



Allegations of Criminal Misconduct

The absolute worst nightmare for any member of the NBTF is when a criminal complaint of assault and/or sexual misconduct is made against him or her. If this should happen to you, here is some advice to consider:

First and foremost, contact a member of the Federation Administrative staff immediately for advice at 452-1736 or 1-888-679-7044. The administrative staff member assigned to your case will work closely with you and your professional organization (NBTA or AEFNB) and with the district in order to minimize the damage that such allegations can and do create. Further, you could be provided with access to legal counsel. Whatever you do, do NOT DO anything until you have talked with a member of the Federation staff. And until you have spoken to legal counsel, exercise your constitutional right to remain silent and refuse to give a statement to either an investigator or the police.

Here are a number of actions an accused member should **NOT** do if he /she is the respondent in a criminal complaint:

1. **Do not** discuss or supply a written report on the matter with anyone other than legal counsel. This would include school staff members and/or District office staff;
2. **Do not** discuss the matter or give a written statement to police of child protection investigators until you have had the opportunity to discuss and receive advice from legal counsel;
3. **Do not** attempt to resolve the matter personally;
4. **Do not** make any contact with the accuser of his/her family;
5. **Do not** talk to the media or comment on the situation on social media.

These instructions are very important because if a criminal charge results from the allegation, your rights of due process could well be compromised because of an inadvertent comment made to someone. Anyone, except legal counsel retained on your behalf, can be called to testify in a trial in regard to anything said by an accused person.

Furthermore, be advised that by law, there are a number of things you need NOT do:

1. You need **not go** with the police upon request, unless you are arrested and if you are informed of the reasons for being arrested;
2. You need **not give** a written or verbal statement, even if arrested;
3. You need **not give** a written or verbal statement at any time unless advised by legal counsel;
4. You need **not sign** a document of any kind unless it is an appearance notice stating the date you are to be in court;
5. You need **not report** to the police station to answer any questions unless you are accompanied by legal counsel;
6. You need **not allow** police to enter your residence without a search warrant;
7. You need **not submit** to a polygraph.

A serious allegation can impact on your employment status. The Employer may feel that it is necessary to remove you from the work environment during the investigation process. In those situations, the NBTF will work with the Employer to protect your employment rights and your financial well being.

Usually, and although you will want to immediately resolve the situation, the resolution of the problem is a time-consuming process. Great care will be taken to protect your rights. The NBTF staff always takes these cases very seriously and you should be assured that advice would be forthcoming. Once a resolution has been reached, whatever it might be, you should be aware of the long-term emotional effects of such an experience not only for you, but also for your family members, friends and co-workers. Counseling is available through the NBTA or AEFNB Counseling Services.

(This article is a variation of an article published in the NSTU'S newsletter, *The Teacher* in November 2010)

FOCUS Express is published as an information bulletin and is intended for guidance; however, before acting on any information contained in Focus Express, teachers should contact a member of the Federation administrative staff at 452-1736.

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