



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

AND

IN THE MATTER CONCERNING

CINDY CHI-CHING TONG



CONSENT RESOLUTION AGREEMENT

BETWEEN:

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

AND:

CINDY CHI-CHING TONG
(“Tong”)

BACKGROUND and FACTS

1. Tong holds a valid Professional Certificate of Qualification, No. [REDACTED] issued by the Director of Certification (the “Director”) under the *Teachers Act* on October 26, 2018, and valid from October 26, 2018.
2. At all material times, Tong was employed as an elementary school teacher by School District No. 37 (Delta) (the “District”) at a District school (the “School”).
3. On March 9, 2021, the District made a report to the Commissioner regarding Tong, under section 16 of the *School Act*.
4. The following happened between October 9, 2020, and February 11, 2021, when Tong was teaching a Grade 2 class at the School:

- a. Tong showed the students in her class a number of movies which were rated PG13, including *The House with a Clock in its Walls*, *Iron Man 3*, *The Avengers* and *Dr. Strange*. Tong also showed her students the first film from the Halloween franchise, which is R-rated, meaning it is restricted to viewers 18 years of age and over. Some students reported feeling frightened after watching this film. Tong showed the films to her class at least once a week, sometimes over lunch and sometimes during instructional time. In November 2020, Tong showed her students movies for two days in a row so that she could complete her report cards.
- b. At one point the learning support teacher (LST) in Tong's classroom told Tong that she should only show Grade 2 students G-rated films. The day after the LST said this to Tong, Tong showed the class *The Avengers*, which is rated PG 13.
- c. Students perceived that Tong had favourites in the class who were given more enjoyable things to do and greater freedom in the classroom. Students reported feeling sad that Tong did not appear to like all students equally.
- d. Tong played a virtual game with students called "Mafia" in which players designated as "mafia" eliminate people at night, and the "police" try to identify the killer, while the "doctor" tries to save lives of the people the "mafia" is trying to eliminate.
- e. Tong told students stories from her past, including that she had started bullying in Grade 4 and continued bullying when she was in high school. She told students she had made a student eat an orange rind and had smeared dog feces on a student's locker. She also told students that she had punched someone in high school and had run away from home.
- f. Tong told students that she had bad dreams at night which sometimes came true, and that she wore a necklace to stop the dreams from occurring.
- g. Tong assigned homework to students using Google Classroom, a platform on which parents can see what homework is assigned to which students. When Tong assigned homework on Google Classroom, she identified which students were getting "hard" homework, and which students were getting "easy" homework. Consequently, parents were able to determine which students were stronger academically than others.
- h. Tong distributed "Nature Notebooks" to her students which included verses from the Bible. At Christmas, Tong had students copy the Bible story of the annunciation into their journals.
- i. Tong did not have any daily lesson plans setting out what she would teach the

students on a given day.

- j. Tong would assign worksheets to students without first teaching them the subject matter, leaving the students to attempt to figure things out on their own.
 - k. If students did not understand what they were being taught, Tong would appear visibly frustrated. Some students reported feeling afraid as a result.
- 5. On March 3, 2021, Tong resigned from the District, effective April 30, 2021.
 - 6. On June 11, 2021, the Commissioner considered this matter and determined to propose a consent resolution agreement to Tong, 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. Tong 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. Tong admits that the facts set out in paragraphs 1 to 5 of this Agreement are true.
- 10. Tong 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.
- 11. Tong agrees to a one-day suspension of her certificate of qualification under sections 53 and 64(b) of the *Teachers Act*. Tong will serve the suspension on December 7, 2022.
- 12. Tong further agrees under section 64(f) and (h) of the *Teachers Act* that by June 30, 2023, (the “Condition Date”):
 - a. She will successfully complete the course CONT946: Creating Inclusive Learning Environments (BC) offered by Queen’s University (the “Course”) and provide satisfactory proof of completion to the Commissioner by the Condition Date.
 - b. If Tong 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 Tong 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 Tong’s certificate of qualification under section 64(f) of the *Teachers Act*, until such time as she successfully completes the Course.
13. In determining that a one-day suspension and a course condition is an appropriate consequence, the Commissioner considered the following factors:
 - a. Tong failed to establish a positive learning environment by using material that was not age appropriate.
 - b. Tong failed to model respectful behaviour expected of an educator.
14. Tong 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. Tong 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.
17. A breach by Tong of any term in this Agreement may constitute professional misconduct which may be the subject of separate discipline proceedings.
18. Tong 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 Tong has admitted to the conduct and matters set out in this Agreement.

19. Tong acknowledges that she has voluntarily entered into this Agreement with the benefit of independent legal advice, and that he fully understands the terms and conditions set out in this Agreement.

Signed in VANCOUVER, B.C.
this 23 day of NOVEMBER, 2022.


Cindy Chi-Ching Tong

Signed in Victoria, B.C.
this 24th day of November, 2022.


Howard L. Kushner, Commissioner