



BRITISH COLUMBIA
COMMISSIONER FOR
TEACHER REGULATION

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

AND

IN THE MATTER CONCERNING

WELDON CHEUNG



CONSENT RESOLUTION AGREEMENT

BETWEEN:

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

AND:

WELDON CHEUNG
(“Cheung”)

BACKGROUND and FACTS

1. Cheung 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 September 2, 1997, is valid from September 1, 1997 and continued under the *Teachers Act* as of January 9, 2012.
2. At all material times, Cheung was employed as a high school teacher by School District No. 39 (Vancouver) (the “District”) at a District school (the “School”).
3. On September 21, 2017, the District made a report to the Commissioner regarding Cheung, under section 16 of the *School Act*.
4. The following events occurred in May 2017:
 - a. Student A was a female student in Cheung’s Grade 10 physical education class.

- b. On or around May 15, 2017, Cheung asked Student A to demonstrate the proper technique for a type of curl-up. As she was demonstrating, Cheung approached Student A and hit her in the stomach several times with a closed fist, saying something like “if clients don’t do this right, this is what I do,” explaining that if the exercise is done properly, the muscles are flexed and the punching does not hurt. Student A reported feeling pain and was left with bruises on her abdomen.
 - c. On May 30, 2017, Cheung told the class that he wanted to teach an elective course in self-defense. Student A asked if he would be teaching people how to get out of a headlock. Cheung’s response was that if a man like him put her in a headlock, she would not be able to get out. He then asked Student A to stand up, at which point he put her in a headlock. Student A described the hold as being so tight that she could not breathe, causing her to struggle and panic and grab at Cheung’s forearms. Cheung did not release Student A, but instead held her tighter. Cheung then pulled Student A backwards, causing both of them to fall to the ground. After she fell, Student A lost consciousness. Following this incident, Student A reported feeling sore in her neck and shoulders.
 - d. Cheung did not seek help from the School’s First Aid attendant, and also failed to tell School administration or Student A’s parents that Student A had lost consciousness in his class.
5. On September 20, 2017, the District issued Cheung a letter of discipline and suspended him for ten days without pay. Cheung served his suspension from September 6-19, 2017.
 6. The District had previously issued Cheung a letter of discipline on February 3, 2011 after he had encouraged a student to continue with a weight training class by referring to unrelated and inappropriate hypothetical situations, using inappropriate language about the student’s relationship with her boyfriend and referring to his own personal life and sexual relationships.
 7. On July 25, 2011, the College signed a Consent Resolution Agreement with Cheung which was based on the same facts which gave rise to the District’s February 3, 2011 letter of discipline. Under the terms of that agreement, Cheung agreed to a reprimand.
 8. On October 10, 2017 the Commissioner considered this matter and determined to propose a consent resolution agreement to Cheung, in accordance with section 53(1)(a) of the *Teachers Act*.

DISPOSITION

9. This Agreement is made under section 53 of the *Teachers Act*.

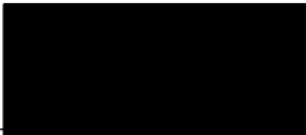
10. Cheung understands and acknowledges that this Agreement is not effective until executed by the Commissioner, and that the date of execution by the Commissioner will be the effective date of this Agreement (the "Effective Date").
11. Cheung admits that the facts set out in paragraphs 1 to 7 of this Agreement are true.
12. Cheung 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.
13. Cheung agrees to a two week suspension of his certificate of qualification under sections 53 and 64(b) of the *Teachers Act*. The suspension will take effect on January 8-12, 2018 and January 15-19, 2018.
14. Cheung 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 of Certification will record the terms of this Agreement on the Branch's online registry under section 79(d) of the *Teachers Act*.
16. Cheung 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. A breach by Cheung of any term in this Agreement may constitute professional misconduct which may be the subject of separate discipline proceedings.
19. Cheung 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 Cheung has admitted to the conduct and matters set out in this Agreement.

20. Cheung 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 15 day of December, 2017.


Weldon Cheung

Signed in Vancouver, B.C.
this 21 day of December, 2017.

Elena Miller
Elena Miller, Acting Commissioner