



BRITISH COLUMBIA
COMMISSIONER FOR
TEACHER REGULATION

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

AND

IN THE MATTER CONCERNING

HERMAN TSZ HIN CHOW

[REDACTED]

CONSENT RESOLUTION AGREEMENT

BETWEEN:

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

AND:

HERMAN TSZ HIN CHOW
(“Chow”)

BACKGROUND and FACTS

1. Chow holds a valid Professional Certificate of Qualification, [REDACTED] issued by the Director of Certification (the “Director”) under the *Teachers Act* on October 18, 2018, and is valid from October 18, 2018.
2. At all material times, Chow was employed as an elementary school teacher by School District No. 59 (Peace River South) (the “District”) at a District school (the “School”).
3. On September 27, 2019, the District made a report to the Commissioner regarding Chow, under section 16 of the *School Act*.
4. The following events occurred on May 30, 2019 when Chow was teaching a Grade 7 physical education class at the School:
 - a. Student A was accidentally hit in the back of the head with a baseball bat by Student B.

[REDACTED]

- b. After being hit, Student A fell to the ground and held their head because it hurt.
 - c. Chow approached the students, and told Student B to apologize to Student A. After being told that Student B had already done so, Chow walked away.
 - d. Student A and another student went into the School to get ice for Student A's head.
 - e. When they returned to the field, Chow asked how Student A was feeling. Student A, who appeared shaken, told Chow that they had a headache and did not feel well. Chow then left Student A to join the rest of the students who were still playing baseball.
 - f. At no time did Chow report Student A's injury to School administrators or to Student A's parents.
5. On June 14, 2019, Chow resigned from the District, effective June 30, 2019.
6. On November 8, 2019, the Commissioner considered this matter and determined to propose a consent resolution agreement to Chow, in accordance with section 53(1)(a) of the *Teachers Act*.

CONSEQUENCES


7. This Agreement is made under section 53 of the *Teachers Act*.
8. Chow 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. Chow admits that the facts set out in paragraphs 1 to 5 of this Agreement are true.
10. Chow 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. Chow agrees to a one-day suspension of his certificate of qualification under sections 53 and 64(b) of the *Teachers Act*. Chow will serve the suspension on March 30, 2020.
12. In determining that a one-day suspension is an appropriate consequence, the Commissioner considered the following factor:
- a. Chow failed to take appropriate steps to ensure the health and safety of a student in his care.

13. Chow 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.

EFFECT OF THE AGREEMENT

14. The Director will record the terms of this Agreement on the Ministry of Education's online registry under section 79(d) of the *Teachers Act*.
15. Chow 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.teacherregulation.gov.bc.ca.
16. Notification of this Agreement will be made in accordance with section 55 of the *Teachers Act*.
17. A breach by Chow of any term in this Agreement may constitute professional misconduct which may be the subject of separate discipline proceedings.
18. Chow acknowledges and understands that if the Commissioner has reason to believe that he has breached any term of this Agreement:
- the Commissioner may initiate an investigation under section 47(1)(b) of the *Teachers Act* into his conduct; and
 - the conduct and matters described in the "Background and Facts" to this Agreement are admissible in that inquiry as proof that Chow has admitted to the conduct and matters set out in this Agreement.
19. Chow 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 Chetwynd, B.C.
this 6th day of March, 2020.


Herman Tsz Hin Chow

Signed in Vancouver, B.C.
this 17 day of March, 2020.


Howard L. Kushner, Commissioner