



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

AND

IN THE MATTER CONCERNING

A TEACHER

██████████

SUMMARY OF CONSENT RESOLUTION AGREEMENT

This summary is published under section 54(3) of the Teachers Act to protect the identity of a student who was harmed, abused or exploited by the Teacher.

1. The Teacher holds a valid Professional Certificate of Qualification. It was issued by the Director of Certification under the *Teachers Act* on November 23, 2018, and is valid from that day.
2. At all material times, the Teacher was employed as a teacher at a school (the “School”) in a school district (the “District”). Several students in the Teacher’s class were Indigenous.
3. On November 9, 2020, the District made a report to the Commissioner regarding the Teacher, under section 16 of the *School Act*.
4. The following events occurred:
 - a. In the 2020-2021 school year, Student A was an Indigenous student in the Teacher’s class.
 - b. One day, the students were instructed to line up before entering the School. Student A did not follow these instructions. The Teacher instructed Student A to go back and line up properly. Student A continued to walk towards the classroom.
 - c. Student A had previously behaved in a similar way. On those occasions, the Teacher verbally communicated with Student A and asked Student A to try again.

- d. On this day, the Teacher decided to speak to Student A before Student A went into the classroom. The Teacher stood in front of Student A and made physical contact with Student A, which caused Student A to fall onto the floor.
 - e. Student A stood up and moved towards the Teacher, who did not move. A physical interaction occurred, and as a result, both the Teacher and Student A fell to the floor. The Teacher was right over top of Student A and restrained Student A on the floor. The Teacher repeatedly said “stop” to Student A.
 - f. Others in the room perceived the Teacher to be sitting or kneeling on Student A while Student A was lying on the floor.
 - g. An educational assistant, who saw the interaction between the Teacher and Student A in the hallway, came into the classroom and told the Teacher to “get off” Student A.
5. The District disciplined the Teacher by suspending the Teacher for two days without pay. In addition, the District reminded the Teacher of its expectation to follow District policy and practice regarding student discipline and refrain from using physical force to deal with student misconduct. The District also required the Teacher to complete CPI re-training, which the Teacher did.
6. The Teacher also voluntarily took the following remedial steps:
 - a. apologized to the parents and to Student A;
 - b. completed a series of counselling sessions through EFAP;
 - c. received guidance from a mentor;
 - d. completed several courses through Queen’s University Continuing Teacher Education program, education to improve understanding of the experiences and learning needs of First Nation, Métis and Inuit Peoples;
 - e. completed “MindUP for Educators: The Science and Practice of Self-care and Mindful Teaching”; and
 - f. completed the Tribes Learning Communities Tribes TLC 24 Hour Basic Course.
7. In [REDACTED] [REDACTED] the Teacher entered into a consent resolution agreement with the Commissioner, in which The Teacher admitted that the conduct set out in paragraph 4 constitutes professional misconduct under section 63 of the *Teachers Act* and is contrary to Standard #1, 3 and 9 of the *Professional Standards for BC Educators* (June 2019). The Teacher agreed to a five-day suspension of his certificate of qualification under sections 53

and 64(b) of the *Teachers Act*.

8. In determining that a five-day suspension is an appropriate consequence, the Commissioner considered the following factors:
 - a. The Teacher engaged in an inappropriate physical interaction with Student A.
 - b. The Teacher's conduct was inconsistent with Standard #9, because the Teacher's actions reflected the harmful legacy of physical abuse in Indian Residential Schools. The actions harmed Student A, negatively impacted the community's feelings of trust and safety in the education system, and did not contribute towards truth, reconciliation and healing.
 - c. It is a mitigating factor that the Teacher has taken proactive steps to complete courses to better understand Indigenous students' cultural and learning needs and to learn more strategies to meet the individual learning needs of students.