



ADMINISTRATIVE GUIDELINE

Title: Incidents of Abuse and Neglect of Students Over 16 Years of Age

Effective Date: September 2009

Responsibility: Superintendent of Business

INCIDENTS OF PHYSICAL, EMOTIONAL AND VERBAL ABUSE OF STUDENTS AND NEGLECT OF STUDENTS: STUDENTS AGED 16 YEARS AND OVER

The Near North District School Board is committed to providing each and every student with a safe, nurturing, positive and respectful learning environment.

The Near North District School Board has a duty to prevent, detect, intervene in and report abuse or neglect of any students.

The guiding principle of this policy is that no student shall experience corporal punishment, physical mistreatment, sexual, emotional or verbal abuse by employees or volunteers. In addition, they shall also be protected from violence and harassment, including threats, and/or bullying and inappropriate sexual behaviour by other students.

For the purpose of this policy, abuse is any form of physical harm, sexual mistreatment, emotional harm, verbal harm or neglect, which can result in injury or psychological damage. The use of physical force is unacceptable unless necessary to ensure the safety of students or other persons.

The Near North District School Board, therefore, shall have zero tolerance in all of its learning environments for physical, sexual and emotional abuse and/or neglect of students.

There are other administrative guidelines that may also be relevant when dealing with alleged incidents of abuse and neglect of students, including the following:

Human Rights Complaint

Safe Schools: Access to School Premises

Safe Schools: Consultations and Definitions

Workplace Harassment Complaint

TO WHOM DOES THIS ADMINISTRATIVE GUIDELINE APPLY?

This administrative guideline applies to all Board employees, students, trustees, and volunteers (including Co-operative Education students, student teachers, and students with placements in Board facilities) and other

members of the school community such as members of consultative committees, approved initiative or activity, clients of the Board, parents, volunteers, permit holders, contractors, and employees or organizations not related to the Board but who nevertheless work on or are invited onto Board premises.

Note: For the purposes of the procedures outlined in this administrative guideline, Co-operative Education students, enrolled in a Board school or program, will be considered as “students”.

1 – OVERVIEW

disciplinary action up to and including dismissal. Allegations of reprisals will be investigated as formal complaints under these procedures.

1.4 COMMUNICATIONS:

Principals and staff shall not communicate with other students, other parents or the community about incidents of alleged culpable behaviour or criminal charges without specific direction from the office of the Director. Any person who is found to be in breach of confidentiality will be subject to disciplinary action.

1.5 GENERAL:

If the superintendent is the person who allegedly mistreated a student, then the Director or designate will be responsible for these steps.

When the principal has been informed of an allegation of mistreatment of a student aged 16 or older by an employee or volunteer, the principal shall:

Immediately inform the superintendent.

- Where the alleged violation is sexual misconduct, the superintendent will inform the Director whose office will then determine the next steps.
- The superintendent will discuss with the principal any steps required to ensure the safety of students.
- The superintendent, in consultation with the Superintendent of Business, will make the decision as to whether or not to contact the police.

After informing the superintendent, meet with the accused employee/volunteer to inform him/her that:

- a complaint has been made under this procedure about the employee's conduct with a student
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The following people may provide support and may attend meetings related to the complaint, if the complainant, respondent or witness so requests:

- Union/association representative
- A colleague
- A principal, supervisor or manager
- A centrally-assigned staff person

Where the complainant, respondent or witness is a student, the following people may provide support and attend meetings related to the complaint, if the complainant, respondent or witness so requests:

- A teacher
- Another supportive adult in the school
- A fellow student
- A parent/guardian/other caregiver

- Interview the student to ascertain all of the relevant facts concerning the complaint
 - Inform the employee/volunteer of the allegations and provide an opportunity for response
 - Interview the employee/volunteer
 - Interview witnesses named by either the student or the employee/volunteer as well as witnesses chosen by the investigator
 - Consider any other relevant evidence
 - Come to conclusions about whether or not a specific incident did or did not occur based on a balance of probabilities
 - Prepare a draft report that includes:
 - The details of the alleged mistreatment
 - A description of the investigator's fact finding process
 - The investigator's findings of fact and the respondent's responses
 - Conclusions
- Note:** Investigation reports may be prepared without the names of witnesses whenever deemed appropriate by the investigator.
- Provide the student and the employee/volunteer with a draft copy of the report with its findings and

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2.3 IF THERE IS A POLICE INVESTIGATION

Upon completion of the police investigation or where there is an acquittal or conviction, the Director or designate will:

make a decision whether or not to conduct an internal investigation of the allegations. The procedures for the internal investigation will be the procedures outlined in this guideline under Section 2.2.

take disciplinary action if the internal investigation determines, on a balance of probabilities, that the employee mistreated the student. The principles of progressive discipline will be applied and may include the following:

- Recorded Verbal warning
- Letter of reprimand
- Suspension
- Dismissal

deny access to all schools under Regulation 474 of the *Education Act*, Section 3 (1) to the volunteer if the internal investigation determines, on a balance of probabilities, that the volunteer mistreated the student.

3.1 CONFIDENTIALITY AND SECURITY OF BOARD RECORDS