



BRITISH COLUMBIA  
COMMISSIONER FOR  
TEACHER REGULATION

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

AND

IN THE MATTER CONCERNING

JAMES CAMERON MCCABE

[REDACTED]

CONSENT RESOLUTION AGREEMENT

BETWEEN:

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

AND:

JAMES CAMERON MCCABE  
("McCabe")

**BACKGROUND and FACTS**

1. McCabe held a Professional Certificate, No. [REDACTED]. It was issued by the Ministry of Education on September 4, 1985 and was valid from September 1, 1985.
2. McCabe holds a Professional Certificate of Qualification, No. [REDACTED]. It was issued by the B.C. College of Teachers under the *Teaching Profession Act* on June 3, 1991, was valid from January 1, 1988 and was continued under the *Teachers Act* as of January 9, 2012.
3. At all material times, McCabe was employed as a secondary school teacher by School District No. 39 (Vancouver) (the "District") at a District school (the "School").
4. On January 22, 2020, the District made a report to the Commissioner regarding McCabe, under section 16 of the *School Act*.

[REDACTED]

5. The following events occurred between September and November 2019:
  - a. McCabe taught students in the School's alternative program, which was designed to provide a safe, supportive and nurturing environment to students who are emotionally fragile and/or who have not experienced success in a mainstream school setting.
  - b. McCabe frequently made physical contact with students, such as rubbing their backs or necks, touching their hair, or hugging them, which made some students feel uncomfortable.
  - c. McCabe asked Student B to stand up and when Student B did not immediately respond, McCabe held the top of Student B's ears for approximately 2 seconds.
  - d. When Student B reached overhead such that Student B's boxers were partially exposed, McCabe said: "I really like your boxers." Student B reported feeling troubled by this incident.
  - e. On November 25, 2019, when Student C did not follow McCabe's direction to get back to work, McCabe began raising his voice. When Student C talked back, McCabe angrily yelled at Student C loud enough for someone in a neighbouring classroom to hear: "Why don't you f---ing do what you are asked!"
6. On January 22, 2020, the District issued McCabe a letter of discipline and suspended him for one day without pay. McCabe served the suspension on January 15, 2020.
7. On March 13, 2020, the Commissioner considered this matter and determined to propose a consent resolution agreement to McCabe, in accordance with section 53(1)(a) of the *Teachers Act*.

## CONSEQUENCES

8. This Agreement is made under section 53 of the *Teachers Act*.
9. McCabe 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. McCabe admits that the facts set out in paragraphs 1 to 6 of this Agreement are true.
11. McCabe admits that the conduct described in paragraph 5 of this Agreement constitutes professional misconduct and is contrary to Standard #1 of the *Professional Standards for BC Educators*, May 2019.

12. McCabe agrees to a reprimand under sections 53 and 64(a) of the *Teachers Act*, which will take effect on the first business day following the Effective Date.
13. McCabe also agrees under section 64(f) and (h) that by **April 30, 2021** (the "Condition Date"):
  - a. He will successfully complete the course "Reinforcing Respectful Professional Boundaries" through the Justice Institute (the "Course") and provide satisfactory proof of completion to the Commissioner by the Condition Date.
  - b. If McCabe 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 deadline to a later date (the "Extended Date").
  - c. If McCabe 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 McCabe's certificate of qualification under section 64(f) of the *Teachers Act*, until such time as he successfully completes the Course.
14. In determining that a reprimand and course requirement are appropriate consequences, the Commissioner considered the following factor/factors:
  - a. McCabe, by his words and actions, failed to create a positive learning environment for his students.
15. McCabe 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**

16. 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*.
17. McCabe 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](http://www.teacherregulation.gov.bc.ca).
18. A breach by McCabe of any term in this Agreement may constitute professional misconduct which may be the subject of separate discipline proceedings.




19. McCabe 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 McCabe has admitted to the conduct and matters set out in this Agreement.
20. McCabe 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 Vancouver, B.C.  
this 16 day of September, 2020.

  
James Cameron McCabe

Signed in Vancouver, B.C.  
this 29 day of September, 2020.

  
Howard L. Kushner, Commissioner