

ONTARIO COLLEGE OF TEACHERS

DISCIPLINE COMMITTEE

REASONS FOR DECISIONS AND ORDERS

IN THE MATTER OF THE ONTARIO COLLEGE OF TEACHERS ACT, 1996, and the Regulation (Ontario Regulation 437/97) thereunder:

AND IN THE MATTER OF discipline proceedings against Amy Nichole Gehring.

The Discipline Committee held a hearing on April 30 and May 1, 2002,

BETWEEN:

ONTARIO COLLEGE OF TEACHERS

- and -

**AMY NICHOLE GEHRING
CERTIFICATE #431003**

PRESENT:

Members of the Panel

Marilyn Laframboise (Chair)

Bernard Adam

Janet Cornwall

The Honourable Robert Montgomery, retired judge, Independent Counsel to the Panel

L. Thomas Forbes, Q.C., McCarthy Tétrault, Counsel for the Ontario College of Teachers,
assisted by Trevor Evans, Senior Law Clerk

James Battin, Barrister and Solicitor, Counsel for the member, did not attend.

Amy Nichole Gehring did not attend.

This decision is subject to a publication ban. On April 30, 2002, the Discipline Committee made an order directing that there may be no publication of any information which may disclose the identity of the student(s) or schools involved in this matter.

A Notice of Hearing dated February 27, 2002 and amended on April 23, 2002 was served on Amy Nichole Gehring, (also known as Amy Gehring), requesting attendance before the Discipline Committee of the Ontario College of Teachers on March 6, 2002 to set a date for hearing, and specifying the charges. The hearing date was set for April 30, 2002.

It is alleged that Amy Gehring is guilty of professional misconduct in that:

- (a) she failed to maintain the standards of the profession, contrary to Ontario Regulation 437/97, subsection 1(5);
- (b) she released or disclosed information about a student to a person other than the student or the student's parent or guardian, contrary to Ontario Regulation 437/97, subsection 1(6);
- (c) she abused a student or students physically, sexually, verbally, psychologically or emotionally contrary to Ontario Regulation 437/97, subsection 1(7);
- (d) she failed to comply with the Act and the Education Act, R.S.O. 1990 c.E.2 and specifically section 264(1)(c) thereof or the regulations made under those Acts contrary to Ontario Regulation 437/97, subsections 1(14) and (15);
- (e) she committed acts that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional, contrary to Ontario Regulation 437/97, subsection 1(18);

- (f) she engaged in conduct unbecoming of a member, contrary to Ontario Regulation 437/97, subsection 1(19); and
- (g) she displayed a lack of knowledge, skill or judgment and/or a disregard for the welfare of students of any nature or extent that demonstrates that the member is either unfit to carry out her professional responsibilities or that the member's certificate should be made subject to terms, conditions or limitations.

The Amended Notice of Hearing stated that Amy Gehring is a member of the Ontario College of Teachers and therefore is subject to the jurisdiction of the Ontario College of Teachers.

On April 30, 2002 and May 1, 2002, the Discipline Committee of the Ontario College of Teachers conducted a hearing into whether the member was guilty of professional misconduct.

Amy Gehring was not in attendance at the hearing, and her counsel did not attend on her behalf. The Committee was satisfied that the member knew that the proceedings would take place in her absence.

EVIDENCE:

Counsel for the Ontario College of Teachers referred to the charges set out in the Amended Notice of Hearing, alleging that Amy Gehring is guilty of professional misconduct in that her acts were contrary to the Professional Misconduct Regulation

made under the Ontario College of Teachers Act and filed as Regulation 437/97 on December 4, 1997, in particular, subsections 1(5), (6), (7), (14), (15), (18) and (19). It was also alleged that she displayed a lack of knowledge, skill or judgment and/or a disregard for the welfare of students of any nature or extent that demonstrates that the member is either unfit to carry out her professional responsibilities or that the member's certificate should be made subject to terms, conditions or limitations.

Counsel presented evidence that Amy Gehring is a member of the Ontario College of Teachers (Exhibit #1). At all material times, the member taught at a school in Middlesex, England and at a school in Surrey, England and was employed by TimePlan as a teacher.

The following witnesses were heard, via teleconference, from the United Kingdom:

[█],[█], testified that he met Amy Gehring when she was a substitute teacher at his school. He indicated that he was not taught by her. He testified that following a number of casual conversations with the member, they exchanged mobile phone numbers and she invited him to her home to watch a movie. [█] stated that after telling his mother he was going to a friend's house, he did go to Amy Gehring's home. She met him at the train station and kissed him on the cheek. He testified he felt uncomfortable. He stated that when he arrived at her home, Amy Gehring had a bottle of wine available and he had small amount. He stated that Amy Gehring began kissing him, undressed herself, and then she undid his shirt. They had sexual intercourse twice in her bed, and he spent the night. He testified that he had never had sexual intercourse before. He further stated that he was not thinking of her as a teacher, but as a "normal person."

[REDACTED] testified that he told a friend he had sex with Amy Gehring and this friend, in turn, informed the Headmaster of [REDACTED]. While he indicated he was not distressed by the sexual interlude between himself and the member, he testified that he felt under pressure by the media attention.

[REDACTED], [REDACTED]'s mother, testified, via teleconference, that her observations of [REDACTED] were he became "quite withdrawn for a couple of weeks," spent quite a lot of time on his own, and after she and her husband had been informed of the situation, her son became even more withdrawn. He spent a couple of months isolated and not really going out with friends or having any contact with them. She stated [REDACTED] felt he had let her down, having lied to her about where he was going that particular night, and that quite a lot of trust was lost between [REDACTED] and his mother. "I think he felt he let me down in some way."

Ken Jones, Principal of [REDACTED], testified, via teleconference, to [REDACTED]'s current educational status. He testified that the publicity surrounding Amy Gehring was clearly detrimental and damaging to the teaching profession in the United Kingdom.

Constable Mandy Smith testified, via teleconference, that she was the investigating police officer for the Child Protection Team in Surrey as of January 5, 2001, when the police were alerted with respect to sexual behaviour of a Canadian supply teacher. She stated that the Child Protection Team works in conjunction with Social Services to deal with complaints of sexual, emotional and physical abuse of children.

Constable Smith testified that the police were alerted by a parent whose daughter had confided in her regarding concerns she had about a supply teacher who had been socializing with a group of year [] male and female students (age []). The student told her mother that a number of the male students had had sexual intercourse and/or sexual encounters with the teacher at parties and other social gatherings of young persons.

Constable Mandy Smith then testified in respect of her interviews with the following three students (Exhibit #6):

Student [] (Boy A) told the constable that he had had sexual intercourse with Amy Gehring on three occasions. He stated that Amy Gehring's behaviour toward him during this period became overpowering and obsessive, causing him anxiety and concern.

Following an evening at his home, student [] (Boy B) walked Amy Gehring to the train station. While in an alleyway, Amy Gehring fondled his body, including his genitalia, then removed his lower clothing. She undressed, laid her clothes on the ground, and told [] to lie down on top of them. She then proceeded to have intercourse with him.

[] (Boy C) told the constable of the events at a New Year's Eve party, December 31, 2000. He stated that shortly before midnight, Amy Gehring was very upset with him and he had pulled her into the toilet (washroom) to talk. He stated that during the time in the toilet (washroom), they had sexual intercourse and he ejaculated inside her. He

stated that they had both been drinking and Amy Gehring was very intoxicated. [REDACTED] stated he had received a text message the next day from Amy Gehring asking if she had had sex with him because she could not remember. [REDACTED] told police he felt ashamed of what had happened as that had not been how he wanted to lose his virginity.

Constable Smith testified that on February 16, 2001, Amy Gehring was arrested at her home address and her bedroom was searched. Amy Gehring had several pictures of students and a number of these were displayed on her bedroom wall.

Constable Smith interpreted British law in force prior to January 8, 2001, in that it was not an act of indecent assault for a woman to have sexual intercourse with boys under the age of 16 unless there was some hostile act on her part, such as masturbation. She stated that the age of consent in the United Kingdom for boys and girls is 16 years old. She stated that no other offense with which Amy Gehring could be charged existed in law prior to January 8, 2001.

Constable Smith testified that on April 17, 2001, Amy Gehring was charged with six counts of indecent assault, three on [REDACTED] (Boy A), one on [REDACTED] (Boy B), one on [REDACTED] (Boy C) and one on a female. The count regarding the female was subsequently withdrawn by the Crown.

Constable Smith testified that at Amy Gehring's trial, it was successfully argued by Defence counsel, that due to the law that existed at that time, she could not be found guilty with regard to [REDACTED] (Boy C) and in fact, the judge directed the jury to find her not

guilty of indecent assault on that count. On February 4, 2002, the jury found Amy Gehring not guilty of indecent assault regarding [REDACTED] and [REDACTED] (Boys A and B).

Det. Sgt. Christopher Pummell of the Surrey Police Department, stated, via teleconference, that in the fall of 2000, he was the sergeant responsible for the [REDACTED] Child Protection team. He became involved in the Amy Gehring matter in October of 2000, when the team met to discuss a complaint received by a student at the [REDACTED]. [REDACTED] indicated that he had sexual intercourse with the member and [REDACTED] indicated that he had been indecently assaulted by Amy Gehring.

On October 20, 2000, Det. Sgt. Pummell met with Amy Gehring to discuss the boys' allegations, which included that she had sexual intercourse with [REDACTED] year-old student, [REDACTED]. The second boy, [REDACTED]-year-old [REDACTED], whom she had allegedly kissed in a school hallway did not want to be involved in an investigation, however, he did want the teacher spoken to. As a result, no criminal investigation occurred related to the latter allegation.

Det. Sgt. Pummell met with Amy Gehring and Robert Sternier, Director of TimePlan on October 20, 2000. At this meeting, Amy Gehring categorically denied the allegations but admitted giving students her mobile phone number. She further stated that she thought it was a mistake to do so. Det. Sgt. Pummell testified that the member stated that in Canada, the teacher/student relationship was "more friendly". However, she did seem to recognize the inappropriateness of her behaviour.

Det. Sgt. Pummell stated that the police were very clear in their discussions with the member. They counselled her and warned her on more than one occasion to stay away from the students. He testified that, " I was entirely satisfied that I had set out to her in a way that she could not possibly misunderstand the implications of her actions." He added there was "absolutely no way she didn't understand the serious concerns about her conduct." They made it clear that she should avoid social conduct with students.

A second meeting on November 10, 2000 took place with Amy Gehring, himself and Robert Sternier, to confirm that there would be no further police action. The warning regarding her inappropriate behaviour and the possible consequences was reiterated. Det. Sgt. Pummell testified that he had heard from another team regarding allegations which had been made against her again in February, 2001, and that he was present at the arrest of Amy Gehring on February 16, 2001. Upon her arrest, he was also involved in her police interview. At that time, she admitted she "may" have had sex in the toilet (washroom) at the party but she could not remember, because she admitted to having been drunk.

A videotape, produced by the International Television Network (ITN), was admitted as Exhibit #7. This videotape contained an interview of Amy Gehring on the program "Tonight with Trevor McDonald", with interviewer Fiona Foster, which was aired on February 11, 2002. Amy Gehring told the interviewer about a parent/teacher wine and cheese event held at the school. She admitted she was drinking and was sick outside. Student [] joined her outside and she stated that "somehow we ended up kissing." When asked by the interviewer if she considered her behaviour to be "totally

unreasonable behaviour for a teacher”, she stated, “Looking back, I do feel that way but at the time, I didn’t see it that way”. Amy Gehring further stated in the interview that she had invited student [] to her home to watch a film. He did go to her home and she admitted to kissing him and having sex with him. She did not deny kissing a []-year-old male student in the school hallway but stated, “I really didn’t think I did anything wrong with him.” The interviewer questioned Amy Gehring about a signed statement she had submitted to TimePlan, stating that she had not had sexual intercourse with [] and that he did not go to her house, and denying what she had done. She responded that she was “scared,” and she was “not trying to be purposely deceptive.” When the interviewer asked her if she felt she was “not cut out to be a teacher”, Amy Gehring stated, “I did at that point, I didn’t want to go home though and look like I was a failure to my family and friends, who were expecting me to stick it out.” She admitted to talking to Boy A. They became friends and starting talking on the phone. She admitted to giving him her mobile phone number even though she had been expressly told not to do so. When challenged by the interviewer about comparing herself to the “other girls” who were []year-olds, her response was “I was one of the girls, at that time” and was adamant in subsequent comments that she was one of the girls. The interviewer asked her if she was jealous that Boy A was not paying attention to her at a New Year’s Eve party. Amy Gehring admitted being disappointed by that. She also admitted to the interviewer that she had met [] (Boy C) in the toilet (washroom) during the party, and was told the next day “it was alleged that I had sex with this boy but I have no recollection of sex. I have no memory of sex occurring in that toilet.” Amy Gehring stated she texted him the day after the party and asked if they had had sex. He texted back and said he thought so. She stated that she didn’t remember this at all, but since

she wasn't on any birth control and did not want to be pregnant, obtained the morning-after pill two days later (January 2, 2001).

When pressed by the interviewer if she realized that she was basically unfit to be a teacher, her response was, "I think so. Looking back now, I think I did." She stated that she was not their (the students) teacher at that point and thought of herself as being part of their group. The interviewer asked if she was remorseful, and Amy Gehring stated, "I do regret things I've done, of course I do, now. I was stupid..." and "I just don't target young boys".

Transcripts of her trial before The Honourable Judge Bull, dated February 1, 2002 were admitted as evidence (Exhibit #3).

An Agreed Statement of Facts was filed as Exhibit #5. The statement was signed April 30, 2002 and had been signed by L. Thomas Forbes, Q.C., McCarthy Tétrault, on behalf of the Ontario College of Teachers; Amy Gehring, on her own behalf; and witness Linette Cronk.

The Agreed Statement of Facts included the following facts:

1. Amy Gehring is a member of the Ontario College of Teachers.
2. At all material times, the member, whose date of birth is August 8, 1975, was employed by TimePlan, a teacher recruitment agency in England, which provides supply teachers to schools in England.

3. During the period September, 2000 to February, 2001, the member taught at [REDACTED], Middlesex, England and at [REDACTED], Surrey, England while being employed by TimePlan. Both [REDACTED] and [REDACTED] were at the material time, comprehensive schools. A comprehensive school is the British equivalent to a high school in the Province of Ontario.
4. At all material times, [REDACTED], who was then [REDACTED] years of age, was a male student at [REDACTED], where the member taught during the month of September, 2000.
5. In or around September, 2000, the member acted in an inappropriate manner towards [REDACTED] in that she:
 - (a) frequently telephoned [REDACTED] on a personal basis; and
 - (b) frequently sent personal text messages to [REDACTED] on her mobile phone.
6. On or about January 1, 2001, the member sent a text message to [REDACTED] (Boy C) as follows:

“Did we have sex last night? I can’t remember.”
7. After being told by [REDACTED] (Boy C), that she may have had sex with him, the member attended at a physician on January 2, 2001, when she was prescribed a contraceptive morning-after pill.
8. The aforesaid activities and the publicity resulting from the media coverage and communication within the general public has resulted in a reputation, image and lifestyle inconsistent with that expected of a member; thereby rendering the member unable or unfit to discharge the duty of the member to the public.
9. By the Agreed Statement of Facts document, the member, Amy Gehring, accepts that her actions as hereinbefore referred to, constitute professional misconduct and pleads guilty to the allegations of professional misconduct against her, being

- more particularly breaches of Ontario Regulation 437/97, subsections 1 (5), (14), (15), (18), and (19).
10. In light of the admitted facts and circumstances, the Ontario College of Teachers and the member asked that the Discipline Committee find the member guilty of professional misconduct and direct the Registrar of the Ontario College of Teachers to immediately revoke the Certificates of Qualification and Registration of the member.
 11. Amy Gehring admitted to, but not limited to, the following:
 - (a) telephoning and sending text messages to students after school, late at night and very early in the morning,
 - (b) giving her mobile phone number to students,
 - (c) attending parties and pubs with students,
 - (d) consuming alcohol and becoming intoxicated in the presence of students,
 - (e) smoking cigarettes with students,
 - (f) telling other students of her strong feelings for a male student,
 - (g) having male students walk her to the train station late at night,
 - (h) staying overnight at the home of students with their parents' knowledge and on one occasion, following a party, staying overnight at a student's residence and sleeping in the same room with two female students and one male student.
 12. Included in the Agreed Statement of Facts, under Tab A, is the transcript of an interview that Amy Gehring gave to BBC News on February 11, 2002. Also, under Tab B, is an excerpt of the transcript of the evidence of Amy Gehring at her trial on January 30, 2002.

FINDINGS OF FACT:

1. The Committee accepted the Agreed Statement of Facts.
2. Amy Gehring was acquitted of five counts of indecent assault under British law due to the antiquated piece of legislation that was in force at the time of her arrest. Subsequently, new legislation has been enacted that includes the issue of position of trust and authority that was not adequately addressed in previous legislation.
3. The panel is satisfied that Amy Gehring did disclose information about her relationship with a student to other students and the public. Amy Gehring confirmed such in Exhibit #7, the ITN videotape of “Tonight with Trevor MacDonald”.
4. The Committee is satisfied that Amy Gehring “abused a student or students sexually and emotionally” in that she had sexual intercourse with a [REDACTED]-year-old male student. As a result of this relationship, she caused emotional distress to his family and himself. This incident created a rift and loss of trust between the student and his mother.
5. Although the member would not admit to sexually or emotionally abusing a student or students in the Agreed Statement of Facts (Exhibit #5), the Committee found that she did admit to having sexual intercourse with a [REDACTED]-year-old student, both in a BBC radio interview attached to the Agreed Statement of Facts (Exhibit #5. Tab A, P.4) and on the videotaped program, “Tonight With Trevor MacDonald” (Exhibit #7).

DECISIONS AND ORDERS:

Teachers of adolescents must be aware of, and deal appropriately with, students who want to be friends with and who may be attracted to a teacher in a sexual way. It is the teacher who is responsible for maintaining appropriate boundaries. Amy Gehring indicated that she suffered from loneliness. She relied on students to provide social activities and companionship. Teachers need to seek out relationships with other adults in order to satisfy their needs for socialization and companionship. The Committee has grave concerns about Amy Gehring's apparent inability to grasp the seriousness of her conduct. Despite repeated warnings by the police in the fall of 2000, when placed at a new school, she engaged in further inappropriate relationships with students. The Committee finds that Amy Gehring abused her position of trust and authority, and regards this conduct to be especially reprehensible. This behaviour is contrary to the "Standards of Practice for the Teaching Profession" and the "Ethical Standards for the Teaching Profession" as established by the Ontario College of Teachers. These standards represent the underpinning of the professional behaviour by which all members are bound. The Committee finds Amy Gehring's behaviour, as agreed to in the Agreed Statement of Facts, as well as the conduct heard in testimony and accepted by the Committee, totally unacceptable.

The Committee also finds that Amy Gehring displayed a lack of knowledge, skill, judgement and a disregard for the welfare of students of a nature and extent that demonstrates the member is unfit to carry out her professional responsibilities. This is

particularly evident in that Amy Gehring insisted that at the time of the behaviour to which she admitted, she considered herself to be a peer of a group of [■]-year-olds.

Based on the evidence given by the witnesses and having examined the exhibits filed, the Committee finds Amy Nichole Gehring, Certificate #431003, guilty of professional misconduct under sections 1 (5), (6), (7), (14), (15), (18) and (19) of Ontario Regulation 437/97 and the Education Act, R.S.O., as alleged.

Accordingly, the Committee directs the Registrar to revoke the member's Certificate of Qualification and Registration effective immediately.

Pursuant to section 30, subsection 5 (iii) of the Ontario College of Teachers Act, the Committee orders that the findings of the hearing as well as the name of the member be published in the official publication of the Ontario College of Teachers, *Professionally Speaking/Pour parler profession*. It is to be noted that the Committee has also ordered that the names of the students and schools or any information that could identify them, not be published.

The Committee requested further submissions respecting College counsel's request for costs. An Affidavit of Audley Trevor Evans, Senior Law Clerk with the firm of McCarthy Tetrault, was submitted as Exhibit #9. The conditions under which College counsel would be seeking costs were outlined quite clearly in the correspondence. The correspondence, attached to the Affidavit dated back as early as April 12, 2002. A letter from James Battin Law Office, Defence counsel, dated April 30, 2002, stated that James

Battin disagreed with costs being awarded to the College because he saw the hearing as a “public relations exercise” (Exhibit #8).

Pursuant to section 30, subsection 5, part iv, the Committee fixes costs to be paid by the member to the College in the amount of \$10,000. Should the member fail to pay the costs by December 31, 2002, the matter will be brought back to this Committee for consideration of a breach of Ontario Regulation 437/97, subsection 1(21) *failing to comply with an order of the panel of the Discipline Committee*.

Pursuant to section 30, subsection 5, part 1, of the Ontario College of Teachers Act, the Committee orders that the member appear before the Committee to receive a reprimand at a date to be determined, subsequently set as June 6, 2002. The Committee further orders that the reprimand be recorded on the Register for an unlimited period. The member did not appear on June 6, 2002 or acknowledge such.

Section 33, subsection 4 of the *Ontario College of Teachers Act*, specifies that an application for reinstatement following revocation shall not be made earlier than one year from the date of the Order. This is of grave concern to the Committee in this matter, due to the extent to which the member displayed a lack of skill, knowledge and judgement.

Therefore, pursuant to section 30, subsection 7 of the Ontario College of Teachers Act, the Committee orders that the member may not apply for reinstatement for a period of at least ten years following the date of this order.

Should the member apply for reinstatement, she shall provide, at that time, a forensic psychiatric assessment and an assessment by an educational psychologist, at her own expense, conducted by practitioners acceptable to the Registrar, indicating:

1. that she has a clear understanding of boundary issues;
2. that the risk of her repeating these acts of professional misconduct is negligible; and
3. her suitability to hold a Certificate of Qualification and Registration.

**DATED AT TORONTO, THIS 27th DAY OF SEPTEMBER, 2002
BY ORDER OF THE DISCIPLINE COMMITTEE**

Marilyn Laframboise, **Chair**

Bernard Adam

Janet Cornwall