

CATEGORY: Addressing student's/parents' report of abuse by staff member	Case Study # 6
TITLE: veteran non-teaching staff member	DATE: 12-28-2014
SUB-TITLE: conflict of interest: union/labor laws	
LOCATION: Western Europe	
<p>Knock, knock. "Come in," said the Head of School, as her Assistant peeked in through the door during the weekly Admin meeting. "Excuse me, but there are two parents here to see you." The HOS instructed the Assistant to make an appointment with them for tomorrow. "Well, ahem.....I think you might want to speak to them now," she said in a strange tone of voice.</p> <p>The HOS exited the meeting and met with the couple waiting outside her door -with their son. When she heard their concerns, she immediately invited them into another office to offer privacy and get the details of their complaint: their 15 year old son had just been molested by the gardener.</p> <p>The student described how the school gardener, who had been employed by the school for 27 years, asked him to help carry some heavy equipment to his storage room. The boy complied because he has known this man most of his life at the school.</p> <p>When the gardener and the boy entered the storage room, the gardener grabbed his private parts and tried to kiss him. The boy ran away in shock. The gardener yelled after him that he 'better not tell anyone.' The boy went home and immediately told his parents.</p> <p>The HOS asked the parents if they and the boy would write and sign an affidavit describing the event and the complaint. They agreed and delivered the letter the following morning before school started. The HOS immediately conferred with the school's legal counselor (and Board President) that same night. The boy's story of the event and his clear description of the storage room indicated that this was not his imagination. (Students would not know the interior furnishings of that storage room, as they had no access to it).</p> <p>Upon researching the background of this gardener, the current HOS learned from veteran staff that he was mentally incapacitated, that he always screamed and was verbally abusive to the little children who were playing in the playground, that teachers had complained in the past about his verbal abuse, that he was a homosexual, and he had even tried to 'touch' the Business Manager.</p> <p>Yet everyone said the same thing, "that's just poor Mr. X..."</p> <p>However, here were a few additional challenges for the HOS. The school was located in a western European country with strong labor laws and unions</p>	

The gardener had been working at the school for 27 years; He had some mental incapacity and thus could not read or write or speak well; There was no historical documentation in his personnel file about prior events

And.... he was elected by the staff each year to be one of the union representatives for the school, thus, he could not be fired.

The following morning, the boy and his parents delivered the letter. The gardener was waiting outside and watched the family leave the office of the HOS. He caught the boy alone and threatened him 'if' he would relate the story.

After the letter was delivered, the HOS updated the President of the Board and subsequently convened a meeting with the union reps, and the Business Manager, who also acted as a de facto HR Manager. The complaint and the evidence was revealed and the gardener was escorted off campus and taken home.

The HOS could not officially fire him because he was a union rep, but instead she immediately separated him from the school. Later meetings with the school's lawyer, and union representatives led to a permanent (and legal) separation from the school – NOT for what he had done--but based on legal negotiations for early retirement.

QUESTIONS-COMMENTS-CAVEATS:

See the 30 Guiding Questions
