



Procedure Section: **Personnel and Employee Matters**

700

Procedure Name: **Employee Code of Conduct**

706

PROCEDURE

Employee Code of Conduct

Guidelines

1. It is the Principal's/Supervisor's responsibility to inform employees and volunteers of common sense instructions that can be taken to reduce their exposure to allegations of sexual misconduct (*Appendix A*).
2. In matters pertaining to employee misconduct, employees will be dealt with in an expeditious manner.
3. Pertaining to changes or accusations of misconduct while on duty in the Keewatin-Patricia District School Board (KPDSB) workplace:
 - a) The supervisor and/or Principal will notify their respective Superintendent of Education immediately upon discovery that an employee has been charged or accused of misconduct. Should a child be involved, due consideration will be given to meeting the requirements of KPDSB Policy 310 – Child Abuse and/or Neglect.
 - b) Preliminary inquiries will normally be initiated by the employee's immediate supervisor in consultation with the Superintendent of Human Resources and/or the Human Resources Manager. Where the alleged victim is a supervisory or a Principal, the inquiries shall be taken by the Director of Education or Designate. Where the employee charged or accused of misconduct is the supervisor or Principal, the preliminary inquiries will be conducted by the Director of Education or Designate. Where the Director of Education is either the alleged victim or person charged, the preliminary inquiries shall be conducted by the Board Chair or Designate.

Cross References

Student Protection Act

Policies

207, Trustee Code of Conduct

306, Use of Volunteers

318, Freedom of Information

321, Safe and Supportive Schools

322, Code of Conduct

330, Character Development

401, School-Student Activities Outside the Classroom

503, Equity and Inclusive Education

701, Criminal Record Checks

708, Respectful Working and Learning Environment

709, Workplace Harassment

715, Substance Use by Employees and Volunteers (Drug and Alcohol)

Procedures

401, School-Student Activities Outside the Classroom

706, Employee Code of Conduct

Date Adopted: 10/11/2020

Review By: 2021

- c) Reprisals against employees because they have reported a complaint against their supervisor are strictly forbidden.
- d) The Superintendent of Human Resources or Human Resources Manager will ensure that the employee is advised of the situation and of their right for assistance from the appropriate Union. The employee will be advised that it is recommended that another person of the employee's choosing be present, during discussions or investigations concerning the allegations with the employee.
- e) Based on the preliminary inquiries and any preliminary investigation, the Superintendent of Human Resources and/pr the Human Resources Manager will take one (1) or more of the following actions, depending on the situation:
 - i) Continue the employee in the existing assignment;
 - ii) Assign the employee to an alternate work situation (i.e., special projects, etc.);
 - iii) Assign the employee to home duty with pay;
 - iv) Suspend the employee without pay;
 - v) Terminate the employment of the employee;
 - vi) Notify the appropriate authorities of misconduct; or
 - vii) Provide a letter of direction, warning, or discipline to the employee.

Further investigation may result in increased or decreased discipline. The appropriate Federation of Union President will be informed of the disciplinary action.

- f) Supervisors, Principals, Human Resources Staff, and/or the Director of Education should keep detailed and dated notes pertinent to the investigation, interviews, and discussions. Upon closure of any investigation such notes and conclusions will be stored centrally in a separate confidential file.
4. Pertaining to charges or accusations of misconduct while off duty from the Keewatin-Patricia District School Board (KPDSB) workplace:

When off duty and charges and/or accusations occur that:

- Adversely affect the employment relationship;
- Detrimentially affect the employer's reputation;
- Renders one unable to properly discharge ones employment obligations; or
- Cause other employees to refuse or be reluctant to work with that person, the employee may be subjected to disciplinary action as outlined in *section 3.e*.

- a) Immediately upon discovery that an employee has been charged or accused of misconduct outside the KDPSB workplace, the appropriate supervisor(s) will be notified.
 - b) Depending on the specific nature of the misconduct, the Director of Education, or Designate, will conduct preliminary inquiries.
 - c) The Superintendent of Human Resources and/or Human Resources Manager will advise the employee of the situation and make the employee aware of the employee's right of assistance from the appropriate Federation, Union, or personal legal counsel. The employee will be advised that it is recommended that the employee have a person present during the discussions or investigations concerning the charges or accusations made against the employees.
 - d) Principals and the Director of Education, or Designate, should keep detailed dated notes pertinent to the investigation and discussions.
5. Pertaining to charges or accusations of fraud whether on or off duty from the KPDSB workplace:
- a) Any act of fraud that is detected or suspected must be reported immediately and investigated in accordance with this policy, as expeditiously as possible. Any employee who has knowledge of an occurrence of a fraud or has reason to suspect that a fraud has occurred, shall immediately notify their supervisor. If the employee has reason to believe that the employee's supervisory may be involved, the employee shall immediately notify their Superintendent, of the Director of Education.
 - b) Types of fraud may include, but are not limited to, the following:
 - i) Forgery or alteration of cheques or other banking documents and records;
 - ii) Theft, embezzlement, or misappropriation of funds, supplies, and/or services, resources, other assets, or time;
 - iii) Any irregular in the handling or reporting of money transactions, including the falsification, unauthorized destruction, or removal of corporate records, or financial statements;
 - iv) Any computer related activity involving the alteration, destruction, forgery, manipulation of data, or unauthorized access for fraudulent purposes;
 - v) Any claim for reimbursement of business expenses that is either intentionally inflated or not a bona fide business expense of the KPDSB;

- vi) The unauthorized use of KPDSB money, property, resources, or authority for personal gain, or other non-Board related purposes;
 - vii) Misuse or abuse of authority in the context of purchasing goods or services;
 - viii) False claims for grants, contributions, or any program or service payments, including refunds and rebates; and/or
 - ix) Seeking or accepting anything of material value from vendors of the KPDSB in violation of KPDSB Policy 607 – Procurement and the conflict of interest provisions contained therein.
- c) Responsibility for ensuring all reported allegations of fraud are investigated rests with the Director of Education.
- d) The Director of Education and the Superintendent of Business shall inform the Chair of the Audit Committee of the alleged or suspected fraud of a material amount and shall ensure that all instances of alleged or suspected fraud are appropriately investigated.
- e) The Director of Education and the Superintendent of Business may, in consultation with the KPDSB forensic consultants and KPDSB legal counsel, involve the services of the Regional Internal Audit Manager, as appropriate. The Regional Internal Audit Manager may assume primary responsibility for the investigation of all activity as defined in this Policy under Special Investigations.
- f) Employees are expected to fully cooperate with management and any others involved in the investigation and make all reasonable efforts to be available to assist during the course of the investigation.
- g) All participants in a fraud investigation shall keep the details and results of the investigation confidential and shall not discuss the matter with anyone other than those involved in the investigation.
- h) Special Investigations:
- i) where a member of Senior Staff is suspected of fraud, the employee may notify the Director of Education directly;
 - ii) Where the Director of Education is suspected of fraud, the employee may notify the Chair of the Board or the Regional Internal Audit Manager directly;
 - iii) Where a Trustee is suspected of fraud, the employee may notify the Director of Education, the Superintendent of Business Services, or the Regional Internal Audit Manager directly;

- iv) The Regional Internal Audit Manager may assume the primary responsibility for all special investigations. Where the Regional Internal Audit Manager is unable to assume primary responsibility, that responsibility may be delegated to external legal counsel or other professional resources.
- i) Whistle-Blower Protection:
- i) Protection from Reprisal – This Policy prohibits reprisal against individuals, acting in good faith, who act as witnesses in any subsequent investigation. The KPDSB shall make every effort to ensure that an individual, who in good faith reports under this Policy, is protected from harassment, retaliation, or adverse employment consequences. Anyone who retaliates against someone who has reported in good faith is subject to discipline, up to and including dismissal.
 - ii) Acting in Good Faith – In making a report, an individual must be acting in good faith with reasonable grounds for believing that there is a breach of a code of conduct or questionable financial practices. An individual who makes an unsubstantiated report which is knowingly false or made with vexatious or malicious intent, will be subject to discipline, up to and including dismissal.

Appendix A

Avoiding False Allegations of Sexual Misconduct

The following common-sense tips are presented as steps that can be taken by teachers, employees, and volunteers to reduce their exposure to such allegations.

1. Be aware that under the Student Protection Act, 2002, the definition of sexual abuse is defined as:
 - Sexual intercourse or other forms of physical sexual relations between the member and the student;
 - Touching of a sexual nature of the student by a member; or
 - Behaviour or remarks of a sexual nature by the member towards a student.
2. Know the students and their stages of maturity, they have adult features but they are still impressionable.
3. Do not open windows in your office or classroom.
4. Avoid closing the classroom door, especially in one-on-one situations.
5. Place your desk so that your activity behind your desk can be seen from the entrance to the room.
6. Avoid after hours meetings with students, especially one-on-one situations.
7. When a meeting with a student is necessary, conduct it in a public area or have a second teacher or staff member present for the meeting.
8. Avoid situations where you are behind partitions, barriers, or concealed or secluded rooms or areas of the school with only one student.
9. Be conscious of physical demonstrations of caring and affection towards students. Use discretion in choosing appropriate means of expressing these emotions. If it is felt these gestures are necessary, save them for when in public view of teachers and other students.
10. Beware of signs of infatuation or hints of students being attracted. Discourage any flattery or unusual attention. This is a major 'red-flag' that can place a teacher at risk.
11. Avoid inviting students to one's home or cottage for un-chaperoned or overnight visits, or on private trips or vacations. This is also a major 'red-flag' that can place a teacher at risk.