

OECTA advisor

Real life situations and solutions

By Joe Pece

TEACHERS FACING INVESTIGATIONS

The Counselling and Member Services Department provides legal advice and representation to members facing Children's Aid Society (CAS), police and College of Teachers' investigations. Annually, the department deals with an average of 120 to 150 cases. Last year, 75 of the total cases dealt with teachers facing either a CAS or police investigation because of an alleged physical assault. In these cases, contact often occurred when the teacher was in the process of reprimanding or disciplining a student. For example, in a recent case, a complaint was filed after the teacher placed her hand on the shoulder of a student while sending him to the office for disruptive behaviour in class.

If an allegation of physical contact or inappropriate behavior is made against a teacher, we advise the member not to discuss the situation with anyone, including the principal. The teacher is also advised to prepare a report of the incident that will be examined by OECTA's legal counsel. Legal counsel will discuss the matter with the member prior to his or her meeting with police and/or the CAS. In many cases, legal counsel is able to have these complaints dismissed quickly through conversations with police and CAS. However, some cases go further, which could include an investigation by the Ontario College of Teachers.

Members involved in this kind of incident are strongly urged not to speak to the principal, other school board officials, police or CAS before receiving legal advice from OECTA. Any statements made could be used against them. For example, they could be used to determine whether the member's actions were motivated by anger, or exhibited a lack of control that would require further investigation or even charges.

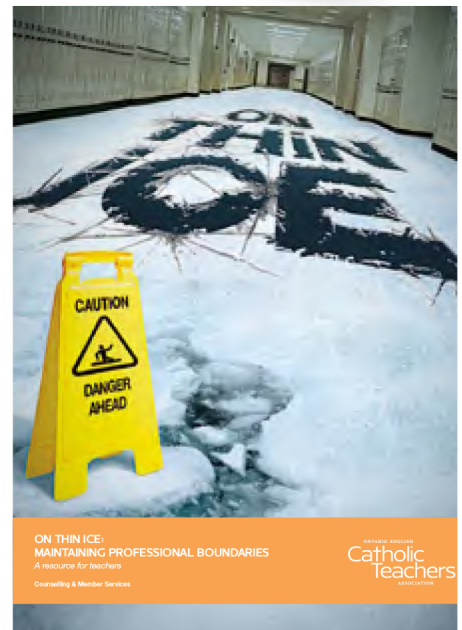
Teachers can usually avoid the trauma and interruption to their teaching career that would result from an investigation or a criminal trial if they clearly follow OECTA's legal advice.

For further information, please review the *On Thin Ice: Maintaining Professional Boundaries* video and accompanying booklet on how to reduce the likelihood of allegations and how to manage investigations. The booklet and DVD are available through your OECTA Staff Representative. They are also available in the Members' Centre of OECTA's website.

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Assault is defined as an intentional act that causes a person to believe that he or she is about to be harmed.

This broad definition may explain why the actions of some teachers may lead to a CAS/police investigation.



ON THIN ICE:
MAINTAINING PROFESSIONAL BOUNDARIES
A resource for teachers
Counselling & Member Services

Catholic
Teachers
ASSOCIATION