



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

AND

IN THE MATTER CONCERNING

JOSEPH BURKE.



CONSENT RESOLUTION AGREEMENT

BETWEEN:

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

AND:

JOSEPH BURKE
 (“Burke”)

BACKGROUND and FACTS

1. Burke holds an Independent School Teaching Certificate- Subject Restricted, [REDACTED] issued by the Teacher Regulation Branch (the “Branch”) under the *Teachers Act* on September 4, 2012 and valid from December 31, 2008. As of July 1, 2013, his certificate of qualification was suspended for non-payment of fees.
2. At all material times, Burke was employed as a teacher at Vancouver College (the “School”).
3. On February 5, 2013, the School made a report to the Branch regarding Burke, under section 7(2)(b)(i) of the *Independent Schools Act*.

4. On January 29, 2013, Burke disciplined a class of grade 8 students at the School by keeping them in class after school for a detention, during which he required the students to kneel on the floor holding their hands in the air over their heads for a period between three to four minutes and then stand in the same posture for two to three minutes.
5. On February 1, 2013, the School suspended Burke with pay and on February 13, 2013, Burke retired from teaching.
6. On May 31, 2013, the Commissioner considered this matter and determined to propose a consent resolution agreement to Burke, in accordance with section 53(1)(a) of the *Teachers Act*.

DISPOSITION

7. This Agreement is made under section 53 of the *Teachers Act*.
8. Burke 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").
9. Burke admits that the facts set out in paragraphs 1 to 5 of this Agreement are true.
10. Burke 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.
11. Burke agrees to a reprimand under sections 53 and 64(a) of the *Teachers Act*. The reprimand will take effect on the first business day following the Effective Date.
12. Burke 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

13. The Director will record the terms of this Agreement on the Branch's online registry under section 79(d) of the *Teachers Act*.
14. Burke acknowledges that this Agreement will be published in accordance with section 54 of the *Teachers Act*, which includes posting of the Agreement, in full, on the following website: www.bcteacherregulation.ca.
15. A breach by Burke of any term in this Agreement may constitute professional misconduct which may be the subject of separate discipline proceedings.
16. Burke acknowledges and understands that if the Branch has reason to believe that he has

breached any term of this Agreement:

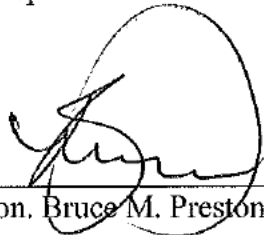
- a. the Commissioner may initiate an investigation under section 47(1)(b) of the *Teachers Act* into his conduct; and
 - b. the conduct and matters described in the "Background and Facts" to this Agreement are admissible in that inquiry as proof that Burke has admitted to the conduct and matters set out in this Agreement.
17. Burke acknowledges that he has voluntarily entered into this Agreement, he has read and fully understands its terms and conditions, he has been advised of his right to obtain independent legal advice and has obtained such advice as he deems fit.

Signed in Vancouver, BC
this 12th day of September, 2013.



Joseph Burke

Signed in Vancouver, B.C.
this 17 day of September, 2013.



Hon. Bruce M. Preston, Commissioner