



BRITISH COLUMBIA
COMMISSIONER FOR
TEACHER REGULATION

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

AND

IN THE MATTER CONCERNING

DONALD MATTHEW TUPPER

[REDACTED]

CONSENT RESOLUTION AGREEMENT

BETWEEN:

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

AND:

DONALD MATTHEW TUPPER
("Tupper")

BACKGROUND and FACTS

1. Tupper 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 March 12, 1996, is valid from January 1, 1996, and was continued under the *Teachers Act* as of January 9, 2012.
2. At all material times, Tupper was employed as a high school teacher by School District No. 35 (Langley) (the "District") at a District school. Tupper taught social studies, physical education, and weight training.
3. On April 29, 2016, the Commissioner initiated an investigation into Tupper's conduct under section 47(1)(b) of the *Teachers Act* after being informed that Tupper had been charged with assault of a District student. This matter has been designated Matter 1.

4. On May 3, 2016, the District made a report to the Commissioner regarding Tupper under section 16 of the *School Act*. This matter has been designated Matter 2.
5. Matter 1 and Matter 2 relate to the same incident.
6. The following events occurred on February 15, 2016:
 - a. Tupper was attending a basketball game at a District school. He did not teach at this school and he was attending as a member of the public, not in his capacity as a teacher.
 - b. Student A was a Grade 7 student at the school, who was also at the basketball game. Tupper did not know Student A.
 - c. As a joke, Student A yelled football terms, such as "touchdown!" when a team scored and "no touchdown!" when a team did not score. Student A was standing at the doorway when he did this and he yelled about four times.
 - d. Tupper was upset and angry about Student A's conduct. He approached Student A aggressively in the hallway outside the gym, backing Student A up against the wall. Tupper came very close to Student A and had his hand right in front of Student A's chest. Using a raised voice, Tupper told Student A that he was rude and disrespectful, and he told Student A "don't do that again!" Tupper was visibly angry.
 - e. As this was happening, another teacher came down the hallway towards them. Tupper said to Student A "I'm not going to hurt you". The teacher, who did not know Tupper, was concerned and intervened, saying "I'm a teacher here – can I help?". Tupper replied that he was a teacher too, that then said it was "okay", and that Student A had learned a "life lesson". Tupper also said that he knew the principal of the school.
 - f. Student A was scared and intimidated by Tupper, who was much larger in size than Student A.
 - g. On April 11, 2016, Tupper was charged with one count of assault of Student A, contrary to section 266 of the *Criminal Code*.
 - h. On August 14, 2017, Tupper entered into a peace bond under section 810 of the *Criminal Code* and the criminal charge was then stayed. Under the terms of the recognizance, Tupper was required to keep the peace, be of good behaviour and not have contact with Student A or a student witness to the incident for a period of 6 months.

- i. In May 2017, Tupper completed a 12 hour core values and anger management course.
7. On May 2, 2016, Tupper was suspended with pay pending the outcome of the District's investigation.
8. On March 11, 2019, the District suspended Tupper for three weeks without pay, from April 1 to April 20, 2019. The District also transferred Tupper to a different school, and told him that he would be ineligible to work at either his former school or the School attended by Student A.
9. The District had previously raised concerns about Tupper's interactions with students, as follows:
 - a. On December 14, 2012, the District issued Tupper a written reprimand and warning letter after he had yelled at a special needs student in front of students and a staff member; told this student to "stop being stupid" and "stop being a baby" and asked the student "why did you take this stupid course."
 - b. On February 12, 2014, the District suspended Tupper for three days without pay, and required him to take a boundaries course in respect of the following conduct: he left his class unattended so that he could accompany his children to school; he told a student who had forgotten their pencil, words to the effect that Tupper now needed counselling for depression as a result; and he made inappropriate and sexist comments towards female students.
10. On May 21, 2019, the Commissioner considered this matter and determined to propose a consent resolution agreement to Tupper, 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. Tupper 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. Tupper admits that the facts set out in paragraphs 1 to 9 of this Agreement are true.

14. Tupper admits that the conduct described in paragraph 6 of this Agreement constitutes professional misconduct and conduct unbecoming and is contrary to Standards #1 and 2 of the *Standards for the Education, Competence and Professional Conduct of Educators in British Columbia*, Fourth Edition, January 2012.
15. Tupper agrees to a suspension for one day of his certificate of qualification under sections 53 and 64(b) of the *Teachers Act*, which will occur on November 27, 2020.
16. In determining that a one day suspension is an appropriate consequence, the Commissioner considered the following factors:
 - a. Tupper failed to control his anger and involved himself in a matter which was not his responsibility, and while doing so, physically intimidated a student;
 - b. Tupper has undergone counseling; and
 - c. Tupper has served a three week suspension imposed by the District.
17. Tupper 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

18. 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*.
19. Tupper 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.
20. Notification of this Agreement will be made in accordance with section 55 of the *Teachers Act*.
21. A breach by Tupper of any term in this Agreement may constitute professional misconduct which may be the subject of separate discipline proceedings.
22. Tupper 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 Tupper has admitted to the conduct and matters set out in this Agreement.
23. Tupper acknowledges that he 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 Langley, B.C.
this 17th day of November, 2020.



Donald Matthew Tupper

Signed in Vancouver, B.C.
this 19 day of November, 2020.


Howard L. Kushner, Commissioner