

ADMINISTRATIVE PROCEDURES

SUBJECT: Reporting Requirement under Reg. 521/01 – Collection of Personal Information – Safe School Act

The *Student Protection Act, 2002* requires school boards to report to the Ontario College of Teachers (“the College”) in certain cases where the Board becomes aware that a teacher (including a temporary teacher, principal, vice principal or supervisory officer who is a member of the College) has been **charged or convicted** of a criminal offence and in certain circumstances of professional misconduct by a teacher.

1. **Duty of Employees**: All employees have obligations under the Student Protection Act, 2002 comply with reporting requirement.
 - a. It is the duty of every employee of the Board to promptly report to the Principal of the school in which he/she works, the Superintendent responsible to the school or the Superintendent of Operations/or Manager Human Resources, any situation of sexual abuse by a teacher towards a student.
 - b. It is the duty of every employee of the Board to report to the Principal of the school in which he/she works, the Superintendent responsible to the school or the Superintendent of Operations/or Manager Human Resources where the employee becomes aware that any employee (including himself or herself) has been charged with or convicted of a *Criminal Code* offence involving sexual conduct with any person under 18 years of age, or with any offence which involves drugs, violence or theft.
 - c. It is the duty of any Principal, Superintendent/or Manager of Human Resources who receives information under 1(a) or 1(b) to immediately report such information to the Director of Education or designate.
 - d. It is the duty of every Principal who believes that a teacher has engaged in conduct which the principal believes should be the subject of a review by the College’s investigation, discipline or fitness to practice committee, to promptly consult with his/her Superintendent and, where the Superintendent agrees that the matter should be referred to the College, to so advise the Director of Education or Designate.
 - e. It is the duty of every Principal who imposes restrictions on any teacher’s duties for the reason that the teacher engaged in professional misconduct, including sexual abuse, to promptly report this to his/her Superintendent and the Director of Education and/or designate.

2. Reporting Obligations:

- a) The Board must promptly report to the Ontario College of Teachers (“the College”) where the Board becomes aware that a teacher or temporary teacher:
- i. has been charged with or convicted of a *Criminal Code* offence involving sexual conduct with any person under 18 years of age, or 21 years of age in the case of a person with special needs (ie. a person who by reason of mental or physical disability is particularly vulnerable to sexual abuse);
 - ii. has been charged with or convicted of a *Criminal Code* offence which, in the Board’s opinion, indicates that students may be at risk or injury; or
 - iii. having been charged with or convicted of an offence as noted above, has the charge withdrawn from against him/her, is discharged during a preliminary inquiry, has the charge against him/her stayed, or is acquitted;
 - iv. has engaged in conduct which in the Board’s opinion, should be the subject of review by a Committee of the College (eg. Investigation, Discipline, Fitness to Practice);
 - v. having been reported by the Board to the College of being charged with or convicted of a criminal offence, is subsequently acquitted, or where the charge is withdrawn, stayed or the teacher discharged following a preliminary inquiry.
- b) The Board must report to the College within 30 days where a teacher or temporary teacher:
- i. is dismissed by the Board for reasons of professional misconduct, including “sexual abuse”;
 - ii. has restrictions imposed on his/her duties for reasons of professional misconduct, including “sexual abuse”;
 - iii. resigns before the Board, which intended to impose restrictions upon or dismiss this teacher, could do so.

3. Report to the Ontario College of Teachers

- a. It is the responsibility of the Director of Education or designate to send a letter to the College where the Director becomes aware of any situation, as defined in Part 1 of this procedure, in which the Board is required to make a report to the College.
- b. The Director will advise the Board of any report which its Director or designate makes to the College concerning any employee of the Board.

4. Definitions:

- a. “Restrictions” include limiting the classes, which a teacher may teach, limiting the teacher’s presence from certain areas within the school or from certain activities in the school, or any other limitation, which might be imposed on the teacher’s normal duties and activities within the school or the school community.
- b. “Sexual abuse” for purposes of defining professional misconduct by a teacher, includes:
 - sexual intercourse or other forms of physical sexual relations between the teacher and the student;
 - touching of a sexual nature of the student by the teacher;
 - behaviour or remarks of a sexual nature by the member towards the student.

Implementation Date: September 10, 2003
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Reference: Policy
Ontario Regulation 521/01