



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

AND

IN THE MATTER CONCERNING

DANA MOND LUM



CONSENT RESOLUTION AGREEMENT

BETWEEN:

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

AND:

DANA MOND LUM
 (“Lum”)

BACKGROUND and FACTS

1. Lum holds a valid Professional Certificate of Qualification, No. [REDACTED]. It was issued by the B.C. College of Teachers under the *Teaching Profession Act* on September 29, 2000, is valid from September 1, 2000 and continued under the *Teachers Act* as of January 9, 2012.
2. At all material times, Lum was employed as a middle school teacher by School District No. 43 (Coquitlam) (the “District”) at a District school (the “School”).
3. On January 26, 2015, the District made a report to the Commissioner regarding Lum, under section 16 of the *School Act*.
4. The following events occurred between October 2014 and January 2015 when Lum was teaching Grade 8 at the School:
 - a. Lum frequently yelled at his class, which made some students feel uncomfortable.

- b. Lum would periodically touch the shoulders and necks of both male and female students, and would on occasion rub the base of their necks and hug them. Some students reported that this physical contact made them feel uncomfortable. Two of the female students Lum touched in this manner were Student A and Student B.
 - c. On January 22, 2015, during a conversation with Student A in which she was emotional, Lum, in an effort to comfort her, told her that he loved her and placed his hand on her on her shoulder. Student A reported to the School principal that day, telling him that Lum had made her feel uncomfortable.
 - d. When Student B came to his class, Lum would periodically lift her off the ground, holding her by her bent elbows, and give her candy. Lum also told Student B “I love you so much.” Student B reported that this made her feel like she was one of Lum’s really good friends.
 - e. On another occasion, after two female students made a request of Lum which was denied, he said to them “you know I love you guys – no hard feelings.” One of the students described this as “weird.”
- 5. On January 26, 2015, the District suspended Lum, with pay pending completion of the District’s investigation.
 - 6. On June 19, 2015, the District issued Lum a letter of discipline, and suspended him without pay for 20 work days. Lum served the suspension on June 1 to June 26, 2015. Lum was also required to participate in a boundaries course. Lum completed the Teacher Regulation Branch’s Professional Boundaries Workshop on July 20, 2015.
 - 7. The District had previously issued Lum a letter of expectation on May 7, 2012 in which he was reminded that teachers needed to be respectful of individual personal space and that communications with students be thoughtful, judicious and without physical contact unless safety is of concern.
 - 8. On July 12, 2016 the Commissioner considered this matter and determined to propose a consent resolution agreement to Lum, 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. Lum 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”).

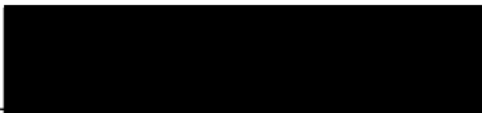
11. Lum admits that the facts set out in paragraphs 1 to 7 of this Agreement are true.
12. Lum admits that the conduct described in paragraph 4 of this Agreement constitutes professional misconduct and is contrary to Standard #1 of the *Standards for the Education, Competence and Professional Conduct of Educators in British Columbia*, Fourth Edition, January 2012.
13. Lum agrees to a reprimand under sections 53 and 64(a) of the *Teachers Act*. The reprimand will take effect/commence on the first business day following the Effective Date.
14. Lum also agrees under section 64(f) of the *Teachers Act* that by **August 31, 2017** (the “Condition Date”):
 - a. He will, at his own expense, successfully complete the course “Reinforcing Respectful Professional Boundaries” through the Justice Institute of B.C. and provide satisfactory proof of completion to the Commissioner by the Condition Date;
 - b. If Lum 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 done so, and set out the date by which he proposes to do so, at which time the Commissioner may extend the deadline (the “Extended Date”); and
 - c. If Lum 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 Lum’s certificate of qualification under section 64(f) of the *Teachers Act* until such time as he successfully completes the Course.
15. Lum 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

16. The Director will record the terms of this Agreement on the Branch’s online registry under section 79(d) of the *Teachers Act*.
17. Lum 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.
18. A breach by Lum of any term in this Agreement may constitute professional misconduct which may be the subject of separate discipline proceedings.

19. Lum 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 Lum has admitted to the conduct and matters set out in this Agreement.
20. Lum 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 Burnaby, B.C.
this 29th day of November, 2016.


Dana Mond Lum

Signed in Vancouver, B.C.
this 8 day of December, 2016.


Hon. Bruce M. Preston, Commissioner