

GUIDELINES FOR OSSTF MEMBERS

Professional Colleges Complaints

If you receive notice from your professional college that you are being investigated,

Do

- call the secretariat member assigned to your district at Provincial Office.

Do not

- discuss the matter with colleagues, the complainant or your employer until you have spoken with OSSTF/FEESO. In the case of the College of Teachers, although the complaint may appear frivolous to you, you have an obligation under the Professional Misconduct Regulation to respond to and cooperate with inquiries from the College. OSSTF/FEESO staff will advise you about your response.

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Because professional colleges have the power to revoke and suspend your certificate/ licence you should take all complaints seriously. Call OSSTF/FEESO Provincial Office if you receive an investigation letter from your college.

If you are considering laying a complaint against another member, OSSTF/FEESO advises you to explore all possible avenues before taking this serious step. If you do lay a complaint, you must provide that member with a copy. OSSTF/FEESO does not provide assistance to members laying complaints with a professional college.

Harassment

It is the policy of OSSTF/FEESO that members and all employees of OSSTF/FEESO should be free from harassment and bullying in the workplace and at all OSSTF/FEESO functions. This includes sexual harassment.

Harassment is defined as any improper conduct by an individual that is directed at and offensive to another person or persons, and that the individual knows, or ought reasonably to know, would cause offense or harm.

If you are being harassed, please contact your local district office for advice and for assistance. Members are best served when employer policies dictate that they should never participate in searches except in situations of extreme emergency.

Search and Seizure

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The search and the decision to conduct it should, in all but extreme emergency situations, be the responsibility of the employer or the police.

Child Abuse

The Child and Family Services Act places all citizens under a legal duty to report to the Children's Aid Society (CAS) if they have "reasonable grounds to suspect" that a child under 16 years of age is suffering from child abuse. Abuse can arise from physical harm, sexual abuse, neglect or emotional abuse. If a student comes to you alleging abuse,

Do

- listen supportively, objectively calmly;
- try to get the basic information needed to report;
- find out your employer's child abuse allegation procedures;
- consult with your principal or supervisor but remember the obligation to report is yours and that you have an obligation to make a further report when there are additional grounds to suspect that a child is in need of protection;
- contact your OSSTF/FEESO District or Provincial Office if you have questions or concerns;
- if you are making an adverse report to the CAS involving a member, call Provincial Office for advice before giving the member the report.

Do not

- promise secrecy if the student asks you not to tell;
- react emotionally to what you hear;
- investigate any further than necessary to establish whether reasonable grounds to suspect exist;

- question a colleague on whom you intend to make a report to the CAS until he/she receives legal advice.

Assault

Section 43 of the Criminal Code contains a defence for teachers who use reasonable force for the correction of students. However, members should be cautious about physically dealing with a student unless another student is at risk. Male members are also particularly vulnerable to charges of sexual assault or sexual exploitation.

Section 153 of the Criminal Code (Sexual Exploitation) makes it an offence for anyone in a position of trust and authority to have any sexual dealings at all with students under 18. Whether or not the student has consented is irrelevant.

Sexual assault is simply an assault that takes place in circumstances which suggest a sexual motive. Circumstances like the part of the body touched, the nature of the touching, and the situation in which it happened are all relevant in the decision as to whether a charge will be assault or sexual assault. Members need to be sensitive to students' feelings about being touched. We can show we care by being verbally supportive; an approach to students that involves a great deal of touching or hugging is dangerous. If a student makes an allegation of assault to you against an OSSTF/FEESO member and you decide to report it, remember your obligation to inform that member in writing promptly.

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Due Process Tips

If you think you may be charged, do not say anything or provide any account until you have had legal advice.

Do

- get in touch with OSSTF/FEESO District or Provincial Office. OSSTF/FEESO will provide initial legal assistance;
- get written statements from witnesses, particularly students if you think they will be supportive. If possible have someone else obtain the statements.

Do not

- talk to anyone involved in making the complaint;
- talk to colleagues or anyone else about the incident. They may be placed in a position of being witnesses for the prosecution;
- answer police questions until you have had legal advice. The police may be unsure about whether to lay the charge. Tell them you want to cooperate but you need legal advice first.
- Don't put yourself at risk. Do not develop a social relationship with students, particularly those under 18.

If you are alone with a student,

Do

- keep the door to the classroom or office open;
- make sure you can be seen from the door.

Do not

- touch the student.