



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

AND

IN THE MATTER CONCERNING

HARVEY YING CHOY WONG

██████████

CONSENT RESOLUTION AGREEMENT

BETWEEN:

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

AND:

HARVEY YING CHOY WONG
(“Wong”)

BACKGROUND and FACTS

1. Wong holds a valid Professional Certificate of Qualification, ██████████. It was issued by the Director of Certification (the “Director”) under the *Teachers Act* on October 6, 2015, and is valid from October 6, 2015.
2. At all material times, Wong was employed as a high school teacher by School District No. 39 (Vancouver) (the “District”) at a District school (the “School”).

██████████ – **Matter 1**

3. On December 13, 2018, the District made a report to the Commissioner regarding Wong, under section 16 of the *School Act*. This has been designated Matter 1.
4. The following events occurred on October 15, 2018 when Wong was teaching a Grade 8 woodworking class:

████████████████████████████████████████

- a. Four students, including Student A, left the classroom before the bell had rung and without permission.
 - b. Wong followed the students into the hall and yelled at them (as they were down the hallway) to get back into the classroom.
 - c. As the students were returning to the classroom, Wong told them that in future they were not permitted to leave the classroom until the bell rang. Student A said “I don’t care” under their breath and turned to walk back into the hallway.
 - d. Wong grabbed Student A by the backpack, physically redirecting them back into the classroom so they could discuss what happened.
 - e. Wong had Student A stay after the bell to discuss their behaviour, at which point Student A grew tearful and upset. Wong conveyed that he just wanted A to do better in class.
5. On December 12, 2018, the District issued Wong a letter of discipline. In that letter, Wong was reminded of the District’s expectation that he “respect each student’s right to personal boundaries” and that he “be sensitive to, and respectful of, the personal boundaries of each student regardless of whether the student communicates discomfort with the situation.”

██████████ – Matter 2

6. On June 21, 2019, the District made a report to the Commissioner regarding Wong, under section 16 of the *School Act*. This has been designated Matter 2.
7. The following events occurred on February 26, 2019 when Wong was providing coverage for the Learning Assistance/Life Skills Program (“LALS”) teacher’s prep block:
- a. Student B, who was in Grade 11 and who is on the autism spectrum, was one of the students Wong was supervising that day. Wong supervised the LALS class every other day and there were generally one to two SSAs who were part of Student B’s school-based team along with the classroom teacher. On this day, Wong and Student B had an interaction before the SSAs arrived.
 - b. Student B’s Safety Plan identifies noise or disruptions from students as being triggers. Under the terms of the Safety Plan, if Student B is triggered by noise, Student B should be encouraged to take a break, directed as to appropriate response and provided an alternative work space as appropriate. Wong had been provided a copy of Student B’s Safety Plan, had reviewed it and signed it.
 - c. Wong was assisting Student C, who was boisterous and disruptive. Student B asked

Wong and Student C to be quiet twice. After the second time, Wong escorted Student B out of the classroom into the hallway to discuss this privately.

- d. Once in the hallway, Wong grew visibly upset and stood directly in front of Student B. Wong waved his finger in front of Student B's face, telling Student B: "you were very rude" and "you have no respect for my authority." Student B was trying to explain their side of things and was growing visibly upset. Specifically, Student B's hands were fluttering and Student B was grabbing their head. According to Student B's Safety Plan, waving hands are a sign of Student B's anxiety, the appropriate response to which is to be supportive, including using a calm, non-threatening voice and maintaining a safe distance.
 - e. Wong repeated that Student B had been rude. Student B moved and came into contact with Wong's hand at which point Wong said: "you hit me". Student B denied hitting Wong.
 - f. The regular LALS teacher intervened and took Student B to the office. Student B began to cry as Student B could not understand what Student B had done wrong in asking Wong and Student C to quiet down.
 - g. Wong acknowledges and regrets not implementing the Safety Plan appropriately to diffuse the situation.
8. On June 21, 2019, the District issued Wong a letter of discipline and suspended him for one day without pay. Wong served the suspension on May 7, 2019.
 9. In August 2020, Wong completed the course *Creating a Positive Learning Environment* through the Justice Institute of British Columbia.
 10. On March 1, 2019, the Commissioner considered Matter 1 and Matter 2 and determined to propose a consent resolution agreement to Wong in respect of both, 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. Wong 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. Wong admits that the facts set out in paragraphs 1 to 9 of this Agreement are true.

14. Wong admits that the conduct described in paragraphs 4 and 7 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.
15. Wong agrees to a reprimand under sections 53 and 64(a) of the *Teachers Act*. The reprimand will take effect on the first business day following the Effective Date.
16. In determining that a reprimand is an appropriate consequence, the Commissioner considered the following factors:
 - a. Wong made inappropriate physical contact with Student A which caused Student A distress.
 - b. Wong did not establish a positive and safe learning environment for Student B.
17. Wong 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 will record the terms of this Agreement on the Teacher Regulation Branch's online registry under section 79(d) of the *Teachers Act*.
19. Wong 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.bcteacherregulation.ca.
20. A breach by Wong of any term in this Agreement may constitute professional misconduct which may be the subject of separate discipline proceedings.
21. Wong 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 Wong has admitted to the conduct and matters set out in this Agreement.


22. Wong 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 Vancouver, B.C.
this 10 day of December, 2020.



Harvey Ying Choy Wong

Signed in Vancouver, B.C.
this 17 day of December, 2020.



Howard L. Kushner, Commissioner