

Bill 101 The Student Protection Act

Effective September 2002

The *Student Protection Act* is one of the government's responses to Justice Sydney Robins' report on the incidence of teacher sexual abuse of students.

Sexual Abuse

The *Student Protection Act* sets out a clear and broad definition of abuse that recognizes not only physical sexual abuse but also sexual harassment and inappropriate behaviour of a sexual nature by a teacher.

The definition of sexual abuse will be included in the *Ontario College of Teachers Act*. Sexual abuse includes:

- sexual intercourse or other form of sexual relations between a teacher and a student;
- touching of a sexual nature of a student by a teacher; or
- behaviour or remarks of a sexual nature by a teacher towards a student.

Sexual abuse of a student by a teacher also constitutes professional misconduct as addressed in the *Ontario College of Teachers Act*.

Teacher Removed

The *Act* amends the *Education Act* to impose a duty on school boards to remove from the classroom a teacher who has been charged with or convicted of an offence under the Criminal Code of Canada involving sexual conduct and minors or other criminal offences that may put pupils at risk.

School Board Duty to Report

District school boards are now required to report to the College of Teachers not only when a teacher is convicted of a criminal offence but also when charges are filed. Boards will also be required to report to the College when charges are withdrawn or stayed or when a teacher is acquitted of the charge. If school boards do not comply with the reporting rules they will be liable for fines of up to \$25,000.

Teaching Profession Act

Section 18(1) (b) of the Regulation under the *Teaching Profession Act* requires that a member of the Ontario Teachers' Federation (OTF) shall on making an adverse report on another member, furnish him (or her) with a written statement of the report at the earliest possible time and not later than three days after making the report.

The *Student Protection Act* amends the *Teaching Profession Act* to stipulate that a teacher is **not** obliged to notify a colleague of an adverse report when it relates to suspected child abuse.

Specifically the *Teaching Profession Act* will be amended to say:

s.12(2) a member who makes an adverse report about another member respecting suspected sexual abuse of a student by that other member need not provide him or her with a copy of the report or with any information about the report.

Ontario College of Teachers

The *Act* requires the College to report to the employer on any disciplinary action or decisions taken in response to a report of professional misconduct regarding a member that relates to Criminal Code offences as specified in the *Student Protection Act*.

Advice to ETFO Members

If you are ever advised that an allegation of sexual abuse has been made about you:

1. Make no statements to anyone.
2. Contact Professional Relations Services (PRS) at ETFO at 416-962-3836 or 1-888-838-3836.
3. State "I am willing to cooperate, but I have been advised not to comment until I contact the federation".

For more information, please contact Professional Relations Staff at 416-962-3836 or 1-888-838-3836 at the provincial office.

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