

MODEL FRAMEWORK

**Protection from Child Abuse,
Discrimination, and Sexual Harassment**

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Discrimination, and Sexual Harassment**

Model Framework: Protection from Child Abuse, Discrimination, and Sexual Harassment

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Preamble

The *Education Act* requires school boards to have policies to protect students and employees from harassment and abuse. This requirement is grounded in other statutory obligations, in particular, the obligation to report where there are reasonable grounds to suspect child abuse and with respect to discrimination and sexual harassment, which extend to every employer in Nova Scotia. As employers, school boards may be held liable where any of these obligations is not adequately fulfilled.

In 2002, the department (working with all school boards) launched a Protection of Students initiative that overall is intended to ensure students are protected in safe schools. Starting with mandatory background checks for all incoming employees and volunteers as well as for teacher education, students who are teaching in schools, and improved reporting requirements to the Registrar, Teacher Certification for cases of conduct that may relate to the suitability of a holder of a certificate to have that certificate, the initiative is being rounded out with the introduction of *Model Framework—Protection from Child Abuse, Discrimination, and Sexual Harassment*.

This framework sets out guidelines for school board policies for all school board employees and volunteers that will address these requirements and ensure a reasonably consistent approach to these statutory obligations throughout the public education system.

Purpose

This framework establishes the minimum components needed to assure compliance with certain statutory provisions, as follows:

- In accordance with Section 64(2) (t) of the *Education Act*, school boards are required to establish policies for the protection of students and employees from harassment and abuse.
- Section 22 of the *Children and Family Services Act* defines when a child is in need of protective services, and Sections 23 to 25 inclusive set out obligations of professionals and others to report information relating to children suspected to be in need of protective services, legal protection of those reporting, and legal consequences of not reporting.
- Section 5 of the Nova Scotia *Human Rights Act* prohibits discrimination on the basis of 16 protected characteristics and also prohibits sexual harassment. Employers are held responsible for taking reasonable measures to ensure compliance in the workplace.

Accordingly, within this framework, school boards will establish a policy that will

- (a) protect students from, and inform them of their rights and responsibilities with respect to, all forms of child abuse, discrimination, and sexual harassment and ensure that all school community members, including employees, understand their roles and responsibilities with respect to students
- (b) ensure that adult school community members are informed of their rights, roles, and responsibilities relating to discrimination and sexual harassment.

Application

This framework applies to all school community members. This includes students, all staff (administrative, teaching, and support staff), board members, parents, volunteers, community groups, parent organizations, and others having contact with students in the school system.

Definitions

Definitions of terms and phrases used in this framework with respect to child abuse are set out as Appendix A. Other definitions are set out as Appendix B.

Scope

The Minister is committed to having learning and working environments that are free from child abuse, discrimination, and sexual harassment. Any form of child abuse, as defined in the *Children and Family Services Act*, or sexual harassment or discrimination based on the protected characteristics set out in the Nova Scotia *Human Rights Act* will not be tolerated. School boards must make a similar statement of commitment to these legislative provisions.

Any school community member who does not comply with these legislative provisions will be subject to consequences, up to and including criminal prosecution, as set out in the *Children and Family Services Act* and school board policy. This applies to behaviour that occurs at schools, school board offices, buildings under school board jurisdiction, or elsewhere in the course of school or school-board related responsibilities or relationships, including social functions, travel, conferences, or training events; e-mail, telephone, written, or other communications; or any other activity approved by the school or school board.

Child Abuse. Sections 22 to 25 of the *Children and Family Services Act* define when a child is in need of protective services and stipulate that suspected child abuse must be reported to the appropriate authorities. Full definitions as contained in that legislation are attached as Appendix A, for information and convenience.

Discrimination and Sexual Harassment. Discrimination occurs when a person makes a distinction based on a characteristic or a perceived characteristic as set out in the Nova Scotia *Human Rights Act*, and sexual harassment is behaviour of a sexual nature that is known or ought to be known to be unwelcome. A full description of both are set in Appendix B—Other Definitions, for information and convenience.

Procedures and Consequences

School boards must have reporting protocols with respect to suspected child abuse and complaints resolution protocols with respect to discrimination and sexual harassment. Such protocols will set out the procedures for identifying and reporting, investigating, and concluding complaints, as well as the range of consequences, including consequences for criminal behaviour. These protocols will be customized for each of the three groups to which this framework applies, as follows:

Employees

For practical reasons and to reduce the potential for confusion, school boards are encouraged to align employee complaints resolution protocols to the provincial *School Code of Conduct* when it is finalized, if another protocol does not already exist. It is acknowledged that existing collective agreements may contain procedures to deal with matters covered by this framework and may call for specific time lines. In the case of any direct conflict between the procedures established by a school board and a collective agreement, the collective agreement will prevail. School boards are encouraged to address any such discrepancies in future negotiations.

Model Procedures and Consequences Guidelines for employees (which may also be used for school community members other than students) is attached as Appendix C, for school boards' consideration. Consequences for employees may be up to and including termination of employment, as determined by the school board in accordance with relevant legislation, applicable collective agreements or policies and after appropriate consultation. Where criminal behaviour is alleged, the incident must be reported to the appropriate policing agency. At the conclusion of the investigation, decision, and disciplinary action (if any), the school board will retain all relevant information and place all documents given to the respondent in the respondent's personnel file, either permanently or as provided for in an applicable collective agreement.

Students

Procedures for students will be according to the *Education Act* and the complaints resolution protocol under the provincial *School Code of Conduct* (when it is finalized), school board policies and protocols on reporting child abuse, and other applicable school board policies and procedures in place relating to students.

Consequences for students, which may be up to and including suspension from school for the balance of the school year, will be determined in accordance with the *Education Act* and the provincial *School Code of Conduct*.

Other School Community Members

Procedures for school community members other than employees will be in accordance with the provincial *School Code of Conduct* and applicable school board policies relating to volunteers and/or other school community members. Procedures in Appendix C may also be extended to this group.

Consequences for other school community members will be in accordance with the provincial *School Code of Conduct* and any applicable school board policies concerning volunteers or others in the school.

Other Complaints Procedures

Alleged misconduct, including violence, may fall within the definition of sexual assault or assault under the Criminal Code. This includes incidents not involving a child under 16, either as victim or perpetrator, or between adults.

For some forms of misconduct, for example stalking or inappropriate touching, it is necessary to notify the appropriate local policing authority.

Child Abuse Reporting Procedures

The duty of a school community member is only to report information to an agency. Investigation of suspected child abuse and neglect is the role of a child welfare agency and, in the case of a criminal investigation, the role of police. Any policies and protocols regarding reporting of suspected child abuse or neglect *must not* conflict or interfere with the statutory roles and responsibilities of child welfare agency staff and police.

Accountability

School boards will ensure a policy is in place that addresses, at a minimum, the statutory obligations with respect to child abuse, discrimination, and sexual harassment. Superintendents and school boards are accountable for ensuring the consistent application of this framework.

Human resources directors will be responsible for any necessary consultation with unions in development of school board policies that are consistent with this framework and that take into account provisions in applicable collective agreements or other existing protocols originally developed in consultation with unions.

School board and school-based administrative staff are responsible for taking all reasonable measures to ensure that the learning environment is safe for students and that suspected cases of child abuse are reported according to the *Children and Family Services Act*.

They are also responsible for taking all reasonable measures to ensure that the learning and working environment is free from harassment and discrimination, based on the protected characteristics set out in the *Nova Scotia Human Rights Act*. Specific steps include

- taking preventive action including providing communications and training
- treating complaints seriously and with respect
- providing information to others on a confidential basis concerning the school board's policy and procedures
- maintaining confidentiality
- taking action on all allegations even in the absence of a formal complaint

School community members are responsible for demonstrating a commitment to act in accordance with this framework, co-operating, and showing mutual respect at all times.

Communications and Training

Superintendents will ensure that the school board's policy is widely communicated by posting and distributing it throughout the school community. They will also ensure that education and training are provided regarding child abuse and reporting requirements as defined in legislation, discrimination based on protected characteristics as set out in the *Nova Scotia Human Rights Act*, and sexual harassment. Opportunities for education and training will be offered to school community members according to the model Communications and Training Framework (Appendix D).

Monitoring

Each school board will audit its practices to ascertain compliance with its policy based on this framework and will annually report on compliance as part of its regular annual reporting to the Minister of Education. In turn, the Department of Education will annually review school board reports and will work with school boards where necessary to help enhance compliance and otherwise support the administration of the intent of the framework.

Records

Records created as a result of actions pursuant to this framework and a school board's policy are to be treated in a confidential manner, as personnel records are treated. This principle applies to records involving employees, volunteers, and students.

Records of a complaint will be held in a separate file, that is, not in one or more personnel files, until the investigation is complete and decisions are made on appropriate action, if any.

Generally, whether or not prohibited behaviour has been found to occur, no documents will be placed in the complainant's file so long as the complaint has been made in good faith, unless the complainant wishes to have information in his or her file.

If disciplinary action is taken in respect of the respondent, generally the background documents will be placed on the respondent's file. If the complaint is found to be without grounds, documents will not be placed on the respondent's file, unless the respondent wishes to have information in the file.

All records, including records related to actions taken in accordance with this framework, are subject to the provisions of the *Freedom of Information and Protection of Privacy Act*.

Appendices

The following appendices are included with this framework and will be included by school boards as part of school board policies developed in response to it.

Appendix A—Definitions Regarding Child Abuse

Appendix B—Other Definitions

Appendix C—Model Procedures and Consequences Guidelines for School Community Members Other Than Students

Appendix D—Model Training and Communications Framework

Legislative References

Criminal Code of Canada

Education Act

Freedom of Information and Protection of Privacy Act

Children and Family Services Act

Nova Scotia Human Rights Act

Local References

Child abuse reporting protocols

Collective agreements

Other relevant local policies

Definitions Regarding Child Abuse

CAUTION: Investigation of suspected child abuse and neglect is the role of a child welfare agency and, in the case of a criminal investigation, the role of police. Policies and protocols regarding reporting of suspected child abuse or neglect must not conflict or interfere with the statutory roles and responsibilities of child welfare agency staff and police.

Preamble

The following excerpts from the Nova Scotia *Children and Family Services Act* are provided especially for the information of teachers and principals, who are specifically named in section 24 among the professionals having a duty to report suspected child abuse and neglect, notwithstanding under 23(1) the duty and obligation of all citizens to report.

A child is defined in section 3(1)(e). A child in need of protection is defined by section 22(2) of the Act. In deciding whether or not to report an incident or situation of suspected abuse or neglect of a child, it is not a requirement that the person making the report has proof that abuse has occurred. **That is for the child welfare agency and the courts to determine.** Any uncertainty in deciding to report a suspicion should be resolved in favour of the child.

Sections 24(2) and 24(4) outline the duty of professionals and officials to report. This applies whether or not the information is confidential or privileged. Unless the reporting is done falsely and maliciously, no civil action can be brought against the person making the report.

Third party abuse (i.e., abuse by a person other than the child's parent) is defined in section 25(2), and the duty to report suspected abuse of this type applies as well.

Appendix A

Children and Family Services Act (Excerpts) (1990, amended 1994–5, 1996)

Purpose

2 (1) The purpose of this Act is to protect children from harm, promote the integrity of the family and assure the best interests of children.

Paramount consideration

b. In all proceedings and matters pursuant to this Act, the paramount consideration is the best interests of the child. 1990, c.5, s.2.

Interpretation

3 (1) In this Act,

- (a) “agency” means an agency continued by or established and incorporated pursuant to this Act and includes the Minister where the Minister is acting as an agency;
- (b) “agent” means a person appointed as an agent of the Minister or of an agency pursuant to this Act;
- (c) “care” means the physical care and control of a child;
- (d) “care and custody” means the care and custody of a child pursuant to this Act or an order or agreement made pursuant to this Act;
- (e) “child” means a person under sixteen years of age unless the context otherwise requires;
- (f) “child in care” means, except in Sections 67 to 87, a child who is in the care and custody of an agency
 - (i) pursuant to an agreement made pursuant to this Act,
 - (ii) as a result of being taken into care, or
 - (iii) pursuant to a court order made pursuant to this Act;

22 (1) In this Section, “substantial risk” means a real chance of danger that is apparent on the evidence. (*Editorial note: “Substantial risk” is for a child welfare agency to determine, regarding grounds for investigation; it does not refer to grounds for a person who has a suspicion to report that suspicion to an agency.*)

Child is in need of protective services

(2) A child is in need of protective services where

- (a) the child has suffered physical harm, inflicted by a parent or guardian of the child or caused by the failure of a parent or guardian to supervise and protect the child adequately;
- (b) there is a substantial risk that the child will suffer physical harm inflicted or caused as described in clause (a);
- (c) the child has been sexually abused by a parent or guardian of the child, or by another person where a parent or guardian of the child knows or

should know of the possibility of sexual abuse and fails to protect the child;

(d) there is a substantial risk that the child will be sexually abused as described in clause (c);

(e) a child requires medical treatment to cure, prevent or alleviate physical harm or suffering, and the child's parent or guardian does not provide, or refuses or is unavailable or is unable to consent to, the treatment;

(f) the child has suffered emotional harm, demonstrated by severe anxiety, depression, withdrawal, or self-destructive or aggressive behaviour and the child's parent or guardian does not provide, or refuses or is unavailable or unable to consent to, services or treatment to remedy or alleviate the harm;

(g) there is a substantial risk that the child will suffer emotional harm of the kind described in clause (f), and the parent or guardian does not provide, or refuses or is unavailable or unable to consent to, services or treatment to remedy or alleviate the harm;

(h) the child suffers from a mental, emotional or developmental condition that, if not remedied, could seriously impair the child's development and the child's parent or guardian does not provide, or refuses or is unavailable or unable to consent to, services or treatment to remedy or alleviate the condition;

(i) the child has suffered physical or emotional harm caused by being exposed to repeated domestic violence by or towards a parent or guardian of the child, and the child's parent or guardian fails or refuses to obtain services or treatment to remedy or alleviate the violence;

(j) the child has suffered physical harm caused by chronic and serious neglect by a parent or guardian of the child, and the parent or guardian does not provide, or refuses or is unavailable or unable to consent to, services or treatment to remedy or alleviate the harm;

(ja) there is a substantial risk that the child will suffer physical harm inflicted or caused as described in clause (j);

(k) the child has been abandoned, the child's only parent or guardian has died or is unavailable to exercise custodial rights over the child and has not made adequate provisions for the child's care and custody, or the child is in the care of an agency or another person and the parent or guardian of the child refuses or is unable or unwilling to resume the child's care and custody;

(l) the child is under twelve years of age and has killed or seriously injured another person or caused serious damage to another persons property, and services or treatment are necessary to prevent a recurrence and a parent or guardian of the child does not provide, or refuses or is unavailable or unable to consent to, the necessary services or treatment;

(m) the child is under twelve years of age and has on more than one occasion injured another person or caused loss or damage to another persons property, with the encouragement of a parent or guardian of the child or because of the parent or guardians failure or inability to supervise the child adequately. 1990, c.5, s.22; 1996, c.10, s.1.

Appendix A

Duty to report

23 (1) Every person who has information, whether or not it is confidential or privileged, indicating that a child is in need of protective services shall forthwith report that information to an agency.

Restriction on civil action

(2) No action lies against a person by reason of that person reporting information pursuant to subsection (1), unless the reporting of that information is done falsely and maliciously.

Offence and penalty

(3) Every person who contravenes subsection (1) is guilty of an offence and upon summary conviction is liable to a fine of not more than two thousand dollars or to imprisonment for a period not exceeding six months or to both.

Limitation period

(4) No proceedings shall be instituted pursuant to subsection (3) more than two years after the contravention occurred.

Offence and penalty

(5) Every person who falsely and maliciously reports information to an agency indicating that a child is in need of protective services is guilty of an offence and upon summary conviction is liable to a fine of not more than two thousand dollars or to imprisonment for a period not exceeding six months or to both. 1990, c. 5, s. 23; 1996, c. 10, s. 2.

“suffer abuse” defined

24 (1) In this Section, “suffer abuse”, when used in reference to a child, means be in need of protective services within the meaning of clause (a), (c), (e), (f), (h), (i) or (j) of subsection (2) of Section 22.

Duty of professionals and officials to report

(2) Notwithstanding any other Act, every person who performs professional or official duties with respect to a child, including

(a) a health care professional, including a physician, nurse, dentist, pharmacist or psychologist;

(b) a teacher, school principal, social worker, family counsellor, member of the clergy, operator or employee of a day-care facility;

(c) a peace officer or a medical examiner;

(d) an operator or employee of a child-caring facility or child-care service;

(e) a youth or recreation worker, who, in the course of that persons professional or official duties, has reasonable grounds to suspect that a child is or may be suffering or may have suffered abuse shall forthwith report the suspicion and the information upon which it is based to an agency.

Application of Section

(3) This Section applies whether or not the information reported is confidential or privileged.

Effect on Section 23

(4) Nothing in this Section affects the obligation of a person referred to in subsection (2) to report information pursuant to Section 23.

Restriction on civil action

(5) No action lies against a person by reason of that person reporting information pursuant to subsection (2), unless the reporting is done falsely and maliciously.

Offence and penalty

(6) Every person who contravenes subsection (2) is guilty of an offence and upon summary conviction is liable to a fine of not more than five thousand dollars or to imprisonment for a period not exceeding one year or to both.

Limitation period

(7) No proceedings shall be instituted pursuant to subsection (6) more than two years after the contravention occurred.

Offence and penalty

(8) Every person who falsely and maliciously reports information to an agency indicating that a child is or may be suffering or may have suffered abuse is guilty of an offence and upon summary conviction is liable to a fine of not more than two thousand dollars or to imprisonment for a period not exceeding six months or to both. 1990, c. 5, s. 24; 1996, c. 10, s. 3.

Interpretation of Section

25 (1) In this Section, “abuse by a person other than a parent or guardian” means that a child

(a) has suffered physical harm, inflicted by a person other than a parent or guardian of the child or caused by the failure of a person other than a parent or guardian of the child to supervise and protect the child adequately;

Appendix A

(b) has been sexually abused by a person other than a parent or guardian or by another person where the person, not being a parent or guardian, with the care of the child knows or should know of the possibility of sexual abuse and fails to protect the child;

(c) has suffered serious emotional harm, demonstrated by severe anxiety, depression, withdrawal, or self-destructive or aggressive behaviour, caused by the intentional conduct of a person other than a parent or guardian.

Duty to report third-party abuse

(2) Every person who has information, whether or not it is confidential or privileged, indicating that a child is or may be suffering or may have suffered abuse by a person other than a parent or guardian shall forthwith report the information to an agency.

Offence and penalty

(3) Every person who contravenes subsection (2) is guilty of an offence and upon summary conviction is liable to a fine of not more than two thousand dollars or to imprisonment for a period not exceeding six months or to both.

Limitation period

(4) No proceedings shall be instituted pursuant to subsection (3) more than two years after the contravention occurred.

Restriction on civil action

(5) No action lies against a person by reason of that person reporting information pursuant to subsection (2) unless the reporting of that information is done falsely and maliciously.

Offence and penalty

(6) Every person who falsely and maliciously reports information to an agency indicating that a child is or may be suffering or may have suffered abuse by a person other than a parent or guardian is guilty of an offence and upon summary conviction is liable to a fine or not more than two thousand dollars or to imprisonment for a period not exceeding six months or to both. 1990, c.5, s.25; 1996, c.10, s.4.

Other Definitions

Complainant. A person who alleges that another person has engaged in a prohibited behaviour.

Director of Human Resources. The senior administrator responsible for human resources matters.

Discrimination. Where a person makes a distinction, whether intentional or not, based on a characteristic, or perceived characteristic (age; race or colour; religion or creed; sex; sexual orientation, physical disability or mental disability; an irrational fear of contracting an illness or disease; ethnic, national, or aboriginal origin; family status; marital status; source of income; political belief, affiliation, or activity; or a person's affiliation with another individual or class of individuals having such characteristics). No person may discriminate when the result is to impose burdens, obligations, or disadvantages on an individual or class of individuals that is not imposed upon others, or that withholds or limits access to opportunities, benefits, and advantages available to other individuals or classes of individuals in society.

Minister. The Minister of Education.

Sexual harassment. Any act that the author of the act knows or should normally know is inappropriate or unwelcome. Sexual harassment may consist of an isolated incident or a series of incidents over a period of time and includes objectionable, coercive, or vexatious comment, communication, action, or attention of a sexual nature to a person or persons that is known or ought reasonably to be known to be unwelcome, or actions or communications with a sexual connotation or component that are directed to no person in particular but that creates an intimidating, demeaning, or offensive work environment.

Prohibited behaviour. Any form of child abuse, discrimination, or harassment as set out in these definitions.

Respondent. A person who is alleged by another to have engaged in a prohibited behaviour.

School community members. As defined in the *School Code of Conduct*, “students and all adults whose roles or jobs place them in contact with students in school settings and school activities.” “All adults” includes administrative, teaching and support staff, board members, parents, community groups, or any person associated with the school system in any capacity.

Superintendent. Includes a director of education and a chief executive officer in a school board where there is not a superintendent.

Procedures and Consequences Guidelines

School Community Members other than Students

These guidelines have been prepared to assist school boards by providing a model that could be adapted for school board use. They are not mandatory to adopt.

For Instances of Discrimination and Sexual Harassment

- Individuals who experience or perceive prohibited behaviour are strongly encouraged to take direct action by communicating (in person or in writing) with the respondent promptly to inform the person clearly and directly that the behaviour is unwelcome and must stop.
- Persons using this process should keep a record of all the incidents and the way in which they were handled, to help with accurate recollection of events at a later date, if needed.

Making a Complaint—Informal

- If the complainant is unable to take direct action or the prohibited behaviour continues, the complainant may make an informal complaint to a person in authority, including the complainant's supervisor or the respondent's supervisor, principal, or administrator.
- The person in authority will act to resolve the situation by taking one or more steps, including talking to the respondent, intervening on the complainant's behalf, arranging for the parties to come together to resolve the complaint, or by advising the complainant of other options.

Making a Complaint—Formal

- If the informal process does not resolve the issue, or if the complainant wishes to bypass that process, the complainant may complain in writing to the director of human resources.
- A formal written complaint should be initiated within one year of the incident, although the superintendent (or designate) has discretion to accept a complaint filed after a longer period.
- The director of human resources will advise the superintendent, respondent, and supervisors of the complainant and the respondent of the complaint and will arrange to have it investigated.
- If appropriate (for example, a single spoken exchange between two employees) the director of human resources may attempt to resolve the complaint through discussion with the parties. If this is not successful, the matter will be formally investigated.

Investigation

- The investigator will interview the complainant, accept any written statement the complainant wishes to provide, and document the interview. Copies of these documents will be given to the respondent, who will be invited to respond either face to face or in writing. This response will be conveyed back to the complainant for reaction.
- The investigator will re-interview the complainant and respondent as necessary, will interview other persons and gather materials as may be necessary to complete the investigation, and will produce a factual report about the complaint to the superintendent, with copies to the complainant, respondent, and the director of human resources.
- Wherever possible, investigations should be finalized within a certain time period after receiving a complaint (suggested, 60 days), and the superintendent may extend the time line where circumstances warrant. The parties may wish to make additional comments on the report, in which case, they should do so within a short time (suggested, 5 days) so that the superintendent can determine appropriate action in a timely way. Time lines may vary depending on time lines in applicable collective agreements.
- A complainant may opt to discontinue the process at any time. This does not apply where policing agencies are also involved, and time lines must accommodate that activity.

Reporting and Conclusion

Upon conclusion of investigation and disciplinary action (if any), documentation will be kept by the school board with the director of human resources. Documents given to the respondent will be kept permanently in the respondent's personnel file or according to the collective agreement.

Consequences

Consequences for employees may be up to and including termination of employment, and for other school community members may be up to and including severance of involvement with the school, as determined by the school board in accordance with relevant legislation and applicable policies and after appropriate consultation. Where criminal behaviour is alleged, the incident must be reported to the appropriate policing agency.

For Instances Involving Allegations of Child Abuse

The *Children and Family Services Act* obliges those with information about or who suspect child abuse to report their suspicions, and the information on which it is based, to an agency, immediately.

If an employee is alleged to be a perpetrator, the director of human resources must be notified in writing as well. The agency will determine if there are grounds for investigation and, if not, the matter will revert to the director to determine what follow up, if any, is required.

If an agency does determine that the referral warrants investigation, it will advise the director of human resources accordingly. The agency will determine if the matter should also be referred to the appropriate policing agency for joint investigation. The director of human resources will notify the superintendent and will meet with the appropriate manager, supervisor, or school principal to determine what immediate action may need to be taken by the school board.

They will advise the alleged offender that an allegation has been made and that the alleged offender is under investigation, but neither the specifics of the allegations nor the name of the person making the allegation will be revealed at this time.

Cases of alleged abuse are to be given top priority; and to help ensure that, the director of human resources and the appropriate manager, supervisor, or school principal will maintain good communications between the investigating agencies and the board as to the status of the investigation so that the school board has adequate and timely information with which to make decisions about the alleged offender's contact with children.

The investigating agencies will notify the director of human resources about the outcome of their investigation, when it is concluded. The agency makes the decisions on whether to close a file, to lay criminal charges, and/or to have the person's name placed on the Child Abuse Register in accordance with Section 63(3) (2) of the *Children and Family Services Act*.

Reasonable conclusions and outcomes that may be determined by a school board may include

- complete exoneration
- requirement to undergo a teaching appraisal or other performance appraisal process
- a meeting with the employee, principal, student, and parents to discuss the issues
- professional development for an employee to rectify performance issues
- reprimand
- suspension
- transfer
- dismissal

Model Training and Communications Protocol

This model protocol has been prepared to assist school boards by providing a model that can be adapted for school board use. It is intended to provide guidance for school board activities.

There are two components to the protocol, for which communications and/or training and education must be provided

- **Child abuse.** Recognition of what constitutes child abuse, and the duty to report where an individual has knowledge or a reasonable suspicion that child abuse may be occurring or that a child is at risk.
- **Discrimination and sexual harassment.** Awareness of what constitutes discrimination and sexual harassment as defined in the Nova Scotia *Human Rights Act* and the rights, responsibilities, and roles of all persons in ensuring that the workplace is free of such behaviours.

Approaches to Training and Communications

The framework calls for education and training to be provided to all school community members. It is impractical to have one approach for all school community members. Early elementary-age students and their parents may not each need a copy of the school board's policy, for example, and it may be impractical to expect all short-term employees (substitute teachers, spare bus drivers) or volunteers to participate in a training session.

A combination of communications and training approaches may be developed within school boards, so long as all school community members

- are made aware of the existence of the school board's policy and where to find it
- know who to speak to for more information about their rights, roles, and responsibilities
- know how to address and resolve matters as and when they arise

The point is that all regular school community members should have opportunities to attend training in which the two key components of the framework are presented, discussed, and reflected upon, so that they are aware in detail of their rights, roles and responsibilities.

Some suggested approaches include:

For parents and students:

- (a) Include a précis or summary of the school board's policy in the student handbook, newsletter, or other communications vehicle intended for regular communications with students and parents, as well as information on where the full school board policy may be viewed (hard copies at school or school board, posted on school board Web site).

Appendix D

(b) As part of implementation of the provincial *School Code of Conduct*, teachers may incorporate age-appropriate references to classroom materials, on posters or other student areas.

(c) Post the policy on the parent bulletin board, if there is one.

For volunteers and all members of the school community who participate in school related events:

(d) If there is a volunteer orientation night in a school, principals could incorporate a presentation on the school board policy into the agenda.

(e) If there is a volunteer handbook, include the policy there.

(f) Post the policy on the volunteer bulletin board, if there is one, and on the school board's web-site.

Implementation of Policy

The Department of Education has developed a PowerPoint presentation and comprehensive trainer and learner materials, including brochures and workshop session handouts, for use by school boards. This has been done to ensure that consistent messages are given by all school boards on the provincial statutory provisions relating to child abuse, discrimination, and sexual harassment.

School boards will need to add information on their own procedures to complete the presentation.

Each school board is responsible for delivering the information and training as part of initial implementation of its new policy and for periodic refreshers thereafter, as part of ongoing discussions on these topics will ensure continuing awareness. To ensure that the policy is sustained after initial implementation, directors of human resources are strongly encouraged to maintain a roster of individuals who can deliver training sessions on the policy, act as advisors to those wishing more information about the policy, or help investigate complaints.

The Department of Education will offer to provide these individuals with more comprehensive leadership training to prepare them for this role, initially and in future, upon request.

