



BRITISH COLUMBIA
COMMISSIONER FOR
TEACHER REGULATION

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

AND

IN THE MATTER CONCERNING

MICHAEL JOHN RHODES



CONSENT RESOLUTION AGREEMENT

BETWEEN:

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

AND:

MICHAEL JOHN RHODES
 (“Rhodes”)

BACKGROUND and FACTS

1. Rhodes holds a valid Professional Certificate of Qualification, No. [REDACTED], issued by the Director of Certification (the “Director”) under the *Teachers Act* on February 5, 2018, and is valid from February 5, 2018.
2. At all material times, Rhodes was employed as a teacher teaching on call (“TOC”) by School District No. 41 (Burnaby) (the “District”) at a District elementary school (the “School”).
3. On February 11, 2020, the District made a report to the Commissioner regarding Rhodes, under section 16 of the *School Act*.
4. The following events occurred in January 2020 when Rhodes was TOC for a Grade 6/7 class at the School:
 - a. Student A was a Grade 6 student in the class.



- b. On Friday, January 24, 2020, Student A told Rhodes that Student A wanted a shaved head because it was basketball season. Student A told Rhodes that Student A had hair clippers at home. Student A asked if Rhodes would shave his head and Rhodes agreed.
 - c. On Monday, January 27, 2020, Student A came to School with the hair clippers. When asked if Student A's parents knew that Student A had brought the clippers to the School, and had given Student A permission, Student A answered "yes."
 - d. At recess on January 27, 2020, without permission from Student A's parents or School administrators, Rhodes proceeded to shave Student A's hair in front of some of Student A's classmates.
5. On February 10, 2020, the District issued Rhodes a letter of discipline. In addition, the District:
 - a. required Rhodes to apologize to Student A and Student A's parents for his actions;
 - b. required Rhodes to complete the following course offered by the Justice Institute of B.C.: *The Mindful Educator, Beyond Expertise and Technique* (the "Course"); and
 - c. limited Rhodes' employment as a TOC to secondary schools until he completes the Course.
 6. On June 20, 2019, the District issued Rhodes a letter of expectation after having met with him. In that letter, Rhodes was asked to take the BCTF boundaries workshop, which he did on October 28, 2019.
 7. On August 11, 2020, the Commissioner considered this matter and determined to propose a consent resolution agreement to Rhodes, 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. Rhodes 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. Rhodes admits that the facts set out in paragraphs 1 to 6 of this Agreement are true.
11. Rhodes admits that the conduct described in paragraph 4 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.

12. Rhodes 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.
13. In determining that a reprimand is an appropriate consequence, the Commissioner considered the following factor:
 - a. Rhodes' conduct showed a lack of understanding of appropriate professional boundaries.
14. Rhodes 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 will record the terms of this Agreement on the Ministry of Education's online registry under section 79(d) of the *Teachers Act*.
16. Rhodes 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.
17. A breach by Rhodes of any term in this Agreement may constitute professional misconduct which may be the subject of separate discipline proceedings.
18. Rhodes 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 Rhodes has admitted to the conduct and matters set out in this Agreement.

19. Rhodes 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 Burnaby, B.C.
this 5 day of January, 2021


Michael John Rhodes

Signed in Vancouver, B.C.
this 12 day of January, 2021


Howard L. Kushner, Commissioner