picked up Student D and drove her to the School in the morning.
 - b. On several occasions, Lamb picked Student D up at her home and drove her to and from the tutoring job that he had arranged for her and stayed with her while she tutored.
 - c. On many occasions, Lamb had long phone calls with Student D in the evening, during which she sometimes played her instrument and he provided advice. The parents were aware that Lamb was phoning Student D.
 - d. In February 2011, two teachers who were looking for Lamb found him in his office, during class time, alone with Student D. The office was darkened and illuminated only by Lamb's computer screen. Student D had her French coursework with her.
9. Both Student C and Student D had personal circumstances that made them vulnerable.
10. On May 16, 2011, the District disciplined Lamb by issuing a letter of discipline in respect of the conduct set out in paragraphs 5, 6, 7 and 8. On February 2, 2012, the District required Lamb to attend a boundaries workshop.
11. The District had previously given Lamb a letter of expectation on October 5, 2009, which stated that he was required to treat students in a respectful way by dealing judiciously with them and that he was required to maintain "clear boundaries" in all professional student-teacher relationships.
12. On September 16, 2014, the Commissioner considered this matter and determined to propose a consent resolution agreement to Lamb, in accordance with section 53(1)(a) of the *Teachers Act*.

DISPOSITION

13. This Agreement is made under section 53 of the *Teachers Act*.
14. Lamb 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").
15. Lamb admits that the facts set out in paragraphs 1 to 11 of this Agreement are true.

16. Lamb admits that the conduct described in paragraphs 4 to 8 of this Agreement constitutes professional misconduct and is contrary to Standards #1 and 2 of the *Standards for the Education, Competence and Professional Conduct of Educators in British Columbia*, Third Edition, February 2008.
17. Lamb agrees to a reprimand under sections 53 and 64(a) of the *Teachers Act*. The reprimand will take effect on the first business day following the Effective Date.
18. Lamb agrees under sections 53 and 64(f) of the *Teachers Act* that:
 - a. by March 31, 2015 (the “Condition Date”), he will successfully complete the Boundaries course offered by the Teacher Regulation Branch (the “Course”);
 - b. if Lamb does not complete the Course by the Condition Date, he will immediately advise the Commissioner in writing of the reason(s) he has not successfully completed the Course and set out the date by which he proposes to do so, at which time the Commissioner may extend the deadline (the “Extended Date”); and
 - c. if Lamb fails to successfully complete 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 Lamb’s certificate of qualification under section 64(f) of the *Teachers Act* until such time as he successfully completes the Course.
19. Lamb 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

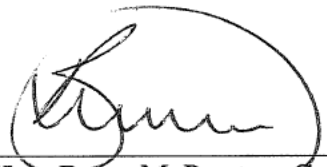
20. The Director will record the terms of this Agreement on the Branch’s online registry under section 79(d) of the *Teachers Act*.
21. Lamb acknowledges that this Agreement will be published in accordance with section 54 of the *Teachers Act*, which includes posting the Agreement, in full, on the following website: www.bcteacherregulation.ca.
22. A breach by Lamb of any term in this Agreement may constitute professional misconduct which may be the subject of separate discipline proceedings.
23. Lamb acknowledges and understands that if the Branch 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 Lamb has admitted to the conduct and matters set out in this Agreement.
24. Lamb 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 Vancouver, B.C.
this 4 day of December, 2014.


David Joseph Lamb

Signed in Vancouver, B.C.
this 9 day of December, 2014.


Hon. Bruce M. Preston, Commissioner