

Media Statement

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Better Responses Needed in Student Complaints of Teacher Misconduct

Children and youth have a right to a quality education and to feel safe in school. This is the case for most children in Newfoundland and Labrador. Often, teachers are the most significant adult in their lives, outside home. This connection is caring and supportive and contributes to setting them on a path to opportunity, and to academic and personal development. However, in the course of work on behalf of children and youth in the province, Child and Youth Advocate Jackie Lake Kavanagh has identified gaps in the education system when allegations of teacher misconduct occur.



Recent court cases involving teachers demonstrate the process when criminal investigations take place, charges are laid, and the matters proceed to court with the associated due process, transparency and public accountability. However, the Advocate is concerned about responses, policies, and remedies when complaints do not meet the threshold for accountability in the criminal justice system, but where teacher misconduct against students is alleged. These allegations may arise from various sources including students, their families, other school personnel, and professionals.

The Child and Youth Advocate identifies the following deficiencies:

- The **Schools Act** requires a Code of Conduct. The Code of Conduct identifies behavioural expectations and consequences for students, but not personnel in the school. The Safe and Caring Schools Policy does not reference school personnel either.

- When a student or their family makes a complaint about a teacher’s conduct, the Newfoundland and Labrador English School District does not have specific student-centered protocol and processes for such investigations nor personnel with specialized interview expertise with children. Staff who investigate workplace harassment investigations, workplace conflict, and other human resource matters among adult employees handle such matters. Additionally, the outcomes of human resource issues and investigations are not reported to complainants.
- Unlike many professional associations, boards, and colleges in Newfoundland and Labrador (i.e. physicians, lawyers, social workers, nurses, psychologists), there is no independent public complaints and disciplinary mechanism for teachers. It is notable that other provinces in the country have robust public accountability and transparency processes for receiving complaints about teachers and reporting outcomes. This province does not.

The Department of Education and the Newfoundland and Labrador English School District are aware of these concerns. These issues must be addressed in order to ensure that students in Newfoundland and Labrador schools have appropriate protections and mechanisms available to them when teachers are alleged of misconduct towards students, and when these allegations do not meet the threshold for criminal charges. Jackie Lake Kavanagh said, “Educators occupy positions of power and trust with students, and also with their families, and the community. There is an inherent power imbalance between students and their teachers. It is therefore critically important to make sure every possible measure is in place to protect young people in this relationship dynamic”.

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