



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

AND

IN THE MATTER CONCERNING

MARK WALTER ZATYLNy

██████████

CONSENT RESOLUTION AGREEMENT

BETWEEN:

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

AND:

MARK WALTER ZATYLNy
(“Zatylny”)

BACKGROUND and FACTS

1. Zatylny holds a valid Professional Certificate of Qualification, ██████████. It was issued by the B.C. College of Teachers under the *Teaching Profession Act* on August 31, 2004, is valid from September 1, 2004, and continued under the *Teachers Act* as of January 9, 2012.
2. At all material times, Zatylny was employed as an elementary school teacher by School District No. 59 (Peace River South) (the “District”) at a District school (the “School”).

██████████ **Matter 1**

3. On December 15, 2017, the District made a report to the Commissioner regarding Zatylny, under section 16 of the *School Act*. This has been designated Matter 1.
4. The following events occurred in the fall of 2017 when Zatylny was teaching Grade 4:
 - a. Zatylny would frequently yell and be visibly angry in front of his students. Zatylny

also used a gym whistle to try and control the class which was so loud that some students covered their ears when he used it.

- b. On November 10, 2017, Zatylny grew angry with the class, hit the wall and desk with a closed fist and then raised a rod threatening as if he was going to hit the wall.
5. On November 17, 2017, the District issued Zatylny a letter of discipline and suspended him for 10 days without pay, from November 22 until December 5, 2017. In addition, the District required Zatylny to participate in a plan for behaviour management.

Matter 2

6. On February 15, 2018, the District made a report to the Commissioner regarding Zatylny, under section 16 of the *School Act*. This has been designated Matter 2.
7. The following events occurred:
 - a. On November 17, 2017, Zatylny approached an education assistant who worked in his classroom and questioned her about an ongoing investigation into his conduct, and asked her not to talk to anyone about what she had seen.
 - b. As Zatylny was the education assistant's direct supervisor, she reported feeling threatened by this conversation.
8. On January 31, 2018, the District issued Zatylny a letter of discipline and suspended him for 15 days without pay, from February 1 until February 22, 2018.
9. On June 8, 2018, Zatylny resigned from the District, effective June 30, 2018.

Prior discipline

10. On January 15, 2015, the District issued Zatylny a letter of discipline and suspended him without pay from January 15 until February 8, 2015. The District also required Zatylny to attend anger management counselling and directed that he leave the door to his classroom open at all times.
11. On March 11, 2016, the District issued Zatylny a letter of discipline and suspended him without pay for 3 days. In addition, he was required to participate in a 2-day District course in Positive Discipline Training as well as a course on boundaries offered through the B.C.T.F.

12. On December 8, 2016, Zatylny entered into a Consent Resolution Agreement with the Commissioner arising from the District's letters of discipline set out at paragraphs 12 and 13 above. Under the terms of that agreement, Zatylny agreed to a reprimand under sections 53 and 64(a) of the *Teachers Act*.
13. On May 31, 2019, the Commissioner considered this matter and determined to propose a consent resolution agreement to Zatylny, in accordance with section 53(1)(a) of the *Teachers Act*.

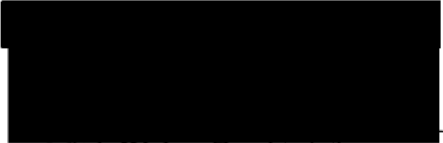
CONSEQUENCES

14. This Agreement is made under section 53 of the *Teachers Act*.
15. Zatylny 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").
16. Zatylny admits that the facts set out in paragraphs 1 to 14 of this Agreement are true.
17. Zatylny 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 (the "Standards"). Zatylny admits that the conduct described in paragraph 7 of this Agreement constitutes professional misconduct and is contrary to Standard #2 of the Standards.
18. Zatylny agrees to a three-day suspension of his certificate of qualification under sections 53 and 64(b) of the *Teachers Act*, on November 12, 13, and 14, 2019.
19. In determining that a suspension is an appropriate consequence, the Commissioner considered the following factors:
 - a. Zatylny has demonstrated behaviour which created a negative learning environment; and
 - b. Zatylny was previously disciplined for inappropriate behaviour, both physical and verbal.
20. Zatylny 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

21. 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*.
22. Zatylny 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.
23. Notification of this Agreement will be made in accordance with section 55 of the *Teachers Act*.
24. A breach by Zatylny of any term in this Agreement may constitute professional misconduct which may be the subject of separate discipline proceedings.
25. Zatylny 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 Zatylny has admitted to the conduct and matters set out in this Agreement.
26. Zatylny 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 Alert Bay, B.C.
this 7th day of November, 2019.


Mark Walter Zatylny

Signed in Vancouver, B.C.
this 8 day of November, 2019.


Howard L. Kushner, Commissioner