



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

**AND**

**IN THE MATTER CONCERNING**

**MIKO MCGRADY**

██████████

**CONSENT RESOLUTION AGREEMENT**

BETWEEN:

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

AND:

MIKO MCGRADY  
(“McGrady”)

**BACKGROUND and FACTS**

1. McGrady holds a valid Professional Certificate of Qualification, ██████████. It was issued by the B.C. College of Teachers under the *Teaching Profession Act* on December 16, 1997, is valid from September 1, 1997, and was continued under the *Teachers Act* as of January 9, 2012.
2. At all material times, McGrady was employed as a middle school teacher by School District No. 67 (Okanagan Skaha) (the “District”) at a District school (the “School”).
3. On April 17, 2023, the District made a report to the Commissioner regarding McGrady, under section 16 of the *School Act*.
4. The following events occurred in the 2022/2023 school year:
  - a. Student A was in McGrady’s class. McGrady had emailed Student A’s parents with concerns about student A’s conduct in the classroom on more than one occasion. On

February 6, 2023, he wrote an email to Student A's parents. In this email, McGrady noted that Student A was capable of being a good student when Student A chose to but he also expressed concerns about Student A's conduct in his class, writing that Student A was wasting their own time and "warming a seat while distracting others". McGrady's email also questioned whether other options might be more beneficial, including an online math program or "home schooling". McGrady noted that if Student A had been his child, he would take away some or all of Student A's privileges. Student A's mother reported feeling that they "looked like bad parents" as a result of McGrady's comments.

- b. On March 10, 2023, McGrady was teaching a Grade 8 class at the School. Student B asked McGrady if Student B could go to the washroom. McGrady granted the request but asked Student B to leave their cell phone in their locker which Student B did not do. After Student B had left the classroom, Students C and D, who had completed their work and were friends with Student B, offered to go and look for Student B. McGrady accepted their offer. A short time later, Students C and D returned to the classroom saying that they could not find Student B but they thought they knew where Student B might be. McGrady responded by giving Students C and D his personal cell phone, with the camera open, and sent them out to find and photograph Student B accessing their personal cell phone without permission. Students C and D found Student B in the washroom but did not take a picture using McGrady's phone. They then reported this information to McGrady.
5. On April 12, 2023, the District issued McGrady a letter of discipline. The District also advised McGrady that he was expected to attend the Reinforcing Respectful Professional Boundaries Training as soon as possible. In August 2023, McGrady completed the course, *Reinforcing Respectful Professional Boundaries*, through the Justice Institute of B.C.
6. The District had previously raised concerns with McGrady as follows:
  - a. On October 20, 2021, the District issued McGrady a letter of expectation. In the letter, McGrady was told that he was expected to conduct himself at all times with students in a manner which respects both the boundaries of the professional relationship and appropriate interactions with students.
  - b. On November 24, 2020, the District issued McGrady a letter of direction following allegations that he had made disrespectful comments to students in his class. In the letter, McGrady was directed to ensure that his interactions with students are consistent with the *Professional Standards for BC Educators*.
  - c. On March 9, 2018, the District issued McGrady a letter of expectation. In the letter, McGrady was told that he was expected to conduct himself with students in a manner

which respects both the boundaries of the professional relationship and appropriate interactions with students.

- d. In 2010, the District suspended McGrady for two days without pay following allegations that he used inappropriate language and made inappropriate comments to students, discussed the District investigation with his students and publicly identified students he believed had complained about him.
7. McGrady had previously entered into a consent resolution agreement with the Commissioner on October 30, 2012 in respect of the conduct which resulted in the two-day suspension referenced at paragraph 6(d) above.
8. On June 20, 2023, the Commissioner considered this matter and determined to propose a consent resolution agreement to McGrady, in accordance with section 53(1)(a) of the *Teachers Act*.

## CONSEQUENCES

9. This Agreement is made under section 53 of the *Teachers Act*.
10. McGrady 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. McGrady admits that the facts set out in paragraphs 1 to 7 of this Agreement are true.
12. McGrady admits that the conduct described in paragraph 4 of this Agreement constitutes professional misconduct and is contrary to Standards #1 and #4 of the *Professional Standards for BC Educators*, June 2019.
13. McGrady agrees to a reprimand under sections 53 and 64(a) of the *Teachers Act*, which will take effect on the first business day following the Effective Date.
14. In determining that a reprimand is an appropriate consequence, the Commissioner considered the following factors:
  - a. McGrady had been previously told by the District to conduct himself in a respectful manner with his students and to be mindful of the importance of maintaining professional boundaries.
  - b. McGrady’s communication with Student A’s parents did not improve the learning situation for Student A and was disrespectful towards both Student A and

Student A's parents.

- c. McGrady frankly acknowledged that he made errors.
  - d. McGrady completed the course, *Reinforcing Respectful Professional Boundaries*, through the Justice Institute of B.C. in August 2023.
15. McGrady 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**

16. The Director will record the terms of this Agreement on the online registry of the Ministry of Education and Child Care under section 79(d) of the *Teachers Act*.
17. McGrady 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: <https://teacherregulation.gov.bc.ca>.
18. Notification of this Agreement will be made in accordance with section 55 of the *Teachers Act*.
19. A breach by McGrady of any term in this Agreement may constitute professional misconduct which may be the subject of separate discipline proceedings.
20. McGrady 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 McGrady has admitted to the conduct and matters set out in this Agreement.

22. McGrady acknowledges that he has voluntarily entered into this Agreement after being advised of his right to obtain independent legal advice, and that he fully understands the terms and conditions set out in this Agreement.

Signed in Penticton, B.C.  
this 9 day of July, 2024.



Miko McGrady

Signed in Vancouver, B.C.  
this 11th day of July, 2024.

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

Donnaree Nygard, Acting Commissioner