



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

AND

IN THE MATTER CONCERNING

RICHARD ANDREW GEDDES



CONSENT RESOLUTION AGREEMENT

BETWEEN:

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

AND:

RICHARD ANDREW GEDDES
 (“Geddes”)

BACKGROUND and FACTS

1. Geddes 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 18, 1998, is valid from September 1, 1998 and continued under the *Teachers Act* as of January 9, 2012.
2. At all material times, Geddes was employed as an elementary school counsellor by School District No. 68 (Nanaimo-Ladysmith) (the “District”).
3. On May 3, 2016, the District made a report to the Commissioner regarding Geddes, under section 16 of the *School Act*.
4. The following events occurred:
 - a. In 2016, spring break for the District was scheduled for the weeks of March 14 and March 21.

- b. On March 12, 2016 Geddes travelled to the Philippines with a return ticket booked for April 2, 2016.
 - c. Geddes was supposed to return to work on Tuesday, March 29, 2016 but left for his trip, intending to rebook his return flight once he was in the Philippines.
 - d. Geddes did not attempt to change his return ticket from the Philippines to Canada until March 23, 2016. When he did, he was told that the only flight which would get him back to Canada in time to return to work would cost an extra US\$2400. Geddes decided not to report for work rather than pay this additional cost.
 - e. Geddes waited to advise the District that he would not be returning to Canada in time to report to work. Specifically, Geddes sent the District two emails on Tuesday, March 29, 2016 (Philippine time) which the District received on the evening of Monday, March 28, 2016 (Nanaimo time) saying that he had been unable to book a return flight home.
 - f. Geddes returned from the Philippines on Saturday, April 3, 2016, but did not report to work on April 4, 2016. He said that he had not done so as he felt “overwhelmed.”
 - g. Geddes attempted to enter paid discretionary days for his absences on March 29, 30 and April 1st. Geddes also attempted to enter a sick day for his absence on April 4, 2016.
5. On April 25, 2016, the District issued Geddes a letter of discipline and suspended him without pay for 10 days.
 6. On March 8, 2018 the Commissioner considered this matter and determined to propose a consent resolution agreement to Geddes, 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. Geddes 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. Geddes admits that the facts set out in paragraphs 1 to 5 of this Agreement are true.
10. Geddes admits that the conduct described in paragraph 4 of this Agreement constitutes professional misconduct and is contrary to Standard #2 of the *Standards for the Education, Competence and Professional Conduct of Educators in British Columbia*, Fourth Edition,

January 2012.

11. Geddes 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. In determining that a reprimand is an appropriate consequence, the Commissioner considered the following factors:
 - a. Geddes' unauthorized absence for five school days negatively impacted the learning environment for his students; and
 - b. Geddes' actions demonstrated a lack of judgment and integrity.
13. Geddes 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 of Certification will record the terms of this Agreement on the Teacher Regulation Branch's online registry under section 79(d) of the *Teachers Act*.
15. Geddes 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. A breach by Geddes of any term in this Agreement may constitute professional misconduct which may be the subject of separate discipline proceedings.
17. Geddes 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 Geddes has admitted to the conduct and matters set out in this Agreement.

18. Geddes 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 Manaimo, B.C.
this 18 day of May, 2018.



Richard Andrew Geddes

Signed in Vancouver, B.C.
this 5 day of June, 2018.

A handwritten signature in cursive script, appearing to read "H. L. Kushner", written over a horizontal line.

Howard L. Kushner, Commissioner