



# ASSIGNING STAFF TO HOME PENDING AN INVESTIGATION

Responsibility:	<i>Coordinating Superintendent, Human Resource &amp; Equity Services</i>
Legal References:	<a href="#"><u>Education Act</u></a> ; <i>Ontario College of Teachers Standards of Practice and Ethical Standards</i> ; <a href="#"><u>Child and Family Services Act</u></a> ; <a href="#"><u>Occupational Health and Safety Act</u></a> ; <a href="#"><u>Ontario Human Rights Code</u></a> ; <i>Criminal Code of Canada</i> ; <i>Canadian Charter of Rights and Freedoms</i> <a href="#"><u>Education Act, Teacher Performance Appraisal, O. Reg. 99/02</u></a>
Related References:	<i>Board Policy 1002 Occupational Health and Safety</i> ; <i>Board Policy 1004 Harassment</i> ; <i>Board Policy 6000 Safe Schools</i> ; <i>Board Policy 6001 Code of Conduct</i> ; <i>Board Policy 1017 – Human Rights</i> <i>Administrative Procedure 1370 - Responsibility for Maintaining Safety, Security and Order</i> ; <i>Administrative Procedure 3720 - Racial, Religious and Ethnocultural Harassment</i> ; <i>Administrative Procedure 3730 - Sexual Harassment Guidelines</i> ; <i>Waterloo Region Police Service Protocol, December 2005</i> ; <i>Administrative Procedure 3760 – Progressive Discipline</i>
Effective Date:	March 28, 2022
Revisions:	
Reviewed:	

## 1. Preamble

- 1.1 The following procedure provides guidelines and expectations regarding assigning staff to home due to situations that arise, or allegations made that require an investigation. Allegations may come from students, parents, community members, and or staff, and may or may not require the involvement of Police and or Family and Children’s Services (F&CS). For clarification, allegations requiring the involvement of Police and or F&CS include, but are not limited to; inappropriate physical contact with a student causing physical and or emotional harm, inappropriate comments or behaviour towards students that are vexatious, demeaning, racist or sexual in nature, physical assault of staff or parents, use of, or being under the influence of alcohol or drugs on Board property or on a Board sanctioned trip, and negligence in responsibilities that put students or staff at risk of harm.
- The decision to assign a staff member to home and to involve Police and/or F&CS must be made in consultation with Human Resources & Equity Services and your Family of Schools Superintendent.

## 2. Process Related to Assigning Staff to Home with Police and / or F&CS Involvement

- 2.1 If a situation arises or allegations are made regarding any of the above conditions, or where you have doubt as to whether the circumstances you are dealing with would substantiate contacting

the Police and or F&CS and assigning a staff member to home, contact Human Resource & Equity Services (HRES) immediately. Point of contacts are the Manager Employee & Equity Services, and/or the applicable Manager, Human Resource Services. In the absence of either of the above, please contact the Human Resources Officer applicable to the employee group and/or the appropriate Senior Manager, Human Resource Services. If a complaint or allegation falls under any of the protected grounds of the Ontario Human Rights Code (Age; Ancestry, colour, race; Citizenship; Ethnic origin; Place of origin; Creed, Disability; Family status; Marital status (including single status); Gender identity, gender expression; Receipt of public assistance (in housing only); Record of offences (in employment only); Sex (including pregnancy and breastfeeding); and Sexual orientation), and you feel it falls within the purview of the Human Rights Branch, please contact Human Resources & Equity Services as noted above and the two departments will work cooperatively throughout the investigation.

- 2.2 Once HRES has determined that assignment to home is necessary:
- inform the staff member an allegation(s) has come forward and they are assigned to home until further notice. (HRES will provide a script to aid in this step);
  - call either the Police and/or F&CS as directed by HRES, and notify your Family of Schools SO;
  - HRES will inform the union, and deliver an “Assigned to Home Letter” to the home address of the staff member or via email;
  - HRES will inform the Wellness department, and they will reach out to the staff member to offer supports (i.e., EFAP program);
  - If the Police and/or F&CS choose to investigate, the Board investigation is put on hold. F&CS will provide a letter of verification, which signals the end of their investigation, and Police will advise upon the completion of their investigation. Once the letter is received and/or notification from the Police is received, the Board investigation can resume;
  - If the Police and/or F&CS choose not to investigate, the Board investigation can begin immediately;
  - The Administrator/Manager begins the Board investigation by interviewing the victim(s) and any witnesses or potential witnesses and takes detailed notes, as directed by HRES;
  - Once complete, scan and email the notes to the Manager Employee & Equity Services;
  - For the final stage of the investigation, the notes will be reviewed, and questions drafted by HRES for the staff member to answer in response to the allegation(s). HRES will coordinate a meeting with the staff member, their union representative, the Manager Employee & Equity Services, and the applicable Manager, Human Resource Services and the appropriate Senior Manager, Human Resource Services if deemed necessary;
  - The staff member is provided the opportunity to respond to the allegation(s) and a decision will be made regarding next steps, disciplinary action if applicable, and return to work in coordination with the Administrator/Manager.

### **3. Process Related to Assigning Staff to Home Without Police and / or F&CS Involvement**

- 3.1 If a situation arises or allegations are made where you believe Police and or F&CS are not required, however it is serious in nature and you believe it may substantiate assigning a staff member to home, contact Human Resources & Equity Services (HRES) immediately for consultation and direction. Point of contacts are the Manager Employee & Equity Services, and/or the applicable Manager, Human Resource Services. In the absence of either of the above, please contact the Human Resources Officer applicable to the employee group and/or the Senior Manager, Human Resource Services.

If a complaint or allegation falls under any of the protected grounds of the Ontario Human Rights Code (Age; Ancestry, colour, race; Citizenship; Ethnic origin; Place of origin; Creed, Disability; Family status; Marital status (including single status); Gender identity, gender expression; Receipt of public assistance (in housing only); Record of offences (in employment only); Sex (including pregnancy and breastfeeding); and Sexual orientation), and you feel it falls within the purview of the Human Rights Branch, please contact Human Resources & Equity Services as noted above and the two departments will work cooperatively throughout the investigation.

- 3.2 Once HRES has determined that assignment to home is necessary:

- inform the staff member an allegation(s) has come forward and they are assigned to home until further notice (HRES will provide a script to aid in this step). Provide an update to your Family of Schools SO;
- HRES will inform the union, and deliver an “Assigned to Home Letter” to the home address of the staff member or via email;
- HRES will inform the Wellness department, and they will reach out to the staff member to offer supports (i.e., EFAP program);
- The Administrator/Manager begins the Board investigation by interviewing the victim(s) and any witnesses or potential witnesses and takes detailed notes, as directed by HRES;
- Once complete, scan and email the notes to the Manager Employee & Equity Services;
- For the final stage of the investigation, the notes will be reviewed, and questions drafted by HRES for the staff member to answer in response to the allegation(s). HRES will coordinate a meeting with the staff member, their union representative, the Manager Employee & Equity Services, and the applicable Manager, Human Resource Services and the appropriate Senior Manager, Human Resource Services if deemed necessary;
- The staff member is provided the opportunity to respond to the allegation(s) and a decision will be made regarding next steps, disciplinary action if applicable, and return to work in coordination with the Administrator/Manager.

#### **4. Other Considerations**

4.1 There are a number of deviations possible due to the complexity of some situations. Best practice is to keep in contact with HRES for support and guidance throughout the process.

4.2 A protocol with F&CS and the Board includes a commitment to provide the verification letter within a maximum of fourteen (14) days from when the child is interviewed. If you have received no response from F&CS and or fourteen (14) days is approaching with no update, please contact the Manager Employee & Equity Services for follow up.

4.3 Police investigations could result in a longer process and are out of the control of the Board; however, HRES will keep in contact with the investigating Officer(s) throughout the investigation and update the Administrator/Manager accordingly.

4.4 Depending on the circumstances and the nature of the investigation, HRES may suspend building access as well as suspend the staff member’s PAL account.

#### **5. Expectations of the Staff Member Assigned to Home**

5.1 No contact with students (current, former or graduated), parents, employees of the Board or community members for the purposes of discussing their assigned to home status.

5.2 For further clarification, all contact with students is suspended while assigned to home, this includes but is not limited to; google classroom, google hangout, email, parent night, school events, extracurriculars, field trips, coaching, volunteering, and e-learning.

5.3 The staff member is assigned to home to allow an investigation to take place. The initial “assigned to home” status is not considered a suspension and staff will continue to be paid, provided they are not occasional staff. As such, staff are to remain available for meetings, and teachers for example may be required provide initial lesson plans (if applicable), as directed by HRES.

5.4 Occasional staff will be blocked from deployment until the investigation is concluded.

5.5 If a teacher is assigned to home when report cards are due, they will be expected to provide and possibly enter assessment data, as directed by HRES.

5.6 If a staff member is assigned to home leading up to the holiday break, March break or the end of school, they will not be permitted to enter the school to address staff or students.

5.7 The Board reserves the right to review continued payment of the staff member’s salary on a case-by-case basis.