

**TITLE: ALLEGED EMPLOYEE MISCONDUCT TOWARD A STUDENT**

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**1.0 OBJECTIVE**

To ensure that students, and employees have a safe learning and working environment which is free of any employee interactions or interventions which may be deemed inappropriate, unwanted, excessive or abusive by establishing that:

- 1.1 employee interventions and interactions which are deemed to be inappropriate, unwanted, excessive or abusive are not tolerated anywhere within the Board's jurisdiction;
- 1.2 formal procedures are in place to ensure students and employees have timely access to a process when an allegation of employee misconduct is raised;
- 1.3 collaborative working relationships be established with the Children's Aid Society of Ottawa and Ottawa Police Services to assist in matters of employee misconduct that fall within their jurisdiction,
- 1.4 measures are in place to promote employee awareness of and appropriate interactions and interventions to prevent incidents from occurring.

**2.0 DEFINITIONS**

- 2.1 For the purposes of this policy, **employee misconduct** is defined, along a continuum of interactions/interventions that are deemed by the student/parent or guardian to be inappropriate, unwanted, excessive or abusive and includes, but not limited to:
  - a) **physical misconduct** including grabbing, poking, pushing or pulling with physical contact, other forms of physical contact, within disciplinary sequences, not covered within the guidelines contained in the OCDSB Preventative Behavioural Intervention Continuum, and also including more serious allegations of physical contact that causes bruising and injury and falls within the definition of child abuse as defined in 2.2 below;

- b) **sexual misconduct**, including advances, requests for sexual favours, actual sexual contact, or other conduct of a sexual nature including personally offensive behaviour, comments and/or gestures which might reasonably be expected to cause insecurity, discomfort, offence or humiliation to another person or group and interferes with a student's safe learning environment;
  - c) **emotional harm or neglect** based on power and control. Emotional abuse involves an attack on the child's sense of self and usually co-exists with other types of abuse. Insulting, humiliating or rejecting a child or saying a child is "stupid" or "bad", can harm a child's sense of self-worth and confidence. Other forms of emotional abuse include social isolation, intimidation, and exploitation.
- 2.2 For purposes of this policy, **child abuse** means a condition, on the part of a complainant, of physical harm, sexual molestation, exploitation or assault, and/or emotional harm, including but not limited to verbal or psychological abuse which causes emotional harm. These serious forms of abuse are reportable to the Children's Aid Society of Ottawa in compliance with the mandatory reporting requirements as outlined in Board Procedure PR.605.SCO: Reporting Suspected Child Abuse and Neglect - Student Under 16 Years of Age.

### 3.0 POLICY

- 3.1 The Board recognizes the principle that all students shall be able to learn in a safe environment and acknowledges and accepts that the Board's has responsibility to prevent incidents of inappropriate employee interactions and interventions in dealing with students.
- 3.2 The Board further recognizes that a mechanism must be in place that affords all employees a process that reflects due process, and a full, fair and timely resolution of allegations of misconduct.
- 3.3 It is the commitment of the Board that this Policy applies to all levels of staff employed by the Board.
- 3.4 The Board supports ongoing training for all employees to promote awareness of effective and appropriate interventions with students.
- 3.5 The Director of Education is authorized to issue such procedures as may be necessary to support this policy.
- 3.6 The Director of Education is responsible for ensuring that all students, staff and school councils are aware of:
  - a) the issues addressed by this policy;
  - b) the existence of this policy; and
  - c) the existence of supporting procedures issued under this policy.

### 4.0 REFERENCE DOCUMENTS

*The Education Act, 1998, Section 171 and Ontario Regulation 298*  
*Human Rights Code of Ontario*  
*OCDSB Preventive Behavioural Intervention Continuum*  
Board Procedure PR.542.HR: Alleged Employee Misconduct Toward a Student  
Board Procedure PR.605.SCO: Reporting Suspected Child Abuse and Neglect of a Student  
under 16 Years of Age