



BOARD ADMINISTRATIVE PROCEDURE	
<i>ADMINISTRATIVE PROCEDURE</i> Employee Charged with a Criminal Offence or Under Investigation by a Third Party	<i>ADMINISTRATIVE PROCEDURE NUMBER</i> AP - 502 (old) AP - 501 (new)
<i>Directional Policy</i> Employee Relations - 500	

TITLE OF ADMINISTRATIVE PROCEDURE:

Employee Charged with a Criminal Offence or Under Investigation by a Third Party

DATE APPROVED: May 16, 2017

PROJECTED REVIEW DATE: May, 2022

DIRECTIONAL POLICY ALIGNMENT: Employee Relations - 500

ALIGNMENT WITH MULTI-YEAR STRATEGIC PLAN:

The Employee Charged with a Criminal Offence or Under Investigation by a Third Party Administrative Procedure supports our Vision for achieving excellence in Catholic Education by ensuring employees are fit to be in the workplace and ensuring students and staff are safe. This Vision calls the Board to these Strategic Priorities:

- Ensure our structures, processes, relationships, and actions reflect our Gospel and Catholic Social Teachings.
- Implement the most effective, evidenced-based instructional and assessment practices to help all students meet the Catholic School Graduate Expectations.
- Embed technology to support digital literacy, creativity, innovation, collaboration, and the learning needs of all students.
- Develop the intellectual, spiritual, mental, physical, and emotional well-being of students in safe, diverse, respectful, and faith-filled learning environments.
- Implement fair and transparent processes in recruitment, leadership, talent development, and succession planning to ensure our employees have the necessary knowledge, skills, and attributes to promote our Vision.

ACTION REQUIRED:

1.0 In the event that an employee of the Board is charged with a criminal offence in Canada or another country or is the subject of an investigation by a third party stakeholder (i.e. Ontario College of Teachers, Children's Aid Society, College of Early Childhood Educators), the employee will report the matter to his/her supervisor and to the Director of Education before returning to work.

Should an employee fail to report a criminal offence or the investigation of a third party stakeholder, said failure will be considered when determining the employee's placement during the an investigation and when any consequence is determined.

The overriding concern with respect to consideration of a criminal conviction, relevant charges or information received from a third party stakeholder is whether the employee represents a risk to the safety or well-being of any of the Board's students, staff, or property.

2.0 In accordance with the *Education Act*, upon becoming aware that a teacher or temporary teacher who is employed by the Board has been charged with an offence under the *Criminal Code* involving sexual conduct and minors, or of any other offence under the *Criminal Code* that in the opinion of the Board indicates that students may be at risk, the Board is required to take prompt steps to ensure that the teacher or temporary teacher performs no duties in the classroom, and no duties involving contact with students, pending withdrawal of the charge, discharge following a preliminary inquiry, stay of the charge, or acquittal, as the case may be.

2.1 Further, upon becoming aware that an employee of the Board has been charged with an offence under the *Criminal Code* involving sexual conduct and minors, or of any other offence under the *Criminal Code* that in the opinion of the Board indicates that students may be at risk the Board will take prompt steps to ensure that the employee has no direct access to students.

3.0 The Director of Education or designate will determine if the Board needs to conduct an internal investigation. The investigation may be done concurrently to the police or third party stakeholder investigation or the Board may elect to wait until the police or third party investigation is complete before initiating an internal investigation. If there is not a directive to remove the employee from the workplace from the police or a third party stakeholder, the Director of Education or designate will determine the employee's placement until all investigations have been completed.

4.0 If the Board determines that an internal investigation is required, a number of areas of inquiry will be pursued. The nature and extent of the investigation will depend on

the circumstances of each case. The basic principle is that the Board must gather sufficient information to make an informed decision. An employee who is represented by a union may have representation during an investigation. Areas of inquiry may include but are not limited to:

- 4.1 The full circumstances of the charge(s) or allegation(s) in question, including the status of an external investigation, disposition in the court system, disposition of a third party investigation, and penalties imposed;
 - 4.2 History of misconduct, criminal charges or convictions, and disciplinary record;
 - 4.3 Steps taken by the employee to rehabilitate which may include medical treatment, counselling, community service;
 - 4.4 A determination of whether the employee's actions involved children or adversely affected children;
 - 4.5 The degree to which the employee's actions conflict with Catholic gospel values;
 - 4.6 The individual's attitude regarding their action(s), including the degree of remorse shown, understanding of the impact of their actions;
 - 4.7 The relevance of the individual's actions to the duties of the employee;
 - 4.8 Any other information that the Board feels may be relevant.
- 5.0 Following the Board's investigation, the Director of Education or designate shall determine what action, if any, the Board will take. Such action may include progressive discipline. The Board will consider the information collected in 4.0 when determining what action is suitable.
- 6.0 When determining what action may be taken, the Board will consider the status of a police or third party stakeholder investigation. The Board may elect to wait to determine what action to take until the police or third party stakeholder investigation is completed.
- 7.0 The Director of Education will be the official spokesperson for the Board in response to media inquiries. The Director may designate another individual to act as official spokesperson.

RESPONSIBILITIES:

The Board of Trustees is responsible for:

- Reviewing the Administrative Procedure as often as necessary.

- Ensuring the Director is accountable to the Board of Trustees for implementation of this Administrative Procedure.
- Ensuring alignment with the Board's Directional Policy.

The Director of Education (or designate) is responsible for:

- Designating resources for ensuring the implementation of and compliance with this Administrative Procedure.
- Determining if the Board needs to conduct an internal investigation.
- Determining whether the employee shall remain in the workplace, be assigned alternate duties, or be given a work from home assignment.
- Determining what action, if any, shall be taken following a Board investigation.
- Acting as the official spokesperson for the Board in response to media inquiries

Human Resource Services is responsible for:

- Ensuring that employees are informed of this Administrative Procedure and how it can be accessed.
- Reviewing this Administrative Procedure at orientations for all employees.
- Conducting internal investigations as directed by the Director of Education.

Superintendents are responsible for:

- Ensuring principals are consistent with the application of this Administrative Procedure;
- Ensuring that all employees for whom they have supervisory responsibility are aware of the requirements under this Administrative Procedure and that employees follow the requirements outlined in the Reporting Absences from Work Administrative Procedure.

Principals, Managers and Supervisors are responsible for:

- Ensuring staff who they supervise are aware of the requirements under this Administrative Procedure.

PVNC Staff are responsible for:

- Reporting any matter captured by this Administrative Procedure to his/her supervisor and to the Director of Education.

PROGRESS INDICATORS:

- PVNCCDSB will continue to provide an environment that ensures the safety of all students and staff.

DEFINITIONS:

Criminal Offence - Any offence listed in the Criminal Code of Canada, the Controlled Drugs and Substances Act, the Youth Criminal Justice Act, or any other federal statute in any country.

Third Party Stakeholder - An outside agency or organization which regulates or governs your profession (E.g. Ontario College of Teachers, Children's Aid Society, College of Early Childhood Educators).

Promptly – Before the start of the employee's work day.

REFERENCES:

Employee Relations Directional Policy – 500

[PVNC Catholic District School Board Vision and Strategic Priorities 2014-2017](#)

[Education Act, RSO 1990, c. E.2](#)

[Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c.M.56](#)

[Teaching Profession Act, R.S.O. 1990, c.T.2](#)

[Ontario College of Teachers Act, S.O. 1996, c.12](#)

[Child and Family Services Act, RSO 1990, c. C.11](#)

[Police/School Board Protocol \(2016\)](#)

Ensuring Student Safety and Protection Together – A Joint Children's Aid Society and School Board Protocol