



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

AND

IN THE MATTER CONCERNING

ROXANN DESIREE ROJAS



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 a teacher teaching on call (“TTOC”) by School District No. 35 (Langley) (the “District”) at a District school (the “School”).
3. On April 28, 2021, the District made a report to the Commissioner regarding Rojas, under section 16 of the *School Act*.
4. The following events occurred on March 8, 2021 when Rojas was the TTOC for a Grade 5/6 class at the School:

- a. Student A and Student B were both in Grade 5 and both required adaptations to their daily schedule and modified work. Information about both students was left for Rojas by their classroom teacher. Student A reads at a Kindergarten level.
 - b. Student A was in the classroom, playing with sand with a classmate, when Rojas asked the students to put the sand away. When Student A asked if they could play with the sand later that day, Rojas took it away and told Student A to “shut it”. Student A had assumed that “shut it” referred to Student A’s mouth, whereas Rojas had meant the sandbox.
 - c. The classroom teacher had prepared a lesson plan which included a math lesson on fractions. Rojas reviewed the math lesson with students but after handing out worksheets, Rojas did not circulate through the classroom to offer students help.
 - d. When students were lining up at lunchtime, Rojas approached Student B without her mask on and said to Student B “I was a principal!”.
 - e. A Special Education Assistant (“SEA”) was in the classroom after the lunch break. Rojas complained to the SEA, saying in front of students how awful the class was. Rojas also said that Student B was awful. Rojas appeared frustrated and impatient with the class. Rojas also spent time checking messages on her telephone instead of directing students on their assignments.
 - f. In the afternoon, as the class was lining up to go outside, Student A was singing a song. Rojas asked Student A if Student A was in Kindergarten, because that was how Student A was behaving. Student A responded by asking Rojas how old she was to which Rojas responded by asking Student A’s age. This back and forth went on a few times. Student A was very upset by Rojas’ comments about Kindergarten. The SEA accompanied Student A out of the classroom and reported that Student A was crying.
5. On April 12, 2021, Rojas resigned from the District, effective at midnight on April 12, 2021.

Previous discipline

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 October 11, 2019, the District issued Rojas a letter of discipline and suspended her for

four months without pay following allegations that included Ms. Rojas' making direct physical contact with and yelling at students. The District issued Rojas a letter of discipline and suspended her for four months without pay.

8. On October 9, 2020, Rojas entered into a consent resolution agreement with the Commissioner as a result of the conduct described at paragraph 7 above. Under the terms of the consent resolution agreement, Rojas agreed to a two-week suspension of her certificate of qualification.
9. On June 30, 2021, the Commissioner ordered an investigation under section 47(1) of the *Teachers Act*.
10. On June 21, 2022, 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

11. This Agreement is made under section 53 of the *Teachers Act*.
12. 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").
13. Rojas admits that the facts set out in paragraphs 1 to 8 of this Agreement are true.
14. Rojas admits that the conduct described in paragraph 4 of this Agreement constitutes professional misconduct and is contrary to Standard #1 of the *Professional Standards for BC Educators*, June 2019.
15. Rojas agrees to a one-day suspension of her certificate of qualification under sections 53 and 64(b) of the *Teachers Act*. Rojas will serve her suspension on January 23, 2023.
16. Rojas further agrees under section 64(f) and (h) of the *Teachers Act* that by **March 31, 2023**, (the "Condition Date"):
 - a. She will successfully complete the course *Creating a Positive Learning Environment* through the Justice Institute of British Columbia (the "Course") and provide satisfactory proof of completion to the Commissioner by the Condition Date.
 - b. If Rojas does not successfully complete the Course by the Condition Date, she will immediately advise the Commissioner in writing of the reason(s) she has not

successfully completed it and set out the date by which she proposes to do so, at which time the Commissioner may extend the Condition Date to a later date (the “Extended Date”).

- c. If Rojas 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 Rojas’s certificate of qualification under section 64(f) of the *Teachers Act*, until such time as she successfully completes the Course.
17. In determining that a one-day suspension and course requirement are appropriate consequences, the Commissioner considered the following factors:
 - a. Rojas failed to treat students with dignity and respect.
 - b. Rojas failed to create a positive learning environment.
 - c. Rojas had previously been reminded about the need to treat students with respect.
 18. 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

19. 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*.
20. 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.
21. Notification of this Agreement will be made in accordance with section 55 of the *Teachers Act*.
22. A breach by Rojas of any term in this Agreement may constitute professional misconduct which may be the subject of separate discipline proceedings.
23. 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.
24. Rojas acknowledges that she has voluntarily entered into this Agreement with the benefit of independent legal advice, and that she fully understands the terms and conditions set out in this Agreement.

Signed in Mission, B.C.
this 5th day of January, 2023.


Roxann Desiree Rojas

Signed in Victoria, B.C.
this 9th day of January, 2023.


Howard L. Kushner, Commissioner