



DISCIPLINE CASE SUMMARY

a. A Respondent (B-02-05)

b. Professional misconduct

c. The hearing was held on November 9, 2004, 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 February 11, 2005. This matter originated as a report under section 16(1) of the *School Act*.

d. The Respondent admitted that he applied excessive and inappropriate disciplinary measures in dealing with a student in his class. After directing a student to sit on the floor at the front of the class, he applied his foot on the student's hand, back and/or buttocks.

The Respondent further admitted that these actions constitute professional misconduct.

e. The Committee accepted the Respondent's admission of guilt and found him guilty of professional misconduct. The Committee found that the Respondent abused his position of authority by using physical contact to direct a student's behaviour in class. The Committee noted that a teacher is in a privileged position of authority and is expected to treat all students with respect and dignity at all times.

The Respondent's actions were disrespectful of the student and bring the profession into disrepute in the eyes of his students and the public. The Respondent's conduct falls well below that expected of a professional educator and demonstrates a serious breach of the trust relationship between student and teacher.

f. The Committee considered the submissions presented by counsel on penalty, publication and costs. The Committee agreed that the Respondent receive a five-week retroactive suspension of his Certificate of Qualification and a one-week prospective suspension. The College did not seek an order of costs against the Respondent as there has been a high degree of cooperation. In the matter of publication, the Committee concluded that the negative impact of publication would outweigh the benefits gained from the deterring effect of publishing the Respondent's name.

Council considered the report and recommendations of the Committee as well as counsel submissions. The majority of council determined that the appropriate penalty be a five-week retroactive suspension of his Certificate of Qualification and a one-week prospective suspension, to be served prior to June 30, 2005. Council also determined that the Respondent's name not be published and accepted that no costs be awarded.