

TO MINISTER OF EDUCATION.ENQUIRY INTO ALLEGATIONS CONCERNING TEACHER GREGORY KNIGHT.
(E.D. 909/3/58B)

Allegations of improper and disgraceful conduct pursuant to Section 26 of the Education Act, 1972, (as amended), against Mr. Gregory R. Knight, teacher, Willunga High School.

I. The Enquiry

The Director-General of Education wrote to Mr. Gregory R. Knight, teacher, of [REDACTED] Willunga, South Australia, on the 21st March, 1978 and on the 22nd March, 1978, making certain allegations of improper or disgraceful conduct pursuant to Section 26 of the Education Act, 1972, (as amended).

The Director-General informed Mr. Knight that he had determined to hold a formal hearing to consider the allegations. The Director-General, with the consent of the Minister of Education, delegated to me his powers and functions as Director-General to conduct the Enquiry into the allegations made against Mr. Knight and to determine whether there existed sufficient cause for disciplinary action.

The formal enquiry was conducted at the Education Centre on Thursday, 27th April, Friday, 5th May and Monday, 8th May, 1978. [REDACTED]

[REDACTED] (students) were heard on 27th April, 1978; Mrs. C. Young (Student Counsellor), Mr. Greg Day (teacher), Mr. Bruce Smith (Principal) and Mr. Greg Knight (teacher) were heard on 5th May, 1978. Mr. D. Smith for Mr. Knight and Mr. Kim Boxall (Crown Law Office) assisted and presented their summaries on 8th May, 1978.

In addition to verbal statements by the above persons, I have considered written statements by [REDACTED] (Exhibit I), [REDACTED] (Exhibit II) and [REDACTED] (Exhibit III). These statements were not supported by verbal testimony.

II. Comments on the Evidence

The evidence given by the boys [REDACTED] and that given by Mr. Knight have been of major importance to the enquiry. I have had to consider very carefully just how far I can believe the boys and Mr. Knight particularly when their accounts have been in conflict.

In the more serious allegations there has been little, if any, direct corroboration of the accounts of the persons concerned. This has made it even more important for me to consider the credibility of Mr. Knight and of the three boys who were heard.

My general impressions are as follows.

I found **REDACTED** convincing. Both boys appeared to understand the seriousness of the allegations. They answered questions directly, and although under strain, their quiet but firm tone of voice, cooperative attitude and willingness to look straight at me or their questioner gave me the strong impression that they were telling the truth.

REDACTED was less impressive. On some occasions he struggled to recall the essential details of important events. Twice he answered aggressively under persistent but quite gentle questioning and, as I will describe later in detail, there were a number of discrepancies in his evidence. While I fully believe many aspects of his story I regard **REDA** as generally less credible than the other two students who were heard.

Mr. Knight's evidence consisted of a mixture of confident definite narrative particularly when describing the less important episodes in the two camps; off hand, almost flippant answers often to important questions; and, occasionally, angry and uncooperative replies. I was unfavourably impressed by his indignant response to some questions and by his attempts to denigrate the principal and "administration" of Willunga High School.

As with **REDAC** I believe some but not all of Mr. Knight's story. On a number of occasions when his story conflicts with the statements of others I have, after very careful consideration, decided to disbelieve Mr. Knight. In a number of the less serious allegations there is little or no disagreement.

Mr. Day's evidence is credible but not particularly helpful in relation to the more serious allegations. He was unable to throw any light on several crucial events.

Principal Smith's evidence was given in a deliberate forthright manner. He answered questions clearly and with conviction. He carefully distinguished between recollections about which he was unsure and those about which he was positive.

Mrs. Young's testimony was also convincing. She recalled events as well as she could and seemed determined to assist the enquiry by offering only those recollections of which she was genuinely sure.

While I have no doubt that both Principal Smith and Mrs. Young gave reliable evidence, I have considered their statements as being less important than those of people who were actually on the camps, involved in the incidents and present to give verbal evidence at the enquiry.

I have regarded the written statements (Exhibits I, II and III) as being of least importance. While I have not relied on the three exhibits to positively corroborate the statements of REDACTED I have noted that the exhibits do not contradict nor throw serious doubts on the evidence of the boys who were heard.

III. The Allegations of 21st March, 1978

1. "That you have been guilty of improper or disgraceful conduct: Contrary to Section 26(1)(e) of the Education Act, 1972 (as amended) in that during a camp commencing on the 31st August, 1977, involving students REDACTED (sic) and REDACTED you did:

- (a) instruct the students to sleep in their sleeping bags wearing only a jumper and no other form of clothing.

Mr. Knight admits to instructing the boys to sleep in only a jumper. He justifies his action on the grounds of hygiene. Bearing in mind that the night was cold, that REDAC at least, had pyjamas with him and was used to sleeping in them, and that REDAC was a Year 8 student, I find the instruction inappropriate, likely to result in embarrassment and discomfort to the boys. Taken in isolation, however, I find the instruction not improper.

- (b) instruct the students on the morning of Thursday, 1st September, 1977, to remove all their clothing and to stand naked in some water whilst they washed themselves all over.

There is no dispute about the facts of this allegation. The boys, along with Mr. Knight and acting on his instructions, did wash naked on the morning in question. Again, bearing in mind the temperature and the potential embarrassment to the boys I find the instruction ill advised but, in itself, not improper.

2. That you have been guilty of improper or disgraceful conduct: Contrary to Section 26(1)(e) of the Education Act, 1972 (as amended) in that during a camp commencing on Friday, 11th November, 1977 involving students REDACTED

REDACTED

REDACTED you did:

- (a) instruct the students to sleep in their sleeping bags wearing only a jumper or jacket and no other form of clothing.

There is no dispute about this allegation. The instruction was given and Mr. Knight admits checking to see the instruction was obeyed. Hygiene is given as the reason for the instruction. Again, I find such an instruction, of itself, indiscreet but not improper.

- (b) instruct the students on the morning of Saturday, 12th November, 1977, to remove all their clothing and to stand naked whilst they washed themselves all over.

There is no dispute about the main facts of this allegation. Personal hygiene, including a morning wash, is an important lesson to be learnt in camping. Mr. Knight's method of teaching this lesson at the camp in question was, in my judgment, a potential source of considerable embarrassment given the age of the boys involved.

I find his example of and insistence on openly washing in the nude unwise. However, I do not find his instruction improper.

- (c) on two occasions on Saturday, 12th November, 1977, instruct the students not to wear any bathers or shorts and to go swimming naked.

Mr. Knight has admitted that on one occasion he instructed the boys to swim naked, even those who had shorts or bathers with them. The episodes have been described as "skinny dipping" and with some hesitation I have viewed the events in that rompish all-in-together context.

However, I disapprove of the instruction given by Mr. Knight and have taken into account the fact that on the second swim Mr. Knight also swam and romped naked with the boys in the water.

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There is a point at which poor judgment on the part of a teacher results in behaviour which is more than merely indiscreet. The boundary between indiscretion and impropriety is crossed.

In relation to the swimming incidents I find Mr. Knight's behaviour improper and, in particular, I find that it was improper for him to instruct the boys to swim naked on the occasion of the first swim.

- (d) on one occasion whilst swimming make a remark to the students indicating they need not worry about having an erect penis.

Mr. Knight has admitted that during the second swimming incident he made a remark to the students generally indicating that they need not worry about having an erect penis. He has stated that he made the remark to alleviate the embarrassment being felt or likely to be felt by one of the boys who at that time had an erection.

I have indicated that I find Mr. Knight's behaviour in relation to the second swimming incident generally reprehensible. Having observed the boy's erection and the same boy's embarrassment, Mr. Knight should have taken actions other than to continue the nude bathing after making the alleged remark. I find his remark improper.

- (e) remove the clothing of REDACTED and place him in a cold pool of water.

I am satisfied that Mr. Knight did not himself "remove the clothing". However, there is no doubt that Mr. Knight held REDACTED and forced the boy to remove his clothing and then placed him in a pool of water.

I find this action of Mr. Knight's to be quite improper.

- (f) on the night of Saturday, 12th November, 1977, rub and touch REDACTED on various parts of the body and penis.

Mr. Knight has denied that he did anything more than massage REDACTED shoulders from the outside of the boy's jumper.

On the other hand, REDACTED has claimed that Knight massaged him under his jumper on his shoulders, chest, back, buttocks and stomach and that in the process Mr. Knight touched his REDACTED penis.

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This is a very serious allegation and I have given very careful consideration to the conflicting statements and the manner in which they were given.

As indicated previously, I found REDACTED a credible witness. I am satisfied that his story is true. I do not accept Mr. Knight's denials.

I find that Mr. Knight did rub and touch REDACTED and, in particular, that he did so in such a way that he touched REDACTED penis.

I find this conduct on the part of teacher Knight to be disgraceful.

(g) on the night of Friday, 11th November, 1977, rub and touch REDACTED on various parts of the body and penis.

REDACTED did not give a full clear account of the Friday night events. There is the "masturbation" episode which REDACTED denies but teachers Day and Knight have described.

There is REDACTED description of his position vis a vis Knight when the latter was massaging REDACTED temples. REDACTED description of his position is confused.

In giving evidence in relation to this allegation, REDACTED had to search for details. He was not clear, precise and definite in his recollections.

I am satisfied that REDACTED had a headache and that Knight massaged REDACTED head. I am also satisfied that the massaging extended beyond REDACTED head.

But I am in such doubt about the details of REDACTED story that I find the allegation unproven.

(h) on the night of Friday, 11th November, 1977, grab REDACTED hand and place it on the student's penis.

In an allegation as serious as this I need to be completely sure before making a finding.

REDACTED story of the Friday night's events leaves me unsure of the details. I am sure, however, that Knight did more than merely rub REDACTED head and shoulders.

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On the evidence put to me I am unable to find that Mr. Knight took [REDACT] hand and placed it on the boy's penis.

- (i) on the night of Saturday, 12th November, 1977, rub and touch various parts of [REDACT] [REDACT] body including his penis.

Mr. Knight has denied the allegation and claimed that he massaged only [REDACT] shoulders and upper chest and then only from outside the boy's jumper.

[REDACT] has stated that Knight rubbed under the jumper and down his side, knocking his ([REDACT]) penis in the process.

In relation to this allegation [REDACT] was clear, consistent and definite in giving his evidence.

After very careful consideration I am inclined to believe [REDACT] I find that teacher Knight behaved as alleged and that his behaviour was disgraceful.

- (j) On Sunday morning, 13th November, 1977, pull [REDACT] right leg over the top of your (Knight's) legs.

Mr. Knight has denied this allegation and [REDACTE] evidence in relation to this incident is contrary to the allegation.

I find that Mr. Knight did not pull [REDACTE] leg over his legs on the morning of 13th November, 1977.

- (k) On Sunday, 13th November, 1977, at your home at the conclusion of the camp remove the towels from the students and required them to remain naked whilst they sorted out their camping gear.

Mr. Knight has admitted that he pulled the towel from [REDACTED]. The incident occurred outside Mr. Knight's house. Mr. Knight has also admitted that he told the boys to remain naked in his house until they had sorted out their camping equipment and clothing.

These events are less serious than those described in some of the other allegations. Taken in isolation and accepting that they occurred in a context of general horseplay, the events at Knight's home could be regarded lightly by some. But the day before Mr. Knight had observed at least one of the boys ([REDACTED]) experience an erection while the group swam or sat on the beach in the nude. To expose [REDACT] as he did and create yet

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another situation where the boys were instructed to sit around naked was in my judgment quite improper behaviour for a teacher and I find accordingly.

- (1) on Sunday, 13th November, 1977, at your home at the conclusion of the camp come into the bathroom whilst REDACTED was having a shower and instruct him to wash his penis.

Mr. Knight has admitted that he instructed REDACTED to wash himself a second time and supported the instruction by referring and pointing to REDACTED genital area.

I find that the instruction was given but that it was not improper.

IV. Allegations of 22nd March, 1978

(It is alleged that)

.... you have been guilty of improper or disgraceful conduct in that during a camp commencing on 31st August, 1977, involving students REDACTED (sic), and REDACTED you did rub and touch REDACTED REDACTED body and penis and encourage him to rub and touch your body.

Mr. Knight has denied the allegations claiming that he did no more than massage REDACTED shoulders and upper chest and back from outside the boy's jumper. Mr. Knight has also claimed that the boy rubbed his back from outside his jumper.

I have described above the impression REDACTED left with me when giving his evidence. The boy answered questions confidently, directly and with conviction. He appeared to have a clear recollection of the events and a clear understanding of the seriousness of the enquiry. I believe he told the truth.

I find that Mr. Knight rubbed REDACTED body and touched the boy's penis. I find that Mr. Knight encouraged the boy to rub his (Knight's) body.

I find Mr. Knight's conduct in these incidents to be disgraceful.

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V. Summary of Findings

In determining the degree of impropriety, if any, in relation to the allegations, I have considered the actions of Mr. Knight as being those of a teacher in charge of two camps attended by students of Willunga High School.

In summary I find that in relation to the camps in question Mr. Knight is guilty on several counts of improper and disgraceful conduct, pursuant to Section 26(1)(e) of the Education Act, 1972 (as amended).

Accordingly I find that there is sufficient cause for disciplinary action to be taken.

VI. The Penalty

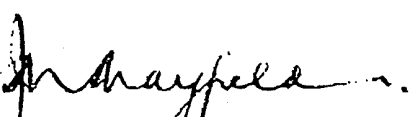
Having found Mr. Knight guilty of improper conduct and of disgraceful conduct in relation to incidents which occurred during the two camps, it is my duty to determine what penalty should be applied.

Mr. D. Smith has made representations on behalf of Mr. Knight in relation to the penalty. I have very carefully considered the matters he has raised. I have also had regard for the statements of Principal Smith who praised Knight's efforts as a music teacher. I have noted that the boys enjoyed the camps with Mr. Knight and that none of them felt so badly about the incidents that they enlisted the aid of Mr. Day on the second camp or reported any of the matters immediately they returned to home or school.

I am aware that Mr. Knight's wife is a respected teacher at Willunga Primary School. Mr. Knight's mother is an outstanding student counsellor at Blackwood High School. Mr. Knight's actions will bring shame to his family and I have considered this in determining the penalty.

In my view, however, Mr. Knight's conduct included acts which are disgraceful and totally unacceptable in a teacher.

Pursuant to Section 26(2) of the Education Act, 1972 (as amended) I RECOMMEND that you dismiss Gregory Knight from the teaching service.


J.M. Mayfield,
DIRECTOR OF EDUCATIONAL FACILITIES.

JMM:DHK
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Mr. O'Brien and I have read the file in its entirety and concur that there is no question but that Dr. Mayfield's recommendation is the only possible course of action. We recommend therefore that you dismiss Mr. Knight from

16/5/78. J.R. G. A/DGF 23/5

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