



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

AND

IN THE MATTER CONCERNING

HAL BLAINE BLACKWATER



CONSENT RESOLUTION AGREEMENT

BETWEEN:

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

AND:

HAL BLAINE BLACKWATER
(“Blackwater”)

BACKGROUND and FACTS

1. Blackwater 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 September 1, 2004, is valid from June 29, 2004 and continued under the *Teachers Act* as of January 9, 2012.
2. At all material times, Blackwater was employed as a middle school teacher by School District No. 92 (Nisga’a) (the “District”) at a District school (the “School”).
3. On July 3, 2015, the District made a report to the Commissioner regarding Blackwater, under section 16 of the *School Act*.
4. The following events occurred on January 21, 2014:
 - a. Student A and Student B were female students in Grade 8.
 - b. Blackwater confronted Student A and Student B in the School office. During this incident, Student A was crying and Blackwater was visibly angry with them both. He proceeded to yell at Student B, telling her three times, “who do you think you are?”

- c. In confronting the students, the students reported that they believed that Blackwater was threatening to them, both physical and through his tone of voice. Both Student A and Student B reported that they were afraid of him.
5. On October 28, 2014, the following events occurred:
 - a. Student C and Student D were students in Blackwater's class. Student C was in Grade 6 and Student D was in Grade 7.
 - b. On that day, Student C and Student D were looking through another student's backpack.
 - c. Instead of instructing the students to stop what they were doing, Blackwater proceeded to go through the backpacks of Student C and Student D in front of their classmates in order to teach them a lesson.
 - d. He ridiculed Student C and Student D in front of their peers by making comments about the contents of their bags. To one of the students he said "look what I found – toilet paper", when he came across a crumpled work assignment. The class laughed at both Student C and Student D who reported feeling humiliated.
6. On October 29, 2014, the District suspended Blackwater with pay pending the completion of its investigation. Blackwater subsequently resigned from the District, effective June 30, 2015
7. On September 8, 2015 the Commissioner considered this matter and determined to propose a consent resolution agreement to Blackwater, in accordance with section 53(1)(a) of the *Teachers Act*.

DISPOSITION

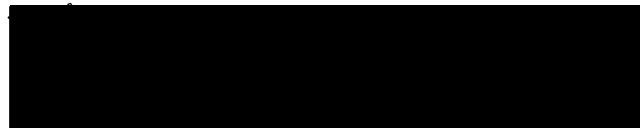
8. This Agreement is made under section 53 of the *Teachers Act*.
9. Blackwater understands and acknowledges that this Agreement is not effective until executed by the Commissioner, and that the date of execution by the Commissioner will be the effective date of this Agreement (the "Effective Date").
10. Blackwater admits that the facts set out in paragraphs 1 to 6 of this Agreement are true.
11. Blackwater 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.
12. Blackwater 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.

13. Blackwater 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

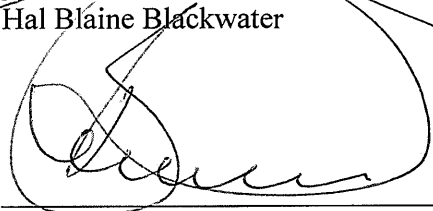
14. The Director will record the terms of this Agreement on the Teacher Regulation Branch's online registry under section 79(d) of the *Teachers Act*.
15. Blackwater acknowledges that this Agreement will be published in accordance with section 54 of the *Teachers Act*, which includes posting the Agreement, in full, on the following website: www.bcteacherregulation.ca.
16. Notification of this Agreement will be made in accordance with section 55 of the *Teachers Act*.
17. A breach by Blackwater of any term in this Agreement may constitute professional misconduct which may be the subject of separate discipline proceedings.
18. Blackwater 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 Blackwater has admitted to the conduct and matters set out in this Agreement.
19. Blackwater acknowledges that he has voluntarily entered into this Agreement after being advised of his right to obtain independent legal advice, and that he fully understands the terms and conditions set out in this Agreement.

Signed in Kitwanga, B.C.
this 26 day of September, 2016.



Hal Blaine Blackwater

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


Hon. Bruce M. Preston, Commissioner