

Educator Sexual Misconduct and the Problematic Culture of Silence

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Abstract

This study aims to gather more information about the presence of educator sexual misconduct within public secondary schools in Ontario. There are two distinct directions: (i) the field research as originally designed, and (ii) ideas for future research. Initially, I sought to examine how principals manage allegations of educator sexual misconduct. No eligible person was willing to participate. Consequently, I aim to define research agendas for studying this phenomenon within different contexts of the education and political systems. This study provides a comprehensive review of existing academic literature, current legislation, prevalence in Ontario schools, patterns of abuse, and perpetrator characteristics. While studies are limited, it is apparent that more research needs to be conducted to gain an accurate understanding of how cases are handled, and how related policies function within each regulatory body.

Key words: educator sexual misconduct, child sexual abuse, education policy, culture of silence

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Table of Contents

Introduction.....	1
Coming into the Research.....	3
Limitations of the Study.....	4
Chapter 1: Literature Review.....	5
1.1 Terminology.....	5
1.1.1 Defining Educator Sexual Misconduct.....	7
1.2 Patterns of Abuse.....	9
1.2.1 Choosing a Victim.....	10
1.2.2 Grooming.....	10
1.2.3 Grooming in Education Contexts.....	13
1.3 Professional Perpetrator Characteristics.....	15
1.3.1 Gender of Perpetrators.....	16
1.3.2 Common Misconceptions.....	17
1.4 Prevalence of Educator Sexual Misconduct.....	19
1.5 Educator Sexual Misconduct in Ontario.....	21
1.5.1 The Robins Review, 2000.....	21
1.5.2 Prevalence in Ontario.....	23
1.6 Individual Cases.....	26
1.6.1 Richard Knill.....	27
1.6.2 David Russell Pratt.....	28
1.6.3 Ryan Jarvis.....	29
1.7 Allegations and Reporting.....	30
1.8 False Allegations.....	31
1.9 Teacher Transfers.....	33
1.10 The Impact of Educator Sexual Misconduct on Victims.....	35
1.11 ‘Not Just Rumours’ Campaign.....	39
1.12 Policy Documents & Legislation.....	39
1.12.1 Criminal Code of Canada.....	40
1.12.2 Education Act, 1990.....	41
1.12.3 Passing Bills in Ontario.....	42
1.12.3.1 Bill 37, An Act to amend the Ontario College of Teachers Act, 1996.....	43
1.13.3.2 Bill 31, Plan for Care and Opportunity Act, 2018.....	44
1.12.3.3 Bill 48, Safe and Supportive Classrooms Act, 2019.....	45
Chapter 2: The Original Study.....	47
2.1 Methods.....	48
2.1.1 Participants.....	48
2.1.2 Data Collection.....	49

2.1.3 Ethics.....	49
2.2 Results.....	50
2.2.1 Contacting Participants	51
2.2.2 Challenges.....	52
2.2.2.1 Educator Sexual Misconduct: The Term	53
2.2.2.2 Lack of Existing Literature	53
2.2.2.3 Lack of Participants	53
2.2.2.4 Lack of Transparency	54
2.2.3 Culture of Silence	54
Chapter 3: Research Questions	56
3.1 Institutional Responses	56
3.1.1 School Boards	57
3.1.1.1 Operational Procedures PR710.....	59
3.1.1.2 Trustees	60
3.1.2 The Ontario College of Teachers.....	61
3.1.3 The Ontario Ministry of Education.....	65
3.1.4 The Ontario Government	66
3.2 Policy	67
3.3 The Police	68
3.4 The Involvement of Other Teachers	69
3.5 The Culture of Silence	70
Chapter 4: Prevention and Intervention Strategies	73
4.1 Education and Training.....	73
4.1.1 Pre-Service Teachers	73
4.1.2 In-Service Teachers, Volunteers, and other School Staff.....	74
4.1.3 Students.....	76
4.2 Screening.....	76
4.3 Managing Complaints.....	77
4.4 Recommendations for School Boards.....	78
Chapter 5: Concluding Remarks.....	79
References.....	82
Appendix A.....	89
Appendix B.....	90
Appendix C.....	92

Introduction

Western societies are becoming increasingly aware and intolerant of the prevalence of sexual misconduct. Movements like the ‘Me Too’ campaign are raising awareness about the severity of the issue, and working to combat the existing culture of sexual violence. The public is becoming more cognizant of how widespread the problem is in both professional and personal environments. However, while multiple organizations have made noteworthy strides towards increasing awareness and implementing prevention strategies, the occurrence of sexual misconduct continues to be a featured topic in news headlines.

Unfortunately, this topic is rarely talked about in the context of education. This study aims to gather more information about the occurrence of sexual misconduct within public secondary schools in Ontario, specifically focusing on teacher-to-student sexual misconduct. I will refer to teacher-to-student sexual misconduct as ‘educator sexual misconduct’ (see section 1.1 for further details) throughout this research.

Most public knowledge surrounding educator sexual misconduct comes from newspaper reports (Shakeshaft, 2004). While these reports present a helpful starting point in coming to an understanding of the problem, there is rarely any follow-up or further information provided about the outcomes of each case. Within academic literature, there is insufficient research that explicitly focuses on sexual misconduct perpetrated by teachers (Timmerman, 2003). As a result, we have a very limited understanding of both the prevalence and management of this problem in schools.

This study has two distinct directions: (i) the field research as originally designed, and (ii) ideas for future research on the subject. The original purpose of this study was to examine how principals manage allegations of educator sexual misconduct. I sought to develop an understanding of how principals interacted with different education stakeholders when allegations were made, what support resources they had access to, and what impact such allegations had on them. Unfortunately, I was unable to find people willing to participate, or even informally discuss their experiences. While I was unable to complete the original study, the lack of participation emphasized the culture of silence surrounding the issue, and the need for more transparency regarding how allegations are managed within schools.

The second purpose of this study is to examine different research questions that could be explored when studying educator sexual misconduct within different contexts of both the

education and political systems. What would a research agenda look like if it examined educator sexual misconduct in terms of: (i) institutional responses, (ii) existing policies, (iii) the involvement of police, (iv) the involvement of other teachers, (v) and the culture of silence surrounding the issue? Given the complexity of the problem, I am looking to understand how a researcher would fairly investigate this phenomenon using different research lenses.

Coming into the Research

In our society, we are taught that teachers are people we can trust; they are people who hold knowledge, and therefore power. Much like other contexts, this power can be exploited. I am conducting this research because I have first-hand experience with educator sexual misconduct in the public education system.

When I was a grade twelve student, one of my teachers was exploiting the student-teacher power dynamic and manipulating me into silently complying with his inappropriate behaviour. I eventually reported the misconduct to the principal and the teacher was arrested the next day. Following my report, I was questioned by my principal, the police, and a school board investigator on three separate occasions. Other than a few brief sessions with a social worker, I was given no access to support resources throughout any investigation. It was unclear what happened throughout the process; I was not given any updates. In the end, the teacher was transferred to another school for the subsequent academic year.

From what I have both experienced and read in the literature, educator sexual misconduct is a significant problem that requires immediate attention from the education community. The law requires all persons over the age of six to attend school until they graduate or reach the age of 18 (Education Act, 1990). Despite this requirement, system-wide incompetencies inhibit the government's ability to provide students with a safe learning environment. While there are existing policies prohibiting educator sexual misconduct of any nature, its prevalence remains a significant problem that few are willing to take responsibility for.

I have chosen this topic because I understand the psychological consequences that can accompany this experience. I understand the fear that accompanies reporting a teacher, and the social pressures that follow. I understand how challenging it can be for a student to undergo multiple investigative processes. By starting discussions and facilitating further research, I believe we can create lasting solutions so that students are better protected at school.

Limitations of the Study

One major limitation of this study is the insufficient amount of research/information available surrounding educator sexual misconduct. The research that does exist is dated and/or does not come from Canada. For example, my literature review was largely informed by Charol Shakeshaft's work. While she has made significant contributions to research about the subject, her work is based on the American education context. Though we can make inferences, the contexts within which the sexual misconduct is happening are different. Additionally, a lot of the studies referenced in this paper are several years old. These studies provide an important guide to understanding the problem, however, they do not accurately reflect the current climate. In trying to gain an understanding of educator sexual misconduct in Canada, up-to-date research needs to be conducted within this context.

Not only is there a lack of research, many cases of educator sexual misconduct are either not reported or not made public. According to Burgess, Welner, & Willis (2010), there are more children who are sexually abused than there are reports. Even when cases are reported, school districts are hesitant to make any information available to researchers to avoid additional stress for the victim(s), negative media attention for their schools, and legal liability (Shakeshaft & Cohan, 1995). As a result, the limited information we have does not accurately reflect the scope of the problem.

Another limitation of this study is researcher bias. Educator sexual misconduct is an emotionally charged subject that is easily susceptible to biases. In conducting this study, I kept a reflective research journal for the purpose of subjectivity monitoring. Within qualitative research, self-reflective journals are a way to consciously acknowledge the researcher's personal values, assumptions, and goals (Ortlipp, 2008).

Keeping a reflective journal became an integral part of doing this work. I often found myself feeling disappointed and disheartened by the continual failure of the education system to protect students. I found it challenging to write objectively about this topic without submitting to the anger I felt towards both the perpetrators and the practitioners who were/are allowing the problem to continue. Keeping a research journal allowed me to continually acknowledge how my own biases influenced my perception of the existing literature, and how these biases might influence the development of this study. Furthermore, it allowed me to persistently question whether the information I was presenting accurately reflected the existing literature.

Chapter 1: Literature Review

This study follows two directions: the original project focusing on the role of principals, and the exploration of different research questions surrounding the subject. Using the limited research that is available, this literature review attempts to address both projects while presenting a general overview of educator sexual misconduct as a phenomenon.

I relied heavily on Charol Shakeshaft's work as a basis for this project. In 2004, the U.S. Department of Education commissioned her to complete an extensive literature review outlining the prevalence of educator sexual misconduct, typical offender and target characteristics, and recommendations for prevention. I used this document as a theoretical framework that helped guide the direction of this project. While her work is done within the context of the American education system, it is helpful in gaining both a broad understanding of the phenomenon, and the complex subtleties that accompany each allegation.

Alongside Shakeshaft's work, this literature review references studies and doctoral dissertations that have been conducted within Canada and across varying countries. While the research is limited, studies show that educator sexual misconduct is a widespread problem that schools around the world are facing. It is apparent that more research needs to be conducted for us to gain an accurate understanding of the number of cases that occur each year, how each case is handled, and how related policies function within each regulatory body.

1.1 Terminology

Conducting and reviewing research surrounding sexual misconduct can be challenging because there are a lot of inconsistencies with the terminology used to describe the subject. For example, the terms sexual abuse, sexual harassment, and molestation are often used interchangeably despite their different meanings (Shakeshaft & Cohan, 1995). This can lead to confusion surrounding the behaviours that do and do not constitute sexual misconduct. In an attempt to clarify any confusion, the following section clearly defines all the terms that will be referenced in this study.

“Sexual harassment”, “sexual abuse”, “sexual exploitation”, “rape”, and “molestation” are terms often used to describe adult-to-student sexual misconduct (Shakeshaft, 2004). Within this study, all of these behaviours fall under “educator sexual misconduct”, a term coined by researcher and educator Charol Shakeshaft (see section 1.1.1 for further details);

... it brackets a range of inappropriate to criminal sexual behaviours and includes verbal, visual, and physical misconduct. Some of this behaviour is criminal, some not. But all of the behaviours are unacceptable when directed by an adult, especially by a school-based authority figure, towards a student (Shakeshaft, 2013, para. 4).

I am using the recommendation of the Ontario College of Teachers as a guide in choosing the term “sexual misconduct” as opposed to “sexual abuse”. The term “sexual abuse” fails to include all the sexual behaviours associated with professional misconduct. Additionally, the term “sexual abuse” places the emphasis on the victim and whether or not the victim suffered abuse or harm (OCT, 2001). In choosing the term “sexual misconduct”, the emphasis is on the teacher, who is solely responsible of their professional (mis)conduct (OCT, 2001).

Similar to the confusion surrounding the term ‘sexual misconduct’, the terminology associated with sex offenders is equally complex. When trying to navigate educator sexual misconduct, it is important to have a clear understanding of the terms associated with offenders. Within the literature, they are characterized as abuser, pedophile, child molester, etc., “this confused terminology often clouds descriptions and identification offenders” (Shakeshaft, 2004, pg. 22).

According to the Diagnostic and Statistical Manual of Mental Health Disorders (DSM-5), pedophilia is a paraphilic disorder characterized by recurrent, sexually arousing fantasies, urges, or behaviours involving sexual activity with a prepubescent child (usually 13 years or younger). The term “child molester” is generally used for someone who has had sexual contact with children (Feelgood & Hoyer, 2008). The sexual act(s) involved with the contact and the definition of ‘child’ is legally based; these specifications may vary across justice systems. Given the primary focus of this study, the terms ‘pedophile’ and ‘child molester’ are not relevant. However, it important to have a clear understanding of these definitions in order to avoid any confusion in the future.

Within this study, any education personnel who engage in behaviours constituting educator sexual misconduct is referred to as ‘perpetrator’. ‘Educator’ refers to any person over the age of 18, who is/was employed by a school. ‘Student’ refers to any person, including all ages, in an education institution.

1.1.1 Defining Educator Sexual Misconduct

Educator sexual misconduct is difficult to define because it encompasses a broad range of behaviours. Unfortunately, there is no unified definition that includes all the actions associated with the term, creating confusion and uncertainty when dealing with the problem. For example, in trying to define sexual abuse and harassment, the Ontario College of Teachers lists a different set of behaviours to the Ontario Association of Children's Aid Societies. This lack of uniformity between government and education organizations makes it challenging to navigate different forums and pick which one best describes sexual misconduct.

This study uses the Ontario College of Teachers' Professional Advisory on Professional Misconduct Related to Sexual Abuse and Sexual Misconduct (2002) as a model, and defines educator sexual misconduct as any "behaviour of a sexual nature which may constitute professional misconduct" (pg. 1). This broad definition includes both overt and covert behaviours (Shakeshaft, 2013).

Educator sexual misconduct includes behaviours associated with both sexual abuse and sexual harassment. The Teaching Profession Act (1990) defines sexual abuse as the following:

"sexual abuse" of a student by a member means,

- a) Sexual intercourse or other forms of physical sexual relations between the member and the student,
- b) Touching, of a sexual nature, of the student by the member, or
- c) Behaviour or remarks of a sexual nature by the member towards the student.

2002, c.7, s. 7. (pg. 4).

OCT's Professional Advisory follows the behaviours listed in the Ontario Human Rights Code as a guideline for what constitutes sexual harassment:

- asking for sex in exchange for something, like offering to improve a test score
- repeatedly asking for dates, and not taking "no" for an answer
- demanding hugs
- making unnecessary physical contact, including unwanted touching
- using rude or insulting language or making comments that stereotype girls, women, boys and men
- calling people unkind names that relate to their sex
- making sex-related comments about a person's physical appearance or actions

- saying or doing something because you think a person does not fit sex-role stereotypes
- posting or sharing pornography, sexual pictures, cartoons, graffiti or other sexual images (including online)
- making sexual jokes
- bragging about sexual ability
- bullying based on sex or gender
- spreading sexual rumours or gossip (including online) (para 1).

The Ontario College of Teachers Act, 1990, states that the sexual abuse of a student includes any of the following:

- i. Sexual intercourse.
- ii. Genital to genital, genital to anal, oral to genital, or oral to anal contact.
- iii. Masturbation of the member by, or in the presence of, the student.
- iv. Masturbation of the student by the member.
- v. Encouragement of the student by the member to masturbate in the presence of the member.
- vi. Touching of a sexual nature of the student's genitals, anus, breasts or buttocks.
- vii. Other conduct of a sexual nature prescribed by regulations made under clause 42 (1) (c.1).

Within this study, the term 'educator sexual misconduct' encompasses all of the behaviours listed above.

Educator sexual misconduct has a variety of behaviours associated with it. As a result, it is challenging to pinpoint how the term should be defined. To further complicate the problem, there is no uniform description between policy documents and legislation. While the overall concept is similar in every context, the behaviours listed are all slightly different. Moving forward, it is important for the education community to agree on a unified definition.

In trying to investigate this phenomenon from the perspective of principals, I was curious to understand if/how this lack of uniformity influences the management of allegations. Would a unified definition of educator sexual misconduct help practitioners navigate its' presence in a more consistent way?

1.2 Patterns of Abuse

To better address/intervene in instances of educator sexual misconduct, it is important to understand the behavioural patterns typically exhibited by perpetrators; this section highlights the common patterns of behaviour found in the literature. The following sub-sections provide insight into a perpetrators' process of selecting a victim, and common grooming strategies used to abuse victims.

In a study involved 110 cases of educator sexual misconduct, the findings suggest a significant pattern of male teachers abusing vulnerable female adolescents (Jaffe, Straatman, Harris, Georges, Vink, & Reif, 2013). The perpetrators rarely used violence but employed strategic grooming behaviours (see section 1.2.2 for grooming patterns), which included paying special attention to their victim(s) and developing relationships. In approximately one of every four cases, the teacher had victimized three or more students. Ninety-three percent of cases involved multiple incidents of sexual misconduct throughout a school year (Jaffe et al., 2013).

Shakeshaft and Cohen (1995) conducted a four-year study in which they examined 225 cases of educator sexual misconduct through interviews with superintendents, school attorneys, parents, and teachers. They identified two main patterns of abuse: non-contact sexual abuse and contact sexual abuse. Non-contact sexual abuse included both visually and verbally abusive conduct. Examples of visual abuse included using obscene gestures, showing students pornographic materials, and/or exposing oneself to students. Reported incidents of verbal abuse included inappropriate comments to students, and using pet-names when referring to certain students. Contact sexual abuse was categorized as either Level I or Level II depending on the type of behaviours that were reported (Shakeshaft & Cohen, 1995). Examples of Level I contact sexual abuse included tickling, fondling, pinching, caressing, touching breasts, and placing hands on the genital areas of the student(s). The incident(s) was categorized as Level II when the abusive behaviour moved from inappropriate touching to sexual acts, such as fellatio and intercourse (Shakeshaft & Cohen, 1995).

While it is important that we understand how perpetrators typically operate, it is equally important to acknowledge that every case of educator sexual misconduct is unique and should be treated as such. There are specific patterns of behaviour that can be referenced when trying to identify or investigate an allegation. However, we can never assume that a perpetrator or case will follow these patterns.

1.2.1 Choosing a Victim

Whether or not perpetrators are deliberate or opportunistic in their process of selection, choosing a victim is heavily influenced by compliance and likelihood of secrecy (Shakeshaft, 2004). Secrecy is important because it allows the perpetrator to either continue victimizing the student or move on to other potential victims without detection (Robins, 2000). In an attempt to conceal any/all sexual contact with students, perpetrators aim to target students that they can control (Shakeshaft, 2004). In some cases, control is maintained through force. Within the education context, most perpetrators use enticement and grooming strategies to control their victim. Targeted students are often marginal both socially and academically, and are shown minimal affection within their home lives (Shakeshaft & Cohen, 1995).

According to Shakeshaft's (2004) literature review, the majority of students who are targets of educator sexual misconduct are female, however, the proportion of male vs. female victims varies depending on the type of study. Studies that examine formal reports indicate a higher number of female victims than studies that ask students directly. This finding suggests that the abuse of females is more likely to be reported than the abuse of males. In saying this, Shakeshaft indicates that further examination is needed to understand reporting patterns by sex.

1.2.2 Grooming

This sub-section examines the existing literature on grooming and how it serves as a useful tool to perpetrators. According to the literature, there is no validated model of the sexual grooming process (Winters & Jeglic, 2017). Grooming constitutes a range of behaviours and tactics that are contextually laden. This makes it particularly challenging when it comes to identifying the nature and extent of its' presence (Williams, 2015). To further complicate this phenomenon, there is no distinct definition of grooming that professionals have agreed on (Craven, Brown, & Gilchrist, 2006; Lanning, 2018), which has resulted in a lot of confusion surrounding the exact meaning and scope of the term (Mcalinden, 2006). In saying this, the literature suggests there are common patterns of behaviour that occur during the multiple stages of grooming (Winters & Jeglic 2017). It is important to understand the grooming process for the purpose of identifying and intervening in situations where students might be at risk.

According to the National Society for the Prevention of Cruelty to Children (UK), grooming is the process of developing an emotional connection with a child, and earning their trust for the purpose of sexual abuse and/or exploitation. Gillespie (2002) defines grooming as:

The process by which a child is befriended by a would-be abuser in an attempt to gain the child's confidence and trust, enabling them to get the child to acquiesce to abusive activity. It is frequently a pre-requisite for an abuser to gain access to a child (pg. 411). Perpetrators use grooming strategies as a way to both "initiate and maintain sexually abusive relationships with children" (Knoll, 2010, pg. 374). The strategies used are carefully orchestrated (Knoll, 2010), and deliberately executed to keep the victims from disclosing the sexually abusive conduct (Bennett & O'Donohue, 2014). In a study involving 91 convicted offenders, 84 percent said that they established a series of effective strategies and continued to use the same approach (Elliott, Brown, & Kilcoyne, 1995). According to the Canadian Centre for Child Protection (2018), the purpose of grooming is to influence the perceptions of adults around the child, to reduce the likelihood of the child being believed if they do come forward, and to reduce the possibility of detection. Furthermore, grooming tactics are used to manipulate the child into assuming the role of a cooperating participant thus reducing the likelihood of disclosure and increasing the likelihood that the child will regularly return to the perpetrator.

The process of grooming can be challenging to identify because many behaviours exhibited by perpetrators can appear similar to behaviours present in normal relationships between children and adults (Bennett & O'Donohue, 2014; Winters & Jeglic, 2017). These similarities exist because the perpetrators want to remain undetected, and are therefore trying to conceal their intent (Bennett & O'Donohue, 2014). Craven et al. (2006) have identified three types of sexual grooming: (1) self-grooming, (2) grooming the environment and significant others, and (3) grooming the child.

Self-grooming refers to a perpetrators justification or denial that they should or have engaged in sexually abusive conduct (Craven et al., 2006).

Self-grooming is likely to play a part in the move from being motivated to sexually abuse a child to the subsequent targeting of a child, through the justification or denial of the steps child sexual offenders take towards abusing a child (pg. 292).

The process of self-grooming is likely to be affected by the "success" or "failure" of the perpetrators efforts to victimize a child. For example, if a perpetrator is "successful", they are more likely to further justify and/or deny their actions, and they might feel more motivated to re-offend. If the perpetrator feels that they have failed, it could result in either "desistence of offending" (pg. 292), or they could work to enhance their strategies to ensure success in the

future (Craven et al., 2006). After the incident(s), perpetrators often use excuses to deny responsibility for their sexually abusive conduct (Lawson, 2003). Common excuses include mitigating factors such as denial of unlawfulness, denial of intent, or denial of occurrence in general (Lawson, 2003).

Grooming the environment refers to the process of perpetrators integrating themselves into specific environments in which they will meet children, frequently including positions of trust (Craven et al., 2006) (i.e. teachers). When the perpetrator has chosen an environment, they begin to groom the adults within that community, specifically those that are close to their potential victim(s). For example, Elliott et al. (1995) reported that one in every five offenders in their sample claimed to have gained the trust of the victim's family as a strategy to abuse the child. Gaining the trust and approval of the victims parents gives the perpetrator more access to their victim(s), and greater opportunities to isolate them (Knoll, 2010). In some cases, when a victim comes forward with allegations of abuse, the community has been groomed to such an extent that they are more likely to support the perpetrator rather than the victim (Craven et al., 2006). Grooming the environment and significant others is a strategy perpetrators use to create opportunities for themselves to gain access to children, with the intention of abuse.

The third type of sexual grooming is grooming the child. There are two types of behaviours that constitute grooming the child: physical and psychological (Craven et al., 2006). Physical grooming is the gradual process of sexualizing the relationship between the offender and the victim. Psychological grooming is employed to increase compliance and avoid disclosure (Craven et al., 2006). Grooming the child typically begins with developing a relationship with a potential victim and using manipulative tactics to earn their trust (Mcalinden, 2006). Tactics include getting to know their victim's interests, being extra helpful (Mcalinden, 2006), giving special attention to their victim, and bribery (Bennett & O'Donohue, 2014).

In order to avoid disclosure, the perpetrator needs to maintain the cooperation and secrecy of their victim (Craven et al., 2006). One commonly reported way that perpetrators achieve this is by isolating their victim from their family and peers. They might cultivate an 'exclusive' relationship to distance their victim from those who represent a source of safety (Mcalinden, 2006), preventing them from having someone to confide in (Craven et al., 2006) (i.e. parents, friends, etc.). This emphasis on exclusivity allows the perpetrator to further control the victim through "the giving or withholding of rewards" (Mcalinden, 2006, pg. 347). In some

instances, the use of rewards and/or bribery can escalate into threats or the use of force to ensure secrecy and compliance. To further control the victim, the perpetrator might begin to introduce sexual themes by telling ‘dirty jokes’ or showing pornography. “The use of pornography in particular may encourage feelings of shame and guilt which the offender may exploit by persuading the child that they were willing accomplices in their activities” (pg. 347). This in turn, may make the victim less willing to disclose these inappropriate behaviours to others (Mcalinden, 2006).

Perpetrators will start to desensitize their victim to physical contact, beginning with non-sexual contact and gradually progressing to sexual touching (Craven et al., 2006). This frequently begins with seemingly innocent behaviours such as parts on the back or hugs (Winters & Jeglic, 2017), and escalates to more intimate touching such as tickling or wrestling (Mcalinden, 2006; Winters & Jeglic, 2017). Throughout this process, the perpetrator might direct the conversations to sexual topics (Craven et al., 2006), or talk to their victim about positive unrelated subjects while starting to touch them sexually, creating a sense of confusion (Leberg, 1997). The use of touch is an important part of the grooming process, because it helps the perpetrator determine whether or not their victim is receptive to their behaviours (Mcalinden, 2006).

It is important for adults working with vulnerable people (i.e. children) to understand the process of grooming the child because it can provide insights into why a victim might comply with sexually abusive conduct (Mcalinden, 2006). The following sub-section outlines the process of grooming specifically within the context of schools.

1.2.3 Grooming in Education Contexts

“He was my teacher and supposed to protect me, not hurt me...there were no boundaries with him, he blurred the lines of my understanding of what was appropriate and what healthy intimacy should look like...My former teacher was so good at making me feel as if this sexual abuse was something I wanted and not what it is — violence.” (Canadian Centre for Child Protection, 2018, pg. 30).

This sub-section further examines grooming within the context of education, and the specific behaviours employed by education personnel to groom students. Within this context, it is important to acknowledge the power dynamic that exists between educators and students. According to Shakeshaft (2004), perpetrators consistently use intimidation and/or threats to keep

the student(s) from saying anything. They do this by “exploiting the power structure (if you tell, no one will believe you), or by manipulating the child’s affections (if you tell, I’ll get in trouble; if you tell, I won’t be able to be your friend anymore)” (pg. 33). Perpetrators understand that students are inexperienced, and use this to their advantage. In some cases, students who are sexually abused by an educator do not actually characterize what has happened to them as sexual abuse (Shakeshaft, 2004). According to Robins (2000), the purpose of grooming is to test the victim’s ability to remain silent, to provide the victim with valuable experiences that they will not want to surrender, to acquire information that will subsequently discredit the victim, and to gain approval from the victim’s parents.

Educator perpetrators maintain positions in which they can regularly be around their potential victims (Leclerc et al., 2005). For example, teachers can easily manipulate situations so they can be alone with their victim (i.e. staying late after school), and they can employ grooming strategies such as spending extra time with their victim and giving them extra attention as ways to gain their trust. Additional strategies include giving the student rewards, providing them with additional support (Robins, 2000), and telling them personal things (Leclerc et al., 2005). This occurs while the perpetrator is calculatingly increasing the amount of physical contact and/or other sexual behaviour (Robins, 2000). This gradual process serves to desensitize the victim to sexualized behaviour, and eventually obtain their cooperation in sexual activity (Leclerc et al., 2005). Furthermore, these strategies allow the perpetrator to test the victim’s silence at every stage of the misconduct (Shakeshaft, 2004).

The process of grooming also serves to implicate the victim in the sexual conduct, which results in the victim believing that they are somehow responsible for their own abuse; “I never said stop” (Shakeshaft, 2004, pg. 32). Grooming precedes any sexual engagement, therefore, perpetrators further benefit from the process because any complaints made can be easily discredited as their behaviour does not technically constitute ‘sexual misconduct’ (Shakeshaft, 2004). It is important not to underestimate the impact of the grooming process. While there are a number of reasons why students who have experienced educator sexual misconduct do not come forward, the grooming process can be a significant reason why students remain silent (Robins, 2000).

This section outlined common patterns of misconduct that are important to understand for the purpose of identifying potentially harmful situations to vulnerable populations (i.e. students).

These patterns focused specifically on the behaviour of perpetrators. The following section examines common characteristics that are associated with perpetrators.

1.3 Professional Perpetrator Characteristics

Professional perpetrators are individuals who use their place of work to target and abuse children, and as a disguise for their sexually abusive behaviours (Sullivan & Beech, 2002). One of the main challenges for schools is identifying people who intend to use their contact with children as an opportunity to sexually abuse. According to the literature, common characteristics of professional perpetrators include: “adult, single, male, often university educated, minimal substance abuse issues, generally prosocial attitudes, virtually no prior sexual or even criminal offenses, and few psychological deficits” (Moulden, Firestone, Kingston, & Wexler, 2010, pg. 404). Some literature suggests that professional perpetrators are typically controlling and authoritarian, while other research found that these types of offenders tend to be socially inadequate (Moulden et al., 2010; Sullivan & Beech, 2002).

Professional perpetrators benefit from opportunities to develop close relationships with potential victims (Leclerc, Proulx & McKibben, 2005). Given this context, they employ manipulation strategies to earn their victim’s trust, gradually desensitizing them to sexualized behaviour, and ultimately gaining their co-operation in sexual activity (Leclerc et al., 2005; Moulden et al., 2010). This type of perpetrator is notably dangerous because of their access to potential victims, the trust vested in them given their positions of authority, and the strategies they use to exploit this trust (Moulden et al., 2010).

Shakeshaft (2013) has identified two types of sexual perpetrators in schools: (1) the fixated abuser and (2) the opportunistic abuser. Fixated abusers are typically found in elementary and middle schools. They are more likely to be male, and they are commonly regarded as excellent teachers by their community. Fixated abusers are challenging to detect because they have gained the trust of parents, students, and their colleagues. As a result, if they are accused of sexual misconduct, their school community will often rally around them while shaming the victim.

Opportunistic abusers typically target students older than 13. This type of abuser is not exclusively attracted to children or adolescents, rather they take advantage of specific situations. Opportunistic abusers generally spend a considerable amount of time trying to intermingle with students; they will spend time talking to them, and going to the same places as them.

Opportunistic abusers want students to see them as a peer rather than an authority figure. They are typically emotionally stunted, and are often operating at an adolescent level. Unlike fixated abusers, opportunistic abusers are not difficult to identify once their behavioural patterns/characteristics are noticed by other school personnel (Shakeshaft, 2013).

It is important to note that every perpetrator is unique; they do not all share the same characteristics. We cannot make assumptions based on observed characteristics or patterns of behaviour. In saying that, it is important to understand these patterns so that any form of sexual misconduct can be more easily identified.

1.3.1 Gender of Perpetrators

When it comes to educator sexual misconduct, there is no typical offence or perpetrator (Robins, 2000). Every case is different and can/has occurred in all combinations of genders. However, there is something to be said about certain patterns regarding the sex of perpetrators and their victims. Educator sexual misconduct is perpetrated overwhelmingly by males against female students (Robins, 2000).

Shakeshaft (2004) examines the sex of perpetrators using three types of studies: analyses based on newspaper reports and disciplinary records, surveys of adults, and surveys of students. Her review included the following studies: Jennings & Tharp (2003) conducted a study examining 606 disciplinary hearings of educator sexual misconduct in Texas; 12.7 percent of perpetrators were females and 87.3 percent were males (as cited in Shakeshaft, 2004). The Hendrie (1988) analysis looked into 244 cases in newspaper reports over a six-month period; 20 percent of perpetrators were females and 80 percent males. Gallagher's (2000) report indicated that 96 percent of perpetrators were male and only 4 percent were females. Shakeshaft and Cohan (1994) interviewed 225 superintendents, and found that 4 percent of the people investigated for educator sexual misconduct were female, and 96 percent were male (as cited in Shakeshaft, 2004). In a study examining 110 cases of educator sexual misconduct in Ontario, the data showed 90 percent of the perpetrators were male and 65 percent of victims were female students (Jaffe et al., 2013). While these studies indicate an overwhelming percentage of male perpetrators, female perpetrators should not be ignored as they too pose a threat to student safety.

In general, the study of female sex offenders is relatively small, in part because of the limited number of cases available for study (Robins, 2000). Female perpetrator patterns are different from males, and are therefore important to understand in establishing prevention

strategies. Robins (2000) identifies three categories of female sex offenders: women who were molested as children and usually target their own children, women who were coerced into sexual acts by men, usually exhibiting patterns of dependency and non-assertive behaviour, and the third category most commonly found in teaching is the “teacher/lover”. Female offenders who fall under the third category will initiate the sexual contact with their victim(s) and believe that their behaviour is an expression of love. They commonly attribute their sexual misconduct to romantic love for their victim, sometimes playing out scenarios of their adolescent fantasies (Shakeshaft, 2013). Furthermore, teacher/lovers do not necessarily recognize the negative impact their behaviour is having on their victim, and have a hard time seeing that what they are doing is wrong (Robins, 2000).

Although the literature indicates a large percentage of male perpetrators, analysts speculate that female offenders might be underreported if their victim is male (Robins, 2000; Shakeshaft, 2004). Typically, males are socialized to believe that any sexual interest from a female should make them feel flattered or appreciative, therefore, they might be less likely to report any sexual misconduct perpetrated by a female. Additionally, it is hypothesized that male victims might also underreport if their abuser is male because of the social stigmas associated with same-sex sex (Shakeshaft, 2004).

According to Robins (2000), the gender patterns in perpetrators and victims in cases of educator sexual misconduct are in line with sexual offences in general. For example, the majority of educator sexual misconduct is perpetrated by males against female students. Male students abused by male teachers are generally younger and abused in the elementary context, “again a finding consistent with sexual offences in general, where male victims are younger on average than female victims” (pg. 120). None of this is to say that educator sexual misconduct follows gendered patterns in every case. When managing this problem, it is important to avoid assumptions based on the gender of the alleged perpetrator and victim. The following section outlines common misconceptions that are frequently associated with educator sexual misconduct.

1.3.2 Common Misconceptions

Educator sexual misconduct is rarely discussed within the education community. The lack of discussion has contributed to confusion about the term itself and its’ associated behaviours. This ambiguity has left space for misconceptions, assumptions, and stereotypes.

These misconceptions are important to understand so that we can appropriately and effectively navigate this problem.

Robins (2000) identified some of the assumptions and stereotypes that have been generated surrounding students, sexual complainants, and sexual misconduct in general. While this report is dated, these misconceptions remain relevant to today's management of educator sexual misconduct. These pre-conceived notions impact both the identification and prevention process, and they may even disrupt the adjudicative proceedings. It is critical that anyone receiving, investigating, or evaluating these complaints (i.e. teachers, principals, children's aid workers, police officers, counsellors, judges, etc.) be able to recognize and avoid these misconceptions. It is also important that these misconceptions are understood and recognized by students, family, and the general community.

One misconception is that a student's report of educator sexual misconduct is unreliable unless the disclosure occurred shortly after the event. When a complaint is made, whether timely or not, each case should be assessed individually without making assumptions about how and when the complaint was made. A person who experienced educator sexual misconduct should not be expected to make a complaint in a certain way, nor should we assume that a complaint is not credible if it does not fall in line with how we think complaints should be made.

Another identified misconception is that a student who comes forward with an allegation of educator sexual misconduct is unreliable if they have been previously involved in any sexual activity. Section 276 of the Criminal Code states that in proceedings involving certain sexual offences, "evidence that the complainant has engaged in sexual activity is not admissible to support an inference that...the complainant is more likely to have consented to the sexual activity that forms the subject-matter of the charge; or is less worthy of belief" (Criminal Code of Canada, 1985, Section 276(1)). Anyone investigating a complaint should understand the stereotypical inferences that should be avoided in this context (Robins, 2000). Robins further calls on administrative tribunals to adopt procedures that are analogous to those present in the Criminal Code. These procedures are meant to ensure that stereotypes and misconceptions do not interfere with the process of fact-finding, and that any prior sexual activity of a complainant be investigated in a way that maintains respect for both their personal dignity and privacy interests.

A common misconception is that teachers who sexually abuse students are pedophiles; "put another way, teachers found not to be pedophiles could not have sexually abused their

young students” (Robins, 2000, pg. 276). In most cases, teachers who engage in sexually abusive conduct with students are not pedophiles. It is important not to misuse this word when discussing educator sexual misconduct because it can create confusion and perpetuate stereotypes that are not helpful in understanding the problem (see section 1.1).

There is a common belief that emotional and psychological trauma associated with sexual misconduct is not present if the misconduct is physically less intrusive (Robins, 2000). In some cases, the impact of sexual misconduct is less correlated to the severity of the behaviours than to the pre-abuse relationship that the perpetrator has with their victim. For example, a seemingly minor incident of misconduct can have a profound and lasting impact if perpetrated by a trusted adult. This misconception has implications for the development of post-abuse support strategies and resources for students (Robins, 2000).

Misconceptions and assumptions can impact how allegations are evaluated and managed. It is important for all education personnel to have an understanding of common misconceptions that might influence the way they perceive and navigate instances of educator sexual misconduct. When allegations are brought forward, it is imperative that they are handled on a case-by-case basis.

1.4 Prevalence of Educator Sexual Misconduct

In Canada and internationally, limited research has been conducted on the subject of educator sexual misconduct (Jaffe et al., 2013). The following section outlines the few major studies that have been done within different countries. While these studies are limited, the findings indicate that educator sexual misconduct is a widespread problem that schools around the world are facing.

In 2018, the *Journal of Child Sexual Abuse* published a study conducted by the Canadian Centre for Child Protection, examining child sexual abuse by school employees. The study was meant to address the deficiencies in research surrounding the prevalence of educator sexual misconduct within Canada. According to a CBC article, officials believe that it is the most comprehensive review of child sexual abuse cases involving school personnel in Canadian history (Froese, 2018). The study examines all sexual misconduct offences committed against children by school employees within K-12 schools across Canada between 1997 and 2017. The data was collected from disciplinary decisions concerning professional misconduct (i.e. OCT), media reports, and reported Canadian criminal law cases. The findings indicate 750 cases of

sexual offences against a minimum of 1272 children over the 20-year span (Canadian Centre for Child Protection, 2018). Seven hundred and fourteen people were identified as perpetrators; 87 percent were male, and 13 percent were female. In addition to their primary occupation within a K-12 school, 138 perpetrators had secondary occupations that provided them with additional access to children. Some of these included sports coaches, tutors, community youth workers or volunteers, and guidance counsellors.

According to on-going research conducted by the Canadian centre for Child Protection, there have been 108 allegations or confirmed reports of sexual abuse in schools within the past 17 months; this signifies more than one new case every week (Ireton, 2019). Of the 108 cases, tracked from Jan 1, 2018, there have been 36 disciplinary findings or criminal convictions; the remaining cases have yet to enter the courts.

In a nation-wide study conducted in the U.S., the American Association of University Women (AAUW) surveyed students in grades 8th to 11th about their experiences with various forms of sexual harassment and abuse in schools. Their analysis indicated that 9.6 percent of all students reported some form of educator sexual misconduct that was unwanted (Shakeshaft, 2004). Shakeshaft (2004) applied the percentage of students who reported experiencing educator sexual misconduct to the general population of K-12 students in America. Operating under the assumption that the AAUW survey accurately represented the experiences of all K-12 students, Shakeshaft (2004) indicated more than 4.5 million students are subject to some form of sexual misconduct by a school employee sometime between kindergarten and the 12th grade. More recently, in 2015, the U.S. media reported 498 cases of school employees getting arrested for sex crimes against children (Henschel & Grant, 2018). Unfortunately, not all incidents are reported, therefore even these numbers underestimate the total number of cases that occur each year.

When Shakeshaft (2004) completed her literature review commissioned by the U.S. Department of Education, there was only one relevant study that included prevalent data surrounding educator sexual misconduct within the United Kingdom. In this study, a probability sample of 2869 people between the ages 18 and 24 were surveyed on the abuse and maltreatment of children. The results showed that .3 percent of participants had experienced sexual abuse with a professional. In this study, professional included priests, religious leaders, case workers, and teachers (Cawson, Wattam, Brooker, and Kelley, as cited in Shakeshaft, 2004). In 2018, the BBC

published an article revealing that one third of teaching bans in the UK were attributed to sexually motivated inappropriate conduct (Cawley, 2018).

Shumba (2001), identified 212 cases of sexual abuse by teachers in Zimbabwe secondary schools between 1990 and 1997. In these cases, 99.1% of perpetrators were male; 65.5% of perpetrators had sexual intercourse with their students; 26% wrote ‘love letters’; 10.9% engaged in fondling, kissing, or hugging. In rare cases, rape or attempted rape occurred (1.9%), and/or pornographic material was shown to students (0.5%).

It should be noted that the above numbers do not account for the many cases of educator sexual misconduct that do not get reported. To understand the full scope of this problem, up-to-date research is needed. The following section outlines the history and prevalence of educator sexual misconduct within Ontario.

1.5 Educator Sexual Misconduct in Ontario

Before the year 2000, educator sexual misconduct was not recognized by the Ontario education system as a problem. Even today, it is not widely acknowledged. The following section provides background information about how educator sexual misconduct came to be understood in Ontario, outlines the prevalence of this problem, and provides three specific examples of cases that have gone public.

1.5.1 The Robins Review, 2000

Within Ontario education, educator sexual misconduct was not openly discussed as an issue until the 90’s. This changed in 1994 when Kenneth DeLuca, a public school teacher, was charged with sexually assaulting multiple students: 41 offences involving 21 complainants. All of the crimes were committed while DeLuca was a teacher in the then Sault Ste. Marie Roman Catholic Separate School Board between 1972 and 1993. All of the victims were females, all with the exception of one were students; one victim was a co-ordinator of community schools. The students’ ages ranged from 10-18. In 1996, he plead guilty to, and was convicted of 14 offences: “six counts of indecent assault, seven counts of sexual assault, and one count of counselling a young person to touch for a sexual purpose” (pg. 18). Madam Justice Pardu stated the following about the case:

The assaults on the young public school students included the accused inserting his tongue in a girl’s mouth, touching of breasts and genitals, making a girl touch his penis

and rubbing his body against a child's body. He cornered the girls in supply rooms, empty classrooms and closets.

On one occasion he arranged for a student to come to the school at 7:00 p.m., telling her it would help her get an award. He grabbed her and laid on top of her and rubbed himself all over her, biting her chest, breasts and vagina, through her clothes.

He touched a high school girl on the breast, and made movements with his pelvis against the bodies of several high school students.

Most of the assaults were accompanied by inappropriate sexual remarks.

Complaints were made about the accused's behaviour as early as 1973. From 1973 to 1993 at least seven or eight complaints were made about the accused's behaviour towards female students. Regrettably, nothing was done to respond to these complaints, apart from the confrontation by [Ms. Doe] in 1989 (pg. 18-19).

These details demonstrate the severity of educator sexual misconduct, and they further highlight the nature of a system that was not protecting students.

Throughout the investigation process, in addition to the sexually abusive conduct towards students, they found that complaints were made about DeLuca's sexually abusive conduct towards principals, other teachers, and school board officials from as early as 1973 and numerous times afterward. Although these complaints were credible, none of them were acted upon. The investigation became widely followed by the public, and raised a lot of questions about how this type of behaviour went unchecked for 20 years. The community wanted to know what protocols existed to protect children from sexual abuse, and what could be done to prevent things like this from happening in the future. DeLuca's case provided an important framework for an evaluation of how educator sexual misconduct is addressed, identified, dealt with, and how it can be completely prevented.

In 1999, Sydney Robins, who was at the time a judge of the Ontario Court of Appeal, was appointed to conduct a review of the case, and all other aspects related to educator sexual misconduct. The final report comprised of six chapters that included an examination of the

nature and extent of the problem of educator sexual misconduct, and concerns raised by teachers regarding issues such as false allegations. It looked at existing policies, protocols, and procedures relevant to the problem, and examined relevant provisions of the Criminal Code, the Ontario Human Rights Code, the Child and Family Services Act, the Teaching Profession Act, and the Ontario College of Teachers Act. The report pointed out deficiencies in both the legislation and policy documents, and made recommendations for change. This case marked a shift in Ontario education, as it became publicly known that educator sexual misconduct was in fact a significant problem that existed within schools. The Robins Review made clear that this issue needed to be further addressed within multiple levels of the education system.

While this review marked an important turning point in Ontario's education system, educator sexual misconduct continues to be a prevalent issue that schools are faced with. Although the review was conducted 19 years ago, much of the information remains relevant today. The following section examines the continued prevalence of educator sexual misconduct within Ontario schools.

1.5.2 Prevalence in Ontario

The Ontario law requires all persons over the age of 6 to attend school until they reach age 18 (Education Act, 1990). While there are existing policies in place to prohibit and protect students against educator sexual misconduct, it remains a prevalent issue that we know little about. According to Gibson & Isai (2017),

School boards won't divulge how many teachers are investigated and disciplined for sexual misconduct; police don't keep records of charges based on occupation; there is no central registry for cases that make it to court; and the teachers' unions, which often provide lawyers to defend their members, say they don't record the cases in a trackable way (para. 5).

As a result, it is impossible to determine the number of existing cases, and how those cases have been/are managed.

Based on newspaper reports, we know that the occurrence of educator sexual misconduct is not a rare occurrence within Ontario schools. In 2017, the Toronto Star published an article examining 27 cases of teacher misconduct that were heard by the Ontario College of Teachers between January 2012 and November 2017. Their investigation found that in each case, the accused teacher had already been investigated by their school board, disciplined, and transferred

to a different school at least once by the time their case had reached a college hearing. In nine of the 27 cases, the teachers re-offended at the school they had been transferred to. Thirteen of the 27 cases occurred within the Toronto District School Board (TDSB). Five of the 13 teachers re-offended after they had been transferred, eight are still employed by the TDSB, including two teachers who were reported to have re-offended. In all 27 cases, OCT's disciplinary panel substantiated allegations of physical, psychological, verbal, and sexual abuse (Gibson, & Isai, 2017).

Jaffe et al. (2013) published a study examining cases of educator sexual misconduct that occurred between 2007 and 2012 in Ontario. The cases were obtained via a search of the Ontario College of Teachers website for all disciplinary decisions made by the College (specifically concerning members who had faced allegations of professional misconduct), two Canadian databases for judicial decisions, Westlaw Canada and Quicklaw, newspaper articles, and the annotated hearings in the OCT Professional Speaking magazine. The cases were defined as those that included allegations of sexual abuse, sexual communication, possession or creation of child pornography and grooming behaviours. All the cases involved a teacher registered with OCT and a student enrolled in an educational institution from secondary school up to graduation, regardless of age. Individuals who were found guilty of sexual misconduct with students but were not registered with OCT (i.e. volunteer coaches) were not included in the study.

The study found 110 cases that adhered to the above requirements. All 110 perpetrators were registered teachers with OCT, and had undergone a disciplinary hearing before the College for educator sexual misconduct. The misconduct generally occurred “within the context of a trusting relationship with the teacher” (pg. 32); the relationships involved a significant amount of grooming as the foundation for the misconduct. The teacher victimized three or more students in approximately one in four cases, while 54 percent of cases involved only one student. In 93 percent of cases, the misconduct involved several incidences over the course of the school year. One-hundred-and-ten occurrences and their study did not include cases that had not reached the College disciplinary stage. That is deeply concerning given that all 27 cases in the Star article discussed above included an accused teacher that had been investigated, disciplined, and transferred at least once before even making it to a college hearing. What does that say about our system?

In Jaffe et al.'s (2013) study, the sexual misconduct involved fondling, kissing, and hugging. Over one third of cases involved more intrusive sexual abuse which included vaginal intercourse, fellatio, and anal intercourse. Nearly 59 percent of cases involved communication of a sexual nature via texting, handwritten notes, inappropriate oral communication, and the internet. In 54 percent of cases, the victim reported emotional abuse. The sexual misconduct was perpetrated in a variety of locations and was not necessarily limited to one location per case. It occurred in schools, online, at extracurricular activities, elsewhere in the community, the perpetrator's vehicle, the perpetrator's house, and the victim's house (Jaffe et al. 2013). What this indicates is that educator sexual misconduct can occur within a variety of contexts and can include a wide range of inappropriate behaviours.

In a different newspaper report, a group of 28 parents claim that the administration at Harbord Collegiate Institute and the TDSB failed to take immediate action following multiple allegations of sexualized behaviour by a teacher (Sean Gacich), dating back five years (Gibson & Isai, 2018). Along with the misconduct allegations, parents claimed that over 100 students had signed a petition about the teacher's misconduct and given it to the vice-principal. The petition claimed that Gacich did not respect his students' personal space; no visible action was taken.

Concerns over Gacich began five years ago when he assigned his class a project to present non-traditional careers by dressing up. On the assignment, he included dominatrix and exotic dancer as optional choices. At the time, Ruby Watts, a former student of Gacich, created a Facebook message chat with her peers to discuss their reactions to the assignment. A few days later, Watts was called into the office for a meeting with Harbord's administration. She explained to Star reporters that she was prepared to discuss her concerns with the assignment, but the meeting was actually about the administrators' concerns for Gacich's safety rather than the inappropriate content that he was giving to his students (Gibson & Isai, 2018). "It just felt to me like the purpose of that meeting should have been more of a concern of what a teacher was assigning to their students" (para. 21), said Watts. Another student who was also in the class said, "when you're that young, you don't even have the language to talk about it" (para. 23). Why did the administration at Harbord CI take no immediate action following multiple allegations of educator sexual misconduct? They had concern for the safety of Gacich, but not their students? Why is the system allowing this to happen?

Last year (2018), Craig James Lusk, a teacher employed by the Sudbury Catholic District School Board, was suspended and reprimanded for repeated patterns of sexually abusive conduct (Ontario College of Teachers, 2018). Additionally, OCT had ordered him to successfully complete courses on appropriate boundaries, boundary violation issues, and professional ethics, prior to starting or resuming a teaching position for which a teaching license is required. In other words, a teacher who has been suspended for repeated patterns of sexually abusive conduct has the opportunity to teach again. These are just a few examples highlighting what goes on within the Ontario school system.

The common pattern within the cases and articles discussed in this section is the lack of accountability; the teachers engaging in sexual misconduct are not being held accountable for their actions and the administrators are not necessarily accountable for effectively managing the problem. The following section details three cases of educator sexual misconduct that provide some insight into how our education system responds to these types of allegations.

1.6 Individual Cases

The following cases demonstrate some of the gaps within the Ontario education system in terms of how educator sexual misconduct is managed and dealt with. In the first two cases, the teachers engaged in sexually abusive conduct towards minors/students over an extended period of time. They were both criminally charged and found not guilty. They later had to appear in front of the OCT Disciplinary Committee for sexual misconduct and they were both found guilty. Unfortunately, despite their repeated patterns of sexually abusive behaviour, both had the opportunity to return to the classroom provided they fulfill certain requirements. The teacher in the third case is waiting to face an OCT disciplinary hearing. He is being tried for the sexual abuse of students, psychological and emotional abuse, and unprofessional conduct. Said teacher has agreed not to teach until the hearing is complete.

Allowing a teacher found guilty of sexual misconduct to return to the classroom only to reoffend is an unsettling reality that demonstrates a collectively created problem. All three teachers are individually responsible for their own behaviours. However, the management of their behaviours represents a system failure. The inclusion of these cases is meant to point out the deficiencies in managing cases of educator sexual misconduct that go continually unaddressed.

1.6.1 Richard Knill

Richard Knill, certified to teach in 1991, was employed as a secondary school teacher by the Peel District School Board. In 2003, Knill faced eight allegations of professional misconduct related to sexual touching of female students (OCT, 2004). The first two incidents occurred in 1992, when he allegedly drove a 15-year-old student alone in his vehicle and kissed her, on two separate occasions. According to annotated hearings in OCT's publication, *Professional Speaking*, "Knill was interviewed by police following the first incident and was warned against putting himself in circumstances where allegations of inappropriate behaviour might occur" (2004). Rather than protecting the student, the focus was on protecting Knill against further allegations as a result of his own behaviour. Following the second incident, Knill was charged under the Criminal Code of Canada and found not guilty. In 2000, Knill drove another 15-year-old student to a school event and engaged in sexual touching. The student resisted and later reported the incident to another teacher; a report was made to the Children's Aid Society. Knill was criminally charged and found not guilty.

Several years after the incidents occurred, an OCT disciplinary committee held public hearings on April 15, 16, June 17, 18, and November 26, 2003, to examine the allegations of professional misconduct against Knill. In a memorandum of agreement, he admitted to committing acts that would be reasonably considered unprofessional. The panel found him guilty of professional misconduct and ordered the following disciplinary action:

The panel ordered that Knill be reprimanded and that Knill's Certificates of Qualification and Registration be suspended for two months. He must undertake, at his own expense, a course of instruction and reinforcement of boundary issues and a psychiatric assessment (Ontario College of Teachers, 2004).

OCT noted that the suspension would not be imposed if the assessment determined that Knill was not a threat to students and/or the school community, and was fit to return to teaching.

According to the Star (2017), Knill taught at Chinguacousy Secondary School from 2002 to 2004, and Turner Fenton Secondary School from 2004 until 2017. In June of 2017, he was again facing charges of sexual exploitation after allegedly having a relationship with a 17-year-old student (CTV News Toronto, 2017). Further details regarding this case have not been released because they are covered under a publication ban.

This case highlights the many issues present within Ontario's education system. Richard Knill was criminally charged multiple times for sexual misconduct and his teaching license remained intact. Policies and legislation exists, but evidently something is not working.

1.6.2 David Russell Pratt

David Russell Pratt was certified to teach in 1989 and was employed by the Halton Region District School Board. On October 22 and 23, 2003, a panel of the Discipline Committee held a public hearing to review allegations of professional misconduct against Pratt. The panel accepted a memorandum of agreement attesting to the following: between September 1998 and July 2001, Pratt approached female adolescents, on numerous occasions, to engage in sexual activity with him. Additionally, in September 1998, Pratt approached two females, aged 14 and 16, and tried to convince them to get into his car. This incident was investigated by the police. The school board cautioned Pratt against this type of behaviour in the future (Ontario College of Teachers, 2004). This disturbing behaviour was known by the school board, yet Pratt maintained his teaching position and received nothing but a caution.

In July 2001, Pratt approached 15, 16, and 17-year-old females, on more than one occasion "for sexual purposes and engaged in sexual touching when they entered his car" (Ontario College of Teachers, 2004). In his hearing, Pratt acknowledged that he did not show appropriate concern for the age of the females he was targeting. With regards to the incident involving the 17-year-old, Pratt was charged with sexual assault and forcible confinement under the Criminal Code of Canada. He was found not guilty.

The panel found Pratt guilty of professional misconduct and ordered that his Certificates of Qualification and Registration be suspended for two months. However, the suspension was to be postponed on the condition that Pratt underwent a psychiatric assessment, indicating to the Registrar that he is fit to teach. If the psychiatric assessment determined that Pratt was fit to return to the classroom, OCT would not impose the suspension.

In May 2019, Pratt was charged with assault and criminal harassment for an alleged incident involving a student at Lake of Two Mountains High School, a public secondary school located in Quebec (Hendry, 2019). Pratt allegedly punched a student in the chest, twisted their shirt, and forcibly pulled them back down into their seat (Hendry, 2019). The case is currently before the courts. Pratt is currently listed in good standing with OCT.

1.6.3 Ryan Jarvis

On February 14th, 2019, news broke that a former Ontario high school teacher had been found guilty of voyeurism by the Supreme Court. This marks the first time that the top court has had to examine the implications of voyeurism, a criminal charge introduced in 2005. Voyeurism is the act of surreptitiously observing or making a visual recording, for sexual purposes, of someone that has reasonable expectations of privacy (Criminal Code, 1985).

The teacher, Ryan Jarvis, had been secretly recording female students using a hidden camera in his pen (Flanagan, 2019). They found over two dozen videos on his pen, ranging anywhere from six seconds to just over two and a half minutes (Ruttan, 2019). The videos often involved a conversation between Jarvis and a female student. In most, the camera is focused on the student's face, but a considerable amount of time is also focused on the student's chest and cleavage area.

Despite the camera being pointed at the chests of these female students, two lower-court judges had previously found Jarvis not guilty of voyeurism, reasoning that sexual motivations had not been adequately proven. The case was later taken to the Ontario Court of Appeal. The majority of the appeal court came to the conclusion that the videos were taken with sexual intent, noting that at least five videos featured close and lengthy views of cleavage from different angles, both straight on and from above (Ruttan, 2019). However, Jarvis was again acquitted because, in the view of the Court, "the students had no reasonable expectation of privacy while at school" (Flanagan, 2019, para. 4). To this point, the court pointed out the visible 24-hour surveillance cameras located around the school (Tunney, 2019). Fortunately, one of the appeal court judges assented which triggered the Supreme Court hearing.

The top court came to the unanimous decision that students do not have to give up their privacy rights, even if their school has security cameras (Tunney, 2019). As cited in the CBC article (2019), Chief Justice Richard Wagner said that privacy is the "concept of freedom from unwanted scrutiny, intrusion or attention. The explicit focus of the videos on the bodies of the students recorded, including their breasts, leaves me in no doubt that the videos were made in violation of the students' reasonable expectations of privacy" (para 5 & 6). According to Wagner, a person's expectations of privacy with regards to observation and/or recording are not automatically negated when they are in a public or semi-public space.

While all nine judges in the top court found Jarvis guilty, they had differing opinions regarding the legalities of the case. The court noted that Jarvis had been occupying a position of trust, and unlike the Ontario Court of Appeal, drew a distinction between the surveillance cameras at the school and his pen camera. However, three judges argued, despite their finding Jarvis guilty of voyeurism, that the other six judges made an error in considering Jarvis' relationship to his victim's and his use of technology as decision making factors in the case. They argued that these factors should only be taken into account for the purpose of sentencing and not a finding of guilt (Flanagan, 2019). Prutschi, a CTV News legal analyst, said that these split opinions highlight the complexity of such a case, and said that this decision would likely have an impact on future privacy-related legal issues in Canada.

Gillian Hnatiw, lawyer and vice-chair of the Women's Legal Education and Action Fund board, said that this decision should "lay out a very thoughtful test for determining what a reasonable expectation of privacy means in the context of a sexual crime" (Tunney, 2019, para. 24). Moving forward, it is important that privacy issues be further evaluated in light of technology advancements. Within the context of education, it is important that schools be sensitive to such advancements so that they can better protect their students from experiencing misconduct such as voyeurism. While I understand that this issue can be complex within the court system, it is unacceptable that Jarvis, a person working with students, was acquitted twice before being found guilty. This idea of privacy is something that needs to be further examined within the context of education.

These cases highlight a collective problem that alleviates government and school organizations from their responsibility to protect students. In these cases, the teachers who engaged in sexual misconduct were allowed continued access to potential victims, even after allegations had been brought forward. This unacceptable reality continues to pose a threat to student safety every day. The following section examines common ways that educator sexual misconduct gets reported.

1.7 Allegations and Reporting

Allegations of educator sexual misconduct are brought forward in five ways: "formal complaints, informal complaints, observed abuse, observed suspicious behaviours, or rumours and/or anonymous reports" (Shakeshaft, 2004, pg. 34). According to Shakeshaft's (2004) report, studies estimate that approximately 94 percent of children who experience sexual abuse by an

adult either do not tell anyone or tell only a friend. In reanalysis data from the American Association of University Women (AAUW), 71.2 percent of students who had experienced peer and/or educator sexual misconduct told someone; 56.6 percent of those students told more than one person. It should be noted that these findings present statistics from students who have experienced both educator sexual misconduct and peer sexual misconduct, and there is no way to disaggregate the data. Therefore, these statistics should be used with caution (Shakeshaft, 2004).

When information is brought to the attention of school authorities, it is often a friend or parents of the victim who comes forward (Shakeshaft, 2004). Informal information circulates through rumours, innuendos, and jokes. When a student does report misconduct, they most frequently report incidents of contact sexual abuse (i.e. touching, hugging, kissing, intercourse, etc.). Non-contact sexual misconduct (verbal and/or visual) is rarely reported (Shakeshaft, 2004). Nearly 90 percent of all cases that come to the attention of a superintendent are cases of contact sexual misconduct (Shakeshaft & Cohan, 1994).

In presenting these statistics, it is important to keep in mind that these studies are dated and based off incidents in the United States. Unfortunately, few studies surrounding educator sexual misconduct have been conducted in Canada, therefore, we do not have access to this type of data.

1.8 False Allegations

It is indisputable that there should be no tolerance for educator sexual misconduct. While there are several prevention policies in place to prohibit its' presence, these policies do not account for/include any restrictions against making a false allegation. Unfortunately, the number of false allegations in cases of educator sexual misconduct is unknown because there are currently no mechanisms to determine its' prevalence (Robins, 2000; Shakeshaft, 2004). However, in fairness to teachers, it is important to acknowledge that false allegations are a valid concern that can have damaging impacts on the life of the accused. For example, teachers who have been accused of sexual misconduct are often subject to negative media attention, social humiliation, hostility, and sometimes even violence (Sikes & Piper, 2011).

According to Shakeshaft (2004), there is a widespread belief that false allegations in cases of educator sexual misconduct are common. The limited research suggests varying results; Sikes and Piper (2011) reported a rise in false allegations of educator sexual misconduct, and spoke about the damaging repercussions for the falsely accused. Shakeshaft & Cohen (1995)

suggest that false allegations constitute only a small percentage of all the allegations made related to educator sexual misconduct; “it is more likely that students will fail to report actual incidents of sexual abuse than that they will fabricate incidents” (pg. 514). To date, there is no systematic research investigating false allegations against educators specifically. However, studies examining the occurrence of child sexual abuse in general have found that false allegations are not common (Shakeshaft, 2004). According to Noni Classen, the director of education at the Canadian Centre for Child Protection, the number of false claims by students is very low (Ireton, 2019). More research needs to be conducted if we are to gain an accurate understanding of the prevalence of false allegations.

Within the education community, there is a fear that false allegations would create an erosion of confidence in the teaching profession (Robins, 2000). Furthermore, there is a fear that false allegations would unnecessarily alarm students and parents (Robins, 2000). To address this fear, teachers can protect themselves from false allegation by avoiding any behaviours that could be interpreted as sexual misconduct. Shoop (2000), as cited in Cairns (2006), offered the following risk management strategies for teachers to avoid false allegations of educator sexual misconduct:

1. Educators should not be alone with a pupil in their classrooms outside of the regular school day without first notifying their principal.
2. School personnel should avoid being alone with a student behind a closed door.
3. Educators should not meet students outside of school for refreshments.
4. Teachers should avoid counseling students in nonacademic matters. They are not trained as counselors, and if they feel a student is in trouble, educators should refer that child to the school’s counselor(s).
5. School employees should not transport students in or allow students access to their personal vehicles.
6. Educators should not give students hall passes to come to their classrooms on non school-related business.
7. School employees should not engage students in conversations regarding their romantic or sexual activities and should not discuss their own personal problems with students.

8. Students should never be entertained in a teacher's home unless it is a school sponsored activity.
9. Educators should not make sexual remarks, tell sexual jokes, comment about students' bodies, or share sexually orientated information with students.
10. School employees should never come in contact with students in a way that could be construed by a neutral observer as inappropriate (such as brushing against their bodies; touching their hair; or rubbing their necks, shoulders, or backs).
11. Educators should not poke, punch, tickle, wrestle, or spank students (pg. 60-61).

False allegations are a valid concern. However, the risk management strategies listed above are straightforward solutions to avoid being falsely accused. For example, teachers should not be alone with a student in their classroom with the door closed. Whether or not they are engaging in sexual misconduct, being in private isolation with a student is not appropriate and should be avoided.

The following section examines the prevalence of teacher transfers. Teacher transfers can occur for multiple reasons. In some cases, teachers request to be transferred to a different school, while other situations involve informal transfers with limited transparency. The following section examines teacher transfers within the context of allegations of educator sexual misconduct.

1.9 Teacher Transfers

The United States Government Accountability Office (GAO) released a report examining 15 selected cases of schools that either hired or retained individuals with a history of sexual misconduct. In 11 of these 15 cases, schools allowed offenders to obtain or continue their employment. In six cases, offenders used their new position at a school to abuse more children after they were hired. In four of the investigated cases, teachers who would have normally been subject to disciplinary action following sexual misconduct towards students were allowed to resign or separate from the school. It was noted that, "it is often easier and faster for school administrators to remove a problem teacher informally in order to protect the children within their own district" (GAO, 2010, pg. 5). While this information is based outside the Canadian context, it demonstrates a reoccurring problem in the management of cases of educator sexual misconduct. Teachers who engage in sexual misconduct are often not held accountable for their actions because school boards and administrators are unwilling to take on the task of formally disciplining a teacher.

Within Ontario's education system, there are procedures in place that allow teachers to get transferred to a new school. The Ontario Secondary School Teachers' Federation's (OSSTF) 'Transfer Procedures' document outlines three procedures for teacher transfers: (i) Teachers in Schools/Programs Scheduled for Closure, (ii) Facilitated Transfers, and (iii) Transfer Committee Meetings. For the purpose of this literature review, I will be focusing on Facilitated Transfers.

Facilitated transfers are applied when a teacher needs to be transferred from their current home school "for very special circumstances" (OSSTF, 2017, pg. 2). Facilitated transfers occur with the full knowledge of the teacher, the principal, the superintendent, and OSSTF TTBU (Toronto Teachers Bargaining Unit). To begin the process, OSSTF TTBU and the Employee Services Department will put forth names for consideration to a joint committee. The committee will be comprised of the Senior Manager from the Secondary Teaching Office, and an OSSTF TTBU representative. After having reviewed the relevant information, if both parties agree, the teacher(s) up for consideration will be added to the Facilitated Transfer list. If both parties do not come to an agreement, the teacher(s) will not be added. Facilitated transfers will only be considered if there are special circumstances that have been previously documented, and have involved attempts at resolution by Senior Board Staff and OSSTF TTBU. There is no information surrounding the 'special circumstances' that are discussed. All meetings surrounding facilitated transfers are to be held in private to protect the confidentiality of the teacher(s).

According to a Toronto Star newspaper article, it is these transfers that have led to patterns of abuse in schools (Gibson & Isai, 2017). The Star reported to have surveyed 20 public and Catholic school boards across the province about their policies surrounding disciplinary transfers. Their findings indicated that there was no uniform approach, and no dedicated policies:

Some rely on collective agreement language that allows for transfers. Some name transfers as a step in progressive discipline. School boards are either keeping the data on the number of disciplinary transfers a secret or, more commonly, not tracking it (para. 34).

Furthermore, most school boards do not require that the teacher's new principal be informed of why the teacher had been transferred. According to Peggy Sweeney, a spokesperson from the Ontario Principals Council, in the majority of cases, principals would have no idea why a teacher had been transferred.

The Star (2017) anonymously interviewed a retired principal who experienced two instances in which a teacher had been transferred to their school. The first transfer involved a teacher who had been connected to the sexual harassment of colleagues. The second transferred teacher had been moved following allegations of educator sexual misconduct. According to the principal, the second teacher underwent another investigation within three months of their arrival at the school; they were later transferred to another school (Gibson & Isai, 2017). Nick Scarfo, an education professor at the University of Toronto, was cited in the article saying, “Teachers should not be allowed to be transferred to another school who have been found guilty of some type of sexual misconduct or indiscretion with students. It bothers me that these individual teachers are allowed to move to another school and start all over again” (para. 9 & 10).

Unfortunately, both researchers and the public do not have access to any information surrounding the facilitated transfers of teachers. There are no public records disclosing how many teachers get transferred or why they are transferred. As a result, school boards are not being held accountable for both their disciplinary decisions and actions.

In order to appropriately understand the scope of the problem, we need more information about facilitated transfers. This lack of accountability leads to students being subject to educator sexual misconduct. The following sections describe the lasting impacts that this experience can have on both victims and their respective school communities.

1.10 The Impact of Educator Sexual Misconduct on Victims

“My mind will be forever scarred. You took my childhood and my hope for happiness. I went from a child to an adult in a matter of moments and there is no way back”

(Canadian Centre for Child Protection, 2018, 25).

Students who experience educator sexual misconduct suffer both immediate consequences and long-term psychological, educational, developmental, and emotional effects (Jaffe et al., 2013; Shakeshaft, 2004). It is important to note that the post trauma consequences experienced by victims varies considerably depending on several factors including the “severity of the abuse, duration, intrusiveness, injury, the relationship of the perpetrator to the victim, use of threats, the emotional vulnerability of the victim, self-blame, age and previous victimization” (Robins, 2000, pg. 94). The responses of others (i.e. teachers, family members, the legal system, etc.) can also have a significant impact on the type of post trauma experienced by the victim. For example, if the victim is disbelieved or blamed for the abuse, this has a negative effect vs. if a

victim is believed and helped to feel safe, this type of response can have a healing effect (Robins, 2000).

When a student is experiencing sexual misconduct in any capacity, they might distance themselves from school work and/or activities, skip classes, or drop out of school entirely (Ontario Human Rights Commission). Other psychological effects of sexual misconduct can include loss of appetite, stomach aches, difficulty concentrating, disrupted sleep, lowered self-esteem, social isolation, anxiety, depression, and feelings of sadness, fear, and/or shame. In some cases, students may resort to substances such as drugs and/or alcohol as a way to cope.

Burgess et al. (2010) analyzed two case reports of educator sexual misconduct, with a focus on its impact on adolescent development. The immediate impacts of the abuse included embarrassment, shame, mood and sleep disturbances, and isolation from friends and family. Long-term impacts included post-traumatic stress disorder (PTSD), depression, alcohol abuse, lack of focus, and sexual dysfunction. Additionally, both victims reported significant disruptions in several developmental areas including: the interruption of peer relationships, the interruption of regular high school dating patterns, and the rupture of parental relationships.

According to Shakeshaft's (2004) analysis of the American Association of University Women (AAUW) data, at least one third of students who were targets of educator sexual misconduct reported behaviours that would negatively impact their academic achievement. These behaviours included avoiding the teacher (43 percent), not wanting to attend school (36 percent), not participating in class (34 percent), trouble paying attention (31 percent), staying home from school or skipping class (29 percent), and trouble studying (29 percent). One quarter of targeted students reported academic or disciplinary repercussions that they attributed to the incident. This included receiving a lower grade on a test, assignment, or class (25 percent), getting into trouble with school authorities (25 percent), feeling less likely to receive a good grade (23 percent), thoughts about changing schools (19 percent), and actually changing schools (6 percent). Twenty-eight percent of students reported noticeable health effects such as a loss of appetite and sleep disorder. A significant number of students reported negative feelings of self-worth as a result of the abuse they experienced. This included feelings of embarrassment (51 percent), feeling self-conscious (39 percent), feeling less sure of self or less confident (37 percent), feeling scared (36 percent), feeling confused about identity (29 percent), and doubts

about whether a happy romantic relationship would ever be possible (29 percent) (Shakeshaft, 2004).

Within the American education context, the school district rarely provides any time or therapeutic assistance for victims and other members of the school community; “I have found no description of policies and procedures that debrief other students or their parents” (Shakeshaft, 2004, pg. 45). Furthermore, schools and boards do not provide any recommendations for the types of support resources a victim should receive from the school (Shakeshaft, 2004). While this analysis was conducted several years ago, I have found no up-to-date procedures that outline how to debrief students or their families in either American or Canadian education contexts.

In the DeLuca case, Robins (2000) reported that many of his victims continue to re-experience trauma symptoms. Robins has categorized their symptoms into the following categories: shame and embarrassment, trust issues, feelings of vulnerability, emotional symptoms, and effects on sexuality. Victims of educator sexual misconduct can develop feelings of shame and embarrassment through messages that are conveyed by their abuser and the reactions of others. For example, DeLuca drew one of his victims’ attention to his erect penis and said, “look what you have done to me” (pg. 136), as if the victim was somehow to blame for his behaviour. Additionally, sexual comments made by adults in positions of authority (i.e. teachers) can lead to feelings of self-consciousness, embarrassment, lowered self-esteem, and confusion, which can cause the victim to feel guilty and fearful of eliciting similar inappropriate comments in different contexts. For example, when a student was filling out a school form, DeLuca said she should include “a nice ass, nice tits and... would be a good lay” (pg. 136), in her list of assets. Post-disclosure reactions can lead to feelings of shame and/or embarrassment when a victim is told, for example, not to disclose their experiences to anyone.

Sexual abuse can have a significant psychological impact on victims when it happens within a relationship that is meant to be protective and supportive. For example, teachers are in a position of both trust and authority. When this trust is broken, it can have a serious impact on the victim’s ability to trust others in the future. In the DeLuca case, many of his victims reported a distrust of people in positions of authority throughout the remainder of their schooling years, and for some, this distrust continued throughout their lives. Victims may also experience feelings of vulnerability to further abuse because they were unable to protect themselves the first time.

These feelings of vulnerability can be exacerbated in instances when the victim came forward but the adults who were meant to protect them failed to do so (Robins, 2000).

Another important issue to address is the trauma associated with repeated testimonies. A student who has experienced educator sexual misconduct may be required to describe their experience on multiple occasions. For example, they might be asked to relive their experience to school staff, the police, children's aid workers, their family, and their friends. Children and adolescents generally find the testimonial process to be highly unpleasant. Prior to their testimony, they might experience elevated levels of anxiety, they might be easily distracted, subject to outbursts of anger, have disrupted sleep patterns, and feel isolated from others (Robins, 2000). There are many layers of legal proceedings that are associated with a case of educator sexual misconduct, "for students who were victims of sexual misconduct by their teachers, the multiplicity of proceedings (and the delays associated with these proceedings) contributes to their emotional distress, interferes with counselling, diminishes any sense of well-being, and prevents closure" (pg. 140).

In addition to the trauma associated with the testimonial process, students who testify against a teacher often feel a significant amount of pressure from their school community. The accused teacher is frequently supported by other teachers and parents, which can further isolate the student. In some instances, teachers who engage in sexual misconduct have an exemplary reputation. As a result, the school community favours their credibility over that of the victim, which can be very disheartening for the victim.

The occurrence of educator sexual misconduct can also have a significant impact on the school community (Lipson, Grant, Mueller, & Sonnich, 2019). When it is not adequately addressed, school staff and other students are negatively impacted (Shakeshaft, 2004). However, Shakeshaft (2004) found no existing studies that specifically examine the effects of educator sexual misconduct on school climate and those within the community. In an attempt to address this gap within the literature, Krimbill (2016) conducted a study examining the impact of educator sexual misconduct on the school community through the perspective of school administrators. In the three interviews that were conducted, the researcher found no consistency in the administrator's explanation of the impact of the misconduct on the school community. The findings ranged from no impact on the school to a significant impact. It should be noted that this study only included anecdotes from three participants, and therefore the findings are limited.

More research needs to be conducted if we are to gain an accurate understanding of how educator sexual misconduct impacts the school community and those within it.

The following section describes a student-run campaign that began as a response to a high school's failure to appropriately address allegations of educator sexual misconduct. While there is limited academic research investigating the impact of educator sexual misconduct on the school community, the campaign demonstrates the significant impact that it can have.

1.11 'Not Just Rumours' Campaign

'Not Just Rumours' is a student-led movement devoted to reforming the current systems and policies that are failing to protect youth from educator sexual misconduct. The movement came in response to Harbord Collegiate Institute's failure to adequately investigate sexual misconduct allegations against one of their teachers. According to one Harbord CI student, the administration dismissed the allegations as 'student perceptions'. The student went on to say:

This contributes to a culture where students are taught that there are little to no consequences for sexual misconduct; where students are not considered credible sources – discouraging other students from coming forward and further exposing students to the possibility of future disciplinary issues from teachers (Escallon-Sotomayor, 2018, para. 4).

The students from Harbord CI are urging teachers and administrators to enforce an explicit and comprehensive system in which allegations of educator sexual misconduct are promptly and appropriately addressed.

These students feel that there are significant grey areas within the Protecting Students Act (PSA) that allow teachers who have been found guilty of sexual misconduct to continue teaching. They started a petition advocating for reform to the PSA, so that students are better protected from sexual misconduct in schools. Over 19 000 people have signed. What does that say about our education system? This student-led campaign demonstrates the need for a higher emphasis on student protection and safety. If students are speaking out against the policies and administrators that are meant to protect them, something within our system is not working.

1.12 Policy Documents & Legislation

"...educational leaders in societies whose governments are committed to certain fundamental principals, such as tolerance and respect for the fair treatment of all

individuals, can and should look to laws and public policies for ethical guidance”
(Shapiro & Stefkovich, 2001, pg. 11).

Within Ontario, there is both legislation and education policy documents that aim to protect minors against any form of sexual misconduct. In studying educator sexual misconduct, it is important to understand the legislation in place to prevent and/or manage its’ occurrence. The following section outlines the Criminal Code of Canada, the Education Act, the Ontario College of Teachers Act, Bill 37, Bill 31, and Bill 48.

1.12.1 Criminal Code of Canada

The Criminal Code of Canada is a law that classifies criminal offences and procedures in Canada. The Criminal Code protects Canadians from all forms of sexual abuse and exploitation. For example, it protects against sexual assault, sexual assault with a weapon, aggravated sexual assault, voyeurism, trafficking in persons, and non-consensual distribution of intimate images (Department of Justice, 2017). Additionally, there are child-specific offences that the Criminal Code addresses to protect minors from different forms of sexual misconduct. These offences include sexual interference, invitation to sexual touching, and sexual exploitation.

For the purpose of this study, I will be focusing on Part V of the Criminal Code, *Sexual Offences, Public Morals and Disorderly Conduct*. Part V addresses different forms of child-specific sexual misconduct that are punishable offences. There are three sections within Part V that are important to understand. All of the behaviours listed in this section would be considered sexual misconduct within the education context.

Section 151, *Sexual interference* refers to “every person who for a sexual purpose, touches, directly or indirectly, with a part of the body or with an object, any part of the body of a person under the age of 16 years” (pg. 180).

Section 152, *Invitation to sexual touching* refers to “every person who, for a sexual purpose, invites, counsels or incites a person under the age of 16 years to touch, directly or indirectly, with a part of the body or with an object, the body of any person, including the body of the person who so invites, counsels or incites and the body of the person under the age of 16” (pg. 181).

Section 153, *Sexual exploitation* refers to “every person commits an offence who is in a position of trust or authority towards a young person, who is a person with whom the young person is in a relationship of dependency or who is in a relationship with a young person that is exploitive of the young person, and who (a) for a sexual purpose, touches, directly or indirectly, with a part of

the body or with an object, any part of the body of the young person; or (b) for a sexual purpose, invites, counsels or incites a young person to touch, directly or indirectly, with a part of the body or with an object, the body of any person, including the body of the person who so invites, counsels or incites and the body of the young person” (pg. 181).

A person who engages in any behaviours discussed in these three sections, “(a) is guilty of an indictable offence and is liable to imprisonment for a term of not more than 14 years and to a minimum punishment of imprisonment for a term of one year; or (b) is guilty of an offence punishable on summary conviction and is liable to imprisonment for a term of not more than two years less a day and to a minimum punishment of imprisonment for a term of 90 days” (pg. 181). Additional child-specific offences include child pornography, luring a child and exposure (Department of Justice, 2017). Luring a child refers to the use of the internet to communicate with a young person for the purpose of committing a sexual or abduction offence against said young person. Exposure refers to the act of exposing one’s genital organs for a sexual purpose to someone under the age of 16.

According to the Canadian Department of Justice, any sexual activity without consent is considered a criminal offence, regardless of age. In Canada, the age of consent to any form of sexual activity is 16 years. The age of consent refers to the age at which a person can legally agree to sexual activity. The age of consent is higher when there is a relationship of authority, trust, or dependency. For example, a 16-year-old cannot consent to sexual activity if: “their sexual partner is in a position of trust or authority towards them, for example their teacher or coach; the relationship between the young person and their sexual partner is exploitative” (Department of Justice, 2017, para. 8). When discussing educator sexual misconduct, it is important to understand that all the behaviours listed above are punishable offences under the Criminal Code of Canada.

1.12.2 Education Act, 1990

The Education Act provides the statutory basis for how education in Ontario is delivered to all students enrolled in the publicly funded system. The act is primarily responsible for how schools are governed and regulated. For the purpose of this study, it is important to understand Part VI, *Duties and Powers*, Section 170 (1) Every board shall, duties – charges, convictions

12.1 on becoming aware that a person who is employed by the board as a teacher or

temporary teacher, or a person who is employed by the board in a position designated by the board as requiring an early childhood educator, has been charged with or convicted of an offence under the Criminal Code (Canada) involving sexual conduct and minors, or of any other offence under the Criminal Code (Canada) that in the opinion of the board indicates that pupils may be at risk, take prompt steps to ensure that the person performs no duties in the classroom, no duties in an extended day program and no duties involving contact with pupils, pending withdrawal of the charge, discharge following a preliminary inquiry, stay of the charge or acquittal, as the case may be; 2010, c. 10, s. 6 (3) (Education Act, 1990).

When a teacher is charged and/or convicted under the Criminal Code of an offence involving sexual misconduct and minors (see section 1.12.1), the Education Act places the responsibility on school boards to determine whether or not that teacher is fit to be around students.

1.12.3 Passing Bills in Ontario

Education in Canada is a provincial responsibility, therefore, it is important to understand the processes involved in creating legislation within Ontario. This section focuses specifically on the process of proposing and passing bills. A bill is an idea that is presented for consideration to the Legislative Assembly by a Member of Provincial Parliament (MPP); it can be a proposal to make a new law or to change an existing law. In order to become an official law in Ontario, a bill must pass through every stage prescribed by the Legislature.

There are three types of public bills: Government Bills, Private Members' Public Bills, and Committee Bills. For the purpose of this study, the focus will be on Government Bills, which are bills that are introduced by Cabinet Ministers. Typically, the Minister who is responsible for the policy area most relevant to the proposed bill introduces it and leads the debate during the subsequent steps. Before a government bill is presented to the Legislative Assembly, it needs to pass through a pre-legislative process. In some cases, this process can be more important to the fate of the proposed bill than the formal legislative process. During the pre-legislative process, there are many opportunities for the proposed bill to be rejected, significantly amended, or deemed too low of a priority to continue (Ontario Legislative Assembly, 2011).

The pre-legislative process is protected by regulations and conventions of confidentiality, and therefore occurs out of the public eye. The opposition, the media, and constituents are only informed of the proposals that successfully emerge from the pre-legislative process, but not of

those that are rejected or held-up for whatever reason(s). It should also be noted that the pre-legislative process varies depending on the government in power; it involves various structures and roles of cabinet that are designed by the current Premier.

After a bill has passed through the pre-legislative process, it gets introduced to the House and goes through a set of prescribed stages. The stages are as follows:

Idea, all laws start out as ideas;

First Reading, purpose of bill is explained;

Second Reading, bill is debated in principle;

Review by Committee, public hearings may be held and amendments considered;

Report to House, committee reports bill with any amendments;

Third Reading, bill is voted on for final approval;

Royal Assent, Lieutenant Governor signs bill and it becomes law (Ontario Legislative Assembly, 2011, pg. 3).

The provincial government has an important duty to ensure student safety through the development of effective legislation surrounding educator sexual misconduct. The following subsections examine bills that have impacted how educator sexual misconduct is managed within schools.

1.12.3.1 Bill 37, An Act to amend the Ontario College of Teachers Act, 1996

In December of 2016, the Ontario government passed Bill 37 which made amendments to the Ontario College of Teachers Act, 1996. These amendments were made to increase educator accountability with regards to educator sexual misconduct and provide more detailed definitions of professional misconduct and sexual misconduct. Additionally, the amendments broke down the meaning of “student” for the purpose of understanding sexual abuse and sexual misconduct. According to a Global News report (2016), the Liberal government claimed the Bill would tighten the disciplinary process and make the outcomes more accessible to the public.

Bill 37 was meant to increase protection for students by making the disciplinary process for teachers clearer and more transparent by:

- Ensuring a teacher’s certificate is revoked automatically if he or she has been found guilty of specified acts of sexual abuse or acts relating to child pornography.

- Requiring school boards and other employers to inform the Ontario College of Teachers when they have restricted a teacher's duties or dismissed them for professional misconduct.
- Allowing the Ontario College of Teachers to share information with the school board if the subject of a complaint poses an immediate risk to a student or child.
- Requiring the Ontario College of Teachers to publish all decisions made by its disciplinary committee.
- Imposing new timelines to resolve cases more quickly and efficiently (Bill 37. 2016).

The bill was originally criticized by OCT (Global News, 2016), however, after consultation Michael Salvatori, CEO of OCT, believes that this updated legislation accurately represents their commitment to enhancing transparency and efficiency to best serve the public interest (OCT, 2019). For example, when there is a proven allegation of sexual abuse, a College panel would no longer have discretion with regards to the order or sanction, as it would be a mandatory revocation.

1.13.3.2 Bill 31, Plan for Care and Opportunity Act, 2018

In May of 2018, the Ontario government passed sections of Bill 31, which included a series of amendments to better protect students from educator sexual misconduct. The new amendments relevant to this study are as follows:

- Expand the list of acts that would result in mandatory revocation, including touching of a sexual nature by teachers of a student's genitals, anus, breasts or buttocks;
- Require that any other findings of sexual abuse by the College's Discipline Committee that do not result in mandatory revocation result in a mandatory suspension of the member's certificate;
- Enable the College's Discipline Committee to immediately suspend a member pending an order of mandatory revocation;
- Apply retroactively to any historical matters that may have occurred prior to, or during, the College's existence (OCT, 2018).

These amendments came into effect on May 8th, 2018.

There are two additional amendments that were not proclaimed, but will come into effect at a later date. According to a representative from OCT, these amendments will be added to Bill 48 (see section 1.12.3.3 for further information), which is now before the Standing Committee on

Social Policy. These amendments will give the Investigation Committee the authority to order medical assessments, and provide funding for therapy and/or counselling for students who have been abused by teachers. The therapy and counselling program is scheduled to come into effect January 1st, 2020. At this point, OCT is still working to determine the specific parameters of the program.

1.12.3.3 Bill 48, Safe and Supportive Classrooms Act, 2019

Bill 48, Safe and Supportive Classrooms Act, 2019, is now before the Standing Committee on Social Policy. This bill proposes amendments to the Ontario College of Teachers Act, 1996. The amendments most relevant to this study are as follows:

1. Various amendments are made with respect to professional misconduct
 - i. The definition of “professional misconduct” is amended to include prescribed sexual acts, which are offences of a sexual nature under the *Criminal Code* (Canada) and prescribed by a regulation made under the Act
 - ii. The new subsection 1 (8) clarifies that sexual abuse of a student does not include touching or behaviour that is a necessary part of a teacher’s professional responsibilities or remarks that are pedagogically appropriate.
 - iii. Section 30.2 of the Act is updated to require mandatory revocation of a member’s certificate if the Discipline Committee finds the member guilty of an act of professional misconduct that consists of or includes sexual abuse of a student, a prohibited act involving child pornography or a prescribed sexual act (Bill 48, 2019).

Bill 48 also proposes amendments to the Teaching Profession Act:

The Schedule amends the *Teaching Profession Act* by adding a new subsection 12 (3.1) that clarifies that sexual abuse of a student does not include touching or behaviour that is a necessary part of a teacher’s professional responsibilities or remarks that are pedagogically appropriate (Bill 48, 2019).

These proposed changes are an attempt to eliminate the grey areas that exist surrounding the behaviours associated with educator sexual misconduct, and strengthen the disciplinary repercussions for perpetrators.

On February 25th, 2019, the College gave a formal submission to the Standing Committee on Social Policy offering their perspectives on Bill 48. The College has indicated that they

support the bill, particularly the expansion of terminology surrounding professional misconduct, and the amendments leading to the mandatory revocation of a member's certificate if found guilty of such misconduct (Salvatori & Lewko, 2019). Additionally, the College has indicated that they strongly support the provision of funding for therapy for students who have been sexually abused by a member of the College.

Chapter 2: The Original Study

“The lack of documentation by those who received reports of abuse; the refusal to believe or pursue their complaints; the protection afforded to DeLuca from higher levels in the education system; the lack of response by the education system to parental complaints; the punishing of children for disclosing the truth; and the continuation of sexual abuse of children for over 20 years combined to create a terrible sense of injustice for these women. For many of them, the bigger crime was the failure by the education system to protect children and to accept responsibility for what had happened until compelled to do so” (Robins, 2000, pg. 99).

Today’s political climate is subjecting organizations to increased scrutiny surrounding the issue of sexual misconduct. Unfortunately, it remains a black box within the realm of education. Specifically focusing on educator sexual misconduct, we have no way of knowing how frequently it occurs, how many cases there have been, how the cases are handled, what happens to the accused teachers, etc. Most public information comes from newspaper reports (Shakeshaft, 2004). While these reports are valuable, there is rarely any follow-up about the outcome of any given allegation. As a result, there is a lack of accountability for schools and school boards, and no transparency in the steps taken to manage and prevent instances of educator sexual misconduct. The procedures employed to handle the allegations are not questioned, mainly because nobody actually knows what goes on within schools.

The original purpose of this study was to examine how principals manage allegations of educator sexual misconduct. I sought to understand how principals interacted with different education stakeholders when allegations were made, who they contacted (i.e. the police, the accused teachers, the student, the students’ parents, the Teachers’ Union, the School Board, OPC, etc.), what support resources they had access to, and what impact such allegations had on them, both from a personal and professional standpoint. The goal was to gain an understanding of what exactly goes on within schools when an allegation is brought forward.

In addition to understanding the role of principals, other questions that I had upon beginning my study were: is it possible to conceptualize this problem in such a way that accurately highlights its’ severity? Who is responsible for student safety? Who is responsible for holding both the government and the education system accountable for student safety? It is not enough to write policies (they exist and they aren’t working): where do we go from here?

I decided to focus on principals because they are responsible for the organization and management of schools. Some of their responsibilities include:

- assigning teachers to classes and assisting and supervising them;
- ensuring student supervision and school discipline;
- making recommendations to the school board on the appointment, promotion, demotion and dismissal of teachers (Ministry of Education, 2009).

Given these responsibilities, I thought that focusing on principals would allow me to gather important information about how educator sexual misconduct is handled when an allegation is first brought forward. Additionally, I thought it would be important to understand what mechanisms principals use to supervise their teachers (i.e. do they have a system in place for identifying problematic behaviours?), and what their role is in managing and supporting their school community in the midst of educator sexual misconduct allegations.

2.1 Methods

The study was designed to gather information from current or formal principals who had dealt with allegations of educator sexual misconduct. The proposal for this research passed the University of Toronto ethics process, and the methods for the data collection process were carefully constructed to gather the appropriate information. The following sub-sections outline the methods used in the original study including participants, data collections, and the ethics process.

2.1.1 Participants

The participants of this study were going to be current and/or formal principals in the Ontario education system. The eligibility requirements were as follows: (i) must be a current or former principal of a public secondary school within Ontario, (ii) must have dealt with allegations of educator sexual misconduct during tenure as principal. I wanted to gain an understanding of how principals interpreted the reporting procedures, and the specific actions they had taken when faced with allegations of educator sexual misconduct. Additionally, I sought to gather more information about whether principals felt supported in their role, and gain an understanding of what support resources, if any, they had access to.

To recruit participants, I used purposeful sampling. I used newspaper records that had reported an incident of educator sexual misconduct within a particular school to determine which schools to contact. Additionally, I distributed a recruitment flyer to educators and administrators

to share with their past and/or present colleagues that might be eligible to participate in the study (see appendix A). The purpose of the recruitment flyer was to allow individuals to contact me directly if they were interested in being involved in the study, rather than the other way around. Beginning this research, I had also intended to use snowball sampling. I was unable to use this technique because nobody was willing to participate.

My proposed sample size was anywhere from 6 to 12 participants. I decided on a smaller sample because I thought it would allow me to get a more comprehensive review of each allegation and the specific interactions that occurred throughout the process. I thought more details rather than more participants would increase my ability to make specific recommendations for future improvements in terms of how principals manage/oversee educator sexual misconduct allegations.

2.1.2 Data Collection

The data collection process was going to involve individual interviews with current and/or former principals in the Ontario education system. The interviews were going to be conducted outside of school environments, taking approximately one hour (the duration time may have varied depending on the responses of the participants). The interviews were going to take place in a mutually agreed upon space wherein each participant felt comfortable sharing sensitive information. To ensure the accuracy of the information shared, each interview was going to be recorded and transcribed, with the consent of the participant. Upon completion of the interviews, I was going to use an exploratory analysis approach to analyze the collected data, along with a combination of descriptive, pattern, and thematic coding to try and identify patterns and themes within the collected data. See appendix B for the list of interview questions.

2.1.3 Ethics

Educator sexual misconduct is a sensitive subject to discuss. These situations are often emotionally charged and challenging to navigate. As the researcher, it was important to minimize any potential risks (i.e. psychological, emotional, etc.) that could surface throughout the investigation. Before beginning the interview process, I was going to ensure that each participant had a clear understanding of the purpose of the study and their role as a participant. I had given all potential participants the option to withdraw from the study if they ever felt uncomfortable or at risk. The research was not going to involve the extraction or collection of any personally identifiable information, and I had ensured that all the information provided was to remain

entirely confidential. If participants chose to withdraw from the study, any information and/or data that had been collected prior to their withdrawal would be destroyed and not used in the study.

The consent process was an important aspect of the ethics piece in this project. I had planned to send all participants an email that provided a detailed information letter outlining the purpose of the study, the potential benefits, information regarding confidentiality, and their rights as a participant (see appendix C). Participants would have been asked to sign the attached document to indicate that they had read and understood the information letter and consented to their participation in the study. Additionally, a physical signature was going to be obtained at the time of the interview. Prior to beginning the process of finding participants and collecting data, the research proposal for the project had been reviewed and approved by the University of Toronto Ethics Board.

2.2 Results

Unfortunately, I was unable to complete the original study because there was not a single eligible person that was willing to participate. This lack of participation speaks volumes about the culture of silence that exists surrounding educator sexual misconduct. I was not asking anyone to disclose specific information about cases that they had dealt with (i.e. what type of sexual misconduct happened? What was the outcome?). I was not asking for any information about the individuals involved in the case. I was interested in finding out how principals felt about their own understanding of educator sexual misconduct and the procedures that they followed (or did not follow) in managing allegations. I was also curious to know whether or not they had access to support resources, or felt supported in their role throughout the investigation process. I had undergone an extensive ethics process with the University of Toronto to get this study approved and still nobody would participate.

This raised a lot of questions surrounding how educator sexual misconduct is not only dealt with, but how it is understood by educational administrators. I was guaranteeing confidentiality for all participants; why were so many people unwilling to talk about it? Was the pattern of silence a product of fear and/or discomfort regarding the subject matter? Would there have been repercussions for the principals had they talked to me about their own behaviours in managing sexual misconduct allegations? The subject seemed to be somewhat taboo within the education world. Why was this?

The following section describes the steps that I took to find participants. It outlines the individuals and organizations that I contacted, the conversations that I had, and the challenges that I faced throughout the process.

2.2.1 Contacting Participants

I contacted 28 principals from the Toronto District School Board; 22 of them did not respond. Two principals indicated that they were not eligible to participate in the study. One principal said that he could not participate but did not indicate why. One principal declined the opportunity to be involved. One principal responded as an administrative member of the school board asking that I stop contacting principals until I spoke with the Executive Superintendent of the TDSB, as my study supposedly needed to be vetted by the TDSB Research Department. One principal responded with questions about my consultation with the TDSB to conduct the study and never responded following my second email.

Throughout this process, I tried to contact several education organizations to see if I could gather any relevant information about recruiting participants. I spoke with a representative from the Ontario Principals' Council (OPC). I forwarded them an email with all the information about my study so they could circulate my recruitment flyer. I did not hear back following our conversation. I got into contact with a representative from Retired Teachers of Ontario (RTO), who said that the organization is too large to pinpoint only retired principals. The individual indicated that they were willing to contact retired principals that they knew personally. I received no further response. I emailed the Toronto School Board Administrators' Association and received no response. I contacted the Ontario College of Teachers (OCT) and spoke with a representative on the phone. While OCT could not do anything to help, they explained that the role of principals was mostly about taking written statements from students and forwarding them to the school board. I posted on the OCT Facebook page and did not receive any interest. I also contacted the Attorney General of Ontario to see if they had any information regarding the legal processes involved in allegations of educator sexual misconduct; I received no response.

I contacted a journalist from the Toronto Star who frequently reports issues of educator sexual misconduct. They put me into contact with a high school teacher that they had previously interviewed. While this contact was not an eligible participant for my study, they indicated that they experienced at least three principals ignore allegations of sexual misconduct throughout their teaching career.

I spoke with colleagues from OISE and asked them to distribute the recruitment flyer to anyone they knew who might be eligible. One colleague put me into contact with a former elementary school principal. While this person was not eligible to participate, they did indicate that they dealt with a serious case of sexual misconduct during their tenure, and would have been happy to help. One principal from the Halton District School board (HDSB) replied that I needed to get approval from the superintendent's office. Another administrator from HDSB responded that gaining participants for this work involved a formal process request and could not be administered by 'volunteers and good will'. I briefly spoke with an OISE class about my research, inquiring about whether they could put me into contact with eligible participants. I received some interest but nothing came of it.

The most common response that I received was that I needed to get my study cleared by school board ethics before talking to any principals. I explained that I was not required to consult the boards because I was not going through them to acquire any information. This explanation did not help me gain participants.

Throughout this process, one phone conversation stood out to me and became an important turning point in the direction of this project. I spoke with someone who has several years of experience working in the education system. This person did not think that I would be able to find participants who would be willing to share their experiences, and they discouraged me from continuing in the direction that I was going. They said that all principals would likely say that they followed board policies and/or did what their association lawyer told them to do. They told me that once a teacher is accused of something, the principal(s) washes their hands and walks away. Their suggestion was to do an analysis of board policies rather than do a people focused paper.

The conversation gave me a lot to think about. How big of a role do principals actually play within the management of educator sexual misconduct allegations? Would this project be more worthwhile looking at the problem from a different angle? What would this project look like if I used a different research framework? Would a policy analysis be a more informative way to study this topic?

2.2.2 Challenges

This project presented a lot of challenges. As seen in the above section, the biggest challenge was finding participants. My inability to talk to any principals raised the question: why

is it so hard to talk to people about this subject? What factors contribute to peoples' unwillingness to openly discuss this subject? The following sub-sections outline the many challenges that I encountered when doing this project.

2.2.2.1 Educator Sexual Misconduct: The Term

One of the challenges that I faced when I began my original research study was how to navigate and understand the term 'educator sexual misconduct'. A lot of government and education sources state repetitive yet somewhat differing facts about how to define the term, and what kinds of behaviours should be included in the definition. In further investigating this issue, I noticed a lot of confusion surrounding what exactly constitutes educator sexual misconduct. If the term itself is not clearly defined, how are education personnel are supposed to navigate its' presence? This lack of uniformity needs to be addressed within legislative and education documents.

2.2.2.2 Lack of Existing Literature

In doing this project, I noticed a significant lack of academic literature surrounding the subject. For many reasons, researchers do not have access to information about the specific proceedings of an investigation process involving educator sexual misconduct. As a result, nobody really knows what goes on within schools. In terms of public information, we have access to the blue pages and newspaper reports. While this is better than nothing, these public reports do not provide an accurate representation of all existing cases. Many cases do not reach the level of OCT and are therefore not published in the blue pages. Similarly, news reports do not include the majority of cases that exist.

The majority of existing literature was conducted internationally. While this is helpful in making inferences for our education system, the findings do not accurately reflect the Canadian context. Additionally, most large-scale research surrounding this subject was conducted several years ago. To accurately understand this phenomenon, we need continued up-to-date research that is reflective of the current education climate.

2.2.2.3 Lack of Participants

Finding participants for this study was an insurmountable obstacle. I tried contacting participants from multiple angles, both directly and indirectly. In contacting participants directly, the biggest challenge was not having approval by the school boards. Several principals were unwilling to participate because their board was not aware that this research was being

conducted. I spoke with representatives from OPC, OCT, RTO, OISE students and professors, a reporter from the Toronto Star, and current teachers to try and find participants indirectly. I received some helpful leads but I was ultimately unable to find any participants.

2.2.2.4 Lack of Transparency

Based on the reviewed literature and conversations with education personnel, a significant number of investigations take place at the school board level. For example, before an allegation of sexual misconduct is reported to OCT for a disciplinary hearing, the school board does their own investigation to determine whether or not disciplinary action is necessary. At the school board level, there is not enough transparency in terms of what goes on with allegations of educator sexual misconduct.

It is clear that the policies surrounding educator sexual misconduct are changing and becoming increasingly rigid. The government has put forth several bills with the intention of increasing transparency and accountability for teachers who engage in this type of misconduct. However, there continues to be a lot we do not know in terms of teacher transfers and board investigations. While some of this information remains private for confidentiality reasons, there needs to be more transparency in terms of the actions that school boards and administrators are taking to ensure that students are protected from educator sexual misconduct.

2.2.3 Culture of Silence

Society as a collective is beginning to raise awareness about the culture of silence that exists surrounding sexual violence in general. For example, in the wake of sexual misconduct allegations against former Hollywood film producer Harvey Weinstein, thousands of women began to identify themselves as survivors of sexual harassment and assault using the hashtag #MeToo on social media platforms (Bernstien, 2017). Victims are speaking out in unity, and in some ways, breaking the culture of silence that exists. Unfortunately, this is not the case within all contexts.

Within our education system, there is a deeply rooted culture of silence that inevitably influences the way educator sexual misconduct is dealt with. The lack of participation in this study only highlighted this culture, and emphasized the need for open discussions about how students can be better protected at school. Unfortunately, no systematic research has been conducted about the culture of silence surrounding sexual violence within the context of education.

In 2018, the Star published an article referencing the culture of silence as a barrier to reporting colleagues. “The whole presumptive behaviour of ‘don’t snitch on your colleagues because it’ll come back to bite you’ is pretty much entrenched in the profession, and new teachers learn that very quickly” (Gibson & Isai, 2018, para. 2), said a former OCT disciplinary committee member. Two teachers who spoke to the Star indicated that they either feared or experienced workplace retribution for reporting a colleague. In both cases, the colleagues that had been reported were transferred to different schools. One teacher revealed that they had filed a complaint with OCT against a colleague who had been transferred between at least three schools before getting his license revoked. According to OCT documents, the accused had been found to have a romantic relationship with a student when his license was taken away (Gibson & Isai, 2018). One teacher said the following:

“Teachers are afraid of retaliation, from the union, from the Ontario College of Teachers, from the superintendent, from the principal... there are a lot of things that weigh on teachers and make them perhaps not as responsive to situations until they almost get out of hand. There’s a bureaucratic arbitrariness that doesn’t make sense why some people are disciplined right away, and then other people who have a much worse record are kept around” (Gibson & Isai, 2018, para. 12).

There should be no reason that makes teachers or anybody working in the education system feel that they have to be less responsive to situations that are posing a threat to student safety.

This culture of silence is inhibiting our understanding of how educator sexual misconduct cases are handled, and in turn, students are not being protected. Schools and their respective boards have the opportunity to hide behind this culture without having to take responsibility for their management of allegations involving educator sexual misconduct. More research needs to be conducted in order for us to better understand what goes on within schools and how this culture of silence is impacting the disclosure and management of these types of cases.

Chapter 3: Research Questions

The study of educator sexual misconduct is wide ranging and can be looked at from a number of different angles. When I first approached this topic, I wanted to examine how principals navigate allegations with a specific focus on the policies and procedures involved in managing these situations. In doing this project, it became apparent that there are many complicated facets involved in this problem.

Within the academic community specifically, there is a general lack of research surrounding educator sexual misconduct. This chapter presents different angles from which to study this problem and includes research questions that could be explored. For example: what type of information should be gathered if someone were to research this topic from the perspective of school boards? How is a particular stakeholder (i.e. the school board) involved when allegations arise? How are these situations managed from a legal perspective?

We currently have little to no information regarding how these situations are handled because there is a lack of transparency within multiple levels of the system. We know that policies exist, however, we do not know what actually happens when allegations are brought forward. Are the policies being followed? Are the procedures made clear to education personnel? Do they have access to appropriate support resources when handling this type of situation? In looking at this topic, it is important to gather as much information as possible so we have a better understanding of what goes on. When we have this understanding, we can move forward with more effective solutions to ensure student safety.

3.1 Institutional Responses

Ontario's education system involves multiple stakeholders that are all responsible for overseeing different components of the system. When allegations of educator sexual misconduct arise, every group plays a role in how the allegation is dealt with. To better understand how to navigate this problem, we need to understand how the institution responds. What procedures are in place to manage the initial allegation, the investigative processes, and the repercussions of the given situation? Is the institution being held accountable for their responses to this problem? Who is responsible for holding the institution accountable for their actions? This section focuses on how researchers might study institutional responses to allegations of educator sexual misconduct.

3.1.1 School Boards

Within Ontario, there are 72 District School Boards that are responsible for the operation of all the publicly-funded schools in the province. According to the Ontario Ministry of Education, some of their responsibilities include:

- providing education programs that meet the needs of the school community;
- supervising the operation of schools and their teaching programs;
- hiring teachers and other staff;
- teaching performance;
- ensuring schools abide by the *Education Act* and its regulations (Ministry of Education, 2009).

Given these responsibilities, school boards play a significant role in managing allegations of educator sexual misconduct.

An effective way to acquire information about school boards would be through interviews. It would be beneficial to speak with those directly involved in managing allegations against teachers. If I were to examine this problem within the context of school boards, I would try and gather the following information:

- When the school board is contacted with allegations of educator sexual misconduct, what is their course of action?
- If the police have been contacted, how are they involved in the investigation process (if at all)?
- When the board has gathered sufficient information surrounding an allegation, how much of that information is shared with the school from which the allegation came from?
- Does the board provide support to the principal and their administrative team to help them navigate the situation? If so, what kinds of support resources are provided?
- Does the board provide any support to the victim and the rest of the student community?
- What does the board's investigation process look like?
- In what capacity is the board in contact with the accused teacher?
- At what point does the information get passed on to OCT?
- In some cases, the allegations are never brought to the point of an OCT disciplinary hearing; who and how is it decided which cases proceed to that point?
- Does the Ministry of Education get contacted?

- When the allegations are resolved, is there any follow-up with the school and their community?
- What steps (if any) does the board take to ensure that this does not happen again?
- Does the board provide any education programs to help teachers and administrators navigate and/or identify instances of educator sexual misconduct?
- What is the board doing to ensure that policies surrounding educator sexual misconduct are being followed?
- Who decides whether the allegation gets brought forward to OCT vs. a disciplinary transfer? How are these decisions made?

Based on newspaper reports, disciplinary transfers seem to be a problem contributing to the reoccurrence of educator sexual misconduct; it would be beneficial to gather more information about this process.

School boards are also responsible for working with the Children's Aid Society (CAS) when a report about one of their teachers is made. For example, when a teacher suspects the abuse of a student, it is their responsibility to report it to CAS. According to a representative from OCT, when this kind of report is made, CAS will be co-operating and communicating with the board during the investigation process. Following the investigation, the school board will then decide if any disciplinary action is necessary. If the board does not restrict the teachers' duties, then they are not required to contact OCT about the report or the investigation process.

- How does the school board decide whether or not disciplinary action is necessary?
- What does this process look like?
- Who is involved in these decision making processes?
- Does the board work with CAS to decide on any disciplinary action?
- Does the board follow any guidelines to inform their decision?
- How much of this information is shared with the school from which the accused teacher came from?

In addition to interviews, it would be beneficial to do an analysis of all board policies related to managing allegations and investigations. It would be worth analyzing whether all boards have the same policies or if they differ in some areas. In ways that they differ, it would be interesting to inquire about which policies are working most effectively. It might also be

beneficial to examine any resource documents that the board provides to their teachers and administrators surrounding ways to cope with the presence of educator sexual misconduct.

Moving forward, we need to understand the processes involved in managing allegations of educator sexual misconduct at the board level. Based on its' reoccurrence, it is evident that something is not working properly. However, it is difficult to suggest potential solutions when the institutional responses to the problem are so unclear. For example, newspaper sources have reported multiple instances of re-offending. What level of the system is allowing this to happen?

Every school board has policies prohibiting the occurrence of educator sexual misconduct, however, these policies are evidently not always being followed. In trying to move forward, it is important to understand how the boards are responding to this disconnect between the policies and their implementation processes. It is also important to understand what the boards are doing to protect students and enforce the regulations placed on schools. There needs to be more transparency and accountability regarding the actions of the school boards.

3.1.1.1 Operational Procedures PR710

The TDSB has an operational procedure in place to report and investigate suspected wrongdoing (whistleblowing) referred to as PR710. The objective is to have an established process for reporting any suspected wrongdoing by a TDSB employee. This process is specific to the TDSB and is not applied in other school boards.

People can report suspected wrongdoing using any of the following confidential methods: (i) telephone whistleblowing hotline, (ii) email, or (iii) direct mail. The External Third Party will review the report and redirect it to the appropriate authority for an investigation. In this context, External Third Party refers to an independent and unbiased service provider procured by the TDSB to process and review reports prior to the investigation process. Reports that have been determined to warrant an investigation will be investigated by the Executive Superintendent, Employee Services, the Director of Education, and the Chair of the Board, as appropriate. The parties involved in the investigation will determine whether the report falls under the boards' definition of wrongdoing, or they may determine that the investigation will not proceed. The subject of any given report will be given the opportunity to respond to the allegations.

If the investigation confirms wrongdoing, the appropriate disciplinary action will be taken. The police will be notified in the event of criminal conduct. All electronic and paper records that have been obtained through the investigation process are treated as highly

confidential and can only be accessed by authorized officials. All records will be retained for a specified term, and will be securely disposed of when the retention term has expired. Disposed records cannot be retrieved or reconstructed.

If investigating school boards within the context of educator sexual misconduct, it would be important to inquire about board specific policies relating to the operational procedures in place to report and investigate suspected wrongdoing. With specific reference to PR710, I would ask the following questions:

- What is involved in the board's process of choosing an External Third Party?
- Do the parties involved in the investigation process receive any training on how to effectively conduct an investigation?
- What exactly is involved in the investigation process?
- When investigating an allegation of educator sexual misconduct, there are a lot of factors that need consideration; are these parties trained in specific behavioural patterns associated with educator sexual misconduct, grooming patterns, the impact on victims, etc.?
- Does the board retain the records of those found guilty of suspected wrongdoing?
- Does the board keep track of how many times an employee has been reported?
- OCT maintains transparency throughout their disciplinary process, why is this level of transparency regarding investigations not expected from the school boards?

3.1.1.2 Trustees

Trustees are elected members of the school board that act as a point of contact between local communities and their school board. They are responsible for bringing forward the issues and concerns of their constituents to board discussions. Trustees are elected during the municipal election process which occurs every four years. By law, only the elected board has the power to make decisions. While trustees do not have any individual authority, they play an important role as members of the elected board. Their responsibilities include working with school councils, and explaining board policies and decisions to their community residents.

In the midst of allegations of educator sexual misconduct, the school trustees would play an important role in communicating what the board is doing to ensure student safety, especially in cases that become public through media reporting. In researching this topic from the

perspective of school boards, it would be important to have a section focusing on elected school trustees. I would try and gather the following information:

- As a trustee, have you been provided with any information regarding the prevalence of educator sexual misconduct?
- In your role as trustee, have you had to navigate a public case of educator sexual misconduct?
- If yes, did you have any contact with your constituents throughout the investigation process?
- Did anyone try and contact you about their concerns?
- How much information were you provided with throughout the investigation process?
- In your role as trustee, did you do anything to ensure your community that the board was working to ensure student safety (i.e. hold meetings with the school council, host a town hall with your local community, etc.)?

Trustees are also responsible for communicating board policies to their communities. It would be important to ask the following questions:

- Are you aware of the policies and procedures surrounding educator sexual misconduct?
- Are you comfortable discussing these policies with your constituents?
- Do you feel confident that these policies are working effectively?
- As the link between the school board and your community, would you feel confident expressing to your community that these policies are effective?
- Given the prevalence of the problem, what do you think your school board could do to reduce the occurrence of educator sexual misconduct?

3.1.2 The Ontario College of Teachers

The Ontario College of Teachers is a self-regulatory body responsible for licensing, governing, and regulating the teaching profession in Ontario. They are governed by a 37-member Council; 23 members are elected by their peers and 14 members are appointed by the provincial government. The College is responsible for setting ethical standards and standards of practice, issuing teaching certificates, and investigating complaints made about their members. Additionally, they have jurisdiction over suspending or revoking teaching licenses from members who do not comply with their standards of practice. When a complaint of misconduct

or incompetence is made against a member of OCT, they are responsible for investigating and resolving the problem (“What We Do,” 2019).

When a formal complaint is made, an investigator from the College will investigate the complaint in a non-biased manner. The investigator will collect all relevant information about the complaint, including documents and any physical evidence. The investigator is responsible for notifying the accused member by phone and in writing about the allegations, and providing them with information about the investigation process. Additionally, the investigator will seek out information from people and organizations that may have additional knowledge surrounding the allegations. The accused member is invited to provide a written response within 30 days of receiving notice of the complaint; the investigator will forward the written response to the complainant for comment. Lastly, the investigator will prepare a detailed report outlining all the gathered information (“Complaints and Discipline,” 2019).

Following the investigative process, there are three College committees that are involved in managing complaints: The Investigation Committee, the Discipline Committee, and the Fitness to Practice Committee. The Investigation Committee is responsible for conducting a documentation review of all the information related to the complaint. The Discipline Committee is responsible for holding hearings related to the alleged misconduct and/or incompetence. The Fitness to Practice Committee is responsible for hearings to determine if there are any physical or mental conditions that would render the member unfit to carry out their professional responsibilities. By law, the College is unable to comment on any investigations or complaints unless they are referred to a public hearing (“Complaints and Discipline,” 2019).

In a public disciplinary hearing, decisions are made by a panel of three members. Each panel includes a teacher elected to council by their peers, and one member of the public appointed by the provincial government. Similar to a court proceeding, the accused defends themselves and they are usually represented by a lawyer. Accused members have a right to the following: procedural fairness, the opportunity to answer to, and defend against allegations, the presumption of innocence, a timely resolution of their case, and the ability to appeal a College decision (“Complaints and Discipline,” 2019). During these hearings, lawyers argue the case, and witnesses may be called to testify. An independent lawyer is present to help clarify points of law for the panel. Additionally, there is a hearings coordinator present to help keep the process organized, and a court reporter chronicles the dialogue for the record. All hearings and decisions

are open to the public, and this information can be found on OCT's website. According to OCT, the process is meant to protect students, the public interest, and the integrity of Ontario's teaching profession.

Using Richard Knill's case (see section 1.8.1) as an example, OCT found him guilty of professional misconduct and ordered that his certificates of qualification be suspended for two months. Additionally, he was ordered to take a boundary issues course and undergo a psychiatric assessment. Following this disciplinary hearing, Knill eventually returned to teaching. He re-offended. If OCT's goal is to protect students, why was a teacher found guilty of sexual misconduct given the opportunity to return to teaching?

If I were to research educator sexual misconduct from the perspective of OCT, I would try and gather the following information:

- Are all cases involving complaints of misconduct handled in the same way?
- When a teacher has their license suspended because they have been found guilty of sexual misconduct of any kind, is it in the best interest of the students to give that teacher an opportunity to return to the classroom?
- If the police are involved, how does this effect the disciplinary hearings process?
- If there is a police investigation, does the College have access to this information?
- Does the College provide any support resources to students and/or teachers undergoing investigative processes?
- Is it possible for a student who has accused a teacher of sexual misconduct to be called as a witness?
- If yes, does the College have a current system in place to help that student manage the psychological trauma that may accompany a situation like this?
- If a teacher is found guilty of sexual misconduct and returns to teaching, does the College have processes in place to help monitor the behaviours of said teacher?
- The College is responsible for setting ethical standards and standards of practice; does the College have any responsibility in ensuring that those standards are met?
- If yes, what are they doing to ensure that their standards are being met by all their members?

OCT is additionally responsible for preparing and certifying teachers for their careers. They have accredited more than 50 full- and part-time teacher education programs in 18

university faculties of education in Ontario. Furthermore, they review and approve hundreds of Additional Qualification courses that prepare teachers for meeting the demands and challenges of today's diverse classrooms ("What We Do," 2019). Given the fact that educator sexual misconduct is a reoccurring problem within our system:

- What action is OCT taking to ensure that in-service and pre-service teachers are aware of its' prevalence?
- Does OCT provide training for identifying and reporting instances of educator sexual misconduct?
- Does OCT provide support resources for teachers who may encounter instances of educator sexual misconduct?
- If so, what support resources are provided?

OCT has a Professional Advisory document that outlines the duty of their members to report any suspected child abuse. The document contains advise to members, professional responsibilities, a framework for action, and clearly outlines behaviours that they should be looking for. Nowhere in the document does it talk about educator sexual misconduct as an issue to watch out for. Does OCT have another resource that specifically outlines patterns of educator misconduct that teachers should be aware of?

With regards to support resources, OCT is in the midst of establishing a program to provide funding for therapy and counselling to students who have been subject to sexual abuse or prohibited acts involving child pornography. This program is scheduled to begin on January 1st, 2020. A student is eligible for funding if it is alleged in a complaint against a member, that the student was the subject of sexual abuse or prohibited acts of child pornography, while the member was, in the opinion of the College, supervising or responsible for the student in some capacity. In this context, sexual abuse refers to the behaviours listed under the Ontario College of Teachers Act, 1990 (see section 1.12.1). The determination of a person's eligibility is not contingent on a finding against the accused member, nor is the person required to undergo a psychological assessment before receiving funding. A person who is eligible for funding is entitled to choose any therapist or counsellor, provided they follow a set of guidelines put forth by OCT (Ontario Teachers' Federation, 2018). Given that this program is not currently in place, does OCT have a different system in place to provide students with therapy or counselling? If yes, how does this process work?

Researching educator sexual misconduct within the context of OCT would be challenging because of their role in managing allegations and providing teaching license certifications. In a future research project, it would be necessary to choose a specific area of focus. It would be beneficial to interview OCT employees, specifically those that work within the investigative processes. In trying to gather information, it might also be helpful to interview teachers who have participated in disciplinary hearing panels and get their perspectives on how things are done. In addition to interviews, it might also be useful to conduct a comparative analysis of policies put forth by OCT and those of other regulatory bodies from different provinces across Canada.

3.1.3 The Ontario Ministry of Education

The Ontario Ministry of Education is responsible for overseeing Ontario's education system. Some of their key responsibilities include funding and overseeing publicly funded elementary and secondary school education, and developing and publishing curriculum documents and teaching resources for Kindergarten to Grade 12. Furthermore, they are responsible for administering several legislative acts including the Education Act, the Early Childhood Educators Act, and the Ontario College of Teachers Act (Government of Ontario, 2018). In some instances, the ministry will also amend documents to improve Ontario's system, such as Bill 37 (see section 1.12.3.1).

Given the ministry's significant role in administering policy, it would be important to find out the following information:

- What is the ministry doing to ensure that their policies are being followed?
- Is the ministry made aware when an allegation of educator sexual misconduct is brought forward?
- Do they have a role in managing these allegations?
- Do they oversee the school board's investigation process?
- What are they doing to ensure that the boards are following the appropriate procedures?
- Given the continued prevalence of educator sexual misconduct, does the ministry provide any information resources for teachers (i.e. definition of educator sexual misconduct, how to identify problematic behaviours, how to report suspicious behaviours, mental health support resources, etc.)?

In many instances, the occurrence of educator sexual misconduct is not reported. This happens in part because students do not necessarily understand what is happening to them, “some of the children who are sexually abused by educators do not characterize what is happening as abuse” (Shakeshaft, 2004, pg. 32).

- Is the ministry doing anything to ensure that students have age-appropriate knowledge surrounding what behaviours are appropriate vs. inappropriate?
- Is the ministry doing anything to ensure that students understand boundaries that educators should not cross?
- Does the ministry provide any programming or resources that clearly indicates to students who they can contact if they want to report suspicious or unwanted behaviours?
- Do the students have access to any materials that provide them with information about educator sexual misconduct?

Within multiple levels of the education system, there are problems that contribute to the occurrence and reoccurrence of educator sexual misconduct. It is the responsibility of the ministry to identify these problems and work to eradicate them. In studying educator sexual misconduct from the perspective of the ministry, it would be important to find out what their role is in managing this problem and what they are doing (if anything) to eliminate it.

3.1.4 The Ontario Government

Within Canada, education falls under the provincial government. They are responsible for all legislation in place to regulate the Ontario education system (see section 1.12). Currently, the government is in the process of reviewing Bill 48; a bill meant to eliminate the grey areas surrounding what constitutes sexual misconduct, and harden the disciplinary procedures for teachers engaging in sexual misconduct. In a House meeting on February 20th 2019, Amy Fee, the MPP currently representing the Kitchener region said the following about the bill, “the proposed changes, to me, are critical to ensuring that we no longer have a grey area – like we had under the previous Liberal government – around situations like what we learned about in the Toronto Star about a year ago” (pg. 3062). This suggests that, like the general public, the government receives notice of the occurrence of educator sexual misconduct from newspaper reports. Given the government’s responsibility in creating policies to ensure student safety, I would want to know:

- What system (if any) is in place to ensure that the government is kept up to date on all cases of educator sexual misconduct?
- Other than newspaper reports, is the government regularly updated on how many cases of educator sexual misconduct are being dealt with by the College?
- Does the government have any say in how the College runs disciplinary hearings?
- What is the government doing (if anything) to ensure that their policies are being implemented correctly within multiple levels of the education system?

Questions to ask the Minister of Education specifically:

- Can you confidently say that your government is doing everything possible to ensure student safety in public schools with regards to educator sexual misconduct?
- Are you confident that the current government policies are protecting students from educator sexual misconduct?
- If yes, how do you explain the occurrence and reoccurrence of this problem?
- If no, what is your government doing to ensure that these policies are re-developed to better protect students?

3.2 Policy

A policy is an idea or plan that acts as a guide for making decisions within an organization. While policies govern how Ontario's education system operates, it is important to note that they are contextually laden. For example, the same policy can look completely different within two schools because of how it is interpreted and implemented by those interacting with it. It would be beneficial to do an analysis of all the school and government policies relating to educator sexual misconduct and further examine how the policies are operating within different contexts.

If I were to study educator sexual misconduct within the context of policies, I would ask the following questions:

- What do the policies say?
- Is the wording clear?
- How is educator sexual misconduct addressed within policy?
- How is educator sexual misconduct defined?
- Is the definition clear across both government and education documents?

- Who developed the policies surrounding educator sexual misconduct?
- How frequently are the policies being updated?
- Do government and education specific policies work cohesively?
- Based on what we know from newspaper reports and limited academic research, are the policies working effectively?
- Are the policies appropriately addressing the existing problems (i.e. the wide range of behaviours associated with educator sexual misconduct)?

3.3 The Police

According to the Ontario Ministry of Community Safety and Correctional Services, Ontario's police services have five main responsibilities: (1) prevent crime, (2) enforce our laws, (3) help victims, (4) keep public order, and (5) respond to emergencies. That being said, the police play an important role in the process of investigating educator sexual misconduct.

In an agreement between the Toronto Police Service, the TDSB and the Toronto Catholic District School Board (TCDSB), it is mandated that the "police will assume primary responsibility as may be necessary to ensure school safety" (pg. 5). According to their agreement, the police must be notified when the following incidents occur: sexual assault, criminal harassment, and relationship-based violence. It should be noted that other incidents are included in the protocol but are not listed here as they are not relevant to this study. Principals are expected to use their own discretion when deciding whether or not the police should be notified. Any incidents not specified in the protocol are expected to be handled by the principal on a case-by-case basis.

When the police are responding to a school-related incident, they are responsible for acquiring and documenting all information about the incident. Upon initial contact, the police are generally required to report to the principal, provide identification, and explain the purpose of their visit. The police will work alongside the principal to plan how to proceed, obtain information about the student, and make arrangements to contact the parents of the student (under the age of 18). During the investigation process, the police will work with the principal to ensure that both the requirements of the Education Act and the integrity of a criminal investigation are maintained. The police can generally provide a verbal account of their investigation to the principal. It is important to note that these protocols are specific to the Toronto context. In looking at police involvement in school investigations, it would be

interesting to compare how different boards and police services work together. Do all the boards have similar agreements with their associated police service? If no, what are the differences?

Focusing on police involvement in cases of educator sexual misconduct would be a valuable topic to study because they play a large role in managing serious allegations. A researcher might ask the following questions: what training do education personnel receive in working alongside the police during an investigation process? Do schools have any plan in place to address their community when the police become visibly involved in a school incident (i.e. when the police arrest someone on school property)?

3.4 The Involvement of Other Teachers

Teachers play an important role in ensuring that students are safe at school. They are the first point of contact for students and they are the adults who can most closely examine student behaviour patterns. Among their many responsibilities is the duty to report. According to Ontario's *Child, Youth and Family Services Act (CYFSA)*, any person who performs professional or official duties with respect to children, who has reasonable grounds to suspect child abuse, has a legal and ethical duty to report it to a children's aid society (2017). The process of reporting suspected abuse involves calling the local society directly; all societies provide emergency services 24 hours a day, seven days a week (Ministry of Children, Community and Social Services, 2017). If I were to study educator sexual misconduct from the teacher perspective, it would be important to inquire about how well teachers understand both their duty to report under the CYFSA, and the specific reporting procedures involved in the process.

In addition to CYFSA reporting, there is a 'Complaints Process' that teachers must follow when making a report about another member to OCT. Before a formal complaint is made, the College asks that members talk to the teacher or principal first to see if the issue can be resolved at the school level. If further assistance is needed, the College then recommends calling their Investigation and Hearings Department. If the problem cannot be resolved following these steps, a formal complaint can be filed with OCT's intake staff. Any member can file a complaint online or by mail. When submitting a complaint, members must include their name, address and phone number, nature of the complaint, name of the teacher, and any other supporting evidence for consideration (OCT, 2019). When a member of OCT is reporting suspicion of the abuse of a child by another member, the reporting member is required under the *Teaching Profession Act*,

to provide the other member with a copy of the adverse report. However, if the report concerns any suspected sexual abuse of a student, the reporting member does not need to provide the other member with a copy of the report or any information about the report (Teaching Profession Act, 1990). I would ask teachers the following questions:

- Are you familiar with OCT's complaints process?
- If you were to suspect another teachers' misconduct, would you feel comfortable making a formal complaint to OCT?
- Have you ever filed a formal complaint about another member to OCT?
- If yes, are you confident that your complaint was handled in an appropriate manner?
- Are you aware that it is not necessary to provide an adverse report to the other member if the report concerns sexual misconduct?
- Do you feel confident that the system has given you adequate information surrounding the problem of educator sexual misconduct?
- Are you familiar with common behavioural patterns that are exhibited by professional perpetrators?
- If yes, do you feel confident in your ability to identify these patterns?
- Are you familiar with any support resources that are available to you regarding a potential encounter with educator sexual misconduct?
- Are you familiar with the physiological and psychological impacts of educator sexual misconduct on students?
- If a student is experiencing educator sexual misconduct, they might exhibit behavioural changes; do you feel confident that you would be able to identify behavioural changes in students who are experiencing educator sexual misconduct?
- If you suspected educator sexual misconduct, what would be your course of action (i.e. who would you contact first? Would you try and talk to the student before reporting anything, etc.)?

3.5 The Culture of Silence

In trying to gain participants for the original study, it became clear that there is a deeply rooted culture of silence surrounding educator sexual misconduct. It would be interesting to conduct a study that examined why this silence exists and where it comes from. To conduct a

study that focused on this silence, it might be useful to have a wide range of participants that worked within multiple positions of the education system. I would ask the following questions:

- Are you comfortable discussing the subject of educator sexual misconduct?
- If no, what about a discussion surrounding educator sexual misconduct might make you feel uncomfortable?
- Where do you think this culture of silence comes from?
- Why do you think people are so unwilling to discuss the presence of educator sexual misconduct?
- Why do you think this subject is uncomfortable to discuss?
- Working in the education system, how frequently (if at all) do you have conversations about educator sexual misconduct?
- In what context do these conversations arise?
- Can you describe your understanding of educator sexual misconduct?
- Are you aware of the specific policies and procedures in place to prohibit instances of educator sexual misconduct?
- Are you aware of the specific policies and procedures in place to report instances of educator sexual misconduct?
- Are you confident that you would be able to identify behavioural patterns of educator sexual misconduct?
- Are you confident that you would be able to identify the behavioural patterns typically exhibited by a student experiencing educator sexual misconduct?
- Within your role, do you feel that your education training has properly equipped you to manage instances of educator sexual misconduct?
- Given the multifaceted nature of Ontario's education system, who do you feel is most responsible for protecting students from educator sexual misconduct?
- Within your role, in what capacity do you feel responsible for ensuring student safety, if at all?
- Would you feel comfortable having a discussion about educator sexual misconduct with your colleagues?
- If no, why?

Educator sexual misconduct is a multifaceted problem that impacts a large number of people in the education community. Through examining this problem, it seems that the poor management of its' presence creates a culture in which perpetrators engaging in sexual misconduct are not having to take responsibility for their actions. This is a collectively created problem that all stakeholders are continually contributing to through their lack of engagement, awareness, and willingness to accept responsibility. To accurately comprehend the magnitude of this problem, further research needs to be conducted in all areas. This chapter can be used as a starting point for future researchers who are interested in studying this topic. While these sections do not provide fully thought-out frameworks, they can be used as a guide in navigating what areas need to be studied and what questions need to be asked. Furthermore, they can be used to help guide the development of a researchers conceptual understanding of this phenomenon.

Chapter 4: Prevention and Intervention Strategies

A large majority of this project has been focused on addressing and managing educator sexual misconduct within schools. While having this understanding is important, it is also necessary to discuss prevention and intervention strategies. Moving forward, we want to ensure that everyone working in the education system understands what they can do, within their role, to protect students from educator sexual misconduct.

This section focuses on education and training programs for pre-service and in-service teachers, volunteers, school staff, and students. The purpose of this type of training is to provide these groups with information regarding prevention and/or interventions strategies specific to their role, and enhance their ability to understand and identify any behaviours that would be considered inappropriate. It is important for adults to be able to identify the problematic patterns of behaviour of professional perpetrators, and it is important for students to understand their rights within the classroom, including any/all behaviours that would be considered a boundary violation. Additionally, this section addresses the need for continued screening processes, effective strategies for managing complaints, and recommendations for school boards.

4.1 Education and Training

One preventative strategy discussed by Robins (2000) was education and training on what constitutes sexual misconduct, how it can be identified, and prevented. To effectively combat sexual misconduct, education and training programs need to be directed towards pre-service teachers, in-service teachers, volunteers, other school staff, students, and parents (Robins, 2000; Shakeshaft 2004). The following sub-sections recommend education and training strategies specifically directed towards these groups. The recommendations derive primarily from the work of Shakeshaft, Robins, and the Canadian Centre for Child Protection.

4.1.1 Pre-Service Teachers

There is a general assumption that people entering the teaching profession want to help students, not harm them (Robins, 2000). As a result, teacher education programs focus on identifying and reporting misconduct when it is suspected from a source outside of the school setting (Robins, 2000; Shakeshaft, 2004). While this information is important to understand, there needs to be more of an emphasis on teacher-specific misconduct, abuse, and boundaries. Even if a teacher's conduct does not constitute sexual misconduct, it is critical that they understand inappropriate vs appropriate behaviors, especially younger teachers in secondary

schools, where the age gap between the teacher and the students is narrower. Robins (2000) gives the example of a teacher's undue familiarity or socializing with students. While this may not be considered sexual misconduct, it may not be appropriate conduct given the authoritative role of teachers.

Robins (2000) recommends that the following education and training be provided for pre-service teachers: what constitutes educator sexual misconduct (i.e. what is sexual abuse and what is sexual harassment), they should have a clear understanding of appropriate boundaries between the teacher and student, and they should also be able to identify the early warning signs of sexual misconduct. Pre-service teachers should be taught how to respond to a student's disclosure of sexual misconduct and the specific procedures that follow, including their duty to report under the *Child and Family Services Act*. Finally, they should be made aware of the stereotypes associated with sexual misconduct, its perpetrators and victims so they can avoid them.

4.1.2 In-service teachers, Volunteers, and other School Staff

In-service teachers, volunteers, and other school staff are with students on a regular basis. Therefore, their understanding of educator sexual misconduct and the surrounding policies is critical in creating a safe school environment; "the best policies and protocols are ineffective if they do not reach those they govern and are not understood or followed" (Robins, 2000, pg. 302). This sub-section provides suggestions for education and training programs for in-service teachers, volunteers, and other school staff. It further discusses what is currently being done to both educate and keep teachers informed of best practices related to the management of sexual misconduct in schools.

Robins (2000) suggests that in-service teachers, volunteers, and other school staff be provided with on-going training on all policies and protocols related to sexual misconduct, and their professional and ethical duty to report. This training should also include all the recommended topics mentioned in section 4.1.1 (i.e. what constitutes sexual misconduct, etc.). Furthermore, it is recommended that in-service education personnel be provided with regularly updated contact information of the relevant school district staff, and up-to-date written materials explaining existing board policies and protocols. For education personnel who bear additional responsibilities (i.e. principals, vice-principals, and superintendents), special training surrounding how to address sexual misconduct is recommended (Robins, 2000).

The Canadian Centre for Child Protection (2018) recommends mandatory sexual abuse prevention training for all school personnel. To ensure that everyone is operating under the same expectations, this training should outline all behaviours that are considered inappropriate. They further recommend that all new staff be required to take boundary/child sexual abuse training as a condition of their employment.

Currently, OCT has one professional advisory document related to educator sexual misconduct posted on their website. This document is intended to help members of the College “identify the legal, ethical and professional parameters that govern their behaviour and to prevent sexual abuse of students and sexual misconduct” (OCT, 2002, pg. ii). At the beginning of the document, it is clearly stated that the advisory does not provide an exhaustive list of unacceptable behaviours, but is intended to “provide examples and guidance” (pg. ii). Other than specific acts (i.e. the Ontario College of Teachers Act), this professional advisory was the only available resource for information related to educator sexual misconduct.

OSSTF provides a set of materials that can be used to help education personnel understand how sexual harassment impacts learning communities. This material is not focused specifically on educator sexual misconduct, however, it does provide helpful information surrounding sexual harassment in general. *Still Not Laughing: A Toolkit for Action* is a document that looks at the current challenges and legislation regarding sexual and gender-based harassment in schools, includes information about developing strategies for school-based action, and provides additional resources for further information. *Still Not Laughing – A Resource List*, is a bilingual annotated bibliography that can be used as a reference for a variety of resources for educational workers, “including curriculum and program ideas, interactive websites, support services, government documents, audio-visual materials and advocacy opportunities” (OSSTF/FEESO, 2019, para. 2). Additionally, OSSTF has used these resources to develop a two-hour workshop to “increase participants’ awareness and understanding of sexual harassment and provide them with an opportunity to develop strategies that challenge sexual violence and harassment in their schools and workplaces” (para. 4). While these resources are important and necessary, it would be beneficial for OSSTF to provide resources specific to educator sexual misconduct.

4.1.3 Students

As demonstrated in this study, students are subject to educator sexual misconduct. For students who may be targeted and for those who might be observing such behaviours, it is important for them to understand certain boundaries that should not be crossed by teachers and other staff members (Robins, 2000; Shakeshaft, 2004). Robins (2000) suggests that students be provided with age-appropriate information about sexual misconduct, including both harassment and abuse. “Education should sensitize students to the acceptable boundaries of behaviour, teach respect for the sexual integrity and security of every person, and dispel stereotypical notions about victims and perpetrators” (pg. 304). Students also need to be made aware that sexual abuse and harassment can be perpetrated by people in positions of authority (i.e. teachers), strangers, or other students. Furthermore, if a student is experiencing any type of misconduct, they need to know where they can go for help (Robins, 2000; Shakeshaft, 2004).

The content of educational programming surrounding educator sexual misconduct should vary depending on the age of the targeted group (Robins, 2000). It might also vary as some programs might focus on addressing sexual abuse prevention specifically, and others might focus on a wider range of prevention topics (i.e. bullying). In developing this type of programming for students, it is necessary to address certain challenges. For example, it is important that programs are carefully designed to ensure that they will not elicit feelings of anxiety or vulnerability, or in some way harm any positive relationships the students may have with people in their lives (Robins, 2000). The Canadian Centre for Child Protection (2018) recommends that sexual abuse prevention training be mandatory for students, and they suggest awareness education be offered to parents. Education and awareness of sexual misconduct is critical in fostering an environment in which parents and students feel comfortable coming forward when any type of misconduct is occurring.

4.2 Screening

A helpful prevention strategy of educator sexual misconduct is adequate screening processes. To become a certified teacher within Ontario, teacher candidates must complete a teacher education program. Following the successful completion of a program, teachers must apply to OCT for a Certificate of Qualification and Registration, which is their license to teach. As part of the application process, all College applicants must provide a Canadian criminal record check report.

Robins (2000) makes several recommendations that should be included in the screening of applicants: record checks, application forms, applicant interviews, and references. Currently, all of these recommendations happen at either the College or board level. It is important to reiterate the importance of the screening process so that instances of educator sexual misconduct can be reduced or prevented entirely.

4.3 Managing Complaints

Allegations of educator sexual misconduct can be challenging to navigate because of the broad range of behaviours associated with them. For example, receiving a complaint about sexual abuse should be addressed differently than a complaint about sexual harassment even though they would both fall under sexual misconduct (Robins, 2000). That being said, when any type of sexual misconduct complaint is brought forward by a student, an appropriate response to the complaint is critical; “the emotional impact of being sexually abused or harassed may depend in large measure upon how the initial disclosure is received” (pg. 317). A student experiencing educator sexual misconduct may choose anyone to tell. For this reason, it is recommended that all school board employees be required to undergo training on how to respond to allegations of sexual misconduct. Additionally, it is recommended that school board policies and protocols include a clear list of ‘dos’ and ‘don’ts’ that can be used as a reference when navigating such situations. Robins (2000) has recommended the following:

DO	DON'T
Listen to the child.	Do not lead or suggest answers to the child.
Tell the child who must be notified.	Do not promise the child not to tell anyone.
Reassure the child that the conduct described is not the child’s fault and that the child has done the right thing by disclosing.	Do not criticize the child for how or when disclosure has been made.
Speak to the child in privacy.	Do not bring the suspected teacher in to confront the child.
Determine the immediate safety needs of the child, involving the child in this decision.	Do not return the child to a risk-laden situation (pg. 318).

4.4 Recommendations for School Boards

School boards play a vital role in implementing and monitoring policies and practices. The Canadian Centre for Child Protection (2018) recommends that school boards have clear policies for bringing forward and responding to any boundary violations and/or inappropriate conduct. Additionally, they recommend policies to manage situations wherein the school employee is not criminally charged, but there is still cause for concern because of the person's actions. They further recommend centralizing all information that gets reported, which would allow the boards to identify any patterns of behaviour. To accomplish this, they recommend appointing a team of at least two individuals to school districts who handle all incidents and concerns surrounding teacher misconduct.

In 2018, a CBC investigation shone light on the occurrence of educator sexual misconduct by three teachers who, over the span of decades, preyed on students; all three teachers taught at the same high school in Ottawa. The investigation represented the first time students began speaking out about the misconduct that they experienced (Ireton, 2018). Since these cases have been brought forward, Classen, the director of education at the Canadian Centre for Child Protection, has been working with the Ottawa-Carleton District School Board (OCDSB) to come up with training and communication protocols for teachers, principals, and union leaders (Ireton, 2019). Camille Williams-Taylor, the director of education for OCDSB said, "it's helping staff figure out what to do when they're presented with subtle signs that make them uncomfortable" (as cited in Ireton, 2019, para. 27). This collaborative effort seems to be a positive step forward for the school board to better protect students. It might be helpful for boards within Ontario to engage with organizations that focus on child abuse, and collaborate to improve policies and protocols for managing educator sexual misconduct. Additionally, these organizations might be able to provide helpful information with regards to the development of education and training programs for students, teachers, and administrators.

Chapter 5: Concluding Remarks

The subject of educator sexual misconduct is gaining increasing attention within both government and media outlets. Through newspaper investigations and reports, the public is becoming aware that this problem is prevalent and not going away. Unfortunately, our understanding remains limited because we do not really know what goes on within schools and their respective boards. While OCT publishes the results of all their disciplinary hearings, many cases specifically involving educator sexual misconduct do not make it to this stage. What happens to those cases? At some level, these allegations are being dealt with, but that information remains unavailable to us. These processes are not transparent or known, resulting in significant consequences for the health and well-being of students.

When educator sexual misconduct is discussed, we refer to the perpetrator and the victim. The context within which the misconduct is happening is often missing from the conversation. This study attempted to address this context. The first chapter contains an extensive literature review focused on defining the terms associated with educator sexual misconduct, common behavioural patterns of perpetrators, the prevalence in both international and Ontario schools, the impact on victims, and the relevant policies and legislation. In doing this review, it became evident that there is only a limited amount of research that has been conducted on this subject.

The second chapter outlines the field research as originally designed. The initial direction of this project involved gathering information about how principals manage allegations of educator sexual misconduct; i.e. who they contacted when an allegation was brought forward, what support resources they had access to, and what impact the allegations had on them both personally and professionally. The main goal was to understand what goes on at the school level when an allegation of educator sexual misconduct is brought forward. Twenty-eight TDSB principals were contacted, I spoke with representatives from OCT, OPC, RTO, a journalist from the Toronto Star, distributed a recruitment flyer to several OISE colleagues, and spoke to a principal from HDSB. Most people were interested in the research findings but not a single eligible person was willing to participate in the study. While these results were disappointing at first, they highlighted an important problem that warrants further examining: the culture of silence surrounding educator sexual misconduct. People are aware that it exists, but they are unwilling to talk about it. This silence indicates a problem within our system.

We, the public, know from newspaper reports and OCT's blue pages that educator sexual misconduct is prevalent and harmful to students and school communities. But knowing this is not enough. The third chapter focuses on areas that need further research and provides questions that could be explored in future research projects. This problem presents many complex subtleties that are important to understand when discussing how to best protect students. Policies and best practices should be informed by research that accurately reflects both the scope and impact of the problem. Chapter three attempts to highlight areas in which useful information could be gathered to help inform the development of future policies and practices.

Chapter four presents prevention and intervention strategies for pre-service and in-service teachers, students, and administrators, and further discusses screening processes, how to manage complaints, and recommendations for school boards. This chapter can be used as a resource for practitioners seeking information about how to better protect students within their role in the school system. It can also be used by schools to learn strategies to equip their students with the tools they need to identify boundary violations and harmful behaviours that may be exhibited by those in positions of power.

I began this project in 2017 with the intention of understanding how principals manage allegations of educator sexual misconduct. In the process of gathering this information, I learned that this is not a subject that people are comfortable discussing. In general, society has become increasingly aware of sexual misconduct in a variety of contexts, and perpetrators are beginning to be held accountable for their actions. Yet in these moments of increased scrutiny, its presence remains a black box within the realm of education. I understand that principals and school boards cannot be entirely in control of how their teachers conduct themselves, nor is it feasible for them to monitor every teacher's behaviour 100% of the time. However, they can control how they handle the allegations and the misconduct.

I believe that the outcome of my experience in high school could have been different if I had access to more support resources. It could have been different had I not been asked to undergo multiple investigative processes. It could have been different if the school had a system in place to address my peers, who witnessed their teacher be arrested. In saying this, the purpose of this study was never to blame anyone for my experience. The purpose of this study is to provide people with more information about why the prevalence of educator sexual misconduct needs to be openly addressed.

To better understand how to move towards a safer environment for students, it is important that more research be conducted within the context of Ontario education. There is no way to know the most appropriate way to move forward without having an understanding of where the problem lies. Are the policies the problem? Is the problem rooted in the interpretation and implementations of the policies? Is there a way to ensure that all the policies surrounding educator sexual misconduct are more clearly understood by education personnel? Currently, both the education system and the Ontario government are failing students. They are subjecting students to harmful behaviours with no transparent way of managing the problem.

This study is a call to action. This study is a call for further research, increased accountability, and more transparency. It is not enough to create preventative policies and hope that it does not happen. It is not enough to strategically move teachers from one school to another when they are faced with allegations of sexual misconduct. It is not enough to continue sweeping this problem under the rug as if it does not have lasting impacts on students. The continued occurrence of educator sexual misconduct represents a collectively created problem that requires a collectively created solution, because student safety is everyone's responsibility.

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Appendix A

OISE

ONTARIO INSTITUTE FOR STUDIES IN EDUCATION
UNIVERSITY OF TORONTO

Principal Management of Educator Sexual Misconduct Allegations

Be part of an important education research study:

- Are you or have you been a principal at a public secondary school in Ontario?
- In your role as principal, have you dealt with allegations of educator sexual misconduct?

If you answered YES to these questions, you may be eligible to participate in an education research study.

The purpose of this research study is to understand how principals deal with allegations of educator sexual misconduct, specifically looking at how they interact with different education stakeholders when faced with such allegations. Since the Ontario Ministry of Education released the Robins Review in 2000, there has been little systematic research about schools' responses to educator sexual misconduct. This study aims to fill those gaps by giving principals the opportunity to share their experiences and provide insight into what goes on from an administrative standpoint when allegations are brought forward.

The study is being conducted for a Master of Arts thesis for the Ontario Institute for Studies in Education at the University of Toronto. All of the collected data will be treated as confidential. The names of participants and their respective schools will be kept private and will not be disclosed at any point during the process.

Please email naomi.nishimura@mail.utoronto.ca for more information.



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Appendix B

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Interview Questions

1. What is your job title?
2. What is your definition of educator sexual misconduct?
3. Have you ever been faced with allegations of educator sexual misconduct during your time as principal?
4. Who reported the allegations? (i.e. a teacher, a student, a parent, etc.)
5. When a formal complaint was made, who did you contact, and in what order? (Examples of those that might have been contacted include: the police, the accused teacher, the student, the student's parents, the Teachers' Union, the School Board, OPC, and/or the Ministry of Education)
6. Of those that were contacted, how did they proceed to involve themselves?
7. What impact did this situation have on you, both personally and professionally?
8. What kinds of support resources did you have access to during this process?
9. If yes, were they provided to you by someone, or did you have to seek them out on your own?
10. Throughout the investigation process, did you feel supported by your school board and/or the Ministry of Education?
11. If you had to undergo this situation a second time, would you do anything differently? If yes, how?
12. What else is important for me to know about this topic?
13. Is there any additional information that you would like to share?



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Appendix C

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Information and Consent Form

To the participants of this study,

The purpose of this study is to examine the ways in which principals interact with different education stakeholders when faced with allegations of educator sexual misconduct. The participants of this study have been selected based on the following criteria: (i) must be a current or former principal of a public secondary school within Ontario, (ii) must have dealt with allegations of educator sexual misconduct during tenure as principal.

This study will be carried out under the supervision of Dr. Joseph Flessa, a Professor at the Ontario Institute for Studies in Education at the University of Toronto. The data is being collected for the purpose of a Master of Arts Thesis.

The data collection process will involve individual face-to-face interviews with each participant that will last approximately one hour. During the interview, you will be asked to describe your experience in dealing with allegations of educator sexual misconduct. This will include questions about who (i.e. teacher, student, other, etc.) reported the allegations, who (i.e. the Ministry of Education, the Police Department, the Teachers' Union, etc.) was contacted when the allegations came forward, and how those that were contacted proceeded to involve themselves in the investigation process. You will also be asked about how this experience affected you both personally and professionally, and about the support resources that you had access to. Throughout this process, the researcher may ask additional questions for clarification or further understanding of your experience.

Each interview will be audio taped and later transcribed. Following the interview, your transcript will be sent to you, via private email, for your review. At this point, you will have the opportunity to provide any additional information, or clarify anything that you feel has been misinterpreted or misrepresented. All of the information obtained in the interview will be stored in a secure location and kept entirely confidential. During the write-up of this project, the researcher will ensure that the information is reported in such a way that individual persons, schools, school districts, and communities cannot be identified. All raw data (i.e. transcripts and field notes) will be destroyed one year after the completion of the study. The researcher intends to publish the results of this study. The Research Ethics Board (REB) might review the research materials for audit purposes.

The researcher understands that the subject of educator sexual misconduct is upsetting and difficult to discuss. During the interview, you may at any time take a break, you have the right to

refuse to answer any question that you are uncomfortable answering, and you may withdraw from the study at any point. At no time will value judgements be placed on your responses, nor will any evaluation be made of your effectiveness as a principal. Additionally, you are free to ask any questions about the research and your involvement, and may request a summary of the findings at the completion of the study.

If you have any additional questions, please feel free to contact me at (647) 990-5851 or at naomi.nishimura@mail.utoronto.ca. You may also contact my supervisor, Dr. Flessa at joseph.flessa@utoronto.ca. If you have any questions about your rights as a research participant, you may contact the U of T Office of Research Ethics at (416) 946-3273) or at ethics.review@utoronto.ca.

Thank-you in advance for your participation.

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By signing below, you are indicating that you are willing to participate in this study, and that you have a full understanding of the conditions outlined above.

Name: _____ Date: _____
Signature: _____

Please initial if you would like a summary of the findings upon the completion of this study: ____
Please initial if you agree to have your interview audio taped: ____

Please keep a copy of this form for your records.



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