



CANADIAN CENTRE *for* CHILD PROTECTION®  
*Helping families. Protecting children.*

# CHILD SEXUAL ABUSE

*BY K-12 SCHOOL PERSONNEL  
IN CANADA*

**EXECUTIVE SUMMARY**



This is an executive summary of an article published online by Taylor & Francis Online in the *Journal of Child Sexual Abuse* on June 12, 2018 (<https://doi.org/10.1080/10538712.2018.1477218>). The article and executive summary were prepared solely by staff at the Canadian Centre for Child Protection Inc. The data presented in this executive summary is based on the analysis conducted as of February 1, 2018, and is subject to change. E. & O.E.

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# CANADIAN CENTRE FOR CHILD PROTECTION

The Canadian Centre for Child Protection (Canadian Centre) is a registered charity dedicated to the personal safety of all children. Our goal is to reduce the sexual abuse and exploitation of children, to assist in the location of missing children, to prevent child victimization, and educate the Canadian public about ways to keep children safe. The Canadian Centre continues to innovate and develop our programming by gleaning information from our operation of Cybertip.ca, Canada's tipline to report the online sexual abuse and exploitation of children. Through this information we can tailor resources for law enforcement, educators, and families to reduce children and youth's risk of victimization. We are also committed to keeping our educational material up to date using information collected from external sources to identify emerging trends and risks for children and youth. As an example of this commitment, the Canadian Centre undertook a study focused on child sexual abuse perpetrated or allegedly perpetrated by Kindergarten to Grade 12 (K-12) school personnel working in Canada. This document summarizes the study results.

## OVERVIEW OF THE STUDY

Research concerning the sexual abuse of K-12 students by school personnel in Canadian contexts is limited. While much of the recent analytical Canadian studies are informative, they are often restricted in their scope. The Canadian Centre has undertaken a study to address this deficiency by gathering data not just from a single province or limited to circumstances surrounding certified teachers only (like some previous studies), but instead, from child sexual abuse cases that involved any individual employed in a Canadian K-12 school.<sup>1</sup> This executive summary provides an overview of the detailed information presented in the full study, "The Prevalence of Sexual Abuse by K-12 School Personnel in Canada, 1997-2017," published in the *Journal of Child Sexual Abuse*, accessible at <https://doi.org/10.1080/10538712.2018.1477218>.

Data collected from cases where school employees have presented a risk to children in their care were analyzed to provide a better understanding of a number of issues. It is significant that although the study found the known number of school employees sexually offending against children is relatively small compared to the overall population of personnel, the frequency of such cases is certainly occurring more than one would expect. While one such case is too many, the fact this study identified 750 Canadian cases involving 714 school personnel from the last 20 years alone is unquestionably alarming.

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1 Includes former/retired employees.

In light of the number of cases of child sexual abuse by school personnel identified, the demographic patterns revealed by the analyses, and emerging issues of concern, the Canadian Centre has recommended a number of preventative measures surrounding accountability, assessing and managing risk, professional boundaries, clarifying reporting obligations, and educating school personnel highlighted at the end of this report.

## PURPOSE OF THE STUDY

The study carried out by the Canadian Centre had two main objectives:

1. Compile a comprehensive inventory which catalogues the details of sexual offences committed (or allegedly committed) against children by employees within K-12 schools across Canada over the last 20 years;<sup>2</sup> and
2. Analyze and interpret the data to better understand the ways in which child sexual victimization by school employees occurs and to shed light on a number of issues, including:
  - Child and school personnel demographic patterns and characteristics across Canada
  - The range of legal and professional punishments for offenders
  - Patterns of discovery/disclosure
  - Grooming and other tactics used by offenders
  - The prevalence of school employee sexual misconduct for different subgroups of students
  - The use of technology in the luring/grooming process

An additional issue emerging from the study was cases of school personnel convicted of a child pornography offence with no evidence of a sexual contact offence against any child with whom the individual had access. These cases raise several concerns surrounding risk and the safety of the students in the charge of these individuals.

It is essential to understand the circumstances in which sexual abuse of children occurs if we hope to properly address risk, help identify additional prevention and intervention strategies, and attend to this growing problem.

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2. Certain terms used in the document have been shortened in the interest of space and readability. For example, when the words “offenders” or “perpetrators” are used in this executive summary, the term is meant to include those who have been proven to have committed a sexual offence against a child through a court or disciplinary process, as well as those who are alleged to have committed such an offence. Similarly, the term “victims” includes those who are victims and those who have alleged that they are victims; incidents of “sexual abuse” includes incidents that have been proven and those that are alleged to have occurred; and “offence” includes criminal offences and instances of professional misconduct of a sexual nature (see “Criminal Offences” and “Professional Sexual Misconduct”).



## CHILD SEXUAL ABUSE

Child sexual abuse includes a range of behaviours, from obvious contact offences, such as touching or fondling a child’s genitalia, to less obvious non-contact offences which include exposing a child to sexually explicit material, voyeurism, luring a child online for a sexual purpose, and inviting a child to sexually touch themselves or someone else. **Children can experience trauma from both contact and non-contact sexual offences.**

In 2014, Statistics Canada conducted a general social survey of Canadians which included a sample size of approximately 33,000 individuals over the age of 15.<sup>3</sup> Specific questions asked respondents to self-report victimization taking place in their childhood (before they turned 15). The results revealed that 8% of the respondents self-reported childhood sexual abuse — a figure that corresponds to approximately 2.4 million Canadians having been sexually victimized as children. As this figure captures only those who were open to disclosing their victimization to a Statistics Canada representative over the phone, it is likely an under representation of the true number of Canadians who were victimized by childhood sexual abuse before the age of 15.

Furthermore, a study published in the *Canadian Medical Association Journal* showed that 10% of the population (corresponding to some 3.6 million Canadians) reported having experienced sexual abuse before they were 16 years old.<sup>4</sup>

3 Burczycka, M. and S. Conroy. 2017. “Family Violence in Canada: A Statistical Profile, 2015.” *Juristat*, Vol. 37, No. 1. Ottawa: Statistics Canada. Cat. No. 85-002-X.

4 Afifi, T., MacMillan, H., Boyle, M., Taillieu, T., Cheung, K., and J. Sareen. 2014. “Child Abuse and Mental Disorders in Canada,” *Canadian Medical Association Journal*, vol. 186, no. 9, pp. 1-9.

## CRIMINAL OFFENCES

In Canada, there are a number of criminal offences that protect against the sexual abuse of children by adults and/or those in a position of trust or authority, and in the context of exploitation. In terms of in-person offending, the *Criminal Code* of Canada prohibits the offences of sexual interference (touching of a child under 16 for a sexual purpose whether directly or indirectly, such as with an object) and invitation to sexual touching (encouraging a child under 16 to touch themselves or someone else for a sexual purpose, whether in person or online). The offence of sexual exploitation applies to children aged 16 and 17 (discussed below).

With the evolution of technology, new offences have been added to the *Criminal Code* to address online risks to children, including the offence of online luring (which prohibits electronic communications with children that are designed to facilitate a sexual offence against the child), and the offence of agreement or arrangement (when two or more individuals use technology to agree to or arrange for the sexual abuse of a child).

Criminal offences protecting children from sexual abuse and exploitation are predicated on the age of protection — the age at which a child can legally consent to sexual activity. The age of protection in Canada is generally 16 years old,<sup>5</sup> but the *Criminal Code* increases that age to 18 in the context of certain relationships. If a person is in a position of trust or authority (e.g., a coach, teacher) over any child between the ages of 12 and 17, if the child/youth is dependent on that other person, or if the relationship is exploitative of the child/youth, that child/youth is not able to legally consent until they are 18 years old. The increased age takes into account the inherent vulnerability of the child/youth and is meant to protect them in situations that involve a power or other imbalance.

The *Criminal Code* also criminalizes the creation, distribution, possession and access of child pornography.<sup>6</sup> Defined in section 163.1(1)(a) of the *Criminal Code*, child pornography includes nude or semi-nude sexual pictures or videos of a person under 18, or of a person under 18 engaging in a sex act. Written content that counsels illegal sexual activity with a child, and written and audio content that has the dominant characteristic of describing illegal sexual activity involving children for a sexual purpose, are also covered.

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5 Pursuant to section 150.1 of the *Criminal Code*, no child under 12 can consent to sexual activity, and children under 16 can only consent to sexual activity within certain age limitations and not within the context of certain relationships.

6 Although the term “child sexual abuse material” (CSAM) more accurately describes images and videos depicting assaults taking place against children, the term “child pornography” (which may minimize the crime or give the impression that the children being abused are complicit in the abuse) is employed in this paper because it is the term used in the *Criminal Code* of Canada.

## PROFESSIONAL MISCONDUCT OF A SEXUAL NATURE INVOLVING CHILDREN

Professional misconduct is the term used in education to refer to the acts and situations that may result in a professional sanction for the certified teacher. Professional misconduct includes when a student is sexually abused by a teacher.<sup>7</sup> While the act which constitutes professional misconduct may or may not also be an offence under the *Criminal Code*, the sexual abuse of a child/youth and/or a student is an act that can result in professional sanction. While every territory/province's teacher organization has their own definition of what constitutes professional sexual misconduct, since the Ontario College of Teachers (OCT), the British Columbia Teacher Regulation Branch (BCTRB), and the Saskatchewan Professional Teachers Regulatory Board (SPTRB) are the only three bodies that publish their misconduct decisions, it is how they define professional misconduct of a sexual nature that is most relevant for the present purposes. Broadly defined by the OCT, such abuse, which could involve a teacher's own students or other students at the school may include "sexual intercourse or other forms of physical sexual relations between the member and a student, touching, of a sexual nature, of the student by the member [i.e., contact offences], or behaviour or remarks of a sexual nature by the member towards the student [i.e., non-contact offences]."<sup>8</sup> The OCT makes it clear that there are forms of sexual misconduct which may not technically fall within the definition of sexual abuse, but which can still be considered professional misconduct. Some common examples of misconduct which fall into this category include any inappropriate relationship with a student, student-teacher boundary violations, and grooming behaviour.

In British Columbia, professional misconduct occurs when a teacher acts contrary to the *Standards for the Education, Competence and Professional Conduct of Educators in BC* established by the Ministry of Education. The relevant section of Standard 1 states that, "educators have a privileged position of power and trust...Educators do not abuse or exploit students or minors for personal, sexual, ideological, material or other advantage."<sup>9</sup> Although perhaps less explicit than the OCT's description of what constitutes sexual abuse and misconduct, the regulation in British Columbia is both clear and inclusive in its meaning.

What qualifies as professional misconduct of a sexual nature involving children for Saskatchewan teachers can be found in the SPRTB's *Regulatory Bylaws* (2.01) and includes "(a) conduct which is harmful to the best interest of pupils; (b) any intentional act or omission designed to humiliate or cause distress or loss of dignity to any person in school or out of school which may include verbal or non-verbal behaviour;...(d) sexually abusive conduct that violates a person's sexual integrity, whether consensual or not which includes sexual exploitation."<sup>10</sup>

7 The word students is here defined as, "a person enrolled in a K-12 educational program provided by a board of education, authority or First Nations School and for whom an educator has responsibility," while a minor is, "a child or youth under the age of 19" (British Columbia Ministry of Education, 2012. *Standards for the Education, Competence and Professional Conduct of Educators in BC*, p. 3).

8 Ontario College of Teachers, 2002. *Professional Advisory. Professional Misconduct related to Sexual Abuse and Sexual Misconduct*, p. 1.

9 British Columbia Ministry of Education, 2012. *Standards for the Education, Competence and Professional Conduct of Educators in BC*, p. 4.

10 Saskatchewan Professional Teachers Regulatory Board, 2015. *Administrative Bylaws of the Saskatchewan Professional Teachers Regulatory Board*.



# STUDY METHODOLOGY

## CRITERIA FOR INCLUSION

To be included in this study, an offender or alleged offender needed to satisfy three conditions:

- They worked (or work) in a Canadian primary, middle, or secondary school<sup>11</sup>
- They were found guilty of professional misconduct of a sexual nature involving children and/or were charged with a sexual criminal offence involving children<sup>12</sup>
- They committed or allegedly committed the offence between 1997 and 2017

For simplicity and readability, the term “offence” is used throughout this section to refer to any incident involving the sexual abuse of a child, whether it rose to the level of professional misconduct only, led to criminal charges, or both.



Model in image not intended as illustrative.

11 Traditionally, Canadian primary (or elementary) schools include Kindergarten to Grades 5 or 6; middle (or junior high) schools include Grades 6 or 7 through 8 or 9; and secondary (or high) schools include Grades 9 or 10 through 12. Between 1988 and 2003, secondary school students in Ontario who planned to attend university, were required to take several Ontario Academic Credit (OAC) courses during their fifth year (colloquially known as Grade 13).

12 Includes non-contact sexual offences, including 78 individuals who were disciplined for or charged with exclusively child pornography offences.

## DATA COLLECTION

The dataset of offenders and sexual offences meeting these conditions was collected from three sources: disciplinary decisions concerning professional misconduct (published by the OCT, BCTRB, and SPTRB),<sup>13</sup> cases appearing in the media, and reported Canadian criminal case law.<sup>14</sup>



Every individual disciplinary decision regarding teacher professional misconduct was reviewed to determine if it met the criteria for inclusion in the study.<sup>15</sup> An internet search of the teachers and cases was then performed to see if details had been reported in the media and if so, any relevant supplementary information was added to the dataset.

Having exhausted the information obtainable from the disciplinary decisions, the next step in the data collection process was a media search for other individuals and cases using a number of different databases and digital newspaper archives. Once cases were compiled from disciplinary decisions and media articles, a search of reported Canadian case law was performed.<sup>16</sup>

<sup>13</sup> Ontario, B.C., and Saskatchewan have the only teacher bodies which make disciplinary decisions readily available to the public.

<sup>14</sup> Including only those decisions and media articles published before February 1, 2018.

<sup>15</sup> The disciplinary decisions regarding teacher professional misconduct are available online at <https://www.oct.ca/public/complaints-and-discipline/decisions> (Ontario), <https://www.bcteacherregulation.ca/ProfessionalConduct/SearchDisciplineOutcomes.aspx> (B.C.), and [http://www.sptrb.ca/web/SPTRB/Conduct\\_and\\_Competence/Decisions/SPTRB/Conduct\\_and\\_Competence/Decisions\\_of\\_the\\_Discipline\\_Committee.aspx?hkey=e578a2c2-fee3-4dca-a998-de3961734b69](http://www.sptrb.ca/web/SPTRB/Conduct_and_Competence/Decisions/SPTRB/Conduct_and_Competence/Decisions_of_the_Discipline_Committee.aspx?hkey=e578a2c2-fee3-4dca-a998-de3961734b69) (Saskatchewan). In Saskatchewan, misconduct cases held prior to 2015 were heard by the Saskatchewan Teachers' Federation, and a limited selection of their decisions can be found at <http://www.skteacherregulation.ca/hearings-and-decisions/summary-decisions/>.

<sup>16</sup> The case law search covered cases reported from 2002 onward that pertained to a criminal offence or allegation that occurred in 1997 or later. The databases of the three most common legal research providers in Canada were used, namely, CanLII, Westlaw, and Lexis Nexis. Owing to issues of time and translation, neither French language media nor case law were searched for criminal cases in Quebec.



## PRESENTATION OF THE DATA

Data may be presented as a whole (i.e., inclusive of all instances), according to victim, offender, or as a subset of data as indicated by the context. Not all data points could be reliably ascertained for all instances studied. Percentages used relate to information that could be reliably ascertained and because of issues of rounding percentages, will not all total 100%.

## CHILD SEXUAL ABUSE BY K-12 SCHOOL PERSONNEL IN CANADA

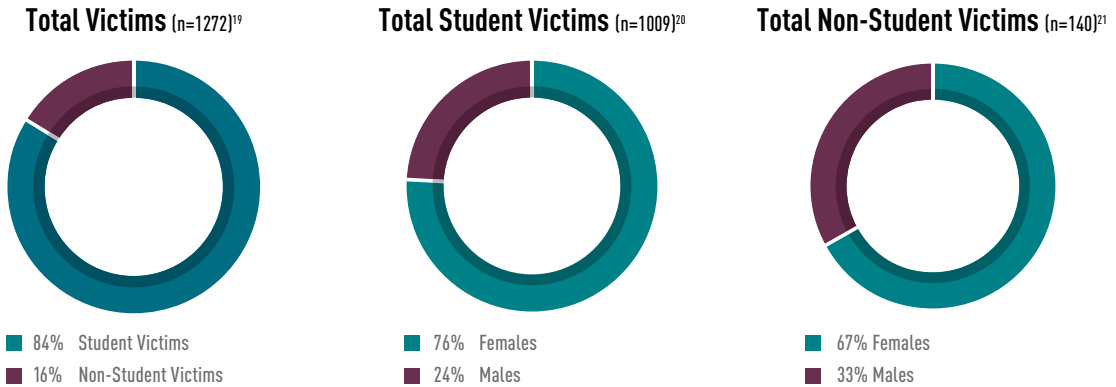
Collectively, the search of disciplinary decisions, media sources, and criminal case law yielded a total of **750 cases of sexual offences against a minimum of 1,272 children**, carried out (or allegedly carried out) **between 1997 and 2017 by 714 employees working in (or formerly employed by) Canadian K-12 schools**.<sup>17</sup>



The data collected from these sources included information about victims (e.g., sex, age, vulnerabilities, disclosure/discovery, relationship with offender), offenders (e.g., sex, age, career details), the sexual offence (e.g., nature of offence, tactics employed by offender, location of offence, use of technology), the role of the media in reporting cases, and the professional and legal consequences (e.g., disciplinary and criminal cases, charges, sentences).

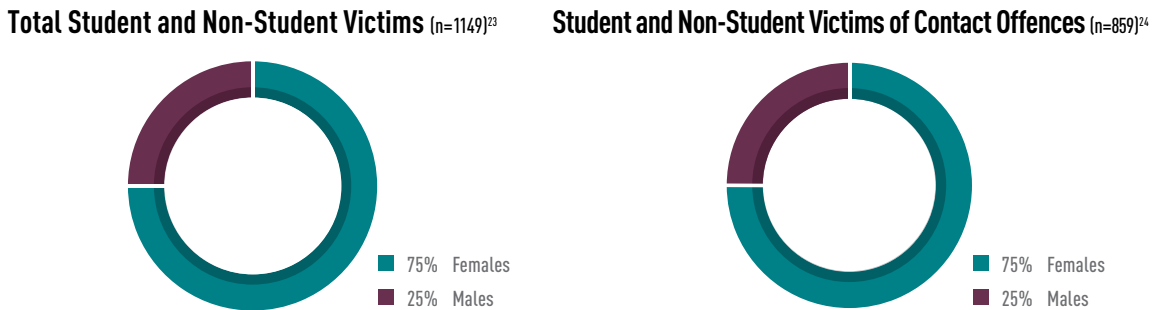
<sup>17</sup> Because some offenders committed more than one offence, the number of offences committed is greater than the number of offending individuals. Any former or retired school employee who committed a sexual offence against a child at any time or was retroactively disciplined by a regulatory body was included because of the risk they either did pose or may have posed to students at the time of their employment in a school environment. See the "Offender Occupations" section and footnote 30 for a breakdown of the offender's employment position at the time of the offence/misconduct.

## STUDENT/NON-STUDENT VICTIMS<sup>18</sup>



*“This hurts boys just as much as girls... I think this happens to boys a lot more than we know.”*

– Mother of victim<sup>22</sup>



18 Student victims are here defined as victims whose abuse was facilitated by the offender’s position in a school (i.e., students of the offender, former students of the offender, or students enrolled at the same school where offender is employed). Non-student victims are those children whose abuse was not facilitated by the offender’s position in a school (i.e., they were never a student at the same school where the offender was employed).

19 When reporting on cases with multiple victims, media reports occasionally do not provide the total number of victims. This number, therefore, represents only the minimum number of known victims identified in this study.

20 When the minimum number and their sex is known. This number does not include victims of unknown sex (n=63) nor the victims depicted in child pornography.

21 When the minimum number and their sex is known. This number does not include victims of unknown sex (n=60) nor the victims depicted in child pornography.

22 Source: Nease, K. “Katherine Kitts should get 12-14 months for sexually exploiting student: Crown” [2016, August 22], *CBC News*. Retrieved from <http://www.cbc.ca/news/canada/ottawa/katherine-kitts-sentencing-hearing-1.3730741>.

23 When the minimum number and their sex is known. This number does not include victims of unknown sex (n=123) nor the victims depicted in child pornography.

24 This number does not include victims of unknown sex (n=86).

### Student and Non-Student Victims of Non-Contact Offences (n=290)<sup>25</sup>



77% Females  
23% Males

### Grade Level of All Female Victims (n=542)<sup>26</sup>



69% High school  
17% Middle school  
14% Elementary school

### Grade Level of All Male Victims (n=163)



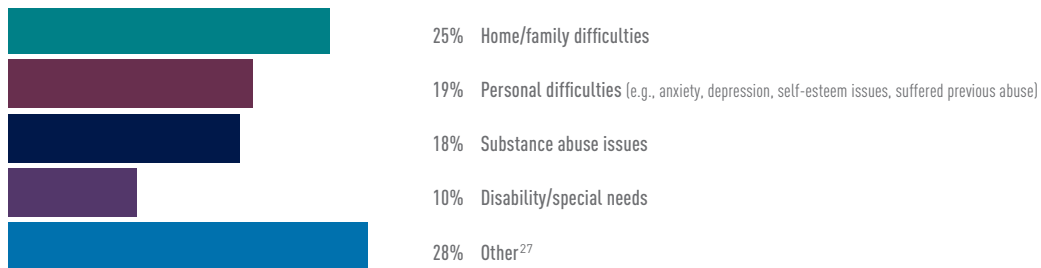
69% High school  
20% Middle school  
11% Elementary school



Made in image and intended as illustrative.

## Offenders Targeting Victims with Vulnerabilities

**75 victims** (60% female and 40% male) were described as having certain vulnerabilities. These included:



<sup>25</sup> This number does not include victims of unknown sex (n=37).

<sup>26</sup> Although approximations, the following age divisions by school are employed in this study: students are 5 to 10 years old in elementary school, 11 to 13 years old in middle school, and 14 to 18 years old in high school.

<sup>27</sup> Some of the most common in this category include victims being described as 'vulnerable' or 'troubled' (without additional detail), victims mourning the loss of a family member, and those having problems with their boy/girlfriends.

## OFFENDERS AND ALLEGED OFFENDERS

### Number of Offenders

**714** adults were identified as perpetrators or alleged perpetrators in the 750 cases of sexual abuse against children comprising the data for this study.

*“Someone I trusted deeply, manipulated me.”*

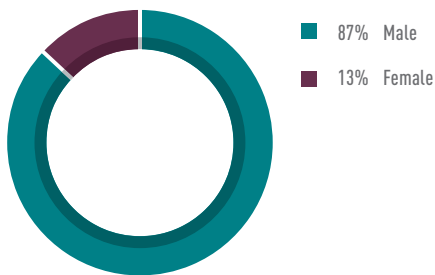
– Victim<sup>28</sup>

### Age of Offenders

Taken together, the ages of all offenders at the time of the offence (where known) ranged from 19 to 78 years with the mean age being:

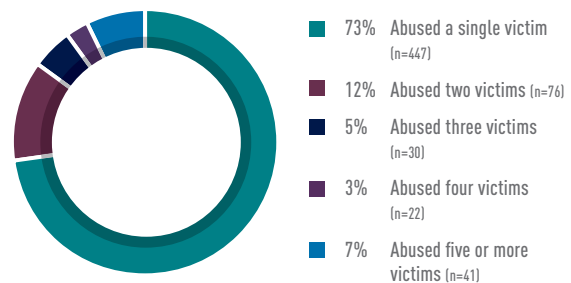
- **42.38 years of age for males** (n=416)
- **34.96 years of age for females** (n=68)

### Sex of Offenders (n=714)



Specifically in sexual contact cases, it was noted that **81% of all victims were female when the offender was male**, while **84% of all victims were male when the offender was female**. Only rarely did offenders abuse both male and female victims (less than 2% of cases). In the cases where the victims were non-students, 98% of the offenders were male.

### Number of Victims per Case (Contact Cases Only) (n=616)<sup>29</sup>



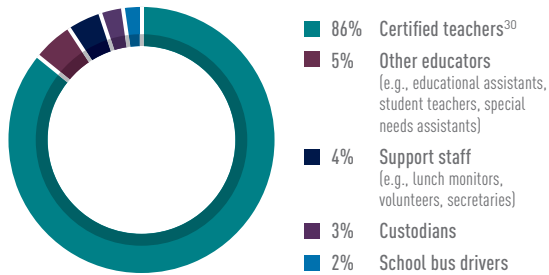
The number of victims per sexual contact case ranged from one to 30 victims per case.

In those contact cases where offenders abused more than one victim (n=169), **95% were male school employees**.

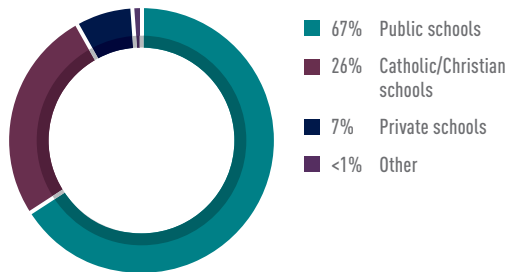
<sup>28</sup> Source: Dunn, T. “Toronto teacher found guilty of sex offences with students, but his name can’t be recorded” (2017, March 9), *CBC News*. Retrieved from <http://www.cbc.ca/news/canada/toronto/toronto-teacher-found-guilty-of-sex-offences-with-students-but-his-name-can-t-be-reported-1.4017926>.

<sup>29</sup> Not including cases involving child pornography offences exclusively.

### Primary Offender Occupations (n=714)

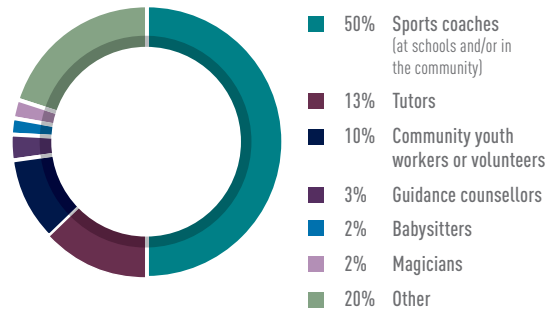


### Type of School at which the Offender Worked (n= 457)



### Secondary Occupations of Offenders (n=138)

Along with their primary occupation in a K-12 school, 138 offenders also had secondary occupations which provided them further access to children.<sup>32</sup> These included:



*"If I said no, she wouldn't help me with homework and I would fail."*

– Victim<sup>31</sup>



<sup>30</sup> Including former teachers (3%), retired teachers (2%), and principals/vice-principals (2%)

<sup>31</sup> Source: "Ottawa teacher's aide admits sexually exploiting student for two years" [2016, March 3], *Ottawa Citizen*. Retrieved from <http://ottawacitizen.com/storyline/ottawa-teacher-admits-sexually-exploiting-student-for-two-years>.

<sup>32</sup> Some offenders had more than one secondary occupation.

## PATTERNS OF SEXUAL OFFENDING AND MISCONDUCT

Many offenders in this study engaged in **grooming**, a method that involves building trust with a child and the adults around a child in an effort to gain access to and time alone with the child. Grooming can occur in person or online, and online grooming can be (and often is) used to supplement in-person efforts. The offender may assume a caring role, befriend the child, or exploit their position of trust and authority to groom the child and/or the child's family. These individuals often intentionally build relationships with the adults around a child or seek out a child who is less supervised by adults in their life. This increases the likelihood that the offender's time with the child is welcomed and encouraged.

The purpose of grooming is:

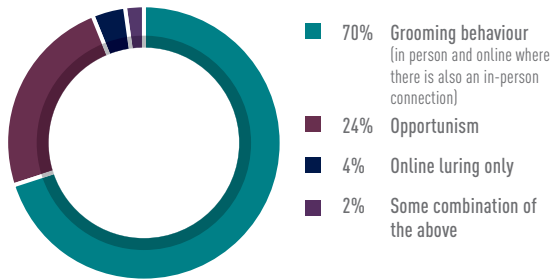
- To manipulate the perceptions of other adults around the child
- To manipulate the child into becoming a cooperating participant, which reduces the likelihood of a disclosure and increases the likelihood that the child will repeatedly return to the offender
- To reduce the chances of the child being believed if they do disclose
- To reduce the likelihood of the abuse being detected

Some offenders in this study did not appear to employ grooming but instead displayed **opportunism**. That is, they did not appear to have made a concerted effort to build a relationship with the child (or the child's family) beyond that inherent in the school employee/student dynamic (for those cases that involved student victims). Rather, it appears they took advantage of an opportunity to abuse the child when the opportunity arose. Opportunistic offenders often take less time and have less of an emotional investment than those who groom victims.

Finally, there was a group of offenders in this study whose offences consisted solely of those committed online against children with whom they had not had in-person contact. This pattern of offending was characterized as online **luring**. Luring can look different from in-person offending given the anonymity afforded by the internet, but as mentioned, can also involve much the same grooming pattern as in-person offending. Some online luring offenders in this study engaged in grooming, having involved communications with the child and gaining the victim's trust. Others took advantage of the anonymity of the internet and used deception to trick the child into believing he/she was communicating with a close-in-age peer.

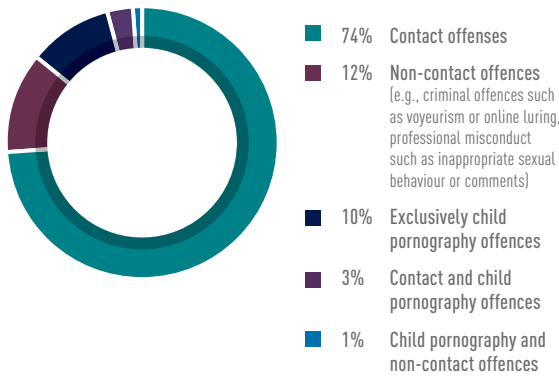


### Offending Patterns (n=389)<sup>33</sup>



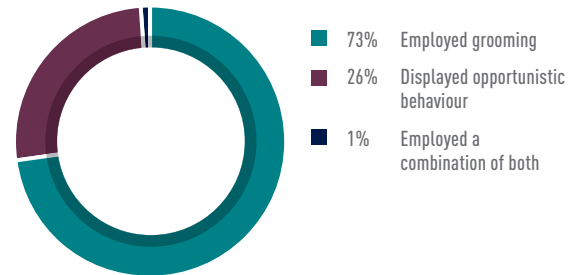
### Type of Offences (n=750)

Including every known case, the study found that the offences included:

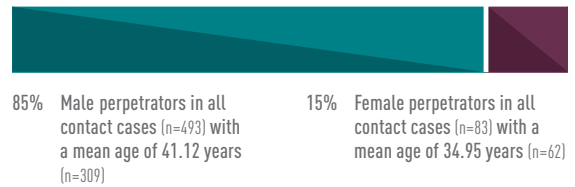


### CONTACT OFFENCES

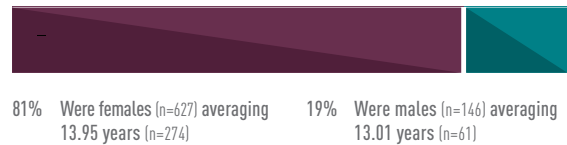
When contact offences were committed and the type of tactics were known (n=321), offenders:



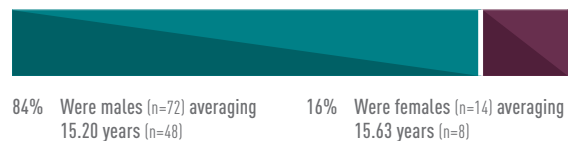
### Contact Offender Demographics



### Male Contact Offender's Victims (n=773)



### Female Contact Offender's Victims (n=86)

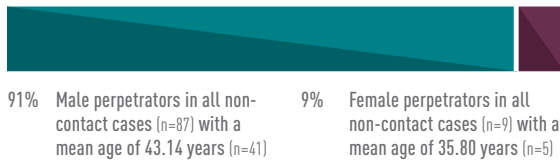


33 None of these categories were applied to those found guilty of or suspected of child pornography offences exclusively.

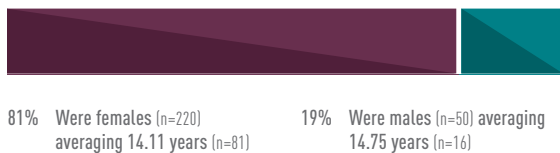
## NON-CONTACT OFFENCES

Non-contact offences include professional misconduct of a sexual nature in the form of inappropriate and/or sexually suggestive behaviour and conversations, and criminal offences such as voyeurism and online luring.

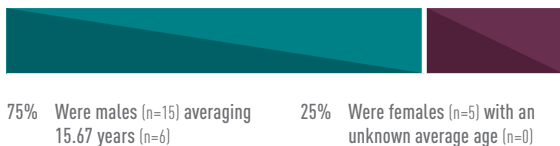
### Non-Contact Offender Demographics



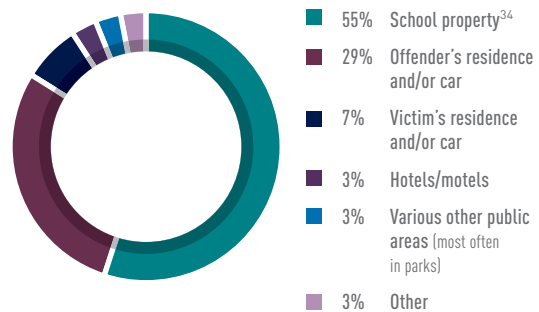
### Male Non-Contact Offender's Victims (n=270)



### Female Non-Contact Offender's Victims (n=20)



### Physical Location of Sexual Abuse (n=425)



<sup>34</sup> "School property" is not limited to the school itself. It includes school-organized field trip locations and the school bus. Some cases involved multiple physical locations. The graphic represents the primary physical location.

## EXCLUSIVELY CHILD PORNOGRAPHY OFFENCES

K-12 school personnel suspected or found guilty exclusively of child pornography offences included 77 males (99%) and one female (1%). The mean age of these individuals was 47.57 years — noticeably higher than those suspected of contact offences. Their primary occupations include certified teachers (73%), principal/vice-principals (8%), custodians (6%), and educational assistants (4%).<sup>35</sup>

*“It is completely unacceptable for members of the teaching profession to possess and access child pornography. Through his egregious conduct, the Member has jeopardized the public’s trust in the teaching profession and he has perpetuated the cycle of violence and abuse involving children who are the subjects of pornography. The Member’s despicable conduct was a clear breach of the standards of the profession. Possessing and accessing child pornography represents such a marked departure from the expectations placed on members of the profession that it self-evidently constitutes professional misconduct.”*

– Ontario College of Teachers disciplinary panel<sup>36</sup>

## CONTACT AND CHILD PORNOGRAPHY OFFENCES

60% of the school personnel suspected or convicted of both contact offenses and child pornography offences<sup>37</sup> committed sexual contact offences against more than one victim.



<sup>35</sup> The occupations of the remaining offenders (9%) are classified as other.

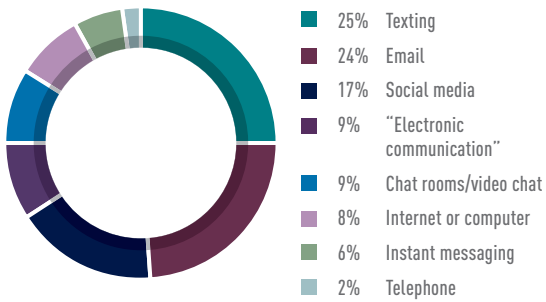
<sup>36</sup> Ontario College of Teachers v. Mallette, 2017 ONOCT 60 at page 7.

<sup>37</sup> 18 males and two females.

## USE OF TECHNOLOGY

Where known (n=476), some sort of **communication technology** was used (alone or more often in combination) by the offender to communicate with the victim(s) in 49% of the total cases.<sup>38</sup>

### Type of Application/Technology Used by Offender



Technology was used by the offender in 40% of cases involving a contact offence and in 81% of cases with a non-contact offence.

## Technology and Offending Patterns

Technology was used in **71%** of cases that involved **grooming**.

Technology was used in **13%** of cases that involved **opportunism**.

## Increasing use of Technology by Offenders



Technology was used by offenders in **42%** of all cases **before 2010**.



Technology was used by offenders in **60%** of all cases in **2010 and after**.



Technology was used by offenders in **83%** of all cases in **2016 and after**.

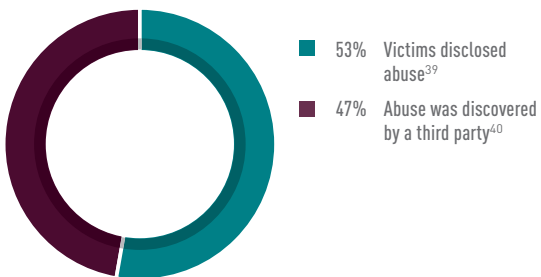


Model in image and intended as illustrative.

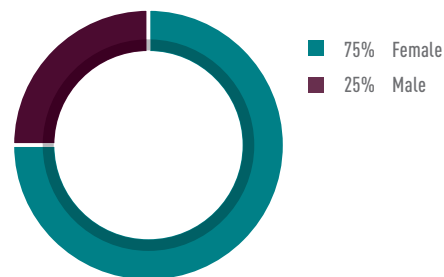
<sup>38</sup> None of the following analyses surrounding the use of technology includes the cases that involved child pornography charges/convictions only.

## DISCOVERY AND DISCLOSURE OF SEXUAL ABUSE

Where information about the disclosure or discovery of the child sexual abuse is known (n=253)



Victims who disclosed abuse and whose sex is known (n=133)



The mean age of females when they disclosed was 15.69 years and 17.39 years for males. 64% of female victims and 67% of males disclosed their abuse within one year of the abuse. It is interesting to note that female victims were more likely to disclose to school personnel.

*“Keeping my mouth shut for three years was one of the most horrific and destructive experiences of my life thus far.”*

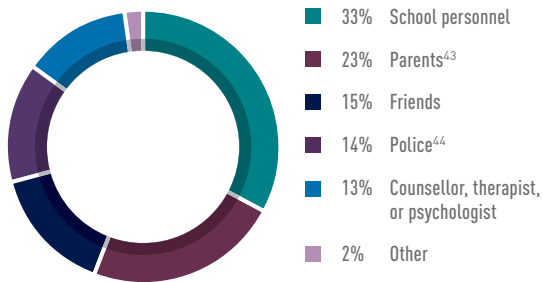
– Victim<sup>41</sup>

39 That is, they told someone after which the abuse was brought to light. This does not include the cases that involved child pornography charges/convictions only. For cases involving more than one victim, the case was coded as involving a disclosure if one or more victims told someone after which the sexual abuse was brought to light. It should be noted that this disclosure rate is a percentage of the cases that have come to light. Underreporting of child sexual abuse is a known phenomenon, and the rate of disclosure among the entire population of children who are victimized by a school employee is likely to differ.

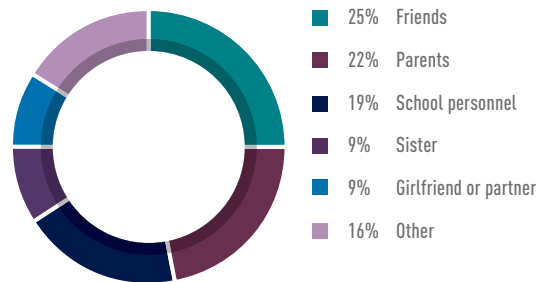
40 This does not include the cases that involved child pornography charges/convictions only.

41 Source: Slade, D. “Calgary teacher gets five years in prison for sexual affair with student” (2015, May 28), *Calgary Herald*. Retrieved from <http://calgaryherald.com/news/crime/calgary-teacher-gets-five-years-in-prison-for-sexual-affair-with-student>.

**Female Victims Disclosed Their Abuse to (n=86)<sup>42</sup>**



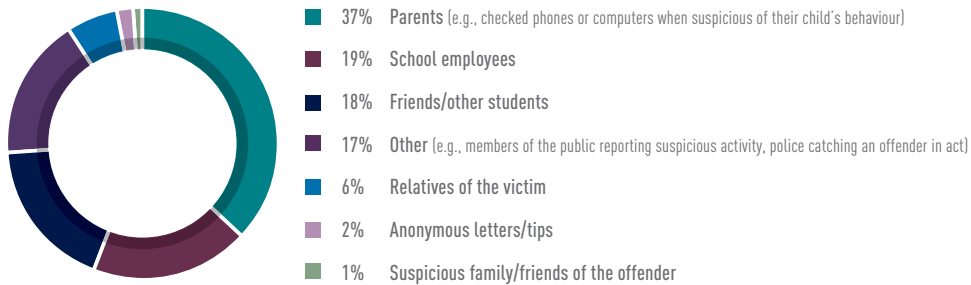
**Male Victims Disclosed Their Abuse to (n=32)**



*“I certainly heard the rumours, but there are always rumours about teachers.”*

– Mother of victim<sup>45</sup>

**Who Discovered the Child Sexual Abuse? (n=105)**



<sup>42</sup> Female and male victims often disclosed to more than one person.

<sup>43</sup> “Parents” includes biological parents, adoptive parents, stepparents, and other legal guardians.

<sup>44</sup> These are victims who disclosed their abuse to the police when they were adults.

<sup>45</sup> Canadian Press. “Alta teacher who killed himself had sex contacts with students, say documents” (2005, December 21), *Edmonton Journal*.

## MEDIA REPORTS

The **media reported** details surrounding **71%** (n=533) of all the sexual abuse cases committed against children by school personnel over the last 20 years employed in the study. In **33%** (n=241) of the total cases,<sup>46</sup> the **media** was the **only source of information** available. The media alone was responsible for providing information about:

- 86% of cases known from Manitoba
- 75% from Prince Edward Island
- 75% of cases from Nunavut
- 72% from Alberta
- 70% from New Brunswick
- 67% from Newfoundland and Labrador
- 65% from Nova Scotia
- 52% of cases from Saskatchewan
- 50% from the Northwest Territories
- 25% from Ontario
- 13% from British Columbia

The discrepancy between Ontario/British Columbia and the rest of the provinces/territories is notable considering that, with the exception of Saskatchewan (starting in 2017), Ontario and B.C. are the only provinces in Canada that make disciplinary decisions publicly available.

Other than a few inappropriate and salacious headlines,<sup>47</sup> analyses demonstrated **no discernible media bias** or propensity toward sensationalism surrounding the sex of the offender or the affiliation and type of school in which they were employed.

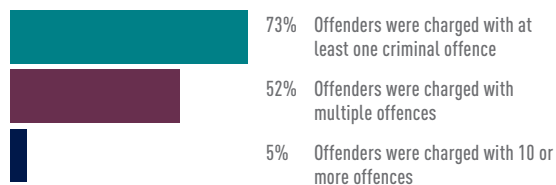


<sup>46</sup> Excluding Quebec, n=734 total cases.

<sup>47</sup> Most obvious is the continued use of headlines including terms such as 'affair' or 'dating' to describe the relationship between the offender and victim.

## LEGAL REPERCUSSIONS

Of the **750 cases** explored in this study:



The highest known number of charges for one individual was 95.<sup>48</sup>

*“The community needs to know (the victim) did nothing wrong. This was not an affair. This was not a consensual relationship. By law, she could not consent to this relationship.”*

– Crown prosecutor<sup>49</sup>

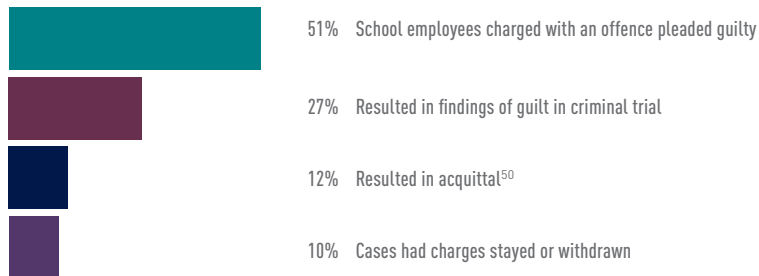
The criminal charges covered the spectrum of sexual offences involving children, of which the contact offences of **sexual assault** (48% of cases), **sexual exploitation** (47% of cases), and **sexual interference** (31% of cases) were the most common charges (n=547). In terms of non-contact offences, 20% of cases had charge(s) for **child pornography-related offences** and 12% saw charges of **online luring**.

<sup>48</sup> The offender pleaded guilty to 10 charges. See *Ontario College of Teachers v. Pike*, 2008 ONOCT 53 and *R. v. J.P.*, 2008 ONCJ 484.

<sup>49</sup> Court statement. McIntyre, M. “Former high school gym teacher gets 4 years for sexually exploiting student” (2016, January 21), *Winnipeg Free Press*. Retrieved from <https://www.winnipegfreepress.com/local/Former-high-school-gym-teacher-gets-4-years-for-sexually-exploiting-student-366105121.html>.



### Cases Where a Criminal Decision Is Known (n=420)



Considering those who pleaded guilty and those who were found guilty following a trial, **a criminal conviction was entered for 78% of teachers charged with a criminal offence.**

In the cases where the sentence is known for school employees convicted of at least one offence against a child (n=328), **21% saw a custodial sentence (i.e., imprisonment) of two years or more, 50% saw a sentence of less than two years, and 29% saw non-custodial sentences.** Less serious sentences included absolute discharges, conditional discharges, suspended sentences, conditional sentences, and brief custodial sentences as low as one day.<sup>51</sup>

**The longest sentence imposed was 14 years.** The offender in this case had sexually assaulted eight young boys. Some of the assaults were recorded, resulting in charges of making and possessing child pornography in addition to multiple counts of sexual interference. It is not believed that the child victims were his students.

*"[She was] robbed of her innate right to be a child."*

– Mother of victim<sup>52</sup>

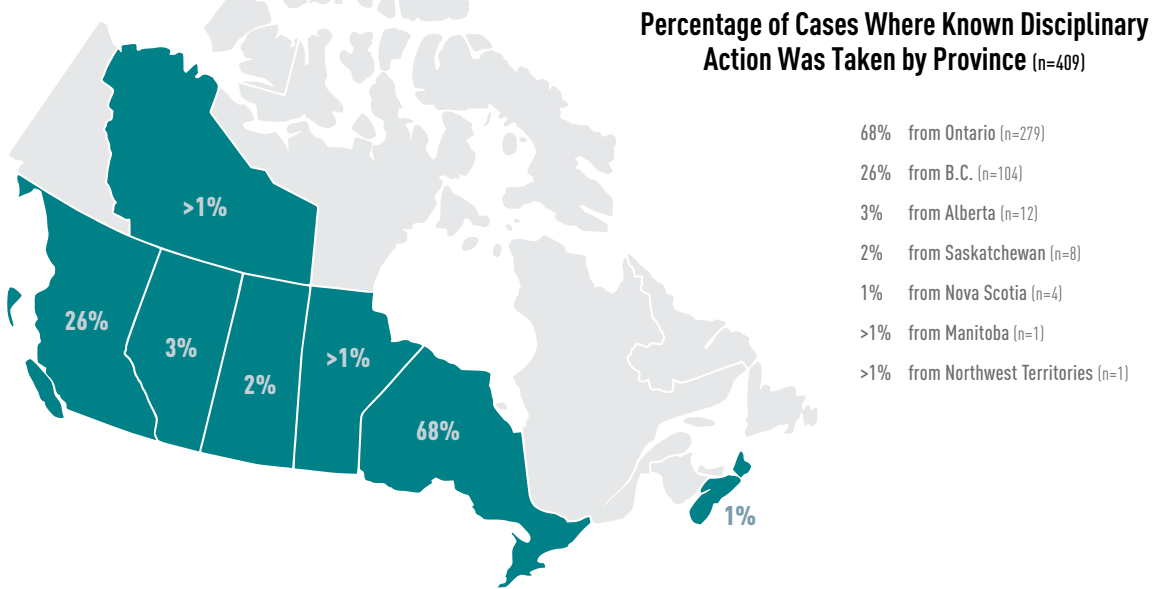
50 In order for an individual to be convicted of a criminal offence, the Crown must prove beyond a reasonable doubt that the individual accused of the crime committed each and every element of the offence(s) and had the requisite intent to do so. A finding of guilt or innocence in criminal court, therefore, is not only contingent on whether an event occurred, but also whether the Crown can prove through admissible evidence that it did. The reasons for acquittal were not always possible to determine from the sources reviewed for this study. Where information about the criminal outcome was known, acquittals happened for various reasons including the existence of reasonable doubt in the mind of the judge/jury that the event occurred; failure of the Crown to establish a certain element of the offence, such as the age of the complainant at the time of the offence or the purpose behind the physical contact that occurred, beyond a reasonable doubt; or a *Charter* violation occurred during the investigation and evidence crucial to the case was excluded from the trial.

51 Because sentences have been increasing in recent years, particularly since the introduction of the mandatory minimum sentences for most sexual offences against children, the results may not reflect current sentencing practices. For example, the non-custodial sentences, which comprise almost one-third of known sentences in the dataset, would for the most part be unavailable for an individual who committed a sexual offence against a child more recently.

52 Source: Richardson, L. "Espanola man incarcerated for sex offences" (2012, November 14), *Sault Star*. Retrieved from <http://www.saultstar.com/2012/11/02/espanola-man-incarcerated-for-sex-offences>.

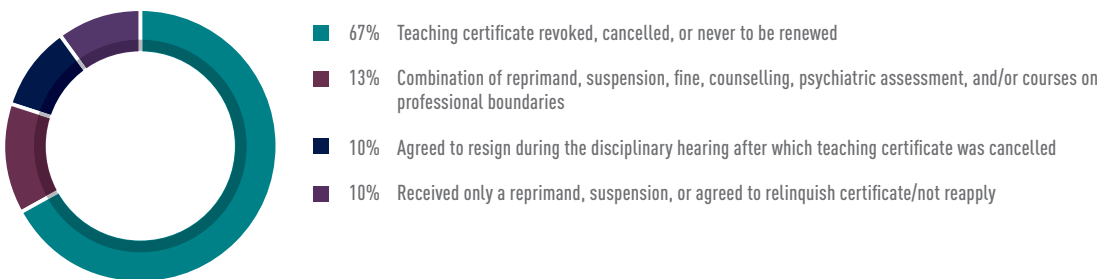
## TEACHER DISCIPLINARY DECISIONS

Not include cases which are pending (n=49) or cases in which it is unknown whether disciplinary action was taken (n= 130), where known, **disciplinary action** was taken in 84% of the cases involving teachers.



Keep in mind that Ontario, British Columbia, and most recently Saskatchewan are the only provinces where teacher disciplinary actions are published; all other provinces and territories are considerably underrepresented in this regard.

### The most frequent disciplinary actions included the following professional sanctions (n=409)



## VICTIM IMPACT

As part of the sentencing process, victims are able to file a **victim impact statement** with the court detailing the ways in which they have been, and often continue to be, affected by the crime(s) committed against them. The betrayal of trust and abuse of power have serious, lasting impacts on the victims. In almost all of the statements referred to, child victims of sexual abuse perpetrated by school personnel reported:

- Suffering from serious and long-lasting **emotional consequences**

*“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.”*

– Victim<sup>53</sup>

- **Clinical depression**

*“Depression has been a large portion of both my child and adult life. It has caused me to self-direct my anger, wreaked havoc on relationships, and hindered my career.”*

– Victim<sup>54</sup>



Model in image and intended as illustrative.

53 Source: Blais, T. “‘You took my childhood and my hope for happiness:’ Edmonton-area teacher gets two years for sexually abusing student” (2016, August 22), *Edmonton Journal*. Retrieved from <http://edmontonjournal.com/news/crime/you-took-my-childhood-and-my-hope-for-happiness-edmonton-area-teacher-gets-two-years-for-sexually-abusing-student>.

54 *R. v. Ralph*, 2014 BCSC 467 at para 17 (excerpt of Victim Impact Statement).



● Feelings of **shame**

*“There are no words to describe the anger and pain, the humiliation, sadness, and disgust.”*

– Victim<sup>55</sup>

● Feelings of **worthlessness**

*“I’ve had to, and currently deal with, feeling tainted, ugly, cheap, pathetic, objective, worthless, petty, and invisible.”*

– Victim<sup>56</sup>

● Feelings of **anxiety**

*“I struggle every day with trying to feel normal and secure in myself.”*

– Victim<sup>57</sup>

55 Source: Mitchell, B. “House arrest for former Brampton middle school teacher” (2011, January 31), *The Star.com*. Retrieved from [https://www.thestar.com/news/crime/2011/01/31/house\\_arrest\\_for\\_former\\_brampton\\_middle\\_school\\_teacher.html](https://www.thestar.com/news/crime/2011/01/31/house_arrest_for_former_brampton_middle_school_teacher.html).

56 *R. v. Foley*, [2004] B.C.J. No. 2188 (BCPC) at para 3 (excerpt of Victim Impact Statement).

57 Source: Dunn, T. “Toronto teacher found guilty of sex offences with students, but his name can’t be recorded” (2017, March 9), *CBC News*. Retrieved from <http://www.cbc.ca/news/canada/toronto/toronto-teacher-found-guilty-of-sex-offences-with-students-but-his-name-can-t-be-reported-1.4017926>



Those victims groomed under the guise of a romantic relationship often only realized the deception used by the adult once the contact ended.

In the time between the inappropriate conduct and sentencing many of these victims, in their own words, developed a sense of having lost their childhood and an understanding that the relationship was manipulative or exploitative.

Overall, many of the victims sought some form of therapy or counselling, sometimes at their own cost.

The impact of the crime(s) on victims' interpersonal relationships was also addressed in many of the statements, with victims often reporting experiencing ruptured relationships with romantic partners, family members, and/or friends.

*"I thought I was in love, but I was being manipulated by a man who knew all my secrets and weaknesses, and used them against me. ... If anything, I felt as if he actually forgot that I was only a child."*

– Victim<sup>58</sup>

*"I was far too naive at the time to recognize her lies and manipulation."*

– Victim<sup>59</sup>

*"At the time of the abuse my emotional character changed significantly...I felt suddenly removed from my family and friends. I felt separated by a secret that I never wanted revealed, and I began to take an emotional distance from people."*

– Victim<sup>60</sup>

58 Source: Slade, D. "Calgary teacher gets five years in prison for sexual affair with student" [2015, May 28], *Calgary Herald*. Retrieved from <http://calgaryherald.com/news/crime/calgary-teacher-gets-five-years-in-prison-for-sexual-affair-with-student>.

59 Source: Woods, M. "Ex-teacher shouldn't see jail for sexually exploiting student, lawyer argues" [2014, June 2017], *Ottawa Citizen*. Retrieved from <http://ottawacitizen.com/news/local-news/ex-teacher-shouldnt-see-jail-for-sexually-exploiting-student-lawyer-argues>.

60 Source: Spears, T. "Ottawa junior high teacher – the drummer in Stephen Harper's band – pleads guilty to molesting girl" [2015, October 30], *National Post*. Retrieved from <http://nationalpost.com/news/canada/ottawa-junior-high-teacher-the-drummer-in-stephen-harpers-band-pleads-guilty-to-molesting-13-year-old>.



Model in image and intended as illustrative.

Some victims also described an adverse impact on their schooling and/or employment. In some cases, victims reported having to transfer to another school or not finishing high school or being unable to maintain full-time employment as a result of the crime(s) committed against them.

*“[S]chool has changed a great deal for me, it’s hard to concentrate and learn in an environment that is meant for those two things. My grades have been negatively affected, my relationships no longer hold that level of trust that is automatic for everyone else, I hate school. I used to be very involved in sports and very athletic, after this I no longer care.”*

– Victim<sup>61</sup>

Finally, it is also worth noting that in a number of cases, one or several family members of the victim(s) also filed a victim impact statement. These family members also reported serious effects, including a loss of trust in the education system and disrupted family life resulting from having to help their child through this period and/or accommodate a switch in schools.

*“The moment I found out my son was sexually abused by a man we called his teacher, his mentor, but worst of all, our friend, was the day my life was shattered. I was left to attempt to pick up the broken pieces of what was left of my life.”*

– Mother of victim<sup>62</sup>

<sup>61</sup> *R. v. Plews*, 2011 ONSC 695 at para 22 (excerpt from Victim Impact Statement).

<sup>62</sup> Source: Blais, T. “Fort McMurray teacher’s aide gets 10 years for child sex offences” (2016, October 14), *Fort McMurray Today*. Retrieved from <http://www.fortmcmurraytoday.com/2016/10/14/fort-mcmurray-teachers-aide-gets-10-years-for-child-sex-offences-2>.

## RECOMMENDATIONS FOR SCHOOL POLICIES AND PRACTICES TO PROTECT CHILDREN

In light of the prevalence of child sexual abuse, the demographic patterns revealed by the analyses, and emerging issues of concern, the study has identified a number of preventative recommendations surrounding accountability, assessing and managing risk, maintaining professional boundaries, and educating school personnel. The cursory overview of information highlighted within the victim impact statements above clearly demonstrates the need for enhanced efforts to protect children in schools.

### ADDRESSING BOUNDARY VIOLATIONS

In schools, trust is the cornerstone of the professional relationship between an adult and a child. When a child goes to school, the child trusts that the adults who work there are safe to be around. There is no question the majority of adults working in schools respect their positions of trust and authority with students. There are some, however, who purposefully seek out these professions due to their unlimited access to children and subsequently breach this trust and misuse their authority to sexually exploit children. Although schools have clear policies regarding the reporting of child abuse, a grey area can exist where inappropriate interactions and concerns do not technically meet the threshold of sexual abuse. Additionally, it is not always clear how to handle these grey area issues within a school context.

Appropriate boundaries between adults working in schools and students are the core of professional relationships. Boundary violations are acts that involve adults breaching the intent of the relationship and exploiting their legitimate access to meet their personal needs, rather than students' needs. Examples of inappropriate interactions include a school employee engaging in personal or casual relationships with children; spending time socially with a student outside of work hours or work duties; texting or using social media accounts to communicate with students; and having personal contact with a student without transparency and accountability for contact.

Children are dependent on school personnel for their education, and as such, boundary violations by these adults can erode students' sense of security and have significant cognitive and emotional impacts. In order to prevent and disrupt potential child sexual abuse, school personnel need to be able to identify and address risk, as well as any inappropriate behaviours and interactions that are taking place between adults and children.

*"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."*

– Victim<sup>63</sup>

## ESTABLISHING STANDARDS OF ACCOUNTABILITY AND TRANSPARENCY

First, in a professional relationship with students, interactions should be goal-oriented and tied to meeting the needs of the child. School personnel need to be trained on the concept that the needs of the student must be placed above the needs of the adult and interactions cannot be used to benefit the school personnel. It would not be unreasonable for school personnel to sign an oath upon the commencement of their employment whereby they acknowledge this relationship and their privileged access to children.

Second, a policy of accountability should be in place that includes a formal structure for sharing information with the professional who oversees the performance of personnel, which in the case of schools is often the principal. As a reasonable observer witnessing or knowing about an interaction between school personnel and a child, does the interaction violate reasonable boundaries? If the answer is "yes, I think so," or "I am uncomfortable," it needs to be shared with the person responsible for correcting the adult's behaviour. While concerns can also be addressed with the respective employee, any and all concerns about the safety of a child must be reported to a superior and should not be dismissed because of issues regarding adverse reporting. It is important for employees to understand that raising a concern with a superior is not the same as an accusation.

<sup>63</sup> Source: Brait, E. "Toronto teacher pleads guilty to sex offences involving minors" (2017, December 14), *The Star.com*. Retrieved from <https://www.thestar.com/news/crime/2017/03/09/toronto-teacher-pleads-guilty-to-sex-offences-involving-minors.html>.



Third, because contact with children through employment is considered privileged access, it is imperative that schools have clear policies outlining that contact with students (especially outside of the classroom setting) must be formalized, transparent, and authorized — making all contact accountable (including electronic communication).

*“There must be zero tolerance, not only for abuse, but for the silence of those who were suspicious and did nothing.”*

– Shoop, R. J.<sup>64</sup>

## ASSESSING RISK

When considering risk there is a tendency to focus on how well an individual knows a child, whether or not the person is in good standing within a community, or how well they are liked in order to determine if the person is safe to be around children. These, however, are not effective criteria for measuring risk.

In order to protect children from sexual victimization, it is essential to pay attention to behaviours and situations that present risk. A well liked individual that contributes to their school community is not exempt from having the capacity to engage in behaviour that sexually exploits or harms a child. It is important to make a distinction between likeability and trustworthiness. Being well liked or good with kids does not equate to being ethical or trustworthy. Inappropriate interactions between an adult and child need to be corrected independent of any personal feelings towards the adult.

*“He was extremely well liked, he was an excellent teacher and a lot was overlooked because of his excellent personality.”*

– Mother of victim<sup>65</sup>

<sup>64</sup> Shoop, J. R. (2004). *Sexual exploitation in schools: How to spot it and stop it*. Corwin Press, p. 63.

<sup>65</sup> Source: Canadian Press. “Alta teacher who killed himself had sex contacts with students, say documents” (2005, December 21), *Edmonton Journal*.

A tendency for people to avoid addressing concerns of inappropriate behaviour by adults working in schools often arises out of not wanting to cause trouble, the fear of upsetting the individual, or not wanting to make an allegation. Questioning inappropriate boundaries with children does not equal an allegation of sexual abuse. Boundary breaches can occur from poor judgment rather than the intent for sexual access. Schools cannot afford to ignore behaviour that requires correction for fear of insulting or upsetting school personnel.

Information, however, is sensitive and needs to be handled responsibly and within a structured process. A standard of practice where individuals consult about boundary concerns reinforces professionalism and maintains safety and security. Correcting behaviour is a professional development opportunity for staff.

On the other hand, if someone is seeking sexual access, this is the opportunity to disrupt the grooming process. Up front, it is not possible to be certain of someone's intent until after a child has been sexually exploited or abused. Holding people to high standards of expectations in their interactions with children and establishing a common understanding of standards for interactions with students in schools creates a culture that protects children.



Models in image and intended as illustrative.

## CLARIFYING TEACHERS' REPORTING OBLIGATIONS

In addition to various provincial/territorial legislation surrounding the K-12 public education system, teachers are also bound to their respective teachers' association's code of ethics. These codes outline the conduct expected of its members and set protocols for addressing the professional conduct of colleagues. In accordance with many of these codes, if a teacher has a criticism of a fellow member (e.g., if the member often makes derogatory remarks about other teacher's professional abilities), the issue is to be first directly addressed with the colleague in question. If the issue cannot be resolved between the two parties, it must then be taken to the principal. If a teacher breaches this protocol for reporting, they risk being grieved by the other member. If, however, the situation involves a seemingly inappropriate relationship between a student and a teacher (e.g., a teacher sees a colleague on a Saturday at a movie with a student), it can be shared in good faith directly with the principal without breaching the professional code of conduct/ethics.

The two ways in which these situations are addressed — one related to adverse reporting which is tied to professional codes of ethics, the other related to inappropriate relationships and child safety which is tied to legal responsibilities in the fiduciary relationship — are different and not always clear to teachers. Consequently, this can present a barrier for teachers when addressing situations that involve a fellow teacher and a student.

For example, all teachers making an adverse report about another teacher must deliver their report to the colleague in question and, if necessary, to their superior, as outlined by their teacher association's code of ethics. An inappropriate relationship between a teacher and a student, on the other hand, is a child safety issue. As such, all concerns about a teacher's seemingly inappropriate behaviour with students need to be taken directly to a superior (in most cases, principals). When a teacher only goes to another member about concerns that involve interactions with a student and that individual legitimizes their contact, important information is not being shared with the principal and this prevents potential patterns of misconduct from being detected early or effectively addressed.

Model in image and intended as illustrative.



## RECOMMENDATIONS FOR POLICIES AND PRACTICES TO PROTECT CHILDREN FOR SCHOOL BOARDS

- Policies and practices that formally recognize commitment to safe communities.
- Policies and practices for bringing forward and responding to inappropriate behaviour and boundary violations.
- Policies and practices for managing situations when school personnel are criminally charged with sexual abuse, but not convicted.
- Policies and practices for managing situations when school personnel are not criminally charged, but there is still reason to be concerned about the individual's actions.
- Standards outlining the expectations of school personnel demonstrating appropriate boundaries in their interactions with students.
- Appoint a team of at least two individuals for school districts who handle all incidents and concerns regarding teacher misconduct in an effort to centralize the information reported. This is where all rumours, allegations, or complaints are reported. Having all information centralized allows patterns of inappropriate behaviour to be identified and managed early.

## RECOMMENDATIONS FOR EDUCATION AND AWARENESS FOR SCHOOL PERSONNEL

- Educate staff regularly about the policies, practices, and guidelines to protect children during staff meetings or in-service trainings.
- Make sexual abuse prevention training mandatory for educators and school personnel. Training should outline the behaviours that are considered inappropriate so that everyone is working from the same set of expectations.

- Educate new staff about the policies, practices, and guidelines to protect children as part of their orientation.
- Require new staff to take boundary/child sexual abuse training as condition of employment (with statement of professional standing, criminal record, vulnerable sector, and child abuse registry checks).
- Remind staff about policies, practices, and guidelines during annual evaluations, in newsletters, or communications on related issues.
- Include copies of the policies, practices, and guidelines in teacher handbooks.

## **ADDITIONAL RECOMMENDATIONS FOR EDUCATION AND TRAINING ON CHILD SEXUAL ABUSE**

- Presentations/lessons for parents and student education and awareness of the issue of child sexual abuse is crucial for fostering a climate of openness connected directly to the personal safety of children and is extremely important in promoting parents/students coming forward when something inappropriate is occurring.
- Make sexual abuse prevention training mandatory for students and offer awareness education for parents.
- Enact provincial laws that protect employers who give good-faith references for former employees to help increase the information that is shared between and within school districts.
- Have teachers take an oath as part of teacher certification — an agreed upon credo in which they pledge to their duty of care of children.



Models in image and intended as illustrative.



Model in image and intended as illustrative.

## MOVING FORWARD

Schools play an integral role in shaping how children view the world and form relationships. The vast majority of adults working in schools are professionals who play a substantial role in shaping children's lives in this vital learning environment. These people, whether teachers, principals, counsellors, educational assistants, custodians, or bus drivers, have a privileged relationship with children and their families, the foundation of which is trust. The betrayal of trust that occurs when a school employee commits a sexual offence against a child has a lasting impact on the victim and their family. If for no other reason than this, parents should have the right to know about any professional transgressions by the people with privileged access to their children.

That this study identified 750 cases of child sexual abuse by personnel employed in Canadian K-12 schools in the last 20 years suggests not enough is being done to curb this problem. It is also troubling the media alone is responsible for providing most information about cases in those provinces that do not publish details about offenders employed or formerly employed in their schools. **Much greater transparency is required.** To achieve this, it is imperative that in every province and territory, those bodies responsible for the certification of their teachers make their disciplinary decisions regarding all professional misconduct (not only misconduct of a sexual nature) available to the public.

*"Compared to other professions involving public trust, there is little information made available about teachers who have been disciplined. When such information is kept secret, the public has no way of knowing if problem teachers are actually being removed from the classroom."*

– Professor who researches teacher discipline in Canada<sup>66</sup>

<sup>66</sup> Source: Mancini, M. "Discipline for teacher misconduct often handled in secret, Marketplace finds" (2016, April 7), *CBC News*. Retrieved from <http://www.cbc.ca/news/canada/marketplace-secret-discipline-teacher-misconduct-1.3525438>.

This study found numerous cases of professional misconduct of a sexual nature involving a child or student which, although certainly concerning — and often resulted in their termination of the teacher — nonetheless did not reach the legal threshold of a crime. In these cases, because the individual was not charged with a criminal offence, the incident would not appear on their criminal record.<sup>67</sup> Disciplinary decisions, however, would include the details surrounding the professional misconduct in question. Making such decisions publically available could provide valuable information to inform employers about past activities of prospective employees — especially in occupations offering access to children. Indeed, offenders are at their most dangerous “when their deviant sexual behaviour remains hidden.”<sup>68</sup>

Finally, 15 of the cases reviewed in this study involved teachers found guilty of professional misconduct (of a sexual nature involving children) who were identified as being certified to teach in more than one province/territory.<sup>69</sup> In only five of these cases did the disciplinary decisions explicitly state that the finding of professional misconduct was subsequently communicated to other provinces/territories in which the individual was certified to teach. While these cases demonstrate that communication exists between the different bodies responsible for the certification of their teachers, with the lack of transparency characteristic of the disciplinary process in most provinces/territories in the country, there is no way to know whether such important information sharing is common practice. For example, in one case from Nova Scotia, the fact that a teacher’s certificate had been cancelled for professional misconduct was later conveyed to the Ontario College of Teachers, with whom the teacher was also certified. Although the Director and Registrar of Teacher Certification for the Nova Scotia Department of Education involved in this case explained that an information-sharing protocol exists between “a number of provincial and territorial bodies responsible for regulating the teaching profession in their respective jurisdictions,”<sup>70</sup> no further information regarding policies, practices, or even the names of the participating bodies appeared to be publically available.

Ultimately, a publically available list of all educators found guilty of professional misconduct would ensure that appropriate checks could be concluded for all prospective employees. When combined with a statement of professional standing, as well as criminal, reference, and vulnerable sector checks, having a policy in place to also search publically available disciplinary decisions would go a long way toward preventing school administrators from transferring teachers suspected of behaving badly to another school with no consequences.

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<sup>67</sup> Cases that involved charges being stayed or withdrawn may appear on an individual’s vulnerable sector check.

<sup>68</sup> Mcalinden, A. M. 2006. “Setting ‘Em Up’: Personal, Familial and Institutional Grooming in the Sexual Abuse of Children.” *Social & Legal Studies*, 15(3), p. 353.

<sup>69</sup> 15 teachers found to be certified to teach in more than one province is directly related to the level of detail provided by the evidence itself (i.e., disciplinary decisions, case law, and media reports) and represents the minimum number.

<sup>70</sup> [www.oct.ca/ShowDocument.sample?documentType=Decision&id=839&lang=E](http://www.oct.ca/ShowDocument.sample?documentType=Decision&id=839&lang=E).



Model in image and intended as illustrative.



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