

Case Reference No: 3229

29 October 2013



**Private & Confidential**

Rabbi Avrohom Glick  
88 Hotham Street  
ST KILDA EAST VIC 3183

Dear Rabbi Glick

**NOTICE OF PRELIMINARY INVESTIGATION**

I refer to Mr Chris Enright's letter to you dated 19 November 2012.

Under section 2.6.33A of the *Education and Training Reform Act 2006* (the Act), the Institute may inquire into a registered teacher's fitness to teach following receipt of information which may indicate that the teacher is possibly unfit to teach. A newspaper report published on 17 September 2013 in *The Age*, stated that you had told the Melbourne Magistrates' Court last year that you were aware in the early 2000s of sexual offences committed by David Cyprys against students of Yeshivah College (the 'College'), while you were principal of the College. As Principal of the College, you had a legislative obligation to report those matters to Victoria Police. As you failed to do so, you may not be fit to teach.

**Purpose**

The purposes of this letter are:

- a. to advise you about the preliminary allegations against you;
- b. to explain the options available to progress the matter and the possible outcomes; and
- c. to encourage your participation in order to expedite the matter in as timely a manner as is possible.

**Preliminary Allegations**

A notice of the Institute's **Preliminary allegations** against you is attached (Notice).

You are not obliged to respond to the allegations and no inference as to the truth or substance of the allegations will be drawn if you do not wish to respond to the allegations. However, I invite you or your legal/union representative to provide a written response, or advice that you would like to participate in an interview, within 21 days of your receipt of this Notice.

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Depending on whether you choose to respond to the preliminary allegations and further depending on the nature of your response, a legal officer of the Institute will elect to progress the matter in one of the following three ways.

### **1. Refer the matter to the Disciplinary Proceedings Committee (DPC)**

Your response to the preliminary allegations will be referred back to the DPC to decide whether it will:

- a. take no further action against you;
- b. seek further information from you in relation to the allegations;
- c. continue investigating the allegations;
- d. refer the matter for investigation by another agency; or
- e. hold a formal or informal hearing.

### **2. Conduct an Investigation**

The matter will be allocated to an investigator who will conduct a formal investigation on behalf of the Institute based on the enclosed Notice. Such an investigation would normally involve:

- a. conducting interviews and taking formal statements with some or all relevant and/or potential witnesses;
- b. collection and analysis of any potential documentary evidence; and
- c. submission of a preliminary investigation report with recommendations.

During the initial stages of the investigation, the allegations might need to be amended in order to reflect the evidence obtained. It is anticipated that this would usually be completed within approximately 10 weeks and you would be kept informed of the progress.

Following the submission of a preliminary investigation report, the Institute would prepare and serve on you a Final Notice of Allegations. You will have the opportunity to elect to respond to any or all of the allegations in writing or by participating in an interview at the commencement of the process or upon receipt of the Final Notice of Allegations.

You would be encouraged to consult your union, lawyer or support person, and to gather any evidence and prepare submissions in relation to the matter.

At the conclusion of the process, the investigator would submit a Report with a recommendation(s) to the Institute which would be referred to the DPC. The DPC is a committee of the Institute which receives the report and decides whether to:

- a. take no further action in relation to the matter;
- b. require further information and/or conduct a further investigation by another agency; or

- c. hold a formal or informal hearing at a later date, which may involve the calling of witnesses, testing of evidence and production of exhibits.

### **3. Resolution by Agreement**

The Act provides a process by which a teacher's registration may be voluntarily cancelled. Specifically, s 2.6.29C of the Act provides legislative authority for a teacher to surrender his or her registration and ask the Institute to cancel his or her registration.

This legislative process permits the finalisation of an inquiry without either a complex investigation or a hearing and enables negotiation between a teacher and the Institute as to an appropriate outcome.

The Institute also has a general power to enter into agreements to cancel a teacher's registration, or to impose conditions with or without suspension which enables negotiation between a teacher and the Institute as to an appropriate outcome.

To facilitate this agreement process, you would be encouraged to consult your union, lawyer or support person, and to gather evidence (if any) to assist you in negotiating a preliminary agreement.

It is important to note that the Council of the Institute is the decision making authority with respect to agreements, and every agreement would remain in draft form subject to the approval or otherwise by the Council. As a matter of law, agreements cannot be entered into if they are or might be contrary to the proper exercise of the Institute's discretion.

### **Conclusion**

Inquiries and Litigation staff would be pleased to assist should you or your representative wish to discuss the matter. I look forward to your response, to be received no later than **19 November 2013**.

Should you have any questions, please contact the branch's administrative officer on (03) 8601 5866.

Yours sincerely



Jennifer Sheehan  
Legal Officer – Inquiries & Litigation

**NOTICE OF PRELIMINARY ALLEGATIONS**

Whilst employed as a registered teacher at Yeshivah College in St Kilda East ('the College'), you failed to report to Victoria Police suspected instances of sexual abuse of students of the College in the early 2000s, in breach of your legal obligations to do so.