



## CONSENT RESOLUTION AGREEMENT

IN THE MATTER OF THE *TEACHERS ACT*, SBC 2011 c. 19  
AND  
IN THE MATTER CONCERNING  
MALCOLM MURRAY McTAGGART  
[REDACTED]

BETWEEN:

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

AND

MALCOLM MURRAY McTAGGART  
(“McTaggart”)

### BACKGROUND and FACTS

1. Mr. McTaggart holds a Professional Certificate, [REDACTED] issued on June 3, 1991 and valid from January 1, 1988 by the B.C. College of Teachers (the “College”) under the *Teaching Profession Act* and continuing under the *Teachers Act* as of January 9, 2012.
2. Mr. McTaggart was employed as a high school teacher with School District No. 39 (Vancouver) (the “District”) at all times material to this Agreement.
3. In 2009, the College investigated a complaint against Mr. McTaggart regarding his conduct in 2009. The Teacher Regulation Branch (the “Branch”) decided that no further action was

warranted in respect of the 2009 complaint.

4. During the course of the investigation of the 2009 complaint, the Branch received from the District historical details of alleged misconduct by Mr. McTaggart, not previously reported to the College. This prompted a second Branch investigation.
5. The following events occurred in 1993, 1994 and 2002:

**Misuse of sick leave (1993)**

- a. On February 22, 23 and 25, 1993, Mr. McTaggart took sick leave for half of the day instead of discretionary leave to attend court for personal reasons.
- b. Mr. McTaggart reimbursed the District the cost of a Teacher on Call for three half days.

**Inappropriate physical contact (1994)**

- c. In March 1994, the District investigated an allegation that Mr. McTaggart struck a Grade 8 male student (“Student A”) on the back.
- d. Mr. McTaggart admitted to “physical contact” with Student A, describing the incident as a “gesture” of placing his hand on Student A’s back while directing him to go to the office. The contact was not forceful and was intended to get the student moving to the office.
- e. Mr. McTaggart acknowledged that “the gesture was probably inappropriate”.
- f. Mr. McTaggart admitted to tapping desks with a ruler as a classroom management technique.
- g. As a result of the foregoing, the District issued Mr. McTaggart a letter of discipline dated April 6, 1994.

**Disrespectful comments to students (2002)**

- h. In 2002, the District investigated complaints that Mr. McTaggart made disrespectful comments to students.
- i. Mr. McTaggart admitted to using profanity in the classroom and to making sarcastic comments to students.
- j. As a result of the foregoing, the District issued Mr. McTaggart a letter of expectation

dated March 6, 2002, which stated that no disciplinary action would be taken.

6. Neither the College, nor the Branch, has received any further complaints or reports about Mr. McTaggart since October 2009.
7. On May 2, 2013, the Commissioner considered this matter and determined to propose a consent resolution agreement to Mr. McTaggart, in accordance with section 53(1)(a) of the *Teachers Act*.

## **DISPOSITION**

8. This Agreement is made under section 53(1)(a) of the *Teachers Act*.
9. Mr. McTaggart understands and acknowledges that this Agreement is not effective until executed by the Commissioner, and that the date of execution by the Commissioner shall be the effective date of this Agreement (the "Effective Date").
10. Mr. McTaggart admits that the facts set out in paragraphs 1 to 4 in this Agreement are true.
11. Mr. McTaggart admits that the conduct described in paragraph 5 of this Agreement constitutes professional misconduct and is contrary to Standards #1 and #5 of the *Standards for the Education, Competence and Professional Conduct of Educators in British Columbia*, Fourth Edition, January 2012.
12. Mr. McTaggart agrees he will be issued a reprimand pursuant to sections 53(3)(c) and 64(a) of the *Teachers Act*, with respect to the professional misconduct described in paragraph 4 of this Agreement.
13. Mr. McTaggart 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 herein.

## **CONSEQUENCES OF THE AGREEMENT**


14. The Director of Certification will record the terms of this Agreement on the Branch's online registry pursuant to section 79 of the *Teachers Act*.
15. Mr. McTaggart acknowledges that this Agreement shall be published in accordance with section 54 of the *Teachers Act*, which includes posting of the Agreement, in full, on the following website: [www.bcteacherregulation.ca](http://www.bcteacherregulation.ca).

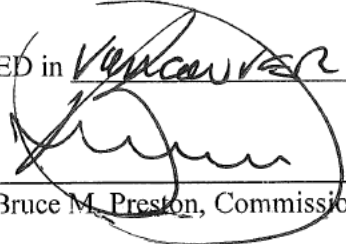
16. A breach by Mr. McTaggart of any term in this Agreement may constitute professional misconduct which may be the subject of separate discipline proceedings.

17. Mr. McTaggart acknowledges and understands that if the Branch 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 Mr. McTaggart has admitted to the conduct and matters that initiated this Agreement.

18. Mr. McTaggart 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 herein.

SIGNED in Vancouver, B.C. the 18 day of Nov, 2013.  
  
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Malcolm Murray McTaggart

SIGNED in Vancouver, B.C. the 28 day of November, 2013.  
  
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Hon. Bruce M. Preston, Commissioner