

TITLE: ALLEGED EMPLOYEE MISCONDUCT TOWARD A STUDENT

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COMMITMENT TO INDIGENOUS RIGHTS, HUMAN RIGHTS, AND EQUITY

The Board recognizes its responsibility to ensure that this policy and associated procedures promote and protect Indigenous rights, human rights, and equity. The Board will strive to address and eliminate discrimination and structural and systemic barriers for students, staff, and the community.

1.0 OBJECTIVE RATIONALE

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 that are inappropriate, unwanted, unwelcome, 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 appropriate interactions and interventions to prevent incidents misconduct toward a student from occurring.

2.0 DEFINITIONS

Please refer to Appendix A for a full list of definitions of terms used in this policy.

3.0 POLICY GUIDING PRINCIPLES

- 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 has a responsibility to prevent incidents of inappropriate employee interactions and interventions in dealing with students Misconduct Toward a Student.
- 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 The Board supports ongoing training for all employees to promote awareness of effective and appropriate interventions with students.

SPECIFIC DIRECTIVES

- 3.4 ~~It is the commitment of the Board that~~ This Policy ~~applies~~ applies ~~applies shall apply~~ to all ~~levels of~~ staff employed by the ~~Board~~ District.
- 3.5 No staff shall engage in Misconduct Toward a Student.
- 3.6 The Director of Education is authorized to issue such procedures as may be necessary to support this policy.
- 3.7 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 APPENDICES

Appendix A: Policy Definitions

5.0 REFERENCE DOCUMENTS

The Education Act, 1998, Section 171

Ontario Regulation 298

Ontario Human Rights Code

OCDSB Preventive Behavioural Intervention Continuum

OCDSB Procedure PR.542.HR: Alleged Employee Misconduct Toward a Student

OCDSB Procedure PR.605.SCO: Reporting Suspected Child Abuse and Neglect of a Student under 16 Years of Age

APPENDIX A: POLICY DEFINITIONS

In this policy,

Board means the Board of Trustees.

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.

District means the Ottawa-Carleton District School Board.

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;

emotional misconduct means 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.

Misconduct Toward a Student is an umbrella term for an interaction or intervention by an employee that causes harm to a student or creates a risk of harm to a student and that the employee knows or should know is inappropriate, unwelcome, excessive, or abusive. This includes, but is not limited to:

- a. Physical harm, which includes actions like grabbing, poking, pushing, or pulling. For clarity, physical harm can occur even if a student is not bruised or injured. This is conduct that is not contained in the OCDSB Preventative Behavioral Intervention Continuum guidelines. This also includes serious allegations of physical contact causing bruising or injury, meeting the definition of child abuse as outlined below. For clarity, physical harm can occur even if a student is not bruised or injured.
- b. Sexual harm, which includes advances, requests for sexual favours, actual sexual contact, or any other sexual behavior impacting a student. For clarity, this

~~also includes For clarity, other sexual behaviour includes, but is not limited to, For clarity, this also includes sexualized comments, gestures, or actions that could reasonably make someone feel insecure, uncomfortable, offended, or humiliated, or that disrupts a student's safe learning environment.~~

- c. Emotional harm, which includes behaviour that damages a student's mental well-being, psychological state, or self-esteem, such as insulting, humiliating, rejecting, isolating, intimidating, or exploiting a student. For clarity, inappropriate personal relationships with students are included within the scope of emotional harm.
- d. Academic harm, which includes unwarranted negative impacts on a student's academic progress, performance, or learning experience.
- e. Where an employee is a Teacher or an Early Childhood Educator, any conduct impacting one or more students in a manner that would constitute professional misconduct under the *Ontario College of Teachers Act* or the *Early Childhood Educators Act* respectively.