



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

AND

IN THE MATTER CONCERNING

KARL RODERICH EMDE



CONSENT RESOLUTION AGREEMENT

BETWEEN:

THE COMMISSIONER, APPOINTED UNDER THE *TEACHERS ACT*

(the “Commissioner”)

AND:

KARL RODERICH EMDE

(“Emde”)

**BACKGROUND and FACTS**

1. Emde 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 November 12, 1991, is valid from September 1, 1991 and continued under the *Teachers Act* as of January 9, 2012.
2. At all material times, Emde was employed as a middle school teacher by School District No. 83 (North Okanagan-Shuswap) (the “District”) at a District school (the “School”).

**Case 01**

3. On April 15, 2014, the District made a report to the Teacher Regulation Branch (the “Branch”) regarding Emde, under section 16 of the *School Act*. This is designated Case 01.
4. The following events occurred when Emde was teaching a Grade 8 Material Explorations

class:

- a. The District has a safety manual (the "Safety Policy") which applies to all material explorations classes at the School. The Safety Policy requires instructors to verify that students have undergone safety training and also requires students to successfully complete a written safety assessment specific to a power tool before that tool can be used.
  - b. On February 11, 2014, Emde observed Student A using a sander. Student A told Emde that she had taken the safety training in previous years. Emde allowed Student A to continue to use the sander prior to having her complete the sander-specific safety assessment for the 2013-2014 school year.
  - c. Student A had long hair and was wearing a scarf. At no time did Emde advise Student A to remove her scarf and tie back her hair.
  - d. Student A was injured on February 11, 2014, following her discussion with Emde, when the scarf she was wearing got caught in the sanding machine.
  - e. Prior to the February 11, 2014 incident involving Student A, at least one other student in the class had been allowed to use the sander before receiving safety training and without having completed the requisite sander-specific written safety assessment.
5. On March 12, 2014, and as a result of the incident described in paragraph 4, the District issued Emde a two-day suspension without pay. Emde served the suspension on March 31 and April 1, 2014.

### Case 02

6. On October 15, 2014, the District made a second report to the Commissioner regarding Emde, under section 16(2) of the *School Act*. This is designated Case 02.
7. During the second part of the 2013-2014 school year, Emde occasionally used inappropriate and profane language with students in his Grade 6/7 Materials Explorations Class, such as "shit", "damn", "God" and "ass" in class. Emde had also referred to students as "idiot" and "dumbass".
8. On October 8, 2014, and as a result the conduct described in paragraph 7, the District issued Emde a four-day suspension without pay. Emde served the suspension from October 20 to October 23, 2014. He was also required to complete a boundaries course offered by the BCTF, which he did on November 10, 2014, and to send written letters of apology to two of the affected students, which he did on October 15, 2014.

9. Emde had previously received letters of direction from the District on the following occasions:
  - a. On December 20, 2007, he was issued a letter of direction regarding an inappropriate and unprofessional comment he made towards a student.
  - b. On June 30, 2010, he was issued a letter of direction regarding his failure to report a fire which had occurred in his shop class.
  - c. On March 18, 2011, he was issued a letter of direction regarding the importance of using respectful and dignified language with students.
  - d. On March 4, 2013, he was issued a letter of direction regarding the importance of using respectful language towards students and the importance of following the Safety Policy.
10. On July 14, 2015 the Commissioner considered this matter and determined to propose a consent resolution agreement to Emde in respect of both Case 01 and Case 02, in accordance with section 53(1)(a) of the *Teachers Act*.

#### **DISPOSITION**

11. This Agreement is made under section 53 of the *Teachers Act*.
12. Emde 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").
13. Emde admits that the facts set out in paragraphs 1 to 9 of this Agreement are true.
14. Emde admits that the conduct described in paragraphs 4 and 7 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.
15. Emde agrees to a five-day suspension of his certificate of qualification under sections 53 and 64(b) of the *Teachers Act*. The suspension will take effect on May 2-6, 2016.
16. Emde 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.

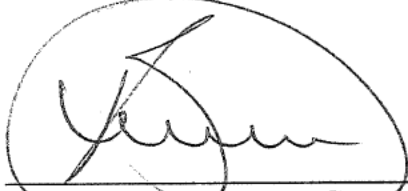
**CONSEQUENCES OF THE AGREEMENT**

- 17. The Director of Certification will record the terms of this Agreement on the Branch’s online registry under section 79(d) of the *Teachers Act*.
- 18. Emde 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.
- 19. Notification of this Agreement will be made in accordance with section 55 of the *Teachers Act*.
- 20. A breach by Emde of any term in this Agreement may constitute professional misconduct which may be the subject of separate discipline proceedings.
- 21. Emde 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 Emde has admitted to the conduct and matters set out in this Agreement.
- 22. Emde 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 Endsby, B.C.  
this 22 day of January, 2016.

  
Karl Roderich Emde

Signed in Vancouver, B.C.  
this 1 day of February, 2016.

  
Hon. Bruce M. Preston, Commissioner