



Department: Human Resources
Section: Employee and Labour Relations

Allegations of abuse by an employee must be investigated in accordance with appropriate legislation, collective agreements, and terms and conditions of employment.

The investigation must also follow due process, be un-biased and objective, protect confidentiality, protect the employee from harassment, and result in reasonable conclusions/outcomes of any investigation.

Specifically

- 1.0 Natural justice or procedural fairness may be considered as, “The rules of natural justice require that persons affected by a decision be notified of the case against them and be given a reasonable opportunity of presenting their case, and that the body making the decision listen fairly to both sides and reach a decision untainted by bias.” (Labour Law Terms, 1984)
- 2.0 Ordinary concerns regarding the education of a student are normally addressed by parents or guardians to the teacher. If parents or guardians are not satisfied with the results, then they have every right and obligation to direct their concerns to the school principal, and subsequently to Regional Office staff.
- 3.0 Allegations of abuse may be physical, emotional, mental or sexual abuse.
- 4.0 Allegations involving a student:
 - 4.1 Any allegation of abuse involving a student under the age of sixteen (16) is to be immediately reported to 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 police. The external agency is viewed as able to conduct an unbiased investigation.
 - 4.2 During the investigation by the external agency, there is to be no further investigation by the employer. The external agency is viewed as able to conduct an unbiased investigation that is “uncorrupted” by the employer.
 - 4.3 Depending on the allegation and during the investigation by the external agency, the employee may be suspended in accordance with the provisions of the ***Education Act (Nova Scotia)***, and the collective agreements or terms and conditions of employment.
 - 4.4 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 file.
 - 4.5 If the investigation determines that there has been abusive action, then the external agency will indicate that they will proceed with charges and/or action against the employee. The employee may continue on suspension pending the outcome.

- 4.6 If the employee is determined to be guilty of charges under the criminal code of Canada or a Federal Statute, then the employee will be disciplined up to and including termination of employment in accordance with relevant legislation, applicable collective agreements and Board policy.
- 5.0 Allegations Involving an Adult
- 5.1 If the allegation of abuse involves an adult, then the allegation will be immediately reported to the Director of Human Resources.
- 5.2 The Director of Human Resources will ensure that an investigation of the allegation is completed.
- 5.3 If the allegation is found to be unfounded, then the employee will be so advised in writing by the Director of Human Resources.
- 5.4 The complainant will also be advised that the allegation was unfounded.
- 5.5 If it is determined that the unfounded allegation was made maliciously or with intent, then a complaint resolution protocol may be used to resolve the issue.
- 5.6 If the allegation is found to be valid, then the respondent may be disciplined up to and including termination.
- 5.7 If criminal behaviour is alleged, the incident must be reported to the police.
- 6.0 At the conclusion of the investigation, decision, and disciplinary action (if any), all relevant information and documentation given to the employee will be placed in the employee's personal file in accordance with the applicable collective agreement or terms and conditions of employment.

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

Ref: BP 305.13

Monitoring Date: Annually

Revised: