



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

AND

IN THE MATTER CONCERNING

MARK WALTER ZATYLNLY

██████████

CONSENT RESOLUTION AGREEMENT

BETWEEN:

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

AND:

MARK WALTER ZATYLNLY  
(“Zatylny”)

**BACKGROUND and FACTS**

1. Zatylny holds a valid Professional Certificate of Qualification, No. ██████████. It was issued by the B.C. College of Teachers under the *Teaching Profession Act* on August 31, 2004, is valid from September 1, 2004 and continued under the *Teachers Act* as of January 9, 2012.
2. At all material times, Zatylny was employed as a high school teacher by School District No. 59 (Peace River South) (the “District”) at a District school (the “School”).

Case 01

3. On January 19, 2015, the District made a report to the Commissioner regarding Zatylny under section 16 of the *School Act*. This is designated Case 01.
4. The following events took place on January 6, 2015 when Zatylny was teaching a Grade 9 English class at the School:

- a. Zatylny failed to maintain control over his class, lost his temper, yelled, uttered profanities and had physical contact with at least four students, including pushing a table into a female student, grabbing two other students by the shoulder or arm, and spinning a fourth student around by the shoulders and pushing him.
  - b. Zatylny then engaged in an angry confrontation with a fifth student (Student A) in the hallway outside the classroom, during which he was physically aggressive and raised his voice.
  - c. Zatylny and Student A proceeded to the principal's office where Zatylny continued to argue and use profanity, including the words "fuck" and "bullshit."
  - d. Students in Zatylny's class reported feeling frightened as a result of this incident.
5. On January 15, 2015, the District disciplined Zatylny by suspending him without pay from January 16 to February 8, 2015. The District also required Zatylny to attend anger management counselling and directed that he leave the door to his classroom open at all times.
  6. On January 30, 2015, Zatylny completed the Justice Institute of BC's course called "Foundations of Collaborative Conflict Resolution – Workplace Focus."
  7. The School principal had previously spoken with Zatylny about the District's expectations about how students ought to be treated. Specifically:
    - a. On October 27, 2014, the School principal had spoken with Zatylny about using profanity and getting into students' personal space.
    - b. On December 5, 2014, the School principal spoke with Zatylny about the inappropriateness of grabbing a student's arm in order to take her phone away from her.

Case 02

8. On March 16, 2016, the District made a second report to the Commissioner regarding Zatylny under section 16 of the *School Act*. This is designated Case 02.
9. The following events occurred:
  - a. On February 23, 2016, Zatylny repeatedly kicked the back of a Grade 8 student's chair in an effort to get the student to stop talking and laughing while the class was watching a video. The student reported feeling uncomfortable as a result of Zatylny's actions.

- b. On February 24, 2016, Student A and one of his schoolmates stood at Zatylny's desk to see their marks. Zatylny tapped Student A's chest three or four times using the back of his hand, and then pointed at Student A's friends saying words to the effect "they are laughing at you because of your mark." Zatylny then became visibly angry, loudly ordering Student A to tell Zatylny how many zeros he had on his report card, saying "could you tell me? You tell me, huh?"
10. On March 11, 2016, the District issued Zatylny a letter of discipline which included the following terms:
  - a. Zatylny was suspended for three days without pay, from March 14-16, 2016;
  - b. Zatylny was required to participate a 2-day course in Positive Discipline Training offered through the District on October 6 and 7, 2016; and
  - c. Zatylny was required to complete a course on boundaries offered through the BCTF, which he completed on May 7, 2016.
11. On October 27, 2016 the Commissioner combined Case 01 and Case 02 and determined to propose a consent resolution agreement to Zatylny in respect of both of them, in accordance with section 53(1)(a) of the *Teachers Act*.


## **DISPOSITION**

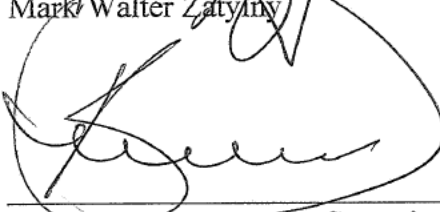
12. This Agreement is made under section 53 of the *Teachers Act*.
13. Zatylny understands and acknowledges that this Agreement is not effective until executed by the Commissioner, and that the date of execution by the Commissioner will be the effective date of this Agreement (the "Effective Date").
14. Zatylny admits that the facts set out in paragraphs 1-10 of this Agreement are true.
15. Zatylny admits that the conduct described in paragraphs 4 and 9 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.
16. Zatylny agrees to a reprimand under sections 53 and 64(a) of the *Teachers Act*. The reprimand will take effect on the first business day following the Effective Date.
17. Zatylny 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

18. The Director of Certification will record the terms of this Agreement on the Teacher Regulation Branch's online registry under section 79(d) of the *Teachers Act*.
19. Zatylny 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](http://www.bcteacherregulation.ca).
20. A breach by Zatylny of any term in this Agreement may constitute professional misconduct which may be the subject of separate discipline proceedings.
21. Zatylny 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 Zatylny has admitted to the conduct and matters set out in this Agreement.
22. Zatylny 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 Dawson Creek, B.C.  
this 28 day of NOVEMBER, 2016.

  
Mark Walter Zatylny

  
Hon. Bruce M. Preston, Commissioner

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