



HURON-PERTH CATHOLIC

District School Board

Assault Against or by Staff Member - Criminal or Professional Misconduct by a Teacher

Adopted:	June 22, 1998	Policy #:	P 3.4.14.
Revised:	August 2004	Policy Category:	3.4. Human Resources

POLICY STATEMENT:

In the interest of providing an inviting educational environment which fosters the well-being of all persons, it is the intent of the Board to promote a safe and secure school and working environment where staff and students can carry out their responsibilities as members of a Catholic Faith Community, free from assault upon their persons, sustained in the course of their duties or on Board-sponsored activities.

PROCEDURES:

1. **DEFINITIONS**

- a) For the purpose of this policy, assault is defined as an act of intentional force applied to an individual; where one attempts or threatens by an act or gesture to apply force to another person; or causes the other person to believe upon reasonable grounds that the person issuing the threat has the ability to affect his/her purpose. This policy applies to all forms of assault, including sexual assault and assault with a weapon. An attempt by a teacher or employee to restrain a student/individual from harming himself/herself or others is not governed by this policy.
- b) The Ontario College of Teachers Act defines Sexual Abuse of a student as:
 - i) sexual intercourse, or other forms of physical sexual relations between the member and the student;
 - ii) touching of a sexual nature, of the student by the member;
 - iii) behaviour or remarks of a sexual nature by the member towards the student; and expressly states that "sexual abuse" of a student by a member falls within the definition of professional misconduct under the Act (Section 40 (1.1)).

2. **GENERAL PROCEDURES**

- a) It is expected that staff members will employ all reasonable measures to avoid circumstances which could result in incidents of assault.
- b) At the first and earliest opportunity, a staff member or student must inform the Principal or immediate Supervisor of any incident involving an alleged assault.
- c) If the alleged assault has been committed by the Principal or immediate Supervisor, the alleged victim reports directly to the Director of Education or the appropriate Supervisory Officer.

- d) The alleged offender will be removed from the presence of the alleged victim as quickly and safely as possible.
- e) The Principal or immediate Supervisor will ensure that medical attention for any injuries sustained is offered to the victim of the alleged assault.
- f) Where an alleged offender is a student, the Principal will take appropriate action under the Education Act, its Regulations, the Board's Safe School Policy, and the Board's Children in Need of Protection Policy.
- g) Where a student is allegedly assaulted by an adult, the staff member who discovers the alleged assault shall alert the police to investigate and the appropriate Children's Aid society if the student is under sixteen years of age, and the parents if the student is under eighteen years of age.
- h) The Principal or immediate Supervisor must immediately inform the Director of Education and/or the appropriate Supervisory Officer of the incident and advise the staff member to contact his/her Federation or Union president concerning the incident.
- i) Staff members who have been victims of an alleged assault have access to resources including but not limited to, health benefits, sick leave, workers' compensation and the Employee Assistance Program.
- j) All legal fees which may occur from an alleged assault on any staff member will be paid by the Board provided that the alleged assault occurred during the performance of their duties. Except for extraordinary circumstances, approved by the Board, the Board's solicitor will be used for this purpose.

3. **ASSAULT UPON A STAFF MEMBER**

In addition to the "General Procedures", the following procedures will be followed in situations involving an alleged assault upon a staff member:

- a) The staff member will be advised by the Principal or immediate Supervisor to obtain medical verification concerning any injury resulting from the alleged assault and that he/she may seek advice from his/her Federation or Union concerning the incident.
- b) The police will be called to conduct a criminal investigation. The staff member who allegedly been assaulted may call the police, or may request that the principal do so.
- c) The Principal or immediate Supervisor will conduct an immediate inquiry into the alleged assault and record information describing the incident, witnesses, location, time, date or other pertinent data and provide a copy to the Superintendent and the alleged assaulted staff member. If the alleged offender is a student under the age of 18, the parent(s)/guardian(s) must be contacted.
- d) Where an alleged assault has been committed by a person who is not enrolled in the school or employed by the Board, the Principal or immediate Supervisor will attempt to determine the alleged offender's identity or physical description and report this to the police.

4. **ASSAULT BY A STAFF MEMBER**

In addition to the "General Procedures", the following procedures will be followed in situations involving an alleged assault by staff member:

- a) The Principal or immediate Supervisor will conduct an immediate inquiry into the alleged assault and record information describing the incident, witnesses, location, time, date and other pertinent data and provide a copy to the appropriate Supervisory Officer and the staff member.
- b) The police will be called to conduct a criminal investigation. The person allegedly assaulted may call the police, or may request that the principal do so.

5. THREATS OF ASSAULT

In addition to the “General Procedures”, where an alleged threat of an assault upon a staff member or a student takes place and there are reasonable grounds to believe the threatened action would be carried out, the following procedures will be followed:

- a) The Principal or immediate Supervisor will conduct an immediate inquiry into the alleged incident and record information describing the incident, witnesses, location, time, date and other pertinent data.
- b) If it appears warranted, and/or if a student of the age of majority or staff member requests, the police will be called to conduct a criminal investigation. If the alleged offender/victim is a student under the age of 18, the parent(s)/guardian(s) must be contacted.

6. SEXUAL ABUSE OR PROFESSIONAL OR CIMINAL MISCONDUCT BY A TEACHER

In addition to the “General Procedures”, the Director of Education or designate shall report to the Ontario College of Teachers where it becomes aware that a teacher currently or previously employed by the board,

- a) has been charged with or convicted of an offence under the *Criminal Code* involving sexual conduct and minors;
- b) has been charged with or convicted of an offence under the *Criminal Code* that in the school board’s opinion indicates that students may be at risk of harm or injury; or,
- c) has engaged in conduct or taken action that in the school board’s opinion should be reviewed by a Ontario College of Teachers committee and shall promptly take steps to ensure that the teacher is removed from classroom duties and has no contact with students (Education Act Section 170 (1) (paragraph 12.1)).

DEFINITIONS:

- N/A

REFERENCES:

- N/A

RESOURCES, APPENDICES AND FORMS:

- N/A