



BRITISH COLUMBIA
COMMISSIONER FOR
TEACHER REGULATION

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

AND

IN THE MATTER CONCERNING

HSU YANG CHENG

██████████

CONSENT RESOLUTION AGREEMENT

BETWEEN:

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

AND:

HSU YANG CHENG
(“Cheng”)

BACKGROUND and FACTS

1. Cheng held a valid Professional Certificate of Qualification, No. ██████████. It was issued by the B.C. College of Teachers under the *Teaching Profession Act* on February 4, 2008, is valid from January 1, 2008 and continued under the *Teachers Act* as of January 9, 2012.
2. Cheng’s certificate was cancelled on November 1, 2014 due to non-payment of fees.
3. At all material times, Cheng was employed as a high school teacher by School District No. 39 (Vancouver) (the “District”) at a District school (the “School”).

Case 01

4. On April 22, 2013, the District made a report to the Commissioner regarding Cheng under section 16(2) of the *School Act*. This is designated Case 01.
5. The following events occurred between January and March, 2013:
 - a. Student A was a 17-year old student in Grade 12 at the School. She had never been

taught by Cheng.

- b. Between January and March, 2013, Cheng sent a number of inappropriate text messages to Student A which included the following:
- i. January 23, 2013 at 7:57AM: “Are you coming to [school] today? Every day less brighter without your presence.”
 - ii. January 29, 2013 at 10:34 PM: “I do believe that I should respect you wanting to be alone but I guess I will just keep typing daily update to you until you tell me to stop.”
 - iii. January 30, 2013 at 11:29 PM: “You know that there is a group of people who care about you and we will wait (at least I will) until you are ready. Take good care, [Student A].”
 - iv. January 31, 2013 at 6:04 PM: “Dear [Student A]: thank you for everything and especially thank you for the following: despite the hardships and many sad feelings in your life, you were still able to allow me to discover the brightest and pure part of you that broke through all the negative barriers. However your life maybe [sic] affected by your negative experiences, there is always a bright part of you that can help you. The bright parts of you will always be there and people will always appreciate the bright parts of you. Within you and adding your supports, you can achieve the happiness that you deserve. I am or will be there for you if you need me.”
 - v. February 5, 2013 at 7:42 AM: “Put on some make up and see how beautiful you are.”
 - vi. February 6, 2013 at 7:46 AM: “Everyday knowing your existence is a sense of comfort. That’s how much you mean to the world.”
 - vii. February 8, 2013 at 7:27 AM: “...You will have an amazing life and you can achieve success when you try. Sooner or later, you will realize how amazing you are...”
 - viii. February 11, 2013 at 12:27 PM: “I am lying on my bed, can’t fall asleep, don’t have the strength to get up, my heart feels like pressed by lot of pressure. My burdens are probably less than yours but can you talk to me? A simple yes or no reply will suffice thanks. Or I will assume no reply means a silent no, I guess. Thanks.”
 - ix. February 14, 2013 at 12:00 AM: “Happy Valentine’s Day, [Student A].”

- x. February 19, 2013 at 5:29 PM: “Anyway I was trying to say that I called you because I had a little bit of time to keep on talking to you. I said thank you because spending time with you was fun (shopping with you was fun too, LOL).”
 - xi. February 21, 2013 at 7:29 AM: “You are smart. You are beautiful. You can do it!!! Take one small step at a time to form into a new routine, you can do it!...”
 - xii. March 6, 2013 at 10:23 PM: “Sigh...Life is so hard but I really do enjoy spending the time to help you though sometimes, I can be so NOT helpful enough...but I do thank you for giving me few chances to help you. If necessary, we can go buy a new phone, LOL. Anyways, take good care of your life and yourself.”
 - xiii. March 14, 2013 at 8:55 AM: “Eh...If you are using Skype, please accept a new contact request, thank you so much.”
- c. In some of his text messages to Student A, Cheng made inappropriate comments about other students at the School.
 - d. In February 2013, Student A asked Cheng to write her a note, pretending he was her mother, excusing her absence from School. Cheng agreed to write the note as requested.
 - e. In February, 2013, Cheng told Student A that he had bought her a “rosegram” for Valentine’s Day, but did not give it to her. He then told her that he loved her.
 - f. In February, 2013 Cheng took Student A shopping on two occasions and bought her a number of gifts totaling approximately \$4,000 in value. The gifts included the following: shoes, clothes, a wallet, headphones, a gaming device, and a cell phone.
 - g. Before spring break in March, 2013, Cheng looked up Student A’s grades and shared them with her before report cards were issued to students at the School.
 - h. Cheng used the School’s database to access Student A’s address. This was done without permission or consent. Cheng used the address to drive by Student A’s house on at least two occasions.
 - i. Cheng gave Student A car rides to personal appointments on at least three occasions.
6. On April 11, 2013, the District suspended Cheng with pay. On June 17, 2013, Cheng resigned from the District, effective that day.

Case 02

7. On June 19, 2013, the Commissioner received a complaint about Cheng. This is designated Case 02.
8. The following events occurred in spring 2013:
 - a. Cheng taught a Grade 12 Information Technology class at the School. Students in the class had to submit year-end projects. To assist them with ideas, Cheng put student projects from previous years on the School's shared network drive, where all students in the School could access them.
 - b. A number of the projects which were stored on the shared drive were inappropriate: one involved homophobic slurs, several instances of swearing and gun violence, including execution-style killing. Another included inappropriate language and the trivializing of sexual violence towards women.
 - c. In addition, Cheng allowed students to post a number of pages from a Facebook thread in the computer lab where he taught and did not scrutinize the content. The posts dated back to 2011, and included foul language and inappropriate remarks about teachers at the School.
9. On December 8, 2016 the Commissioner considered Case 01 and Case 02 and determined to propose a consent resolution agreement to Cheng with respect to them both, in accordance with section 53(1)(a) of the *Teachers Act*.

DISPOSITION


10. This Agreement is made under section 53 and section 43 of the *Teachers Act*.
11. Cheng 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").
12. Cheng admits that the facts set out in paragraphs 1 to 8 of this Agreement are true.
13. Cheng admits that the conduct described in paragraph 5 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").
14. Cheng admits that the conduct described in paragraph 8 of this Agreement constitutes incompetence and is contrary to Standards #3, #5, #6 and #7 of the Standards.

15. Cheng agrees that he will not apply for, and understands the Director of Certification (“the Director”) will be required, under section 64(g) of the *Teachers Act* not to issue to him, a certificate of qualification, an independent school teaching certificate or a letter of permission at any time in the future.
16. Cheng 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

17. The Director will record the terms of this Agreement on the Branch’s online registry under section 79(d) of the *Teachers Act*.
18. Cheng 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.
19. Cheng 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 14th day of July, 2017



Hsu Yang Cheng

Signed in Vancouver, B.C.
this 1 day of August, 2017.



Hon. Bruce M. Preston, Commissioner