



DISCIPLINE CASE SUMMARY

a. A Respondent (D-10-04)

b. Competency

- c.** The hearing was held on February 17-21, 2003 in B.C. and August 14-15, 2003, at the College's offices in Vancouver, B.C. The report and recommendations of the Hearing Sub-Committee (the "Committee") were presented to Council on October 19, 2004. This matter originated as a report under section 16(2) of the *School Act*.

The Respondent was found to have a lack of skill to manage and administer discipline appropriately in the classroom and an inability to control features of his personality that lead to inappropriate behaviour. The Respondent admitted that he had used foul language by swearing at, and in front of his students.

The Respondent further acknowledged that he used unreasonable force in disciplining a student and that he had overstepped the bounds of proper teacher conduct.

- e.** The Committee considered the evidence, and agreed that the incidents constitute a pattern of incompetence in carrying out his duties as a teacher. The Respondent was clearly notified by the school district on a number of occasions regarding his classroom conduct. Despite repeated warnings and suspensions from his employer, the Respondent continued to exhibit unacceptable and inappropriate behaviour over an extended period of time. Submissions and oral testimony indicated that there remains a risk that the Respondent may continue to use physical and verbal abuse to discipline students.
- f.** The Committee considered the submissions presented by counsel on penalty, publication and costs. The Committee unanimously decided that the Respondent's certification of qualification be suspended indefinitely and that such suspension come to an end when specific conditions have been met. The Committee also decided that no costs be assessed to the Respondent. In the matter of publication, the Committee agreed that the name of the Respondent not be released as the case does not involve a finding of professional misconduct or conduct unbecoming a member. Publication would have the potential to harm the Respondent's ability to complete the conditions.

Council considered and agreed with the report and recommendations set forth by the Committee.