



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

AND

IN THE MATTER CONCERNING

ROXANN DESIREE ROJAS

[REDACTED]

CONSENT RESOLUTION AGREEMENT

BETWEEN:

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

AND:

ROXANN DESIREE ROJAS  
(“Rojas”)

**BACKGROUND and FACTS**

1. Rojas holds a valid Professional Certificate of Qualification, No. [REDACTED]. It was issued by the B.C. College of Teachers under the *Teaching Profession Act* on September 29, 2004, is valid from September 1, 2004, and was continued under the *Teachers Act* as of January 9, 2012.
2. At all material times, Rojas was employed as an elementary school teacher by School District No. 35 (Langley) (the “District”) at a District school (the “School”).
3. On October 16, 2019, the District made a report to the Commissioner regarding Rojas, under section 16 of the *School Act*.
4. The following events occurred in the 2018/2019 school year when Rojas was teaching a Grade 3 class at the School:
  - a. Student A was an 8-year old student in Rojas’ class. On September 18, 2018 at “meet

[REDACTED]

the teacher night”, when Rojas asked a question, Student A mumbled “I don’t know.” Rojas then grabbed Student A by the arm and pulled Student A’s ear to make Student A face her.

- b. On another occasion, during regular instructional time, Rojas grabbed Student A’s chair when Student A was sitting in it and shook it, causing Student A to fall out of the chair. Rojas shook Student A’s chair as Student A was sitting close to the chair’s edge and she wanted to show Student A what could happen as a result.
  - c. Student B was a 7-year old student in Rojas’ class. On October 4, 2018, when Student B was being non-compliant, Rojas angrily grabbed Student B by the arms, and dragged Student B into the hallway where Student B was screaming and crying and asking Rojas to stop. Rojas then grabbed and shoved Student B back into the classroom and stood over Student B in a threatening manner while Student B lay on the ground in the fetal position, crying, and asking Rojas to stop. Rojas was yelling at Student B loudly enough that she could be heard in the nearby staff room. After this incident, there were red marks on Student B’s arm from where Rojas had grabbed Student B.
  - d. Immediately after the October 4, 2018 incident, the School principal told Rojas that she was to stay away from Student B. When Student B went to the classroom to eat lunch, Rojas ignored the principal’s direction and spoke with Student B. Rojas first told Student B that Student B needed to apologize. Rojas then reminded Student B that Student B tended to scratch their arms. Rojas later told the School vice principal that Student B scratched their own arms and did that all of the time, as an explanation for the red marks on Student B’s arms.
5. On October 11, 2019, the District issued Rojas a letter of discipline and suspended her for four months without pay. Rojas will serve her suspension from December 1, 2019 until March 31, 2020, inclusive.
  6. The District had previously issued Rojas a letter of direction on June 11, 2010 in which she was reminded that teachers “cannot put their hands on students in a manner that a reasonable person would consider inappropriate.” In addition, Rojas was reminded that teachers are expected to “exercise an appropriate duty of care towards students that addresses their physical and emotional safety needs.”
  7. On November 15, 2019, the Commissioner considered this matter and determined to propose a consent resolution agreement to Rojas, 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. Rojas 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. Rojas admits that the facts set out in paragraphs 1 to 6 of this Agreement are true.
11. Rojas 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.
12. Rojas agrees to two-week suspension of her certificate of qualification under sections 53 and 64(b) of the *Teachers Act* from October 25, 2020 to November 7, 2020, inclusive.
13. In determining that a two-week suspension is an appropriate consequence, the Commissioner considered the following factors:
  - a. Rojas failed to create a safe and respectful learning environment;
  - b. Rojas had inappropriate physical contact with students on more than one occasion;
  - c. Rojas had been previously reminded about inappropriate physical contact with students and her duty of care towards students; and
  - d. The District imposed a lengthy period of suspension.
14. Rojas 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

15. 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*.
16. Rojas 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).
17. Notification of this Agreement will be made in accordance with section 55 of the

*Teachers Act.*

18. A breach by Rojas of any term in this Agreement may constitute professional misconduct which may be the subject of separate discipline proceedings.
19. Rojas acknowledges and understands that if the Commissioner has reason to believe that she has breached any term of this Agreement:
  - a. the Commissioner may initiate an investigation under section 47(1)(b) of the *Teachers Act* into her conduct; and
  - b. the conduct and matters described in the "Background and Facts" to this Agreement are admissible in that inquiry as proof that Rojas has admitted to the conduct and matters set out in this Agreement.
20. Rojas acknowledges that she has voluntarily entered into this Agreement after being advised of her right to obtain independent legal advice, and that she fully understands the terms and conditions set out in this Agreement

Signed in Mission, B.C.  
this 7 day of October, 2020.

  
Rokann Desiree Rojas

Signed in Vancouver, B.C.  
this 9 day of October, 2020.

  
Howard L. Kushner, Commissioner

