

SEXUAL MISCONDUCT

The Board of Trustees accepts as a primary responsibility the safety and protection of children in its care. In particular, it wishes to ensure, through its policies, that no child is subject to sexual interference, sexual harassment or sexual abuse by its employees, in other words, persons in a position of trust with regard to their relationship to children.

Likewise, the Board recognizes its responsibility to its employees to ensure their fair and just treatment. Thus, while recognizing the primacy of children's safety and protection, it recognizes that the integrity of its employees must also be safeguarded. To that end the Board shall be governed by the procedures outlined herein.

(a) **PROVINCIAL CHILD ABUSE REGISTRY CHECKS**

All potential employees (and volunteers) of the Division must agree to a Provincial Child Abuse Registry check. No person whose name appears on said Registry is to be employed.

Where potential employees have lived in other provinces and/or countries further checks, such as policy record searches, may be conducted to ensure that no employee has a previous record of child abuse or other criminal activity which deems them unsuitable for employment.

(b) **ALLEGATION(S) OF ABUSE**

In the event that an allegation of some form of sexual misconduct is made to the Division against an employee, the following procedures will be instituted for the protection of the child, the employee and the Division:

- (i) Where the allegation is made by a child, or an adult on behalf of a child, the Superintendent shall immediately inform the police and/or a child care agency to determine who will investigate the allegation. In any case, the Superintendent shall ensure himself or herself that a proper investigation of the allegation is being conducted prior to further action. He or she may conduct the investigation personally or seek assistance as deemed necessary. Notwithstanding the above, should the Superintendent determine that the child is at immediate risk, he or she shall move directly to accomplish the spirit of (ii) below.

- (ii) Where the allegation is made by a child care agency or a law enforcement agency or where the Superintendent's own investigation suggests possible cause, the Superintendent shall immediately take the following steps, all of which must proceed, where possible, in the presence of an advocate of the employee concerned:
 - 1. The employee is advised that an allegation has been brought forward.
 - 2. The employee is removed from the situation pending further investigation. In consultation with the employee this can be accomplished by:
 - (a) employee request for personal leave at no loss of pay;
 - (b) suspension with pay; or
 - (c) reassignment to a non-contact position where possible.
- (iii) Where the Superintendent upon investigation, deems the allegation to be unsubstantiated, no action shall be taken against the employee.
- (iv) Where a police investigation is being conducted, the Division may choose to conduct its own investigation concurrently. Such action shall only be taken following prior collaboration with the police involved to ensure that no investigation being carried out by the police is compromised by the internal investigation.
- (v) Where a police investigation results in formal charges being brought against the employee, such employee may be suspended without pay pending court disposition of the case.
- (vi) Where the employee is found guilty of the aforementioned charge in a court of law, the termination of employment shall be recommended by the Superintendent according to legal provisions governing the termination of said employment. For example, in the case of teachers, termination of employment shall proceed according to Section 92 of The Public Schools Act.

- (vii) Notwithstanding any action by the police and/or the court system, the Division may, based on the finding of its own investigation:
1. discipline the employee subject to discipline and grievance provisions;
 2. terminate the employee's employment subject to the legal provisions governing the termination of said employment;
or
 3. reinstate the employee to his or her previous position or to comparable position.

(viii) Where an employee is found not guilty or where charges are dropped or stayed in a court of law, and/or the Division's investigation shows no cause for further action, the employee shall be reinstated in his or her position where possible and in a comparable position where not possible. Said employee shall be reimbursed for all wages and benefits lost during any period of suspension without pay.

(c) **FRIVOLOUS OR MALICIOUS INTENT**

Where it is determined that the child, or an adult on behalf of a child has frivolously or maliciously brought forth an allegation of sexual misconduct against any employee, the Division may initiate appropriate civil action. The Division may also concurrently provide counselling support as deemed necessary and appropriate.