

## *Acknowledgements*

The Justice Education Society is grateful to the developers of this mock trial, Judge Cunliffe Barnett and Sandra Hawkins, for their permission to adapt the script for publication in this form.

The Society has several first-class resource materials, including other mock trials and *Guide to Mock Trials: The Basics*, that can help you and your group learn more about the courts and the justice system in British Columbia and Canada. For more information, contact us or visit our web site:

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## **Preface**

This mock trial explores a topical and controversial issue- alleged assault by a teacher on a student. The case is loosely based on the case of Regina v. Swanson, which was tried in the B.C. Provincial Court at Masset, by the Honourable Judge Gordon in 1993.

This script was originally developed to be produced by Columneetza Senior Secondary School Law 12 and PACE 12 students in Williams Lake during Law Week, 1995.

The role sheets included here are designed to be used in conjunction with the “Guide to Mock Trials: the Basics.” You can modify this trial for you own use. For example, you may want to make the dates current, change the names of the characters, and modify the location for local relevance. The students involved in the trial can take part in the modification process, and you can incorporate appropriate suggestions.

Judge C.C. Barnett

Sandra Hawkins

## Getting Started

In **Regina vs. Joshua Howard**, a teacher, Joshua Howard, is charged with assault of a student in one of his classes.

The witness role sheets in this Guide are designed to be used in conjunction with the companion publication, “Guide to Mock Trials: the Basics.” This generic guide is available from the Justice Education Society.

This mock trial has the following witness roles:

### **For the Crown:**

Constable Zarnowski

Jamie Janz

Kyle Rich

Dr. D. Zacharias

### **For the Defence:**

John Andrews

Cameron King

Joshua Howard

Students should be warned that counsel **must not** ask questions in direct or cross-examination that will get the witnesses into areas not outlined in the role sheets. Students are expected to develop the roles to keep them within the framework outlined in the role sheets.

### **Exhibits**

#1 Hammer (Cst. Zarnowski)

#2 School Reports (John Andrews)

## **Materials for the Participants**

### **Crown and defence counsel need:**

- All the witness role sheets
- The indictment and notes for counsel
- Judge's charge to jury
- Sections 43 and 266 of the Criminal Code
- Crown and defence files from "Guide to Mock Trials: the Basics"

### **The judge needs:**

- All the witness role sheets
- The indictment and notes for counsel
- Judge's charge to the jury
- Judge's file from "Guide to Mock Trials: the Basics"
- Sections 43 and 266 of the Criminal Code

### **The court clerk needs:**

- The indictment
- Copies of section 43 of the Criminal Code to hand to the jury when the judge has charged them
- Exhibits 1 and 2
- Court clerk's file from "Guide to Mock Trials: the Basics"

## **Indictment**

CANADA  
PROVINCE OF BRITISH COLUMBIA  
PROVINCIAL COURT OF BRITISH COLUMBIA

IN THE PROVINCIAL COURT OF BRITISH COLUMBIA  
HER MAJESTY THE QUEEN  
AGAINST JOSHUA HOWARD

JOSHUA HOWARD stands charged:

THAT you, Joshua Howard, on or about the 17<sup>th</sup> day of October, A.D. 1994 at or near the City of Williams Lake, in the Province of British Columbia, did assault Joshua Howard CONTRARY TO SECTION 266 OF THE CRIMINAL CODE OF CANADA AND AGAINST THE PEACE OF OUR LADY THE QUEEN, HER CROWN AND DIGNITY.

DATED this 22<sup>nd</sup> day of March, A.D., 1995, at the City of Williams Lake, in the Province of British Columbia.

---

Agent of the Attorney General for  
the Province of British Columbia

## Notes for Counsel

Note: Counsel should incorporate these ideas into their closing submissions. For details on how to construct the opening statement and closing submission, students should refer to the Crown and defence files in “Guide to Mock Trials” the Basics”.

### Defence Submissions

You will tell the jury that this case is not about corporal punishment because this case has nothing to do with punishment at all. You will tell the jury that Mr. Howard acted as he did only to correct Kyle- to get his attention and get him back on task so that he would not continue to jeopardize his safety and the safety of his classmates.

You will remind the jury that Kyle himself said that he didn't feel very bad and he did not wish to see the doctor. You will remind the jury that doctor said Kyle was not hurt.

You will tell the jury (in a clever, indirect way) that Kyle is a bad kid who really got what he deserved. He doesn't respond to gentle reminders. If a tap on the head is what was needed to let the class continue, maybe it wasn't an incorrect response to a difficult student.

You will stress the facet that s.43 of the Criminal Code of Canada gives every teacher the right to use reasonable force when that is necessary to correct a pupil. That, you will say, is all that Mr. Howard did. He is protected by the laws of Canada.

You will tell the jury they must acquit Mr. Howard, a good teacher who has already been dealt with most unfairly by the School Board. You will say that a conviction in this case would be an unthinkable travesty of justice.

### Crown Submissions

You will begin your submissions by telling the jury that this really is a very simple case and that if they consider the law in a logical way and apply their good common sense, they will undoubtedly find the charge against Mr. Howard has been proven.

You will tell the jury that the term, “assault” is defined in section 266 of the *Criminal Code* and you will read the definition:

“A person commits assault when without the consent of another person, he applies force intentionally to that person directly or indirectly.”

You will also remind the jury that s.95 (3) of the school Act forbids the use of corporal punishment by teachers, and you will read that section. (Get a copy of the Act from your school principal.)

You will stress the fact that this is not a case of assault causing bodily harm although you will say the evidence tells them that Kyle did really suffer some bodily harm: his arm was tingling, his vision blurry, and he was dizzy. Mr. Howard cannot be acquitted merely because Kyle was fortunate enough to escape some disabling trauma. An assault happens when one person wrongfully applies force to another. That, you will say, is exactly what

Mr. Howard did. The law cannot permit adult authority figures to use weapons upon erring children! The potential for harm is obvious. How can it possibly be said that the use of this sort of force was reasonable? You will say it clearly was not.

You will tell the jury that this is exactly the sort of case which a jury can best decide. You will say that you know they will apply contemporary standards and that society's views about the disciplining of children have advanced greatly in recent years. You will urge the jury to do the right thing and convict Mr. Howard. Finally, you will nicely say that an acquittal would be a step backwards to times, when, as we all know, it was considered acceptable to brutalize children.

## **CROWN WITNESS #1- Constable Zarnowski**

You are a member of the Williams Lake R.C.M.P. Detachment. In the late afternoon of October 17, 1994, you received a complaint from Mrs. Rich who attended at the detachment with her son, Kyle. You interviewed both of them.

On October 18, 1994, you went to Columneetza Senior Secondary School to speak with Mr. Howard. He said that a representative from the B.C. teacher's Federation had advised him not to make any statement to the police, but he did give you a small sort of finishing hammer. This will be Exhibit #1.

You will not be cross-examined.

## **Crown Witness #2- Jamie Janz**

You are sixteen and a grade 11 student at Columneetza Senior Secondary School. Mr. Joshua Howard was your shop teacher, and Kyle Rich is a classmate.

You will say that you recall the events in Mr. Howard's woodworking class during the morning of October 17, 1994.

You will say that Mr. Howard was going to show the class how to use the radial arm saw to cut the tops for stools you were making. As he was demonstrating, the class members were grouped around him. Some were standing and others were sitting on tables. The students were watching and listening attentively.

You will say that at first Kyle seemed to be paying attention, but then he turned around and started talking to you and Brianna Whiteside. Mr. Howard then bonked Kyle on the top of his head with a little piece of wood and said, "Next time I'll hit you with the hammer."

You will say you think the piece of wood was 2x2, approximately a foot long, and that Mr. Howard simply tapped Kyle with it.

You will say that after being tapped with the 2x2, Kyle started paying attention for a couple of minutes, but then he started talking again.

You will say that then Mr. Howard hit Kyle on the head with the hammer. It was not a very big hammer. You will say it looked a lot like Exhibit #1 (when it is shown to you). You will say that you heard a noise when Kyle was hit and that Kyle said, "Ow!" and grabbed his head.

You will recall that Kyle said he was going to sue Mr. Howard and that Mr. Howard, who was angry, made some response (which you cannot recall) and then told Kyle to go sit on "the bench" again. Then, when Mr. Howard got the class settled down and working again, he called Kyle into his office for a few minutes. After that, Kyle came out and worked reasonably well during the remainder of the period.

On cross-examination you will agree that Mr. Howard was very particular about safety issues during shop classes and that the radial arm saw could be dangerous if it was not used properly.

On cross-examination you will also say that you came into class after Kyle that morning and do not know if Mr. Howard had had any trouble with Kyle before the events you have described. You will agree that Kyle's talking to you and Brianna did interrupt Mr. Howard's demonstration and that before tapping Kyle with the little piece of wood, Mr. Howard first tried to get Kyle's attention by stopping his demonstration and staring at Kyle.

On cross-examination you will say that you saw Mr. Howard hit Kyle with the hammer, but you will not be able to say just how hard the blow was. Defence counsel will try to get you to agree that Mr. Howard just "flicked" the hammer on Kyle's head, but you will

not agree. You will say that when Kyle was at school the next day he seemed fine and did not complain that his head hurt.

Finally, on cross-examination, you will insist that you heard a noise, a soft noise, when Kyle was hit with the hammer. You will recall that Kyle seemed close to crying, but tears didn't spill.

### **Crown Witness #3 – Kyle Rich**

You are seventeen and a grade 11 student. Mr. Joshua Howard was your shop teacher.

You will say that things did not go well for you in class on the morning of October, 17, 1994. You will say that the first thing to happen was that you got hit on the head with a little piece of wood. You will say that before this happened, you were not paying attention and were talking to some girls, Jamie Janz and Brianna Whiteside. You will say that after this happened, Mr. Howard told you “to pay attention or something and that you did, for a while.

You will say that then you turned around to pick up a pen and that you said something to Brianna and Jamie and then got hit in the head with a hammer. You will say that it hurt, and that you asked Mr. Howard why he did it. There was some discussion, which you cannot recall and Mr. Howard then told you to go sit on the bench. Your response was to say, “F... you!” and you went home.

You will describe the hammer and say that it looked like Exhibit # 1.

You will describe where you were hit on the top right side of your head.

You will say that you think you felt dizzy, but you did not want to see a doctor. However, your mother insisted and she took you to a doctor in the emergency department of Cariboo Memorial Hospital.

You will say that you felt fine when you woke up the next morning.

On cross-examination you will agree that you did not want to see a doctor because you “didn’t feel very bad.” You were not given a prescription by the doctor; you did not take any Aspirin or Tylenol; and you did not see the doctor again.

On cross-examination you will agree (but be sullen about it) that Mr. Howard and other teachers also had spoken to you many times about not paying attention. You really do not know what Mr. Howard was attempting to teach the class that morning. You will agree that you were repeating grade 11, have been suspended from school numerous times, and, when this event happened, you were on a performance contract, that is, you had signed a statement promising to follow standards of behavior or you would agree to being suspended.

On cross-examination you will recall telling the doctor that your left arm was tingly and that when you looked far to the left, your vision got blurry. The doctor said if you began to feel nauseous or threw up, you should come back to the hospital right away.

## **Crown Counsel #4 – Dr. Zacharias**

You saw Kyle Rich in the emergency department at Cariboo Memorial Hospital during the afternoon of October, 17, 1994. He complained of a mild headache and said that he had been hit on the head with a hammer.

Your notes in the hospital records simply “benign head injury – no neural sequelae.”

You did not order x-rays.

You did not know Kyle Rich previously. Until today, you had not seen him since that one outpatient visit to the emergency department.

On cross-examination you will recall that Kyle’s mother seemed very anxious and upset.

(Note: The doctor did not testify in the real trial. His report, which was very brief, was put in as a “by consent” exhibit.)

## **Defence Witness #1 – John Andrews**

You are the principal of Colmneetza Senior Secondary School.

You do not have any first-hand knowledge of this incident but were subpoenaed to attend court and to bring with you the school's records concerning Kyle Rich.

You will say that the school records show that Kyle had been disciplined many times during the 1993/1994 school year and also during the next year before the events of October, 17, 1994. The records will be Exhibit #2 and you will describe the meaning of the various documents to the jury.

You will say that Mr. Howard reported the incident of October 17, 1994, to you on October 18, 1994.

On cross-examination you will say that you first heard of the incident when Cst. Zarnowski telephoned you at home during the evening of October 17, 1994.

On cross-examination you will describe Kyle Rich as a student who got into trouble frequently. You will say that the troubles never involved violent behavior and that Kyle was seldom abusive or rude to teachers or other school staff. For the most part, the troubles were chronic mischievousness and misbehavior: not doing his work, distracting other students, not showing up for detention—that sort of thing.

On cross-examination you will say that section 95 of the School Act forbids any teacher to use force to discipline any student.

On cross-examination you will say that the school records do not indicate that Kyle Rich has ever been assessed by a school psychologist.

## **Defence Witness #2 - Cameron King**

You are sixteen and a grade 11 student at Columneetza Senior Secondary School. Mr. Joshua Howard was your shop teacher, and Kyle Rich is a classmate.

You will say that you recall the events in Mr. Howard's woodworking class during the morning of October 17, 1994.

You will say that you know Kyle Rich and you used to hang around with him, but you no longer do because your parents told you to stop because Kyle was "too bad."

You will say that Mr. Howard was trying to teach a lesson that morning; he was demonstrating how to build a stool. Kyle was acting up – talking and interrupting. Mr. Howard picked up a little piece of wood and tapped Kyle with it to get his attention, and he said, "Next time it will be the hammer." Kyle said, "Yeah, right then I'll sue you." Mr. Howard continued teaching the class and soon Kyle started talking again. Mr. Howard picked up a little hammer and sort of flicked his wrist a little bit and hit Kyle on the head.

You will say that Kyle never looked as if he were going to cry. He simply looked angry.

You will say that Mr. Howard was calm, not angry or anything.

You will say that you thought Mr. Howard seemed annoyed and that was why he hit Kyle.

You will say that after Mr. Howard sent Kyle to the bench, the class just sort of went back to normal.

In cross-examination you will say that after Mr. Howard hit Kyle with the hammer there were some angry comments made by both Kyle and Mr. Howard, but you do not recall the exact words. You will say that Kyle swore at Mr. Howard and that Mr. Howard was sarcastic towards Kyle.

### **Defence Witness #3 - Joshua Howard**

You are a teacher at Columneetza Senior Secondary School and have been teaching there for five years. You teach Industrial Education, Math, and PE. At this time, however, you are not actually teaching and you have not been in the classroom since approximately a week after the incident on October 17, 1994. On January 9, 1995, the School Board suspended you without pay until June 30, 1995.

You know Kyle Rich. You taught him I.E. and PE as a grade 11 student during the 1993/1994 school year and, after he failed that year, you were teaching him the same subjects in the fall of 1994. The principal, John Andrews, had distributed a memorandum to all staff advising that Kyle was under performance evaluation to be removed for home schooling. You will say that you had experienced problems with Kyle on a number of occasions and had documented the more serious problems, as you are required to do.

You will say that Kyle's behavior was a real concern to you, that whenever you turned your back on Kyle for even a few seconds in shop class, he would get into trouble and disrupt the class or put himself or other students in jeopardy. The I.E. Shop is full of tools and hard tables; the shops and the gym are the most hazardous places in the school, and you, therefore, have to insist that students pay attention and behave. You will say it is a safety issue.

You will recall that during the 1993/1994 school year you had devised a form of performance contract as a method of dealing with students who were unruly and chronic troublemakers. The principal had approved these contracts and Kyle had been required to sign one just a few days before October 17, 1994.

You will say that on October 17, 1994, Kyle's misbehaving began even before the class started. He had come running into the shop whooping and hollering and, since that sort of behavior was definitely against the posted shop rules, you had told Kyle to go sit on "the bench" for a time and that was before the class started!

You will recall that in class that morning you were demonstrating the use of the radial arm saw to cut the tops for stools that the students were making. You will testify to the effect that the saw can be very dangerous if it is not used properly, and you will say it is, therefore, very important that each student pay full attention.

You will say that as soon as you attempted to start the demonstration, Kyle took that as an opportunity to start talking to some other students around him. You, therefore, stopped what you were doing and stared until he quieted down and then you started the demonstration again.

You will say that Kyle then started talking to Jamie Janz and Brianna Whiteside again. So you picked up a short piece of 1x3 cedar, reached over, and tapped Kyle with it. As you did that you said, "Now pay attention, Kyle, or next time it will be a hammer." You will recall that Kyle's reaction was "a sort of insolent shrug" and that he said, "Go ahead."

You will recall that you again attempted to continue with the demonstration. Kyle began talking again. You will say you picked up a small finishing hammer and tapped Kyle on the head with it. At the same time you said, "I told you I would do that. Now pay attention." You will say that Kyle started swearing and said, "I'll sue you," and that you responded with something like: "Go ahead, I'll whip your ass."

You will say that you tapped Kyle with the hammer because he had not responded to verbal reprimands or being tapped with the 1x3. You needed to get his attention and make him stay on task. You will say it was a very light tap, really no different than using a pointer or a ruler. You will say that you were not angry and that you did not use that hammer to harm or punish Kyle-you merely wanted to “get his attention and keep him on task.”

You will say that after Kyle started swearing you told him, “ I am not going to argue with you right now, Kyle. Go back to the bench.” You will say that he did, although very grudgingly.

You will say that, after you got the rest of the class settled down and back on task, you took Kyle into your office and talked to him there. He cooled off, said he knew he had to try harder, and, when he rejoined the class, his behavior was, for him, “ very good.” He stayed for the duration of the class and you will recall that when the class ended, you helped him save face by asking him to gather up all the various tools and you thanked him for his assistance.

You will recall that when Kyle was in PE class the next day, his behavior was “almost syrupy.” He often responded with, “Yes, sir,” and “No, sir,” which you found surprising.

You will recall that when you heard from the principal the next day and were told that the incident was being investigated by the police, you were nonplussed.

On cross-examination you will say you were suspended from teaching by the School Board for six months because the Board deemed that you had used corporal punishment upon a student in the course of your teaching duties. You agree you knew that is not permitted.

On cross-examination you will say that when you told Kyle to “ pay attention or next time it would be a hammer,” you never anticipated that he would ignore you and cause you to have to actually do it. You thought the comment would impress upon him the seriousness of the situation.

On cross-examination you will agree that in December, 1993, you wrote a memorandum to the principal and confirmed you would “try to refrain from using physical reprimands as common procedure.” You will also agree that the principal then told you that if you did not stop delivering physical reprimands to students, your job security might be jeopardized.

On cross-examination you will agree that it was a strict rule in your shop classes that under no circumstances could a student hit another student with any tool or anything else.

On your cross-examination you will provide a detailed description of the hammer (Exhibit #1) and a rather tedious description of various types of larger hammers.

On your cross-examination you will say that you did not report this incident to the principal immediately because it was “a standard classroom incident” and the principal knew that Kyle was on a performance contract. You will say that since Kyle did not seem to be suffering after the incident, you considered it to be of no real consequence. You will say there appeared to be absolutely nothing wrong with Kyle and that he never complained to you that his arm was tingly, his vision was blurry, or that he felt dizzy.

## **Judge's Role – Charge to the Jury**

You can develop your opening statement to the jury by using the Judge's File in "Guide to Mock Trials: the Basics."

For your charge to the jury, you can draw upon the following statement.

Mr./Madam Foreperson, ladies and gentlemen of the jury, it is now my duty to give you certain instructions before you begin your deliberations.

We have separate responsibilities in this case. It is my responsibility to instruct you concerning the legal principles you must consider during your deliberations. You must accept my statements defining and explaining the law. It is your collective responsibility to assess the events that gave rise to charge against Joshua Howard and to decide what happened. You are not obliged to accept the submissions of counsel or my own observations concerning the facts of this case.

There is a fundamental principle, which you must understand and always recall during your deliberations. In Canada, when a person is accused of criminal wrongdoing, he or she does not have to prove innocence. It is the task of the prosecution to prove guilt beyond a reasonable doubt. If the evidence before you does not go that far, Joshua Howard is entitled to be acquitted.

The evidence in this case, like the evidence in almost every case, was, at times, surprising, conflicting, and confusing. It is your task to sort through the testimony of the various witnesses. You will use common sense and the wisdom that experience has taught you during your own lives. You may reject all or most of the evidence given by other witnesses. You may decide that some witnesses were honest, observed well, and recalled the events accurately. You may feel that other witnesses were untruthful or that their testimony cannot safely be relied upon for any number of reasons. Honest persons can be mistaken in their observations and recollections of unusual events.

I am required to comment upon the law and to review those areas of the evidence, which may be particularly important to your deliberations.

We know that Joshua Howard hit Kyle Rich on the head with a hammer. In most situations that would be entirely sufficient to say that he had committed a wrongful assault.

But Joshua Howard is a schoolteacher, and Kyle Rich was one of his students. There is a special section in the Criminal Code, which must be considered in a case of this nature. Section 43 says that every schoolteacher or parent is justified in using force by way of correction toward a pupil or child, as the case may be, who is under his care, if the force does not exceed what is reasonable under the circumstances.

This section of the Criminal Code has its roots in the Common Law of England--law that was created by judges during times when men were permitted to beat their badly behaved servants and their wives, provided, of course, that the force used did not exceed that necessary for moderate correction. In Canada we no longer tolerate the use of any force to discipline wives or employees, but, as a matter of law, I must tell you that a schoolteacher continues to be able to rely upon Section 43 of the Criminal Code in a case such as this.

You have heard that Section.95 of the School Act forbids the administering of corporal punishment in British Columbia. But that is not important in this case, which you must decide upon the evidence and the law as I explain it to you.

It is also irrelevant to your decision that Mr. Howard was disciplined by the School Board; the task of the School Board was to determine if there had been a failure to comply with the School Act and official policy. Your work is entirely different: you must decide if it has been proved that Mr. Howard committed a crime.

Section 43 means that a schoolteacher's use of force upon a student will not be considered unlawful if the force is used **by way of correction** and if the force used is **not excessive**.

In the present case, Mr. Howard says that he did not hit Kyle Rich with the hammer to harm or punish him. Mr. Howard claims he was merely trying to get Kyle's attention and to get him back on task for safety and other reasons. In other words, he says he was attempting to correct Kyle's unacceptable behavior. You will have to consider this explanation and decide whether you can accept it or must reject it. You will ask yourselves whether the use of some force was necessary in the circumstances that morning. In this connection, I must remind you of Mr. Howard's statement to Kyle before the hammer was used: you might find that statement to have been an unnecessary and improper threat.

In the present case, Mr. Howard says that he only tapped Kyle with the hammer and he does not believe that this light tap can be characterized as a forceful action. But there is other evidence which you must also consider. I must remind you that other students heard the noise when the hammer landed upon Kyle's head; you might find that the blow must have been harder than Mr. Howard now recalls. I must also remind you that there is evidence, which suggests that the blow was hard enough to cause Kyle's arm to become tingly, his vision to become blurry, and to cause him to have a headache.

You may consider that Mr. Howard's use of the hammer is significant: a blow delivered in this fashion is a far different thing from a mere swat with one's hand. If you find that Mr. Howard's use of a hammer was simply unacceptable, then, as a matter of law, you are entitled to decide that Mr. Howard cannot be afforded the special protection given to parents and schoolteachers by Section.43 of the Criminal Code.

I shall not confuse you by attempting to explain matters in greater detail. A case like this is particularly well suited to being tried before and decided by a jury. You know the standards of the Canadian community. You will use your good common sense and return with a fair verdict, I am sure.

Ladies and gentlemen, you may now retire and begin your deliberations. You may wish to take the exhibits with you into the jury room.

**Caution:** *This "charge to the jury" was prepared for use during a mock trial only. It is necessarily abbreviated and simplified. It is not intended that any person should presume that the law is stated in a definitive matter herein.*

***Columnneetza Senior Secondary School***  
***1045 Western Avenue, Williams Lake, BC Canada V2G 2J8***  
***(604) 392-4158***

**Student Performance Contract**

Student: **Kyle Rich**  
Date: October 7, 1994  
Class: Industrial Education  
From: Mr. Bob Preston, Department Head

**Conditions**

**A. CLASSROOM PERFORMANCE**

1. Student will attend no less than 3 scheduled classes per week.  
No more than 2 lates in one week.  
Work missed is to be made up after school hours as no extension will be granted for unexcused absences.
2. Student is not to leave the shop area for any reason.
3. Student is to work on assigned projects only while in the shop. Failure to do so will result in a make-up period after school hours.
4. ANY violation of the safety rules will result in loss of class shop privileges for that day. Work is to be made up after school hours.
5. REPEAT violations of the above conditions will result in exclusion from shop class until a parent/teacher interview is held to determine an appropriate course of action.

**B. BEHAVIOUR IN SHOP**

1. Student is to remain on task, unless directed to do otherwise.
2. Horseplay of any description is a violation of safety rules.

Teacher's Signature: \_\_\_\_\_

Student's Signature: \_\_\_\_\_

Principal's Signature: \_\_\_\_\_

***COLUMNEETZA SENIOR SECONDARY SCHOOL  
1045 Western Avenue, Williams Lake, BC Canada V2G 2J8***

**Memorandum**

To: Teachers of Kyle Rich

From: John Andrews

Date: October 11, 1994

Re: Kyle's School Performance

---

After discussion with his mother, I have decided to place Kyle on a two-week academic/behavior performance contract. I would ask you to complete an evaluation report at the end of this time period.

If Kyle has not shown significant improvement, his mother will withdraw him and do home schooling.

Thank you for your cooperation.

J.A.

cc. Student file

**COLUMNEETZA SENIOR SECONDARY SCHOOL**  
**1045 Western Avenue, Williams Lake, BC Canada V2G 2J8**  
**Main Office: (604) 392-4158**  
**Counsellors: (604) 392-4912**  
**Fax: (604) 392-3952**

October 22, 1993

Ms. Rich  
R.R. #2  
Williams Lake BC  
V2G 2D3

**DOUBLE REGISTERED MAIL**

Dear Parent:

Re: Kyle Rich: DOB 76/Dec/03

I regret that I find it my duty to suspend Kyle from school for cause. This action is taken under Section 6 of the School Act

Reason: **POSSESING AND/OR USING ILLEGAL DRUGS**

I am suspending Kyle from school for a period of 5 SCHOOL DAYS.

He may return to school on Monday, November 1 at 8:30 am provided the following circumstances are met:

1. Remain off school property for duration of suspension.
2. Complete homework package by return.
3. See Miss Basok upon return.

For your information, the circumstances of this suspension are being reported to the Board of School Trustees. Parents and guardians have the right to appeal to the Board.

Yours truly,

John Andrews, Principal

cc Mr. B. Butcher, Superintendent of Schools

Miss L. Basok, Vice Principal

Student file

***Columneetza Senior Secondary School***  
***1045 Western Avenue, Williams Lake, BC Canada V2G 2J8***  
Main Office: (604) 392- 4518  
Counsellors: (604) 392-4912  
Fax: (604) 392-3952

November 18, 1993

Ms. Rich  
R.R. #2  
Williams Lake BC  
V2G 2D3

**DOUBLE REGISTERED MAIL**

Dear Parent:

Re: Kyle Rich: DOB 76/Dec/03

I regret that I find it my duty to suspend Kyle from school for cause. This action is taken under Section 6 of the School Act.

Reason: **MISBEHAVING THAT CAUSED ANOTHER STUDENT TO BE INJURED**

I am suspending Kyle from school for a period of 1 SCHOOL DAY.

He may return to school on Monday, November 22 at 8:30 am provided the following circumstances are met:

1. Remain off school property for duration of suspension.
2. Complete homework package by return.
3. See Miss Basok upon return.

For your information, the circumstances of this suspension are being reported to the Board of School Trustees. Parents and guardians have the right to appeal to the Board.

Yours truly,

John Andrew

cc                    Mr. B. Butcher, Superintendent of Schools  
                         Miss L. Basok, Vice Principal  
                         Student file

***Columnnetza Senior Secondary School***  
***1045 Western Avenue, Williams Lake, BC Canada V2G 2J8***  
Main Office: (604) 392- 4518  
Counsellors: (604) 392-4912  
Fax: (604) 392-3952

May 20, 1994

Ms. Rich  
R.R. #2  
Williams Lake BC  
V2G 2D3

**DOUBLE REGISTERED MAIL**

Dear Parent:

Re: Kyle Rich: DOB 76/Dec/03

I regret that I find it is my duty to suspend Kyle from school for cause. This action is taken under section 6 of the School Act.

Reason: **HANDLING A FIRE EXTINGUISHER**

I am suspending Kyle from school for a period of 5 SCHOOL DAYS.

He may return to school on Thursday, June 4 at 8:30 am provided the following circumstances are met.

1. Remain off school property for duration of suspension.
2. Complete homework package by return.
3. See Miss Basok upon return.

For your information, the circumstances of this suspension are being reported to the Board of School Trustees. Parents and guardians have the right to appeal to the Board.

Yours truly,

John Andrews, Principal

cc            Mr. B. Butcher, Superintendent of Schools  
              Miss L. Basok, Vice Principal  
              Student file

***Columneetza Senior Secondary School***  
***1045 Western Avenue, Williams Lake, BC Canada V2G 2J8***  
Main Office: (604) 392- 4518  
Counsellors: (604) 392-4912  
Fax: (604) 392-3952

June 6, 1994

Ms. Rich  
R.R. #2  
Williams Lake BC  
V2G 2D3

**DOULBE REGISTERED MAIL**

Dear Parent:

Re: Kyle Rich: DOB 76/Dec/03

I regret that I find it is my duty to suspend Kyle from school for cause. This action is taken under section 6 of the School Act.

Reason: **CHRONIC MIBEHAVIOUR**

I am suspending Kyle from school. Kyle should remain off school property during his suspension. Home schooling with Mr. Berg will be provided. You must request a Board Hearing should you wish them to reconsider admission.

Yours truly,

John Andrews, Principal

cc            Mr. B. Butcher, Superintendent of Schools  
              Miss L. Basok, Vice Principal  
              Student file

***Columnneetza Senior Secondary School***  
***1045 Western Avenue, Williams Lake, BC Canada V2G 2J8***  
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Counsellors: (604) 392-4912  
Fax: (604) 392-3952

September 13, 1994

Ms. Rich  
R.R. #2  
Williams Lake BC  
V2G 2D3

**DOULBE REGISTERED MAIL**

Dear Parent:

Re: Kyle Rich: DOB 76/Dec/03

I regret that I find it is my duty to suspend Kyle from school for cause. This action is taken under section 6 of the School Act.

Reason: **OBSCENE BEHAVIOUR**

I am suspending Kyle from school for a period of 2 SCHOOL DAYS.

He may return to school on Thursday, September 16 at 8:30 am provided the following circumstances are met.

1. Remain off school property for duration of suspension.
2. Complete homework package by return.
3. See Miss Basok upon return.

For your information, the circumstances of this suspension are being reported to the Board of School Trustees. Parents and guardians have the right to appeal to the Board.

Yours truly,

John Andrews, Principal

cc            Mr. B. Butcher, Superintendent of Schools  
              Miss L. Basok, Vice Principal  
              Student file

***Columnneetza Senior Secondary School***  
***1045 Western Avenue, Williams Lake, BC Canada V2G 2J8***  
Main Office: (604) 392- 4518  
Counsellors: (604) 392-4912  
Fax: (604) 392-3952

September 19, 1994

Ms. Rich  
R.R. #2  
Williams Lake BC  
V2G 2D3

**DOULBE REGISTERED MAIL**

Dear Parent:

Re: Kyle Rich: DOB 76/Dec/03

I regret that I find it is my duty to suspend Kyle from school for cause. This action is taken under section 6 of the School Act.

Reason: **PHYSICALLY ENDAGERING ANOTHER STUDENT**

(Throwing into shower)

I am suspending Kyle from school for a period of 2 SCHOOL DAYS.

He may return to school on Thursday, September 23 at 8:30 am provided the following circumstances are met.

1. Remain off school property for duration of suspension.

For your information, the circumstances of this suspension are being reported to the Board of School Trustees. Parents and guardians have the right to appeal to the Board.

Yours truly,

John Andrews, Principal

cc            Mr. B. Butcher, Superintendent of Schools  
              Miss L. Basok, Vice Principal  
              Student file

***Columnneetza Senior Secondary School***  
***1045 Western Avenue, Williams Lake, BC Canada V2G 2J8***  
Main Office: (604) 392- 4518  
Counsellors: (604) 392-4912  
Fax: (604) 392-3952

October 3, 1994

Ms. Rich  
R.R. #2  
Williams Lake BC  
V2G 2D3

**DOULBE REGISTERED MAIL**

Dear Parent:

Re: Kyle Rich: DOB 76/Dec/03

I regret that I find it is my duty to suspend Kyle from school for cause. This action is taken under section 6 of the School Act.

Reason: **OBSCENE GESTURES IN CLASS**

(Pulling down his pants in class, and disrespect to the teacher.)

I am suspending Kyle from school for a period of 1 SCHOOL DAYS.

He may return to school on Thursday, October 4 at 8:30 am provided the following circumstances are met.

1. Remain off school property for duration of suspension.
2. See Miss Basok upon return.

For your information, the circumstances of this suspension are being reported to the Board of School Trustees. Parents and guardians have the right to appeal to the Board.

Yours truly,

John Andrews, Principal

cc Mr. B. Butcher, Superintendent of Schools  
Miss L. Basok, Vice Principal  
Student file