



BRITISH COLUMBIA
COMMISSIONER FOR
TEACHER REGULATION

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

AND

IN THE MATTER CONCERNING

XISHUANG ZHANG
[REDACTED]

CONSENT RESOLUTION AGREEMENT

BETWEEN:

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

AND:

XISHUANG ZHANG
(“Zhang”)

BACKGROUND and FACTS

1. Zhang holds a valid Professional Certificate of Qualification, No. [REDACTED]. It was issued by the B.C. College of Teachers (the “College”) under the *Teaching Profession Act* on November 13, 2018, is valid from September 9, 2008 and continued under the *Teachers Act* as of January 9, 2012.
2. At all material times, Zhang was employed as a teacher teaching on call (“TOC”) by School District No. 41 (Burnaby) (the “District”) at a District school (the “School”).
3. On February 1, 2018, the District made a report to the Commissioner regarding Zhang, under section 16(6) of the *School Act*.
4. The following events occurred on December 13, 2017 when Zhang was a TOC for a Grade 3 class at the School:
 - a. Zhang grew angry with Student A who was standing on a riser. Zhang grabbed

Student A tightly by the arm and pulled him off the riser, causing Student A's foot to get caught between two risers. Zhang then pushed Student A outside the classroom. Zhang knew that Student A felt humiliated by this treatment.

- b. Zhang was visibly angry during the class and frequently raised his voice. More than one student reported feeling sad and scared of him.
5. On January 15, 2017, the District disciplined Zhang by placing a letter of discipline on his file and limiting his employment to secondary schools only.
6. Zhang had previously entered a Consent Resolution Agreement with the Commissioner on January 5, 2017. Under the terms of that agreement, Zhang admitted to grabbing a student and dragging him out of the classroom against his will, pushing him out the door. Zhang admitted that this conduct constituted professional misconduct and he agreed to a reprimand.
7. On February 13, 2018, the Commissioner considered this matter and determined to propose a consent resolution agreement to Zhang, in accordance with section 53(1)(a) of the *Teachers Act*.

DISPOSITION

8. This Agreement is made under section 53 of the *Teachers Act*.
9. Zhang 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").
10. Zhang admits that the facts set out in paragraphs 1 to 6 of this Agreement are true.
11. Zhang admits that the conduct described in paragraph 4 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.
12. Zhang agrees to a two-day suspension of his certificate of qualification under sections 53 and 64(b) of the *Teachers Act*. The suspension will be served on June 18 and June 19, 2018.
13. Zhang agrees under section 64(f) and (h) of the *Teachers Act* that by **September 1, 2018** (the "Condition Date"):
 - a. He will successfully complete the course *The Mindful Educator in Managing*

Conflict through the Justice Institute of British Columbia (the “Course”) and provide satisfactory proof of completion to the Commissioner by the Condition Date.

- b. If Zhang does not successfully complete the Course by the Condition Date, he will immediately advise the Commissioner in writing of the reason(s) he has not successfully completed it and set out the date by which he proposes to do so, at which time the Commissioner may extend the Condition Date to a later date (the “Extended Date”).
 - c. If Zhang fails to provide satisfactory proof of completion of the Course by the later of the Condition Date or the Extended Date, the Commissioner may require the Director of Certification (“the Director”) to suspend Zhang’s certificate of qualification under section 64(f) of the *Teachers Act*, until such time as he successfully completes the Course.
14. Zhang 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.

CONSEQUENCES OF THE AGREEMENT

15. 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*.
16. Zhang 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.
17. Notification of this Agreement will be made in accordance with section 55 of the *Teachers Act*.
18. Zhang 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 Zhang has admitted to the conduct and matters set out in this Agreement.

19. Zhang acknowledges that he has voluntarily entered into this Agreement after being advised of his right to obtain independent legal advice, and that he fully understands the terms and conditions set out in this Agreement.

Signed in Burnaby, B.C.
this 9 day of May, 2018.



Xishuang Zhang

Signed in Vancouver, B.C.
this 31 day of May, 2018.

A handwritten signature in black ink, appearing to read 'Howard Kushner'.

Howard Kushner, Commissioner