

Department: Human Resources
Section: Employee and Labour Relations

The Board, through the Human Resources Department, has developed this policy to ensure that all school community members are aware of the procedure for the investigation of allegations of abuse in order that all complaints are dealt with consistently and efficiently as possible. The Director of Human Resources is responsible to ensure:

- allegations of abuse are investigated employing the Annapolis Valley Regional School Board Human Resources standard operating procedure for conducting workplace investigations;
- principles of procedural fairness, privacy and confidentiality, integrity, and timeliness are adhered to;
- compliance with legislation, other Board policies, Nova Scotia Department of Education and Early Childhood Development's *Model Framework: Protection from Child Abuse, Discrimination, and Sexual Harassment*, collective agreements and terms and conditions of employment.

The procedure for dealing with allegations against an employee depends on the situation and circumstances surrounding the allegation. This procedure must be followed when dealing with allegations but may be adapted to each case. This procedure will be used in any case where, based on the information provided, it is suspected or alleged that an employee has:

- behaved in such a way that may have harmed a student or adult;
- intended to harm a student or adult;
- acted outside of the law in relation to dealing with a student or adult; or
- behaved in any way that suggests they may be unsuitable to work with children or for the school board.

Generally

- 1.0 The overarching principle in responding to any allegation made against an employee is to ensure the safety, welfare and wellbeing of any student or adult who may have been involved in the alleged conduct or who may be at risk of harm if they have contact with that employee.
- 2.0 Sound administrative investigation practice is underpinned by procedural fairness to ensure fair and reasonable decision making. Procedural fairness requires the decision-maker to:
 - inform people of the allegations against them,
 - give them a right to be heard,
 - not have a personal interest in the outcome,
 - act only on the basis of well-reasoned probative evidence,
 - make good decisions in good faith and without bias,
 - consider any person whose interests will be affected by the decision.
- 3.0 It is imperative to maintain the privacy of any person involved in the investigation and maintain the confidentiality of all matters arising from the investigation unless there is a

legitimate purpose for sharing that information with other parties. Any breach of confidentiality should be documented and disclosed to the involved person.

- 4.0 For processes to be accepted as appropriate and fair, it is imperative that they are applied consistently and with integrity and treat all people involved in investigations with respect. This includes recognizing and managing actual, potential or perceived conflicts of interest.
- 5.0 It is well understood that investigations can cause stress, anxiety and worry for the subject of the investigation and all witnesses. It is therefore critically important that all work conducted is allocated and completed in a timely manner.

Specifically

- 6.0 Allegations of abuse by an employee should be reported to the employee's immediate supervisor. The immediate supervisor is responsible for reporting the allegation to the appropriate agency and to the Director of Human Resources.
- 7.0 If the alleged victim is a student or involves a criminal matter, then the immediate supervisor and Human Resources will not conduct any further investigation until being advised by the external agency that the Board can proceed.
- 8.0 Allegations where the alleged victim is a student:
 - 8.1 Any allegation of abuse involving a student under the age of sixteen (16) is to be immediately reported to Department of Community Services or Mi'kmaw Family and Children's Services. If the student is sixteen (16) years of age or older, then the allegation of abuse must be reported to the appropriate policing agency.
 - 8.2 The Department of Community Services/Mi'kmaw Family and Children's Services or the police will determine if there are grounds for investigation and, if not, the matter will revert to the Director of Human Resources to determine what follow up, if any, is required.
 - 8.3 The Director of Human Resources will notify the Superintendent and will meet with the appropriate manager, supervisor or school principal to determine the immediate actions that may need to be taken by the school board.
- 9.0 Allegations where the alleged victim is an adult
 - 9.1 If the allegation of abuse involves an adult and may be a criminal matter, then the allegation will be immediately reported to the appropriate policing agency.
 - 9.2 The person having this information must inform the Director of Human Resources of the allegation of abuse.
- 10.0 If the investigating agency (the Department of Community Services/Mi'kmaw Family and Children's Services and/or the police) determines that the referral warrants investigation, the investigating agency and the Director of Human Resources will determine who will advise the alleged offender that an allegation has been made and that the alleged offender is under investigation, but neither the specifics of

the allegations nor the name of the person making the allegation will be revealed at this time.

- 11.0 Depending on the allegation, the employee may be placed on leave in accordance with the provisions of the ***Education Act (Nova Scotia)***, and the collective agreements or terms and conditions of employment.
- 12.0 Cases of alleged abuse are to be given top priority; and to help ensure that, the Director of Human Resources and the appropriate manager, supervisor, or school principal will maintain good communications between the investigating agencies and the Board as to the status of the investigation so that the school board has adequate and timely information with which to make decisions about the alleged offender's status within the Board.
- 13.0 The investigating agency will notify the Director of Human Resources about the outcome of their investigation, when it is concluded.
- 14.0 It is possible that the Department of Community Services/Mi'kmaw Family and Children's Services and/or the police may determine that there are not grounds for investigation and revert the matter to the Director of Human Resources. The Director of Human Resources may determine action on behalf of the Board is required.
- 15.0 When the Board is able to conduct its investigation, the Director of Human Resources will determine the plan for the investigation such as who will notify the employee, who will investigate, how the evidence will be gathered, who will meet with the employee, and what documentation will be required.
- 16.0 If the investigation determines that there has been no abusive action, then the employee and immediate supervisor will be advised in writing by the Director of Human Resources that the employee has been exonerated. A copy of the letter will be placed in the employee's employment file. The complainant will also be advised in writing that the allegation was unfounded.
- 17.0 If the investigation determines that there has been abusive action, then the employee will be disciplined up to and including termination of employment in accordance with relevant legislation, applicable collective agreements, terms and conditions of employment and Board policy.
- 18.0 If an employee leaves the employ of the Board or resigns when the allegation is made against them or during an investigation, the investigation will continue until an outcome has been reached, with or without the employee's cooperation. They will be given full opportunity to answer the allegation. Compromise agreements will not be used in situations which are relevant to these procedures.
- 19.0 Where an allegation is proven to be intentionally false, disciplinary action may be taken against the complainant who has been found to have made the malicious accusation against the employee. If the claim has been made by a person who is not a student or an employee, the Director of Human Resources will pass the information to the appropriate policing agency who may take further action against the accuser.
- 20.0 No matter what the outcome of an allegation of abuse against an employee, the Board, through the Human Resources Department, will review the case to see if there are any

improvements that can be made in its practice or policy that may help to deal with cases in the future.

Monitoring

- The Director of Human Resources is responsible for the implementation, monitoring and revision of this administrative procedure.
- This administrative procedure will be monitored annually.

Superintendent Approved: May 10/04

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Monitoring Date: Annually

Revised: January 4/18