



Schools should be places that promote responsibility, respect, civility, and academic excellence in a safe learning and teaching environment. All students, parents, teachers and staff members have the right to be safe, and feel safe, in their school community.

Limestone District School Board is committed to providing and maintaining an educational/workplace environment in which all staff members and students are free from abuse, physical or sexual, sexual harassment and inappropriate sexual contact. These actions will not be tolerated.

This procedure supports other administrative procedures related to Safe Schools, Respect and Inclusion in the Workplace, Child In Need of Protection, and Violence in the Workplace.

1. General Principles

- 1.1. No Member of the College of Teachers employed by Limestone District School Board or any other staff member or volunteer shall engage in physical or emotional abuse of a student.
- 1.2. A child is in need of protection where:
 - a) The child has suffered physical harm, inflicted by the person having charge of the child
 - b) There is a risk that the child is likely to suffer physical harm inflicted by the person having charge of the child
 - c) The child has been sexually molested or sexually exploited by the person having charge of the child
 - d) There is a risk that the child is likely to be sexually molested or sexually exploited as described in (c) above



- 1.2.1. No Member of the College of Teachers employed by Limestone District School Board or any other staff member or volunteer shall engage in sexual abuse of a student.
- 1.2.2. Sexual misconduct is defined as offensive conduct of a sexual nature which may affect the personal integrity or security of any student or the school environment. Sexual misconduct includes, but is not limited to sexual abuse, sexual harassment and inappropriate sexual relationships.
- 1.3. The Director will ensure that relevant administrative procedures are reviewed and updated regularly to reflect changes to existing laws or to accommodate improvements which flow from the implementation of these procedures.
- 1.4. All Board staff members and volunteers should avoid activities that, standing alone, might not constitute sexual misconduct but would raise concerns in the minds of a reasonable observer as to their propriety.
 - 1.4.1. The Director or designate(s) will develop in-service and professional conduct training on an annual basis for all staff members and volunteers to identify those activities which could raise concerns as to their propriety. A list of examples of activities that fall into this category is provided at the end of this procedure.
- 1.5. Limestone District School Board staff members and volunteers should consider their behaviour carefully prior to their involvement and participation in the following situations and/or activities involving students. Staff members and volunteers should review and evaluate as to their propriety, any involvement with students and take into account these considerations:
 - a) whether the activities are known to, or approved by, supervisors and/or parents or legal guardians;
 - b) whether the student is isolated at any time during the activity;



- c) whether urgent or critical circumstances require action;
- d) whether the school environment might be detrimentally affected by the activities;
- e) to what extent the activities may reasonably be regarded as posing a risk to the personal integrity or security of a student, or as contributing to any student's level of discomfort.

2. Reporting and Investigating Sexual Misconduct

2.1. The Director, or designate, shall promptly notify the College of Teachers or any other appropriate professional body in writing, when they become aware that a staff member who is or has been employed by Limestone District School Board:

- a) Has been investigated by the police and/or the Children's Aid Society, but without a charge being laid, but who might otherwise be charged with an offence under the Criminal Code of Canada which, if proven, may amount to offensive conduct of a sexual nature which may affect the personal integrity or security of any student or the school environment. Or, the charge may have been laid, but ultimately the staff member was not charged because the parent/guardian, or adult student did not press the charge.
- b) Has been charged with an offence under the Criminal Code of Canada which, if proven, may amount to offensive conduct of a sexual nature which may affect the personal integrity or security of any student or the school environment; or
- c) Has been found guilty of such an offence.

2.2. Where the Director, or designate, suspends or otherwise disciplines a member of the College of Teachers, or the board terminates the employment of a member of the College in its employ for engaging in sexual misconduct, the Director, or designate, shall promptly notify the College in writing of the disciplinary action,



giving reasons.

- 2.3. If a member of the College of Teachers resigns during an investigation into allegations that the member engaged in sexual misconduct, the Director, or designate, shall promptly notify the College in writing of the circumstances surrounding the resignation.
- 2.4. In addition, the Director, or designate, shall promptly notify the College of Teachers in writing where, in the opinion of the Director, the conduct or actions of a member who is or has been employed by the board should be reviewed by a committee of the College.
- 2.5. Principals and supervisory officials shall promptly report to the Director, or designate, any information regarding sexual misconduct by a staff member or volunteer. The Director shall promptly report to the board information regarding the sexual misconduct of a member of the College, and fulfill the Director's obligation, as the secretary of the board, to disclose the information to the College of Teachers.
- 2.6. When internal investigations are to be conducted into allegations of sexual misconduct by staff, the matters that should be addressed include:
 - a) The relative roles and joint participation of the Children's Aid Society and police in the conduct of the investigations of sexual abuse. Protocols may provide that the police have prime responsibility for the criminal investigation and any criminal charges arising therefrom. The CAS has prime responsibility for any child protection investigation and for protection of the child (see also Limestone District School Board Safe Schools Protocol, Child in Need of Protection Procedure, Police/School Board Protocols);
 - b) The factors affecting timing of the investigation and of the initial interviews;
 - c) The factors affecting the location of interviews particularly those relating to when the CAS or police can or should interview a student on school property;



- d) The factors affecting whether parents will be contacted prior to any interviews, or at all;
- e) The assignment of investigators with specialized training and skills respecting child sexual abuse cases;
- f) Special needs of students with disabilities;
- g) Procedures for videotaping and retention and access to videotapes;
- h) Medical examinations of the student;
- i) The obligation of the school board to contact the CAS or police if the student-complainant transfers to another school or board;
- j) The exchange of information between the CAS and/or police and the Director or designate(s). This may involve the designation of a school staff member as case coordinator or liaison;
- k) When a support person will be permitted to remain with a student-complainant during any interviews;
- l) When a suspected staff member or volunteer should be notified that an allegation has been made against them;
- m) at what stage of the investigation the suspected party should be given an opportunity to address the allegations and what information should be provided to that party and/or their counsel, to enable the suspected party or counsel to address the allegations.

2.7. Any investigation conducted by the Director or designate(s) should be informed by the desirability of:

- a) Avoiding or reducing trauma to the student through unnecessary or inappropriate interviewing;



- b) Respecting the confidentiality and privacy interests of all affected parties, to the extent possible;
- c) Ensuring fairness to the school staff member or volunteer against whom a complaint has been made;
- d) Ensuring an accurate determination, free from stereotypical notions about sexual misconduct.

2.8. The staff member's reassignment or employment status should be revisited:

- a) Upon completion of any CAS or police investigation;
- b) After any criminal charges are laid;
- c) After any criminal case is completed;
- d) Upon completion of any internal investigation;
- e) Upon withdrawal of the charge, discharge following an initial inquiry, stay of the charge or acquittal.

2.9. The Director or designate(s) will make a determination whether sexual misconduct has occurred, whether or not any criminal charges have resulted in findings of guilt.

2.10. The Director or designate(s) shall develop protocols that shall create a communication plan specific to an individual case, subsequent to disclosures of alleged sexual misconduct by staff members or volunteers.

Such a plan shall address the following matters:

- a) What information will be communicated, when and by whom;
- b) Respect for the privacy rights of affected parties, to the extent possible;
- c) The need for factual accuracy and fairness to all affected parties; and



- d) The desirability of affirming or supporting a student who discloses sexual misconduct, while maintaining the presumption of innocence.

3. Record Keeping

- 3.1. Personnel files of all staff members must reflect the circumstances surrounding any resignation from employment relating to allegations of sexual misconduct. The content of these files shall respect the confidentiality and privacy interests of students and informants.
- 3.2. Procedures and protocols shall specifically address the physical location and transfer of these personnel files or the information contained therein to a staff member's new school or school board.

Examples of Unacceptable/Acceptable Behaviour for Teachers Related to this Procedure

Unacceptable behaviour may be defined as activities which take the teacher beyond the expectations of what is reasonably considered to be appropriate teacher behaviour, and could easily be defined as boundary violations.

Examples include, but are not limited to:

- e) Becoming too personally involved with students as a friend, confidant, or surrogate parent;
- f) Seeing students in private or in non-school settings;
- g) Writing or exchanging personal notes, letters, e-mails or texts with students;
- h) Serving as a confidant with regard to a student's decisions about their personal issues;
- i) Giving gifts or money to students;
- j) Inviting students to one's home or cottage;



- k) Allowing students to stay overnight in one's home (or cottage, summer residence);
- l) Driving individual students to or from school;
- m) Giving one student undue attention;
- n) Being alone with a student except in case of an emergency;
- o) Discussing the adult's personal problems with a student;
- p) Disclosing personal information about a student to a third party; and/or
- q) Initiating physical contact.

(Adapted from ETFO Voice, Spring 2001, pp 19-20)

Legal References:

Education Act S. 170 (1) 12.1 Duties of Boards: Charges, Convictions under Criminal Code;
S. 171(1) 3 Powers of Boards: Appoint and Remove Employees; S. 277.15 (5)
Discipline/Termination of Teachers; S. 277.40 Notice to Ontario College of Teachers
Guideline—Ontario Schools Code of Conduct
Ontario College of Teachers Act
Criminal Code of Canada