

	Human Resources Management PRO V-B-7
STRAIT REGIONAL SCHOOL BOARD <i>Excellence in Lifelong Learning</i> Procedures	Employees, General Allegations of Sexual Misconduct Involving Students
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Allegations of Sexual Misconduct Involving Students

Procedures for Investigating an Allegation of Sexual Misconduct

1. Every complaint brought forward shall be investigated in a timely manner subject to constraints by outside agencies or legal requirements.
2. The Director of Human Resources, or designate, shall immediately notify all appropriate professional bodies or agencies of the complaint. This may include, but is not limited to, legal authorities, the Department of Community Services and Teachers Certification.
3. In cooperation with the appropriate professional bodies or agencies, the Director of Human Resources, or designate, shall gather information and signed written statements regarding the incident from relevant sources and make a determination as to whether the policy has been violated.
4. The suspected employee will immediately be relieved from his/her duties (with or without pay) with the Strait Regional School Board pending the outcome of the investigation.
5. The Director of Human Resources, or designate, shall notify parents/guardians of the student of the allegation.
6. When internal investigations are to be conducted into allegations of sexual misconduct involving students by an employee, the matters that should be addressed by the Director of Human Resources, or designate, include:
 - 6.1 the relative roles and joint participation of the Department of Community Services and the police in the conduct of the investigation of sexual abuse. Protocols may provide that the police have prime responsibility for any child protection investigation and for the protection of the child;
 - 6.2 the factors affecting the timing of the investigation and the initial interviews;
 - 6.3 the factors affecting the locations of the interviews particularly those relating to when Department of Community Services or police can or should interview a student on school property, and with particular consideration as to whether this is a case where the police interview should be conducted at the school notwithstanding the Strait Regional School Board's Police Contact with Students Policy IV-B-4;
 - 6.4 special needs of students with disabilities;

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- 6.5 the obligation of the school board to contact the Department of Community Services or police if the student – complainant transfers to another school or board;
 - 6.6 the obligation of the school board to contact the police if the suspected employee transfers to another school or board before the investigation is complete;
 - 6.7 the exchange of information between the Department of Community Services and / or police and the Director or designate(s). This may involve the designation of another staff member as liaison;
 - 6.8 when a support person, other than a parent or guardian, will be permitted to remain with a student during any interviews;
 - 6.9 determination as to whether or not a resource person is required when a suspected staff member should be notified that an allegation has been made against him or her;
 - 6.10 any rights, responsibilities or timelines outlined in the employment agreement, service agreement or collective agreement to which the employee is a party;
 - 6.11 at what stage of the investigation the suspected employee should be given an opportunity to address the allegations and what information should be provided to that employee and / or his or her representative, to enable the suspected employee or representative to address the allegations.
7. Any investigation conducted by the Director of Human Resources or designate(s) should be conducted in a respectful, sensitive and confidential manner guided by the following practices:
- 7.1 Avoiding or reducing the trauma to the student through unnecessary or inappropriate interviewing;
 - 7.2 Avoiding or reducing the trauma to the suspected employee through unnecessary or inappropriate interviewing;
 - 7.3 Respecting the confidentiality and privacy interests of all affected parties, to the extent possible;
 - 7.4 Ensuring fairness to the employee against whom a complaint has been made;
 - 7.5 Ensuring an accurate determination, free from stereotypical notions about sexual misconduct.

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8. Where an employee who, upon investigation, is found to:
 - a) have had an explicit sexual relationship with an individual who is known or ought reasonably to have been known by the employee to be a student, there is a strong presumption that such employee will be subject to the disciplinary action up to and including discharge
 - b) have committed a form of sexual misconduct other than explicit sexual relations with a student, such employee is subject to remedial action that includes disciplinary action up to and including discharge.

9. In the absence of 8 a) or 8 b), the employee shall be return to active duty in a position with the Strait Regional School Board.

10. An employee's immediate supervisor must review these procedures and supporting Policy V-B-7 with his/her staff annually.