

**PROCEDURE**

**Employee Code of Conduct**

**Guidelines**

- A. It is the principal/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. See Appendix A.
- B. In matters pertaining to employee misconduct, employees will be dealt with in an expeditious manner.
- C. Pertaining to Charges or Accusations of Misconduct While on Duty in the Keewatin-Patricia District School Board Workplace
  - 1. The supervisor and/or school 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 Policy 310, Child Abuse and/or Neglect.
  - 2. 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 supervisor 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.
  - 3. Reprisals against employees because they have reported a complaint against their supervisor are strictly forbidden.
  - 4. The Superintendent of Human Resources and/or the 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.

Cross Reference:  
Student Protection Act, 2002

<b>Policies</b>		
306, Use of Volunteers	322, Code of Conduct	709, Workplace Harassment
318, Freedom of Information	401, School-Student Activities Outside the Classroom	715, Substance Use by Employees and Volunteers (Drug and Alcohol)
321, Safe Schools	503 Equity & Inclusive Education	207, Trustee Code of Conduct
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5. Based on the preliminary inquiries and any preliminary investigation, the Superintendent of Human Resources and/or the Human Resources Manager will take one or more of the following actions, depending on the situations:
- a) continue the employee in the existing assignment;
  - b) assign the employee to an alternate work situation e.g. special projects;
  - c) assign the employee to home duty with pay;
  - d) suspend the employee without pay;
  - e) terminate the employment of the employee;
  - f) notify the appropriate authorities police of misconduct;
  - g) provide a letter of direction/warning/discipline to the employee.

Further investigation may result in increased or reduced discipline.

The appropriate Federation or Union President will be informed of the disciplinary action.

6. Supervisors, principals, Human Resources Staff and/or the Director of Education should keep detailed, 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.

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D. Pertaining to Charges or Accusations of Misconduct While Off Duty from the Keewatin-Patricia District School Board Workplace

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

- adversely affect the employment relationship, or
  - detrimentally affect the employer's reputation, or
  - 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 C. 5.

1. Immediately upon discovery that an employee has been charged or accused of misconduct outside the Keewatin-Patricia District School Board workplace, the appropriate supervisor(s) will be notified.
2. Depending on the specific nature of the misconduct, the Director of Education or designate will conduct preliminary inquiries.
3. The Superintendent of Human Resources and/or the 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 employee.
4. Principals and the Director of Education or designate should keep detailed dated notes pertinent to the investigation and discussions.

E. Pertaining to Charges or Accusations of Fraud Whether On or Off Duty from the Keewatin-Patricia District School Board Workplace

1. 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 ~~his/her~~ **their** supervisor. If the employee has reason to believe that the employee's supervisor may be involved, the employee shall immediately notify their Superintendent, or the Director of Education.

Cross Reference:  
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2. Types of fraud may include, but are not limited to, the following:
  - a) Forgery or alteration of cheques or other banking documents and records.
  - b) Theft, embezzlement or misappropriation of funds, supplies and services, resources, other assets or time.
  - c) Any irregularity in the handling or reporting of money transactions, including the falsification, unauthorized destruction or removal of corporate records, or financial statements.
  - d) Any computer related activity involving the alteration, destruction, forgery, manipulation of data or unauthorized access for fraudulent purposes.
  - e) Any claim for reimbursement of business expenses that is either intentionally inflated or not a bona fide business expense of the Board.
  - f) The unauthorized use of Board money, property, resources, or authority for personal gain or other non-Board related purposes.
  - g) Misuse or abuse of authority in the context of purchasing goods or services.
  - h) False claims for grants, contributions or any program/service payments, including refunds and rebates.
  - i) Seeking or accepting anything of material value from vendors of the Board in violation of Policy 607, Purchasing and the conflict of interest provisions contained therein.
3. Responsibility for ensuring all reported allegations of fraud are investigated rests with the Director of Education.
4. The Director of Education and the Superintendent of Business shall inform the Chair of 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.

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5. The Director of Education and the Superintendent of Business may, in consultation with Board forensic consultants and Board 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.
6. 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.
7. 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.
8. Special Investigations
  - a) Where a member of Senior Staff is suspected of fraud, the employee may notify the Director of Education directly.
  - b) 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.
  - c) Where a Trustee is suspected of fraud, the employee may notify the Director of Education or the Superintendent of Business Services, or the Regional Internal Audit Manager directly.
  - d) 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.
9. Whistle-Blower Protection
  - a) Protection from Reprisal: This policy prohibits reprisals against individuals, acting in good faith, who report incidents, or who act as

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witnesses in any subsequent investigation. The Board 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.

- b) 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.

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**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:
  - a) sexual intercourse or other forms of physical sexual relations between the member and the student;
  - b) touching of a sexual nature of the student by a member; or
  - c) behaviour or remarks of a sexual nature by the member towards a student.
2. Know your students and their stage of maturity. They may have adult features, but they are still impressionable.
3. Do not cover 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 the 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 in concealed/secluded rooms or areas of the school with only one student.
9. Be conscious of physical demonstrations of caring and affection toward students. Use discretion in choosing appropriate means of expressing these emotions. If you feel these gestures are necessary, save them for when you are in public view of teachers and other students.
10. Beware of signs of infatuation or hints of students being attracted to you. Discourage any flattery or unusual attention. This is a major “red flag” that can place you at risk.

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11. Avoid inviting students to your 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 you at risk.

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