



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

AND

IN THE MATTER CONCERNING

BRENT ALEXANDER DANIEL

██████████ -01, 02 and 03

CONSENT RESOLUTION AGREEMENT

BETWEEN:

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

AND:

BRENT ALEXANDER DANIEL
(“Daniel”)

BACKGROUND and FACTS

1. Daniel holds a valid Professional Certificate of Qualification, No. ██████████. It was issued by the B.C. College of Teachers under the *Teaching Profession Act* on January 29, 1992, is valid from September 1, 1991, and was continued under the *Teachers Act* as of January 9, 2012.

Files 01 and 02

2. At all material times, Daniel was employed as a secondary school teacher by School District No. 59 (Peace River South) (the “District”) at a District school (the “Public School”).
3. The following events occurred on April 9, 2021 at the Public School:
 - a. Student A was a Grade 8 student in Daniel’s P.E. class. At the end of the class, Student A threw a soft bouncy ball at Daniel, hitting Daniel in the head.

- b. Student A ran away and Daniel chased after Student A. As Daniel approached Student A, Daniel “faked” that he was going to throw the ball at Student A.
 - c. Daniel then physically grabbed the hood of Student A’s sweatshirt with his hand from behind Student A, causing Student A to fall to the ground.
 - d. While Student A was on the ground, Daniel used a raised voice when he was speaking to Student A and made comments to the effect that Student A was not hurt and that Student A was just “milking it.”
 - e. As a result of Daniel grabbing Student A’s hood, there was a red mark on Student A’s neck and Student A had pain in one elbow. Student A felt scared and sad as a result of Daniel’s conduct.
4. On May 14, 2021, the District issued Daniel a letter of discipline and suspended him for ten days without pay and transferred him to a different District school. Daniel served the suspension from May 17 to 31, 2021, inclusive. In addition, the District required him to complete two courses: he completed *Managing Anger*, through Grande Prairie Regional College on June 1, 2021, and *Foundations of Collaborative Conflict Resolution*, through the Justice Institute of B.C. on June 16, 2021.
 5. On June 4, 2021, the District made a report to the Commissioner regarding Daniel, under section 16 of the *School Act*.

File 03

6. In or about August or September of 2022, Daniel applied for employment as a teacher at a kindergarten to grade 12 independent school (the “Independent School”) in British Columbia, operated by a First Nation. Daniel was dishonest when:
 - a. Daniel gave the Independent School a resume of his professional qualifications and his work experience (the “Resume”), from which Daniel omitted his work experience with the District, starting on January 29, 2018 as a temporary teacher and from September 1, 2018 as a continuing teacher.
 - b. Daniel did not disclose to the Independent School that he continued to be employed by the District and was on a leave of absence.

The Independent School relied upon the Resume when it decided to employ Daniel.

7. In October and November 2022, Daniel made racist comments towards teachers at the Independent School who are Black:
 - a. Daniel said words to the effect of “you can take the Haitian out of Haiti, but you can’t take Haiti out of the Haitian”, when he saw another teacher carrying items from the School office.
 - b. Daniel stood in between two teachers who are Black and asked “what do you call this?” and then said “an Oreo”.
 - c. When a colleague, who was wearing a medical face mask, walked by Daniel in the hallway, Daniel said words to the effect of “I’d better put away my valuables” and when this colleague asked Daniel why, Daniel replied “a black man wearing a mask”.
 - d. Daniel, who was holding a bottle of vitamins, gestured towards a colleague and said words to the effect of “here, you’ll need these when your HIV gets unbearable”.
8. On November 16, 2022, the Independent School disciplined Daniel by issuing to him a written letter of warning and placing him on probation for three months.
9. In November 2022, Daniel engaged in inappropriate conduct towards students at the Independent School, as follows:
 - a. Daniel yelled at a student when the student asked to attend the after school club.
 - b. During after school activities in the gym, Daniel accidentally ran a hockey net over the toes of a primary student (“Student A”), and when Student A screamed in response, Daniel shouted “hey” at Student A. Another primary student (“Student B”) came over to check on Student A, and Daniel shouted at Student B to “back away from me now” and then yelled at the two students “go sit on the bench now” and “you are being disrespectful”. Another teacher who saw this interaction described Daniel as aggressive.
 - c. Daniel became upset when he was told that a truck used by staff of the Independent School was not available for him to drive home. Daniel slammed shut the classroom door and used obscenities, when students were in the classroom.
 - d. When some students were hiding from Daniel under some stacked chairs, Daniel yelled at the students to get out and kicked the chairs very hard. The students were afraid the chairs would fall on them.

10. On November 30, 2022, the Independent School terminated the employment of Daniel on the basis of cause.
11. On December 2, 2022, the principal of the Independent School made a report about Daniel, under section 7 of the *Independent School Act*.
12. On December 14, 2022, the Commissioner considered this matter and determined to propose a consent resolution agreement to Daniel, in accordance with section 53(1)(a) of the *Teachers Act*.

CONSEQUENCES

13. This Agreement is made under section 53 of the *Teachers Act*.
14. Daniel 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”).
15. Daniel admits that the facts set out in paragraphs 1 to 11 of this Agreement are true.
16. Daniel admits that the conduct described in paragraphs 3, 6, 7 and 9 of this Agreement constitutes professional misconduct and is contrary to Standards #1 and #2 of the *Professional Standards for BC Educators*, June 19, 2019. The conduct in paragraph 7 is also contrary to Standards #6 and #8.
17. Daniel agrees to a four week suspension of his certificate of qualification under sections 53 and 64(b) of the *Teachers Act*, from February 1, 2023 to February 28, 2023 inclusive.
18. Daniel further agrees under section 64(f) and (h) of the *Teachers Act* that by March 31, 2023 (the “Condition Date”):
 - a. He will successfully complete the course *Creating a Positive Learning Environment* through the Justice Institute of B.C. (the “Course”) and provide satisfactory proof of completion to the Commissioner by the Condition Date.
 - b. If Daniel does not successfully complete the Course by the Condition Date, he will immediately advise the Commissioner in writing of the reason(s) he has not successfully completed it and set out the date by which he proposes to do so, at which time the Commissioner may extend the Condition Date to a later date (the “Extended Date”).
 - c. If Daniel fails to provide satisfactory proof of completion of the Course by the later of the Condition Date or the Extended Date, the Commissioner may require the

Director of Certification (“the Director”) to suspend Daniel’s certificate of qualification under section 64(f) of the *Teachers Act*, until such time as he successfully completes the Course.

19. In determining that a four week suspension and completion of a course are appropriate consequences, the Commissioner considered the following:
 - a. Daniel failed to model appropriate behaviour expected of an educator, particularly in responding to, or resolving. conflict.
 - b. Daniel’s actions jeopardized the physical and emotional safety of students, particularly the students at the Independent School who were very young and who lived in a community which has an long experience of trauma from colonialism.
 - c. Daniel’s comments to his Black colleagues were inconsistent with the values, beliefs and knowledge of Canada’s democratic and inclusive society and damage the perception of the teaching profession.
20. Daniel 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

21. The Director of Certification will record the terms of this Agreement on the Ministry of Education’s online registry under section 79(d) of the *Teachers Act*.
22. Daniel 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.
23. Notification of this Agreement will be made in accordance with section 55 of the *Teachers Act*.
24. A breach by Daniel of any term in this Agreement may constitute professional misconduct which may be the subject of separate discipline proceedings.
25. Daniel 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 Daniel has admitted to the conduct and matters set out in this Agreement.
26. Daniel 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 Prince George, B.C.
this 11th day of January, 2023.


Brent Alexander Daniel

Signed in Victoria, B.C.
this 12th day of January, 2023.


Howard L. Kushner, Commissioner