



BRITISH COLUMBIA
COMMISSIONER FOR
TEACHER REGULATION

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

AND

IN THE MATTER CONCERNING
JAMES DOUGLAS THWAITES



CONSENT RESOLUTION AGREEMENT

BETWEEN:

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

AND:

JAMES DOUGLAS THWAITES
(“Thwaites”)

BACKGROUND and FACTS

1. Thwaites holds a valid Professional Certificate of Qualification, No [REDACTED]. It was issued by the B.C. College of Teachers under the *Teaching Profession Act* on June 12, 2007, is valid from May 1, 2007, and was continued under the *Teachers Act* as of January 9, 2012.
2. At all material times, Thwaites was employed as a teacher on call (“TOC”) by School District No. 91 (Nechako Lakes) (the “District”).
3. On March 19, 2018, the District made a report to the Commissioner regarding Thwaites, under section 16 of the *School Act*.
4. The following events occurred when Thwaites was working as a TOC at District schools:
 - a. In January, 2018, Thwaites was a TOC for a Grade 7/8 class at a District secondary school. During instructional time, the following occurred:

- Speak and act with courtesy, respect and dignity at all times when dealing with students and other adults.
8. On January 15, 2019, the Commissioner considered this matter and determined to propose a consent resolution agreement to Thwaites, 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. Thwaites 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. Thwaites admits that the facts set out in paragraphs 1 to 6 of this Agreement are true.
12. Thwaites 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.
13. Thwaites agrees to a 2-day retroactive suspension of his certificate of qualification under sections 53 and 64(b) of the *Teachers Act*. The suspension was served on September 11 and 12, 2018.
14. In determining that a suspension is an appropriate consequence, the Commissioner considered the following factors:
- a. Thwaites has acknowledged that he demonstrated poor judgment in his interactions with students and in sharing inappropriate videos and personal information with them.
 - b. Thwaites failed to modify his behaviour after concerns were raised in letters of expectation arising from conduct which had previously occurred in two different schools.
 - c. Thwaites has completed the course *Reinforcing Respectful Professional Boundaries* offered by the Justice Institute of B.C.
 - d. A suspension was imposed retroactively as Thwaites is currently teaching in a small school in a remote community whose students would be adversely affected by a suspension served during the current school year.
15. Thwaites agrees not to make any statement orally or in writing which contradicts, disputes

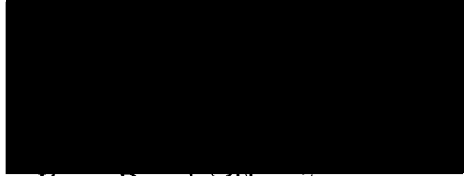
or calls into question the terms of this Agreement or the admissions made in it.

EFFECT OF THE AGREEMENT

16. The Director will record the terms of this Agreement on the Teacher Regulation Branch's online registry under section 79(d) of the *Teachers Act*.
17. Thwaites 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.
18. Notification of this Agreement will be made in accordance with section 55 of the *Teachers Act*.
19. A breach by Thwaites of any term in this Agreement may constitute professional misconduct which may be the subject of separate discipline proceedings.
20. Thwaites 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 Thwaites has admitted to the conduct and matters set out in this Agreement.

21. Thwaites 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 Yekooche, B.C.
this 8 day of July, 2019.



James Douglas Thwaites

Signed in Vancouver, B.C.
this 16 day of July, 2019.


Howard L. Kushner, Commissioner