



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 on call (“TOC”) by School District No. 41 (Burnaby) (the “District”) at a District school (the “School”).
3. On July 9, 2021, the District made a report to the Commissioner regarding Rhodes, under section 16 of the *School Act*.
4. The following events occurred on May 7, 2021 when Rhodes was the TOC for a Grade 5/6 class at the School:
 - a. Rhodes was taking the students to a nearby park, which was a five to ten-minute walk from the School. Accompanying him were two education assistants (“EAs”).

In order to reach the park, the students would need to cross two roads, one of which involved a busy intersection.

- b. When the students were assembled outside, Rhodes yelled to the students: “are you ready, let’s go!” He did not provide any safety instructions to them.
 - c. Some of the students rushed ahead, and ran to the park, crossing both roads without adult supervision and out of Rhodes’ eyesight.
 - d. At the park, some students were pretending to have a sword fight with eighteen-inch sticks. Rhodes did not prevent this activity, commenting instead: “let kids be kids, let boys be boys.”
5. The following occurred when the District began an investigation into the events of May 7, 2021:
 - a. Rhodes approached one of the EAs and asked her to lie to the School principal on his behalf by saying that she had heard him yell at the students who were running ahead to slow down and wait.
6. On June 30, 2021, the District issues Rhodes a letter of discipline and suspended him without pay for seven days, commencing September 8, 2021. In addition, the District limited Rhodes’ employment as a TOC to secondary schools.
7. The District had previously raised issues with Rhodes as follows:
 - a. On June 20, 2019, the District issued Rhodes a letter of expectation and asked him to take the BCTF boundaries workshop, which he did on October 28, 2019.
 - b. On February 10, 2020, the District issued Rhodes a letter of discipline after Rhodes shaved a student’s head, at the student’s request, but without the permission of the student’s parents or school administrators. The District required Rhodes to complete the course *The Mindful Educator, Beyond Expertise and Technique* through the Justice Institute of B.C. The District also limited Rhodes’ employment as a TOC to secondary schools until he completed the course.
8. Rhodes had previously entered into a Consent Resolution Agreement with the Commissioner on January 12, 2021 with respect to the conduct described at paragraph 7(b) above. Under the terms of that agreement, Rhodes agreed to a reprimand.
9. On October 26, 2021, 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

10. This Agreement is made under section 53 of the *Teachers Act*.
11. 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”).
12. Rhodes admits that the facts set out in paragraphs 1 to 7 of this Agreement are true.
13. Rhodes admits that the conduct described in paragraphs 4 and 5 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.
14. Rhodes agrees to a one-day suspension of his certificate of qualification under sections 53 and 64(b) of the *Teachers Act*. Rhodes will serve his suspension on March 28, 2022.
15. Rhodes further agrees that, under sections 53 and 64(h) of the *Teachers Act*, the Director will place the following limitation and condition (the “Condition”) on his certificate of qualification:

- a. Rhodes may not teach students in Kindergarten or Grades 1 to 7.

For the purposes of this paragraph, a “student” is a person under the age of 19 who is enrolled at or attending a school operated under the *School Act* or the *Independent School Act* at which Rhodes is employed as a teacher. The Condition will expire on June 30, 2024.

16. In determining that a one-day suspension and restriction on his certificate are appropriate consequences, the Commissioner considered the following :
 - a. Rhodes’ actions jeopardized the physical safety of the students in his class.
 - b. Rhodes sought to actively mislead the District in their investigation.
17. 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

18. 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*.

19. 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.
20. Notification of this Agreement will be made in accordance with section 55 of the *Teachers Act*.
21. 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.
22. 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 28 day of February, 2022.


Michael John Rhodes

Signed in Victoria, B.C.
this 1 day of March, 2022.


Howard L. Kushner, Commissioner