



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

AND

IN THE MATTER CONCERNING

EINER TENG

██████████

CONSENT RESOLUTION AGREEMENT

BETWEEN:

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

AND:

EINER TENG
 (“Teng”)

BACKGROUND and FACTS

1. Teng holds a valid Professional Certificate of Qualification, ██████████. It was issued by the B.C. College of Teachers under the *Teaching Profession Act* on July 22, 1994, is valid from September 1, 1994, and was continued under the *Teachers Act* as of January 9, 2012.
2. At all material times, Teng was employed as an elementary school teacher by School District No. 37 (Delta) (the “District”) at a District school (the “School”).
3. On June 20, 2019, the District made a report to the Commissioner regarding Teng, under section 16 of the *School Act*.
4. The following events occurred in the 2018/2019 school year when Teng was teaching music at the School:
 - a. Student A was in Grade 5 and Student B was in Grade 6. Both were in the same music class taught by Teng. On two separate occasions in January 2019, Teng

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grabbed Student A and Student B by the wrist and pulled them towards the classroom door.

- b. On April 4, 2019, when Student A failed to follow Teng's direction, Teng grabbed Student A by the wrist, pulling Student A to their feet. Teng then pushed Student A towards Student A's guitar.
 - c. On April 4, 2019, when Student B failed to follow Teng's direction to move to another part of the room, Teng grabbed Student B by the wrist and pulled Student B to the other side of the music room.
 - d. On April 16, 2019, the District met with Teng to discuss what had occurred with Student A and Student B on April 4, 2019. In that meeting, Teng acknowledged that physical intervention of this type was inappropriate.
 - e. On April 29, 2019, Teng grabbed a Grade 1 student (Student C) by the wrist, pulling Student C closer to him, because Student C was acting silly in class.
5. On May 16, 2019, the District issued Teng a letter of discipline.
 6. On April 7, 2020, the Commissioner considered this matter and determined to propose a consent resolution agreement to Teng, in accordance with section 53(1)(a) of the *Teachers Act*.

CONSEQUENCES

7. This Agreement is made under section 53 of the *Teachers Act*.
8. Teng 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").
9. Teng admits that the facts set out in paragraphs 1 to 5 of this Agreement are true.
10. Teng 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.
11. Teng 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.
12. In determining that a reprimand is an appropriate consequence, the Commissioner

considered the following factor:

- a. Teng engaged in unwarranted physical contact with students on more than one occasion and after having been warned about such conduct.
13. Teng 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


14. 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*.
15. Teng 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.
16. A breach by Teng of any term in this Agreement may constitute professional misconduct which may be the subject of separate discipline proceedings.
17. Teng 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 Teng has admitted to the conduct and matters set out in this Agreement.

18. Teng acknowledges that he has voluntarily entered into this Agreement after being advised of his right to obtain independent legal advice, and that he fully understands the terms and conditions set out in this Agreement

Signed in Delta, B.C.
this 22 day of May, 2020.


Einer Teng

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


Howard L. Kushner, Commissioner

