

**MINUTES OF
HEARING RESULTING FROM INVESTIGATION INTO ALLEGED
GROSS MISCONDUCT AS DEFINED IN DISCIPLINE and MISCONDUCT POLICY
BY Stefan Janse Van Vuuren**

**HELD AT CORIO
IN THE PRINCIPAL'S STUDY
Starting at 09:00 am on Friday 9th November 2007**

Present: Stephen Meek (Principal) SDM, Malcolm Leigh-Smith (Human Resources Manager) MAL, Stefan Janse van Vuuren (Teacher) SJVV, Alta Janse van Vuuren (wife of Stefan, Supporter to Stefan) AJVV, Andrew Moore (Commercial Director, Minute Secretary) AKM.

The Principal opened the hearing by outlining the procedure to be adopted which is as follows:

- MAL would outline the current position and the results of his investigation.
- SJVV would be asked to respond.
- MAL and SJVV would be given the opportunity to respond to the allegations/facts posed by the other party.
- SDM would ask questions then summarise; it may be necessary to adjourn the hearing to allow SDM to deliberate.

Those present were introduced along with their roles in the matter.

- SDM – As Principal he would be determining the outcome of the hearing; the decision was his and his alone.
- MAL – Investigating Officer.
- SJVV – The subject of the investigation.
- AJVV – Supporter to SJVV.
- AKM – Minute Secretary.

MAL Report

MAL made the following comments in relation to his investigation into Alleged Gross Misconduct by SJVV as defined in the Discipline and Misconduct Policy. MAL referred to a meeting between Charles Scudamore, CS, (Vice Principal) and SJVV on Tuesday 6th November 2007 :

SJVV had been accused of 'up-skirting' during the Geography field trip to Queenscliff Marine Centre on Tuesday 30th October 2007. Girls on the trip had spoken to a Head of House about incidents that had occurred on the trip. She had reported this to CS, who asked for a written statement from the girls. Once he had received this, he informed the Principal who decided that the Police should be informed. Once they had seen SJVV on Monday, 5th November, CS was asked to interview SJVV to ascertain his version of events. The following notes were recorded during the interview.

"SJVV accompanied the Year 10 Field trip to Queenscliff along with two other teachers, Shem Fitzgerald and Stephen Pearce, as well as two assistants, Tony Adams and Madeleine Mortimer. The trip departed at 9:00am and returned soon after 2:00pm. SJVV confessed to having taken photographs with his digital camera of girls while they were leaning over a workspace or exhibit. He confessed that he was intentionally taking photographs up the skirts of girls. He was not targeting any student in particular.

There were two instances of this occurring:

- At the "Tactile Pond". Students were allowed to touch the animals in this pond. At that moment an opportunity presented itself and he took two or three photographs (he could not remember) of girls while they were engaging in this activity. He waited a few minutes and then looked at the photographs he had taken. Once SJVV had looked at the 'up skirt' photographs he claimed that he deleted them. SJVV said that he knew that his actions were wrong.
- The second occasion occurred at the 'laboratory'. The students were engaged in experiments with fish. The fish were laid out on a bench. Once again an opportunity to take an 'up-skirt' photograph presented and he took two or three shots (again he could not remember the precise number). As before, he looked at them a few minutes later and then deleted the photographs.

SJVV informed CS that he was with Mr Pearce during both activities along with 30 other students. Students were busy and engaged. He deliberately aimed the camera up the skirts of female students.

He stated that at no time was he aware that any student had observed his behaviour. He also stated that from the time of the field trip to when the police arrived on the evening of 5th November 2007 no student had made any reference to his behaviour on the trip.

CS asked if he had anything more to add to the statement and he said no. CS had no further questions. SJVV did ask for:

- Written confirmation from SDM about his suspension with full pay.
- A copy of the statements from the girls who had made the original complaint.

SJVV concluded by stating that he did not want to slow up procedures and that he would cooperate as best he could.

CS told him that he would talk to SDM about the above requests and thanked him for giving his statement.

The meeting ended at 12:31pm."

On a point of clarification, SDM stated that he had asked CS to interview the girls prior to deciding to inform the Police to ascertain the strength of their belief that an incident had occurred. As a result of these interviews SDM had instructed CS to inform the Police.

SDM asked SJVV whether he had any comment on the accuracy of the investigation. SJVV stated that he did not and that they were an accurate summary of events.

Questions

SDM: Why did you take the photographs?

SJVV: Not that it is supposed to be a bargaining ploy but he is deeply religious and there is no correlation between this Act and his faith. It was a sinful act and he did it for his own selfish reasons. The opportunity presented itself and he succumbed to the temptation. He willingly chose to take the opportunity to take the photographs. He is deeply ashamed and remorseful and very concerned for the welfare of the girls. He cannot imagine how hurt they must be and he insisted, quite strongly, that they should feel no guilt for his actions. They did **nothing** to encourage him and he stated that he did not know them and that they did not know him.

SDM: SDM thanked him for his admission and would, if appropriate, convey this message to them.

SJV Statement

SJV stated that he took the photographs, viewed them and then deleted them. When asked by SDM why he took a second series of photographs he responded by saying that this was selfish behaviour on his behalf. He was tormented by his actions and he would ask God for forgiveness.

SDM then discussed the allegation that had been made earlier in the year about SJV looking up a girl's skirt in class. At that time CS had investigated the allegation and found no evidence to support the claim; SJV had denied the allegation. Now that SJV had admitted this offence to the Police as well, why did he not take the warning and cease all such activity. SJV advised that he should have sought help at the time but did not and had not been truthful with his wife and family.

SDM Summary

SDM summarised with the following comments:

- This was a very serious allegation.
- SJV had admitted that the allegation was true and correct.
- He thanked SJV for his cooperation in the investigation and the desire to spare the girls any further involvement by admitting to the charge.
- He stated that SJV knew what he was doing and he knew that it was wrong.
- He also stated that he was very pleased that AJV was here as his supporter.

SJV Response

He agreed with the summary and clearly understood the gravity of the allegations.

SDM asked MAL, SJV and AJV to leave while he considered the matter and reached a decision.

MAL, SJV and AJV left at 10:40am.

MAL, SJV and AJV returned at 10:55am.

SDM Decision

SJV has admitted that on the field trip on Tuesday 30th October 2007 he took photographs up the skirts of some girls who were on the trip. He has made it clear that the photographs were for his own personal gratification, that at the time he knew such behaviour was wrong, violating the relationship between teacher and student, and he knew that the School would condemn such behaviour from one of its staff and yet he did it and did it on two separate occasions. SJV has also made it clear that the girls did not provoke the behaviour and were not to blame in any way. The girls were not students who SJV taught, he did not know them and there is no suggestion that he was interested in them as individuals or was stalking them particularly. It was just an opportunity and he just took it.

SJVV has made it clear that he is remorseful for his actions, but does accept full responsibility for what he has done. He is sorry that this will bring disrepute to the School and he hopes to minimise the damage as much as he can. He is also very clear that he wanted the girls to feel no possible guilt about their involvement as he is adamant that they did nothing wrong at any stage. SDM noted that SJVV had reminded him that he has a family with three young children and would wish that to be borne in mind when considering this matter.

Having considered all of the facts of the matter SDM reached a decision that this action by SJVV is one of gross professional misconduct. As such it is an action which precludes him from being able to remain a teacher at this school and therefore SDM must dismiss him from his employment at the School, effective today, Friday 9th November 2007. SDM appreciates that this will have a detrimental effect on his career and upon his family, but in the circumstances he had no choice.

SDM appreciated the sincerity and honesty with which SJVV has admitted to his actions – not least because it has meant that the Police have not had to go through the girls' evidence in great detail to check out every part of their story. This could have put the girls under a lot more pressure and SDM was pleased and grateful that this has been avoided.

Up to this point, SDM believed that the incident has remained very confidential, but he is sure this will not last much longer. SDM will need to give the girls and their parents an explanation about the current situation, and he will have to explain the circumstances to the staff, before they start to hear rumours from the students. In any event this will enter the public domain once it goes before the courts. SDM believes that there will be an adverse reaction from the students, but he will do his best to minimise this. SJVV will obviously need to begin to find alternative accommodation and he was asked to achieve that outcome as quickly as he practically can.

SDM is sorry that matters have come to this, but he hopes that SJVV's Christian faith and the support of his family will see him through this. SDM also hopes that some appropriate counselling will enable him to put this behind him and to move forward.

There were no further points or questions raised by anyone present.

The Hearing closed at 1105.

Stephen Meek
Principal

Andrew Moore
Commercial Director/
Minute Secretary

Stefan Janse van Vuuren
Teacher