

Allegations of Sexual Misconduct **Special Edition**

ETFO Members and Sexual Misconduct

ETFO represents over 83,000 members across Ontario. Members take pride in their professionalism and the responsibility entrusted to them. Although instances of misconduct are rare, ETFO works to protect students while ensuring due process and defending against false allegations.

Employer's and Member's Reporting Duties

Ontario legislation mandates reporting and safety protocols, including:

1. [Education Act, 1990](#)
2. [Teaching Profession Act, 1990](#)
3. [Child, Youth and Family Services Act, 2017](#)

Under these laws, school boards must immediately suspend members charged with or convicted of sexual offences involving minors, or any offence deemed risky, with no student contact. School boards will also remove members where there are allegations of professional misconduct, including physical or sexual abuse, to facilitate investigations.

Reporting Requirements: Ontario College of Teachers (OCT) and College of Early Childhood Educators (CECE)

ETFO members are subject to obligations under both the [Ontario College of Teachers Act](#) and the [Early Childhood Educators Act](#), as well as the *Child, Youth and Family Services Act* (CYFSA).

Self-reporting by members

- OCT members must report to the college in writing as soon as reasonably practicable after being charged with or convicted of an offence that may impact their professional suitability.
- CECE members (designated early childhood educators) have equivalent obligations, including self-reporting verified findings by a children's aid society (CAS).

Mandatory employer reporting

- To OCT: Employers must report in writing within 30 days if a member is charged with, convicted of, or suspected of conduct endangering students, or if the member resigns or is dismissed under such conditions.
- To CECE: Employers must report in similar circumstances and must also provide a copy of the report to the DECE.

Reporting to Children's Aid Society (CAS)/Child and Family Services

Regardless of college obligations, members must report directly and immediately to a CAS under Section 125 of the *Child, Youth and Family Services Act* when there is a reasonable suspicion of abuse or risk to a child. This duty is independent and ongoing.

Definitions of Professional Misconduct: OCT and CECE

Ontario College of Teachers

Under the *Ontario College of Teachers Act*, [Regulation 437/97](#), the following may constitute professional misconduct for OCT members:

- Failing to maintain the standards of the profession.
- Abusing a student physically, sexually, verbally, psychologically, or emotionally.
- Failing to comply with the *Ontario College of Teachers Act*, its regulations or bylaws.
- Contravening the *Education Act* or its regulations.
- Committing an offence relevant to suitability to teach.
- Committing an offence that may put a student at risk.
- Engaging in conduct that would reasonably be regarded as:
 - disgraceful
 - dishonourable
 - unprofessional
- Engaging in conduct unbecoming a member.

Only the Discipline Committee or Fitness to Practise Committee may make a formal finding of professional misconduct after a fair hearing.

The OCT has issued the following relevant professional advisories:

- [Duty to Report](#)
- [Professional Misconduct of a Sexual Nature](#)
- [Professional Boundaries](#)
- [Maintaining Professionalism – Use of Electronic Communication and Social Media](#)

College of Early Childhood Educators

Under the *Early Childhood Educators Act*, [Regulation 223/08](#), professional misconduct includes:

- Failing to maintain professional standards or ethical obligations.
- Abusing a child physically, verbally, psychologically, emotionally, or sexually.
- Engaging in conduct that, having regard to all circumstances, would reasonably be seen as:
 - disgraceful
 - dishonourable
 - unprofessional
- Conduct unbecoming a member of the profession.
- Failing to comply with the *Early Childhood Educators Act* or its regulations.
- Contravening any law relevant to the member's suitability to practise.
- Practising while impaired by alcohol, drugs, or illness.
- Falsifying records or misrepresenting qualifications.

As with the OCT, a finding of misconduct can only be made by the CECE's Discipline Committee following due process.

In addition to their [Code of Ethics and Standards of Practice](#), the CECE has issued the following relevant member resources:

- [Duty to Report](#)
- [Employer Reporting Obligations](#)
- [Practice Guideline: Professional Boundaries](#)

Sexual Conduct, Grooming, and Professional Misconduct

Any sexual activity, remarks, or relationship with a student could constitute a criminal offence and professional misconduct. Allegations are handled by the respective college's Investigation and Discipline committees, respecting procedural fairness and the presumption of innocence.

"Grooming" refers to non-sexual behaviours intended to foster future sexual misconduct. Boundary violations are a leading cause of certificate revocations. It is important to keep in mind that a teacher's innocent gesture toward a student may be subsequently misinterpreted as "grooming" behaviour.

Sexual Harassment

Teachers may be charged by the OCT with professional misconduct in cases where sexual harassment is alleged. Normally, these allegations arise based on a teacher's interactions with co-workers. The essence of sexual harassment is "unwelcome sexual conduct". It is recognized as an abuse of power and as a form of discrimination based on sex. Keep in mind that sexual comments and conduct are not appropriate in a professional environment, and may cause offense where none is intended. If a charge of professional misconduct is brought before the Discipline Committee, the Committee will determine on a case-by-case basis if professional misconduct has occurred. Members should avoid behaviour that may be misinterpreted, even if unintended.

Boundary Guidelines

To prevent misunderstandings and allegations, members should:

- Use only official, board-approved communication channels.
- Keep all interactions with students professional.
- Know and follow board policies, especially those related to physical contact.
- Avoid being alone with a student in private spaces or vehicles.
- Keep doors open during private conversations and involve other adults when concerns arise.
- Immediately report any parental concerns to your administrator.
- Contact ETFO for guidance if uncertain.

Investigations

If contacted by the OCT, CECE, police, or CAS:

Call ETFO Professional Relations Services at 1-888-838-3836 or 416-962-3836 before making any statements.

Members are entitled to advice and representation and should not speak to investigators before contacting ETFO.

Frequently Asked Questions

Q1: What if I'm charged with a non-violent offence unrelated to students?

You must still report it to your regulatory college (OCT or CECE) within 30 days if it may impact your professional standing.

Q2: Do I need to report something to CAS if another staff member already has?

Yes. The duty to report under the CYFSA is personal and ongoing, even if you believe someone else has already made a report.

Q3: What happens if I don't report a charge to my college?

Failure to report may be treated as professional misconduct and could result in disciplinary action.

Q4: What is a boundary violation?

Any inappropriate or overly familiar behaviour with a student that may be interpreted as grooming or misconduct.

Q5: Can I email students for class-related reasons?

Only through board-approved platforms or systems. Never use your personal email or phone for student communication.

Q6: If I resign while under investigation, does my college still need to be notified?

Yes. Your employer is legally obligated to report your resignation under these circumstances to your regulatory college.

Q7: What if I work as both a teacher and a DECE?

You must meet the obligations of both the OCT and CECE, including separate self-reporting where applicable.

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