

Emerging Trends in Teacher Sexual Misconduct in Ontario 2007–2012

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Cases that led to findings of sexual misconduct by the Ontario College of Teachers were analyzed in a descriptive fashion in order to understand current patterns of abusers and victims over the past six years (2007–12). Sexual misconduct appears to be an ongoing problem in Ontario schools in light of the 110 cases found over this period. Although the number is small in relation to the teacher and student populations, the nature and effects of the misconduct make it a serious concern. The overwhelming majority of cases involve male teachers and adolescent female students and appear to be recent rather than historical cases coming to light from previous generations of teachers and students. The implications of these cases include the importance of addressing this topic in teacher education as well as professional development for teachers and administrators. Many of the sexual misconduct cases suggest a “special” ongoing relationship between the perpetrator and victim including extensive use of social media. The pattern suggests the importance of policy and practice in setting appropriate professional boundaries.

Les décisions ayant abouti à des conclusions d'inconduite sexuelle par l'Ordre des enseignantes et des enseignants de l'Ontario ont été analysées de façon descriptive afin de comprendre les tendances actuelles des agresseurs et des victimes au cours des six dernières années (2007 à 2012). L'inconduite sexuelle semble être un problème récurrent dans les écoles en Ontario à la lumière des 110 décisions trouvées au cours de cette période. Bien que leur nombre soit petit par rapport au nombre de professeurs et d'étudiants, la nature et les répercussions de l'inconduite en font un problème sérieux. Une majorité écrasante de décisions visent des professeurs du sexe masculin et des adolescentes. Ces cas d'inconduite semblent s'être produits récemment, plutôt que des cas visant des générations précédentes de professeurs et d'étudiants et découverts récemment. De ces décisions découle l'importance d'aborder ce sujet dans la formation des professeurs ainsi que dans le perfectionnement professionnel des professeurs et des administrateurs. Plusieurs des décisions d'inconduite sexuelle suggèrent une relation continue « particulière » entre l'auteur et la victime, notamment l'utilisation général-

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isée des médias sociaux. La tendance suggère l'importance de politiques et de pratiques permettant d'établir des limites professionnelles appropriées.

1. INTRODUCTION

Sexual abuse by teachers represents a serious concern for the profession itself, as well as for parents, school boards and regulating bodies across Canada. High-profile incidents reported in the media are always alarming to teachers and parents because they most often involve popular educators with special talents in sports or the arts.¹ Ontario has been a leader in examining the nature of the problem and developing enhanced safeguards. In 2000, the Honourable Sydney L. Robins, a former judge of the Ontario Court of Appeal, was appointed by the Attorney General to conduct a review of a high-profile case involving a teacher who pled guilty to 14 sexual offences, involving 13 victims, all within the same school board over a two-decade period. The Robins review² looked at the systematic problems that allowed this sexual abuse to take place over so many years and made recommendations to address them. More recently, new Ontario legislation has been introduced to enhance Ontario College of Teachers (OCT) procedures and discipline to ensure teachers convicted of sexual abuse or child pornography lose their certification for a minimum of five years and have to apply for reinstatement in public proceedings.³

This article provides a review of the literature on teacher sexual misconduct and examines the nature of cases over the past six years (2007–2012) that resulted in disciplinary action by the OCT. This research was undertaken from the official records posted on the OCT website, OCT annual reports and newspaper articles related to court hearings. The goal of this article is to provide a current perspective on teacher sexual misconduct because many existing reports focus on historical cases and civil actions against perpetrators and their school boards.

2. DEFINING THE PROBLEM

The overwhelming majority of teachers are dedicated to their students' well-being and academic achievement. A minority of teachers may have problems with competence and skills to manage their professional responsibilities. In rare circumstances, they are involved in abusive behaviours that include sexual abuse.

Sexual abuse may involve a wide range of behaviours that are often grouped into the broader category of sexual misconduct. Experts in the area who refer to sexual misconduct include such behaviours as physical contact (kissing, touching,

¹ C. Shakeshaft, "Educator Sexual Misconduct: A Synthesis of Existing Literature" (2000) *Policy and Program Studies Service*, online: <http://www2.ed.gov/rschstat/research/pubs/misconductreview/report.pdf>.

² S.L. Robins, *Protecting Our Students* (Toronto, ON: Ministry of the Attorney General, 2000).

³ Ontario Ministry of Education, "Education Facts" (2013), online: <http://www.edu.gov.on.ca/eng/educationFacts.html>. See, also, P.J. Lesage, "Review of the Ontario College of Teachers Intake, Investigation and Discipline Procedures and Outcomes, and the Dispute Resolution Program" (2012), online: http://www.oct.ca/~media/PDF/Lesage%20Report/EN/LeSage_Report_e.ashx.

fondling, and oral, anal, and vaginal penetration), verbal communication (sexually-related conversations, jokes, questions, personal information, and harassment), visual communication (webcam communication, sharing pictures of a sexual nature), and possession or creation of child pornography.⁴

(a) Understanding Teacher Sexual Abuse as a Form of Institutional Abuse

Teacher sexual abuse must be placed within the broader context of abuse by trusted professionals and community institutions that serve children. When child abuse was first brought to public and professional attention it was believed to occur almost exclusively within the family context, with parents and extended family members as perpetrators. However, the expanding research in the field pointed to a number of other trusted adults who could also be perpetrators, including those professionals responsible for children in community institutions such as churches and schools.⁵ This institutional abuse is

the sexual, physical, or emotional abuse of a child (under 18 years of age) by an adult who works with him or her. The perpetrator may be employed in a paid or voluntary capacity; in the public, voluntary, or private sector; in a residential or non-residential setting; and may work either directly with children or be in an ancillary role.⁶

Central to this definition is the notion that child abuse involves the inappropriate use of power and authority, which has the potential to harm children's ongoing development and future well-being, regardless of the setting. Such acts may also include a failure to protect the child from harm or meet minimal standards of care, similar to established definitions of child neglect. Furthermore, regardless of setting and perpetrator, child abuse is seldom a single event but rather a process that often involves grooming made possible by the ongoing relationship between the perpetrator and the victim.⁷

In recent years, publicized allegations of past and recent child abuse have been made in almost every type of institution serving children in the community, including religious and spiritual institutions, churches, educational and vocational institutions, sporting, cultural and recreational organizations and special needs facilities. In the vast majority of cases, these organizations and institutions operate in a safe and caring manner. When allegations of child abuse, past or present, publicly emerge from one of these settings, they generally represent the exception, not the rule. Exceptions occur when the abuse is widespread, such as in residential schools for aboriginal children.

⁴ Above, note 1.

⁵ D.A. Wolfe, P.G. Jaffe, J.L. Jette, and S. Poisson, "The Impact of Child Abuse in Community Institutions and Organizations: Advancing Professional and Scientific Understanding" (2003) 10 *Clinical Psychology: Science and Practice* 179.

⁶ B. Gallagher, "The Extent and Nature of Known Cases of Institutional Child Sexual Abuse" (2000) 30 *British Journal of Social Work* 795 at 797.

⁷ Above, note 5.

Abuse by a trusted leader in a community institution can have a profound impact on children throughout their development into adolescence and adulthood. The harm that may result from this abuse may vary according to a number of factors related to the abuse itself, the status of the perpetrator and the institution, the nature of the disclosure and support for the victim, as well as the magnitude of others' faith in the perpetrator's capability of dealing with children perceived as problematic.⁸

Abuse by a teacher may represent one of the most damaging forms of abuse because of the importance society places on education and the crucial role of teachers as educators, mentors and role models for students. Provincial laws make school attendance mandatory. High achievement is key to higher education and employment. Teachers are in a unique position in establishing trust because of the multiple roles they may play beyond the classroom in extra-curricular activities in sports or the arts. They thus have an important opportunity to shape child and adolescent development in a positive manner. The majority of teachers understand this crucial relationship, but those who abuse students violate this sacred trust. The betrayal of trust can be profound for individual victims, both in the short- and long-term. There is an extremely high potential for long-term consequences in terms of damaged current and future intimacy and trust relationships, academic and vocational achievements, mental health problems and overall adjustment problems.⁹

(b) Prevalence of Teacher Sexual Misconduct

(i) International Studies

There has been limited research conducted on teacher sexual misconduct around the world. A nation-wide survey in the U.S. of students in grades 8–11 regarding unwanted sexual attention at school revealed that approximately 7% or 3.5 million students reported having had physical sexual contact from an adult, with more than half involving a teacher or coach in their school. Students reported unwanted touching of breasts, buttocks or the genital region, forced kissing or hugging, oral/genital contact, and vaginal and anal intercourse. When the misconduct definition expands to include sharing pornography, making inappropriate sexual comments, sexual exhibitionism, or masturbation, the proportion increases to approximately 10%, or 4.5 million students.¹⁰

A study in Zimbabwe identified 212 cases of sexual abuse that took place between 1990 and 1997. Approximately two in three perpetrators engaged in sexual intercourse with their pupils, one in four wrote them love letters and one in nine engaged in fondling, kissing, or hugging. In rarer cases, rape or attempted rape

⁸ M. Colton, S. Roberts, and M. Vanstone, "Sexual Abuse by Men Who Work with Children" (2010) 19 *Journal of Child Sexual Abuse* 345. doi: 10.1080/10538711003775824.

⁹ Above, note 5.

¹⁰ Above, note 1.

(2%) and sharing pornographic material with a student (1%) took place.¹¹ Almost all (98%) of the victims of sexual misconduct were females and all of the perpetrators were male teachers. The most vulnerable age group was eleven- to thirteen-year-old students, accounting for 69% of all sexual abuse cases. Beginning teachers were identified as the most likely to offend.¹²

In the Netherlands, a study of 2,808 students in 22 secondary schools in two regions of the country revealed that an educator or staff member was identified as the perpetrator in 27% of the cases involving unwanted sexual behaviour. The majority of the perpetrators were male and more likely to abuse girls than boys.¹³ Most of the incidences (69%) occurred in the classroom in the presence of others, whereas other incidents happened in school corridors and cafeterias. Fewer (12%) instances occurred when no one else was present.

In a nationally representative sample of students in Israel, 7.7% of junior high school students and 8% of secondary school students reported sexual misconduct by a staff member. Male students were more likely to report emotional, physical and sexual abuse than female students. Reports of sexual, emotional and physical maltreatment correlated positively with students' vulnerability because of poverty and low SES.¹⁴

In a Taiwanese study of teacher sexual misconduct, male students (32%) were more likely than female students (21.8%) to report such misconduct by their teachers. Males in junior high schools were also more likely than females to report sexual harassment by a teacher. A poor quality of the teacher-student relationship was found to be a predictor of victimization.¹⁵

(ii) Canadian Context

A major Canadian study of sexual misconduct by teachers involved a qualitative analysis using the Violent Criminal Linkage Analysis System (ViCLAS). The study examined various factors associated with a Canadian sample of 113 male teachers who had been found responsible for sexual abuse of a student between 1995 and 2002. Offenders ranged in age from 19 to 69 years, with a mean age of 37

¹¹ A. Shumba, "Who Guards the Guards in Schools? A Study of Reported Cases of Child Abuse by Teachers in Zimbabwean Secondary Schools" (2001) 1 *Sex Education* 1 at 77-86.

¹² T.J. Nhundu and A. Shumba, "The Nature and Frequency of Reported Cases of Teacher Perpetrated Child Sexual Abuse in Rural Primary Schools in Zimbabwe" (2001) 25 *Child Abuse & Neglect* 1517.

¹³ G. Timmerman, "Sexual Harassment of Adolescents Perpetrated by Teachers and by Peers: An Exploration of the Dynamics of Power, Culture, and Gender in Secondary Schools" (2003) 48 *Sex Roles* 231.

¹⁴ M. Khoury-Kassabri, "Student Victimization by Educational Staff in Israel" (2006) 30 *Child Abuse & Neglect* 691.

¹⁵ J.K. Chen and H.S. Weng, "Student Victimization by Teachers in Taiwan: Prevalence and Associations" (2011) 35 *Child Abuse & Neglect* 382. doi: 10.1016/j.chiabu.2011.01.009.

years.¹⁶ Teaching was identified as the perpetrator's principal occupation (68%); however, some also worked in other fields, with a large number identified as members of the clergy (17%). The number of clergy in schools can be attributed to the role of religious leaders in education (particularly Catholic school boards). Victims ranged in age from 3 to 16 years with a mean of 12 years. There was a slightly higher incidence of female victims (56%) within this study.¹⁷ Almost half (44%) of the offences took place at school. Other locations included the offender's residence (41%), the victim's residence (19%), a religious facility (14%), and other types of residences (12%). The most common sexual acts included fondling or hugging the victim, masturbation and kissing.

Research has also addressed the retrospective accounts of Canadian adults about the impact and prevalence of sexual harassment and abuse by educators during high school.¹⁸ Approximately one-third of adults reported experiences that met the criteria for sexual harassment, endorsing items such as "told you sexual jokes or stories you didn't want to hear; said sexual things to you or others in front of you; stared at you or parts of your body." About 10% of females and no males viewed their experiences as falling under the category of sexual harassment. Very few students chose to report their experiences to another adult.¹⁹

(iii) Ontario Context

Ontario took lead in both identifying and addressing the serious problem of teacher sexual misconduct because of a public outcry over serious incidents in Sault Ste. Marie. This high-profile incident involving a perpetrator with multiple victims led Ontario's Attorney General to appoint the Honourable Sydney L. Robins, a former judge of the Court of Appeal for Ontario, to conduct a review in 1999. The case involved a teacher who pled guilty to 14 sexual offences, involving 13 victims, all within the same school board, over a 20-year period.²⁰ The report reviews the systematic problems that allowed this abuse to take place over so many years with so many victims while the perpetrator was being moved from one school to another. A more recent review has addressed the need for more transparent and efficient disciplinary proceedings by the Ontario College of Teachers.²¹

The Robins Report provided a thorough literature review of the issue at the time and an analysis of the horrific case which triggered the review. The final report contained 101 recommendations intended to prevent and respond to teacher sexual misconduct. The recommendations address the need for greater awareness about the problem as well as legislative and policy reforms to enhance school board

¹⁶ H.M. Moulden, P. Firestone, D.A. Kingston, and A.F. Wexler, "A Description of Sexual Offending Committed by Canadian Teachers" (2010) 19 *Journal of Child Sexual Abuse* 403. doi: 10.1080/10538712.2010.495046.

¹⁷ *Ibid.*

¹⁸ J. Winters, R.J.W. Clift, and A. Maloney, "Adult-Student Sexual Harassment in British Columbia High Schools" (2004) 4 *Journal of Emotional Abuse* 177.

¹⁹ *Ibid.*

²⁰ Above, note 2. The final report on this matter was published in 2000 and is available on the website of the Ministry of the Attorney General.

²¹ Above, note 3.

responses. Justice Robins integrated his recommendations into broader Ministry of Education initiatives for safe school environments free of violence, bullying and harassment.

3. UNIQUE OPPORTUNITIES FOR TEACHERS TO ABUSE STUDENTS AND THE DYNAMICS OF GROOMING

The education system is undoubtedly one of the most common community institutions worldwide. Education systems have developed a firm reputation as trusted institutions required for the advancement and development of society.²² Teachers are naturally perceived as trustworthy by their mere association with a trusted institution. Teachers' position of authority increases their ability and opportunity to engage in sexual misconduct.²³ Perpetrators of sexual misconduct often work hard to become likeable, which is often associated with being trustworthy.²⁴ This likeability secures their position within the educational institution, while simultaneously providing them with the unconditional support of students, colleagues and parents in the face of sexual misconduct accusations.²⁵

A 1997 report by the Law Commission of Canada on institutional physical and sexual abuse of children found that, in some instances, the goal of preserving an institution's good name took precedence over concerns pertaining to the welfare of the children. While the criminal justice system is able to punish individual perpetrators of abuse, it is less effective at identifying the issues that may have precipitated the abuse on a systemic level in the first place.²⁶ Historically, the employment relationship between an educator and a school board may have protected the teacher's confidentiality and potentially contributed to further difficulties in identifying perpetrators.²⁷

Shakeshaft²⁸ categorizes perpetrators into two main types: fixated abusers and opportunistic abusers. These two types of perpetrators primarily differentiate based on personality traits and grooming techniques used. Fixated abusers are most commonly males teaching in elementary schools, who are perceived as wonderful teachers by students, faculty, and parents. These individuals often have received a

²² T.Hutchings, *Teacher Sexual Misconduct with Students: The Role of Teacher Preparation Programs as a Prevention Strategy* (Ann Arbor, MI: ProQuest Dissertations and Theses, 2009).

²³ *Ibid.* See, also, J. Knoll, "Teacher Sexual Misconduct: Grooming Patterns and Female Offenders" (2010) 19 *Journal of Child Sexual Abuse* 371.

²⁴ A. Salter, *Sex Offenders, Adult Behavior and Grooming*, Presentation to the National Youth Protection Symposium, Atlanta, GA, 2012.

²⁵ *Ibid.*

²⁶ Law Commission of Canada, *Restoring Dignity: Responding to Child Abuse in Canadian Institutions*, 2000, online: <http://www.attorneygeneral.jus.gov.on.ca/inquiries/cornwall/en/hearings/exhibits/Peter_Jaffe/pdf/Restoring_Dignity.pdf>.

²⁷ British Columbia College of Teachers, *Grooming — Not What You Think It Is*. *TC Magazine*, 2011, online: https://www.bcteacherregulation.ca/documents/TC/2011/TCMagazine_Winter_2011.pdf.

²⁸ C. Shakeshaft, "Know the Warning Signs of Educator Sexual Misconduct" (2013) 94 *Phi Delta Kappan* 8.

disproportionate number of awards for excellence in teaching, and consequently are very well liked and trusted. Fixated abusers prey on vulnerable students by initially providing them with additional attention and after-school help. An additional type of fixated abusers, are male elementary teachers who prey on female students by granting them increased privileges in class, such as being a class monitor, as well as flattering them on their maturity. These behaviours manipulate the student into feeling special, a feeling which the perpetrator then exploits by sexually victimizing the student. Because of the manipulative effects of grooming, student victims sometimes do not construe what has happened to them as abuse, but rather as a romantic relationship.²⁹ Unfortunately, as a result of their likeability, these are the perpetrators who often receive unconditional support from colleagues, parents and students, throughout sexual misconduct accusations, charges, and trials.³⁰ The support received by the perpetrator often acts as a deterrent to victims when it comes to reporting, as they fear not being believed or losing the support of friends and families who support the perpetrator.³¹

Opportunistic abusers are individuals who take advantage of a situation, but are not exclusively attracted to children or adolescents.³² These abusers typically operate on a teenage level of maturity and have difficulties with judgment and boundaries. Once an abuse pattern emerges, these individuals are easier to identify than fixated abusers. However, similar to fixated abusers, they are often very likeable. Opportunistic abusers are often found spending a significant amount of time with groups of students, trying to fit in with them in attempts to be perceived as “cool.” These are teachers who make inappropriate sexual comments regarding students, and who inquire extensively into their personal lives as part of the grooming pattern.

A study on teacher sexual misconduct interviewed 24 experts in the field who were considered leading voices in the field of professional practice.³³ The sample consisted of six attorneys, six teachers who had received a “Teacher of the Year Designation” by the United States Department of Education, six state department of education sexual misconduct officials, and six school district officials who had extensive experience in teacher misconduct investigations. These participants agreed that the common characteristics of teacher perpetrators of sexual misconduct were that they “were often popular teachers, who have the most access to children, and often display a lack of personal and professional maturity.”³⁴ Teachers who commit sexual misconduct typically seek increased access to children and these individuals therefore often participate in extracurricular activities such as coaching and music.

Teachers not only seek out valid opportunities to increase their access to children, they strategically select victims whom they can safely victimize. These vic-

²⁹ Above, note 1.

³⁰ Above, note 24. See, also, C. Shakeshaft and A. Cohan, “Sexual Abuse of Students by School Personnel” (1995) 76 *Phi Delta Kappan* 512.

³¹ Above, notes 24 and 30.

³² Above, note 1.

³³ Above, note 22.

³⁴ *Ibid.* at 74.

tims are typically children with special needs, learning disabilities, or obvious vulnerabilities, such as a dysfunctional family life.³⁵ There may be more access to these students because of their needs and, at the same time, the victims may have less credibility when they report their experiences or try to testify in disciplinary hearings.

Fixated and opportunistic abusers consist largely of male offenders. On the other hand, female perpetrators tend to be classified as “romantic lovers.”³⁶ A study of female teachers who committed sexual misconduct found that those perpetrators with “romantic” intentions do not typically consider their actions to be inappropriate, as they believe their behaviour constitutes a consensual love affair.³⁷ Female perpetrators’ motives for sexual misconduct are often driven by their need to act out their teenage sexual fantasies.³⁸ In these instances, a female teacher may become attracted to a male student and begin to groom him by providing him with extra attention, flirting, and making it known that she is sexually available.³⁹

Regardless of age, gender or typology of abuser, most cases of teacher sexual misconduct involve some form of grooming. Grooming is typically understood as a series of actions an individual, often in a position of authority or trust, takes in order to manipulate children to a point of normalizing sexually deviant behavior, or to gain trust in order to prepare them for sexual abuse.⁴⁰ Grooming can include actions such as befriending, gift giving, paying special attention, sharing hobbies and interests, and complimenting.⁴¹ Convicted sexual offenders report using the following strategies to lure or groom their victims for sexual abuse: providing love to, spending a lot of time with, and giving attention to the victims; making them feel special or unique; telling them personal things; telling them how special they are; treating them like adults; making them feel safe with the offender; saying loving and caring things to them; and doing things they like to do.⁴² Grooming usually involves a gradual progression from non-sexual to sexual touching and sexually related strategies that include increasingly talking about sex, initiating sexual contact as if it were appropriate, getting them curious about sex, and getting them sexually excited.

³⁵ Above, note 23. See, also, A. McAlinden, “‘Setting ’em Up’: Personal, Familial, and Institutional Grooming in the Sexual Abuse of Children” (2006) 15 *Social and Legal Studies* 339.

³⁶ J. Sandler and N. Freeman, “Typology of Female Sex Offenders: A Test of Vandiver and Kercher” (2007) 19 *Sex Abuse* 73. See, also, Shakeshaft above, note 1.

³⁷ Above, note 23.

Above, note 36.

³⁸ Above, note 1.

³⁹ *Ibid.*

⁴⁰ J. Davidson and P. Gottschalk, “Characteristics of the Internet for Criminal Child Sexual Abuse by Online Groomers” (2011) 24 *Criminal Justice Studies: A Critical Journal of Crime, Law and Society* 23. See, also, above, notes 28 and 35.

⁴¹ Above, notes 16, 28, and 35.

⁴² B. Leclerc, J. Proulx, and A. McKibben, “Modus Operandi of Sexual Offenders Working or Doing Voluntary Work with Children and Adolescents” (2005) 11 *Journal of Sexual Aggression* 187.

Typically, grooming occurs over a long period of time; however, it is not uncommon for teachers to be grooming a number of students simultaneously.⁴³ Grooming multiple students at once allows the teacher to have access to at least one student at all times. Technology has provided a significant opportunity to expand grooming activities inasmuch as teachers can maintain contact with potential victims 24 hours a day, 7 days a week, through cell phones and email as well as other communication devices. Online and electronic communications such as email, instant messaging, and texting allow frequent, swift and private exchanges, which online molesters can use to develop relationships with and seduce victims.⁴⁴ Social Networking sites are also used to communicate with victims, to access and disseminate information about them, to disseminate pictures of them, and to get in touch with their friends.⁴⁵

4. THE IMPACT OF TEACHER SEXUAL ABUSE

Victims of teacher sexual misconduct not only suffer immediate consequences, they may also suffer long-term negative emotional, psychological, educational, and developmental effects.⁴⁶ Data collected by the American Association of University Women (AAUW)⁴⁷ analyzed these effects and found that one-third of students who experienced teacher sexual abuse reported engaging in behaviours that negatively impacted their schooling, such as, avoiding the teacher (43%), not attending school (34%), and having difficulty paying attention (31%) and studying (19%). Furthermore, one-quarter of student victims reported repercussions that directly resulted from the misconduct, such as, thoughts of changing schools (19%), receiving lower grades on tests and assignments (25%), and getting into trouble with school authorities (25%). A substantial number of victims reported detrimental health, and emotional and psychological impacts such as sleep disorder and appetite loss (28%), feelings of embarrassment (51%), self-consciousness (39%), loss of confidence (37%), identity confusion (29%), and doubts about their ability to have a happy, romantic relationship (29%). Furthermore, research conducted by Bebbington and colleagues⁴⁸ concluded that victims of teacher sexual misconduct often experience feelings of depression, suicidality, and low self-esteem. Finkelhor and

⁴³ Above, note 35.

⁴⁴ J. Wolak, D. Finkelhor, L. Mitchell, and M. Ybarra, "Online "Predators" and their Victims: Myths, Realities, and Implications for Prevention and Treatment" (2008) 63 *American Psychologist* 111.

⁴⁵ K.J. Mitchell, D. Finkelhor, L.M. Jones, and J. Wolak, "Use of Social Networking Sites in Online Sex Crimes against Minors: An Examination of National Incidence and Means of Utilization" (2010) 47 *Journal of Adolescent Health* 183.

⁴⁶ K.A. Kendall-Tackett, L.M. Williams, and D. Finkelhor, "Impact of Sexual Abuse on Children: A Review and Synthesis of Recent Empirical Studies" (1993) 113 *Psychology Bulletin* 164. See, also, above, note 1.

⁴⁷ American Association of University Women, *Hostile Hallways* (Washington, DC: AAUW Educational Foundation, 2001).

⁴⁸ P.E. Bebbington, C. Cooper, S. Minot, and T.S. Brugha, "Suicide Attempts, Gender, and Sexual Abuse: Data from the 2000 British Psychiatric Morbidity Survey" (2009) 166 *American Journal of Psychiatry* 1135.

Hashima⁴⁹ found that abuse victims might experience a loss of trust in adults and authority and have difficulty forming stable, healthy relationships with others. Students who are the victims of sexual misconduct are more likely to develop substance abuse than those who are not victimized.⁵⁰

Some of the long-term effects of teacher sexual misconduct may be related to delayed disclosures because the vast majority of students do not report the sexual abuse right away. For example, one study found that only 6% of students report sexual abuse by a teacher or other staff member to someone who can do something about it.⁵¹ Failure to report abuse could enhance potential problems and mental health difficulties. In cases where abuse is reported, there may be secondary problems related to students feeling re-victimized. For example, disclosure of abuse by popular teachers may lead to a student's suffering harassment from fellow students, teachers, and parents because the teacher is so well liked.⁵²

Burgess and colleagues⁵³ analyzed two case reports of teacher sexual abuse, which focused on the impact of the abuse on the student. The students reported experiencing a breadth of psychological, emotional, and developmental difficulties. The immediate impacts reported included shame and embarrassment, mood and sleep disturbances, and estrangement from friends and classmates. The students reported long-term impacts that included post-traumatic stress disorder, nightmares and flashbacks, alcohol dependence, lack of focus, sexual dysfunction, depression, and suicidal ideation. They also reported developmental difficulties, including interruption of peer relationships, interruption of usual dating patterns in high school, rupture of parental relationships, and the negative repercussions resulting from the social disclosure of the abuse.

5. RESPONDING TO THE PROBLEM IN ONTARIO

The Ontario College of Teachers (OCT) is the provincial body that licenses, governs, and regulates teachers and administrators. The OCT reports that it also "sets standards of practice and ethical standards, conducts disciplinary hearings and accredits teacher education programs in publicly funded schools and institutions across Ontario as the only self-regulatory body for the teaching profession in Canada."⁵⁴ Within the OCT there are a number of committees at work, the most relevant of which, for the purposes of this article, are the Investigation Committee and the Discipline Committee.

When a complaint is filed against a teacher, the Investigation Committee conducts a review of information related to the complaint. If a complaint is deemed

⁴⁹ D. Finkelhor and P. Hashima, "The Victimization of Children and Youth: A Comprehensive Overview" in S.O. White, ed., *Law and Social Science Perspectives on Youth and Justice* (New York: Plenum Publishing, 2001) at 49.

⁵⁰ *Ibid.*

⁵¹ M.S. Denove, "A Culture of Denial: Exploring Professional Perspectives on Female Sex Offending" (2001) 43 *Canadian Journal of Criminology* 303.

⁵² Above, note 1.

⁵³ A.W. Burgess, M. Welner, and D.G. Willis, "Educator Sexual Abuse: Two Case Reports" (2010) 19 *Journal of Child Sexual Abuse* 387.

⁵⁴ See online: <www.oct.ca>.

valid by the Investigation Committee, it is referred to the Discipline Committee. The Discipline Committee considers allegations of incompetence and professional misconduct. Three-member panels hold hearings to consider these complaints and impose suitable disciplinary consequences. The College maintains a roster of experienced panel members who may be called on to act in this capacity. The panels are made up of a combination of elected and appointed Council members and may include a member of the roster. Disciplinary consequences can include (1) directing the registrar to revoke the member's teaching certificate; (2) suspending the certificate for up to two years; (3) imposing terms, conditions or limitations on the member's teaching certificate (e.g., taking an educational course on boundaries); or (4) postponing, reducing or cancelling certain conditions if alternate conditions are fulfilled. The panel can also order that a member be reprimanded, admonished or counseled by the committee, impose a fine of up to \$5000.00 and order that its decision be published in the College's magazine. Independent of the decisions of the OCT, police and crown attorneys may decide to proceed with criminal charges.

Over the past five years, the College was contacted 1500 times annually by members of the public and the profession who raised issues concerning teachers.⁵⁵ The vast majority of these concerns are resolved at the local level. Approximately one quarter of the complaints are referred to the Investigation Committee.⁵⁶ Of those referred to the Investigation Committee, approximately one in five is referred on to the Discipline Committee. Of those referred to the Discipline Committee, findings of professional misconduct occur in approximately one in three cases.

The most complete information about the College population and discipline is found in its 2007 report.⁵⁷ In 2007, there were over 2 million students, 4,923 schools, 123,545 teachers and 7,368 administrators.⁵⁸ In the same year, the OCT received 325 credible complaints, 95 of which involved conduct that included physical, sexual, verbal, psychological, or emotional abuse of students.⁵⁹ Of those 95 cases, the OCT made a finding of professional misconduct in 27. As a consequence of such a finding, 14 members had their membership revoked, 6 were reprimanded, 5 resigned or retired, and 2 were suspended.⁶⁰ Of the 27 cases heard that ended in the imposition of discipline by the Disciplinary Committee in 2007, 9 members were incarcerated by the criminal justice system through independent proceedings.

Overall, in 2007, 39% of all complaints reviewed by the Discipline Committee involving abuse of a student resulted in a finding of professional misconduct by the

⁵⁵ Ontario College of Teachers, *2012 Annual Report*, 2012, online: <<http://www.oct.ca/about-the-college/annual-reports>>.

⁵⁶ *Ibid.*

⁵⁷ Ontario College of Teachers, *2007 Annual Report*, 2007, online: <<http://www.oct.ca/about-the-college/annual-reports>>.

⁵⁸ Ontario Ministry of Education, *Quick Facts — Ontario Schools: 2007-2008*, 2010, online: <http://www.edu.gov.on.ca/eng/general/elemsec/quickfacts/2007-08/quickFacts07_08.pdf>.

⁵⁹ *Ibid.*

⁶⁰ See Table 1 for a summary of the number of offences and findings of professional misconduct outcomes for every year of the present study.

OCT. The decisions by the Discipline Committee have been fairly consistent throughout the years. Beyond OCT decisions, an average of seven members per year (ranging from 2 to 10 per year) are incarcerated by the criminal justice system for these offences. It is interesting to note that there was often a delay of up to five years between the time of the report of sexual abuse and the disciplinary hearing. There appear to be fewer historical cases going to OCT since only 16% of the cases heard between 2007 and 2012 involved offences committed prior to the year 2000.

6. ONTARIO DATA ON TEACHER SEXUAL ABUSE: 2007–2012

(a) The Study

A review of all reported cases of teacher misconduct in Ontario over the past 6 years was conducted to identify trends and compare them to those discussed in the literature and in the findings reported by Justice Robins. Teacher misconduct cases reported in Ontario between January 1, 2007 and December 31, 2012 were reviewed. These cases were obtained through a search of the Ontario College of Teachers website for disciplinary decisions concerning College members who faced allegations of professional misconduct.⁶¹ Only those cases that involved alleged sexual misconduct by teachers were included in this study.

Teacher sexual misconduct cases were defined as those that cited allegations of sexual abuse, sexual communication, possession or creation of child pornography and grooming behaviours involving a teacher registered with the OCT and a student enrolled in an educational institution up to graduation from secondary school, regardless of his or her age. This definition was based on the OCT's definition of educator sexual misconduct: "any behaviour of a sexual nature which may constitute professional misconduct."⁶² Thus, those individuals found guilty of sexual misconduct with children but who were not registered with the College (i.e., voluntary coaches or club supervisors) were not included in the current sample, as they did not meet the definition of "teacher" set for the current study.

After isolating from other offences those disciplinary decisions that cited teacher sexual misconduct, the study was left with a total of 110 cases that adhered to the above definition of sexual misconduct perpetrated by a teacher against a student. Using various sources of information, each case yielded by the original search was coded individually by four graduate students. As stated, this information was primarily obtained through the review of the disciplinary decisions of the OCT. However, due to the limited nature of some of these documents because of publication bans put in place to protect victims, further information was sought from other sources. In addition to the OCT disciplinary decisions, two major commercial Canadian databases of judicial decisions, Westlaw Canada and Quicklaw, were searched using the terms "teacher sexual misconduct," "teacher sexual abuse," and individual case names. Furthermore, missing data was recovered through an In-

⁶¹ Ontario College of Teachers, *Professional Advisory: Professional Misconduct Related to Sexual Abuse and Sexual Misconduct*. 2002, online: <<http://www.oct.ca/resources/advisories/professional-misconduct-related-to-sexual-abuse-and-sexual-misconduct>>.

⁶² *Ibid.* at 1.

ternet search of individual case names in newspaper articles and the annotated hearings reported in *Professionally Speaking* (the OCT magazine).

(b) Study Results

(i) The Nature of Perpetrators

Summary information about the perpetrators of sexual misconduct can be found in Table 2. The perpetrators were 110 teachers (90.9% male) who had been or still were registered with the Ontario College of Teachers and had participated in a disciplinary hearing for teacher sexual misconduct before the OCT between January 1, 2007 and December 31, 2012. Perpetrators' ages were rarely reported and therefore were not included in this analysis. Fifty-seven percent of perpetrators taught at the secondary level and 38% taught at the elementary level (the remaining 5% were unidentified). Sixty-six percent of the teachers taught within the public school system, 25% taught within the Catholic system, 6% within the private school system and 2% within First Nations' schools (the assignment of the remaining 1% was unidentified). The perpetrator was most often the victim's classroom teacher (82%). Some perpetrators taught in their victims' schools but were not their classroom teachers (13%), while other perpetrators were coaches (9%), extracurricular supervisors (5%), art instructors (1%), tutors (2%), principals or other school administrators (5%), or counselors (4%).

(ii) The Nature of Victims and Grooming Behaviour

Summary information about the victims of teacher sexual misconduct can be found in Table 3. Approximately two-thirds of the victims were female. In a small number of cases, there were both male and female victims (4%), or the gender was not reported (5%). The mean age of victims at onset of abuse was nearly 14 years (males: $M=13.04$ years, $SD=3.15$; females: $M=14.05$, $SD=2.35$). Most cases of sexual misconduct involved one student (54%). In approximately one in four cases, the teacher victimized three or more students. Most misconduct involved several incidents of sexual abuse over the course of a school year (93%). Less frequently, the sexual misconduct with an identified student would occur for one or more school years (7%).

The sexual misconduct was generally described as occurring within the context of a trusting relationship with the teacher. Any reference to violent behaviour as part of the misconduct was rare. The teacher-student relationship involved considerable grooming behaviour as a foundation for the sexual misconduct. Grooming largely occurred through special attention (73%), whereby teachers provided extra academic or emotional support. Electronic communication (45%) was also a commonly used method of grooming, beginning with seemingly benign extra-curricular conversations and escalating to sexually laden discourse. Other grooming behaviours used by perpetrators were reported as gift giving (8%), targeting student vulnerability (30%), promising a romantic relationship (24%), providing access to drugs or alcohol (10%), and integrating into the victim's family network (3%).

(iii) Nature of the Abuse

The current study classified the nature of teacher sexual misconduct according to categories used by other Canadian researchers.⁶³ These findings are summarized in Table 4. Most of the sexual misconduct described in the OCT findings involved fondling (62%), kissing (32%), and hugging (26%). More intrusive sexual abuse, which was seen in over a third of the cases, included vaginal intercourse (33%), fellatio (14%), and anal intercourse (3%).

Beyond direct sexual misconduct, a great deal of teacher-student communication about sexual matters was reported. Sexual communication, defined as communication of a sexual nature via the Internet, texting, handwritten notes, and inappropriate oral language, occurred in nearly 59% of the cases. Emotional abuse was reported by the victim in 54% of the cases. Nearly 12% of perpetrators were found to possess child pornography. Harassment and violence were rarely reported by victims (3%). Numbers do not total 100% as more than one form of abuse may have been perpetrated in a case.

Abuse was perpetrated in a variety of locations and was not limited to one location per case. Locations where abuse was perpetrated included school (41%) and online (47%). Perpetration at extracurricular activities (10%) and elsewhere in the community (25%) occurred less frequently. Other locations of abuse reported by victims included the perpetrator's vehicle (20%), the perpetrator's house (33%), and the victim's house (8%).

(iv) Professional and Legal Consequences

The OCT was most likely to revoke the teaching licence of the perpetrator (63.6%). In those cases where a licence was not revoked, consequences included admonishment (13.6%), suspension (9.1%), and admonishment and suspension (3.6%). In 10% of the cases, the teacher resigned or retired and no further action was required. Psychological counseling was ordered in one in eight cases (11.8%), and an educational course on boundaries or other concerning behaviours was ordered for almost one in five perpetrators (17.3%).

The criminal courts convicted 45% of the perpetrators in the current study sample for varying charges including sexual assault, sexual exploitation, and possessing child pornography. For those convictions, the court ordered incarceration in 84% of the cases. Mean incarceration time was nine months (mean 9.2 months, SD=21.1). Probation was ordered for 68% of those convicted, with a mean probation time of nearly 7 months (mean=6.6, SD= 11.6). Conditional sentences (6%) were also ordered.

7. CONCLUSION

This article focused on the problem of teacher sexual misconduct and recent trends in discipline by the OCT. Reported cases were reviewed for the period 2007–2012, a time when there would have been greater awareness in the province in light of the 2000 government-commissioned report by Justice Sydney L. Robins. The report provided an in-depth analysis of a high-profile case involving a teacher

⁶³ Above, note 16.

who abused 13 victims within the same school board over two decades. The report also outlined recommendations for early identification and prevention of this serious problem.

The study conducted by the authors of this article examined the nature of sexual misconduct cases that resulted in disciplinary action by the Ontario College of Teachers over the past 6 years (2007–2012). Data from 110 cases were summarized and showed mainly male perpetrators (90%) and female victims (65%). The vast majority of cases took place since the release of the Robins Report (84% since 2000). There was a range of sexual misconduct reported, with violence rarely being used and most misconduct being associated with extensive grooming behaviour. It would appear that the OCT and the criminal courts took the misconduct seriously in light of the discipline given the perpetrators by the College and the rate of incarceration ordered by the criminal courts.

It is indisputable that one incident of sexual misconduct within schools is too many; however, the absolute number over 6 years needs to be put into perspective by considering the number of students (2 million) and teachers (125,000) in almost 5,000 schools in Ontario. Although the study provides a comprehensive reflection of the cases known to the OCT, the reported number of cases does not reflect the total number of cases in which teacher sexual misconduct issues may arise. It is fair to assume that found cases represent only the “tip of the iceberg.”⁶⁴ Many cases simply go unreported for multiple reasons, such as, students not recognizing that abuse had taken place or ongoing threats by perpetrators. If cases are reported, it is often difficult to provide independent evidence to support claims and, therefore, criminal convictions may be difficult⁶⁵ or victims may want to withdraw allegations due to the embarrassing nature of the abuse. Students involved in teacher sexual misconduct cases may feel ambivalent; they may receive pressure from their parents or police to testify, but have conflicting feelings of affection for the perpetrator due to the nature of the relationship they have formed. Cases that were not formally reported or were withdrawn, perhaps because of retractions or insufficient evidence, are not reflected in the data presented.

It is interesting to note that the majority of cases reviewed in this study are recent ones. This fact is significant since the public and professionals often believe that sexual misconduct relates to historical events when there was less awareness about sexual abuse.⁶⁶ According to the cases reviewed, teacher sexual misconduct is an ongoing problem that requires the vigilance of educators, parents and school boards.

The overall pattern of abuse is interesting because it defies the stereotype that sexual abuse is perpetrated by pedophiles interested in young children. The overwhelming pattern appears to be the abuse of vulnerable teenage girls by male teachers who employ extensive grooming behaviours that include paying special attention to victims and building relationships with them through technology. This

⁶⁴ Above, note 2.

⁶⁵ However, amendments to the *Criminal Code* provide that corroboration is no longer required for conviction for many sexual abuse offences: see the *Criminal Code*, R.S.C. 1985, c. C-46, s. 274.

⁶⁶ Above, note 2.

pattern raises the importance of setting and communicating clear professional boundaries between teachers and students. Violations of these boundaries should be viewed as warning signs requiring immediate and effective action, possibly through enhanced and continuous professional development for the profession as a whole but most certainly through interventions with individual violators.

The pattern of offenders amongst educators in Ontario in this study is parallel to the findings in major US research. These studies point out that the majority of offenders are males who are fixated on and opportunistic with adolescent girls. The College's records report extensive grooming that includes the use of technology. These findings are consistent with other research that highlights the use of technology as an important part of child sexual abuse.⁶⁷ Most perpetrators of non-violent sex crimes against children and adolescents already know their victims prior to the offence⁶⁸ and use technology as an extension of other abusive behaviours.

In summary, teacher sexual misconduct appears to be a serious and ongoing problem in Ontario schools. Although the absolute numbers are small compared to the number of teachers, students and schools in Ontario, it is hard to deny that one incident is too many, and 110 over 5 years is concerning. The nature of these cases reinforces the importance of this topic in teacher education, as well as in professional development for teachers and administrators, in order for everyone in the system to remain vigilant. Many of the sexual misconduct cases reveal a "special" relationship between the perpetrator and victim including extensive use of social media. This pattern suggests the importance of policy and practice in setting professional boundaries and reporting exceptions to principals to make these relationships as transparent as possible. This topic is often easy to overlook because of the discomfort it raises, but just as fire drills and lock-downs have become important parts of school administration in the face of very rare events, teacher sexual misconduct should not be ignored. Discussion in this area is continuing with more recent reports on the need for enhanced OCT policies to protect students⁶⁹ and Ministry of Education statements, such as the following, on the vital need to address these issues:

We know that the vast majority of our teachers are professionals who care about their students' safety, well-being, and achievement. But in those rare circumstances when discipline is required, it is important for Ontario families to be confident in the action that is taken. This proposed legislation will strengthen the authority of the Ontario College of Teachers to take action, while ensuring the process is open and transparent for everyone involved.⁷⁰

⁶⁷ Above, note 44.

⁶⁸ H. Snyder, *Sexual Assault of Young Children as Reported to Law Enforcement: Victim, Incident, and Offender Characteristics* (Washington, DC: U.S. Department of Justice, 2000).

⁶⁹ Above, note 3.

⁷⁰ In September 2013, the Ontario government announced its intention to propose the *Protecting Students Act*, which would be designed to enhance students' protection from abuse by

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

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- Requiring school boards to inform the college when they have restricted a teacher's duties or dismissed him or her for misconduct
 - Allowing the college to share information with the school board if the subject of a complaint poses an immediate risk to a student
 - Requiring the college to publish all decisions from its discipline committee
 - Imposing new timelines to resolve cases more quickly and efficiently
 - Avoiding potential conflicts of interest by preventing union or association representatives from sitting on the college's council, where college policy is developed and approved
 - Requiring that a disciplinary panel include a principal or vice-principal when hearing a matter relating to the conduct of a principal or vice-principal.

See L. Sandals, Minister of Education (September 18, 2013), online: <<http://news.ontario.ca/edu/en/2013/09/protecting-ontario-students.html>>.

Table 1. OCT complaints and findings 2007–2012

Year	Complaints that went to Investigation Committee	Complaints that went to Discipline Committee	Finding of Misconduct by OCT Related to Abuse of a Student	Revocation from OCT	Suspended from OCT	Reprimanded from OCT	Suspended/ Reprimanded	Resigned or Retired from OCT
2007	263	69	27	14	2	6	0	5
2008	319	71	22	17	1	2	1	1
2009	302	61	11	7	2	2	0	0
2010	202	38	17	7	3	2	1	4
2011	229	37	13	10	0	1	2	0
2012	301	41	20	15	2	2	0	1
Total	1616	317	110	70	10	15	4	11

Table 2. Perpetrators of sexual misconduct.

		Frequency	%
Sex	Male	100	90.9
	Female	10	9.1
Level of school	Elementary	42	38.2
	Secondary	62	56.4
	Unknown	6	5.5
Type of school	Public	73	66.4
	Catholic	27	24.5
	Private	7	6.4
	First Nations	2	1.8
	Unknown	1	0.9
Roles played by perpetrators	Victim's classroom teacher	90	81.8
	Taught in victim's school	14	12.7
	Coach	10	9.1
	Club supervisor	6	5.5
	School principal or admin.	5	4.5
	Victim's counselor	4	3.6
	Victim's tutor	2	1.8
	Art instructor	1	0.9
	<i>Other</i>	3	2.7

Note. Roles played by perpetrators will not sum to 110 (100%), more than one option may apply.

Table 3. Victims of teacher sexual misconduct.

		n	%
Sex of the victims	Female	68	61.8
	Male	30	27.3
	Both	4	3.6
	Unknown	5	4.5
Number of victim(s)	0 victims	6	5.5
	1 victim	59	53.6
	2 victims	16	14.6
	3 victims	9	8.2
	4 victims and more	17	15.4
		<i>Missing information</i>	3
Average age of victim(s) at onset of abuse		Mean	SD
	Male	13.04	3.15
	Female	14.05	2.35

Note. Those cases with 0 victims were cases citing child pornography.

Table 4. Sexual acts attempted and/ or committed by teachers.

Sexual Acts	Frequencies	% of Cases
Fondling	68	61.8
Exposing genitals	10	9.1
Online sex	7	6.4
Masturbation	8	7.3
Kissing	35	31.8
Hugging	28	25.5
Fellatio	15	13.6
Rubbing penis against victim	11	10.0
Digital penetration	3	2.7
Anal intercourse	3	2.7
Simulated intercourse	4	3.6
Vaginal intercourse	36	32.7
Sucking	1	0.9
Licking	1	0.9
Tickling	2	1.8
Other	3	2.7

Note. Percentages will not sum to 100. More than one option may be applied to each offender.

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