



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

AND

IN THE MATTER CONCERNING

MICHAEL SEDLAK

██████████

CONSENT RESOLUTION AGREEMENT

BETWEEN:

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

AND:

MICHAEL SEDLAK
(“Sedlak”)

BACKGROUND and FACTS

1. Sedlak holds a valid Professional Certificate of Qualification, No. ██████████. It was issued by the B.C. College of Teachers under the *Teaching Profession Act* on September 7, 2000, is valid from September 1, 2000, and was continued under the *Teachers Act* as of January 9, 2012.
2. At all material times, Sedlak was employed as a high school teacher by School District No. 42 (Maple Ridge - Pitt Meadows) (the “District”) at a school in the District (the “School”).

File 01

3. On May 13, 2014, the District made a report to the Commissioner regarding Sedlak, under section 16(6) of the *School Act*.

4. Between September 2011 and April 2014 while teaching at the School, Sedlak interacted unprofessionally with a female student, whom he taught in the 2011-2012 and 2012-2013 school years, when:
 - a. On a number of occasions, Sedlak said to the Student in the presence of others, in an attempt to be funny, that the Student's father had tried to run him over with his car. His comment referred to an incident in which he was walking in a crosswalk and the Student's father "revved" the engine while Sedlak was in front of the car. The Student was in the car at the time.
 - b. On a number of occasions when Sedlak came into the classroom in which the Student was eating her lunch with other students, he said words to the effect of "what's that smell?" followed by "oh, its [Student's name]" and also on some occasions said "Oh no, [Student's name] is here". Sedlak stated that he believed his comments were funny.
 - c. Sedlak had a "running joke" with the Student in which, when he came into the classroom, she would try to sit in his seat before he could sit down, which resulted in a sort of "race" between Sedlak and the Student towards his chair. On one occasion in February 2014, he came into the classroom in which the Student was eating her lunch, and the "race" to the chair resulted in the Student falling to the floor. Sedlak did not check with the Student to ensure that she was not hurt.
5. In addition, while teaching at the School, Sedlak on occasion used his middle finger to push up his glasses or to scratch his nose, while he was speaking to or looking directly at a particular student, including the Student. Sedlak usually made this gesture in response to a comment or "smart remark" by a student. Students understood Sedlak's gesture to convey the usual meaning of the raised middle finger.
6. On May 12, 2014, the District disciplined Sedlak by issuing a letter of written warning to him. In addition, on April 3, 2014, Sedlak completed counselling in maintaining appropriate professional boundaries.
7. Prior to this discipline by the District in May 2014, the District had issued a letter of expectation dated February 21, 2014 to Sedlak regarding the requirement to interact with students in a respectful and professional way. In particular, in this letter, Sedlak was informed that the comments he made to students which he intended to be "joking" in nature but were sometimes perceived by students as inappropriate, embarrassing and creepy.

8. On October 2, 2015, the District made another report to the Commissioner regarding Sedlak, under section 16(6) of the *School Act*.
9. In the 2014-2015 school year, while Sedlak was teaching at the School, he made comments to students to the effect of “I wish I had my taser”, “... and me without my taser”, or “there might be a [student name]-shaped hole in the wall”. Students reported that Sedlak made these comments in circumstances in which they perceived that Sedlak was irritated or annoyed with them.
10. At the start of the 2014-2015 school year, Sedlak brought a fly swatter to class and on occasion held it up in view of students in a way that made some students uncomfortable. Sedlak stopped using the fly swatter after a parent complained to him. Afterwards, on six or seven occasions when students asked Sedlak where his fly swatter was, he responded with words to the effect of “someone took offense so I got rid of it”.
11. On October 1, 2015, the District disciplined Sedlak by suspending him for one day without pay and requiring him to complete sensitivity and professional boundaries training and participate in a teaching report in the 2015-2016 school year.
12. On February 4, 2016, the Commissioner considered Files 01 and 02 and determined to propose a consent resolution agreement to Sedlak, in accordance with section 53(1)(a) of the *Teachers Act*.

DISPOSITION


13. This Agreement is made under section 53 of the *Teachers Act*.
14. Sedlak 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”).
15. Sedlak admits that the facts set out in paragraphs 1 to 11 of this Agreement are true.
16. Sedlak admits that the conduct described in paragraphs 4, 5, 9 and 10 of this Agreement constitutes professional misconduct and is contrary to Standards #1 and 2 of the *Standards for the Education, Competence and Professional Conduct of Educators in British Columbia*, Fourth Edition, January 2012.
17. Sedlak 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.
18. Sedlak 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.

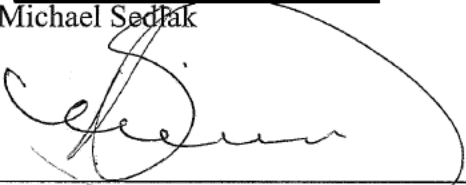
CONSEQUENCES OF THE AGREEMENT

19. 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*.
20. Sedlak 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.
21. A breach by Sedlak of any term in this Agreement may constitute professional misconduct which may be the subject of separate discipline proceedings.
22. Sedlak acknowledges and understands that if the Branch 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 Sedlak has admitted to the conduct and matters set out in this Agreement.
23. Sedlak 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 30 day of June, 2016.

Signed in Vancouver, B.C.
this 19 day of July, 2016.


Michael Sedlak


Hon. Bruce M. Preston, Commissioner