


STUDENT PROTECTION POLICY: PREVENTING AND RESPONDING TO HARM BY ADULTS - v.1	
Minister Approval: 	Effective Date: September 29, 2022

GENERAL INFORMATION

Under the *Education Act*, the Minister must establish and communicate goals and objectives for the Yukon education system. This policy falls under the Department of Education's *Safe and Caring Schools Policy*, which provides a framework for policies and procedures that support healthy, active, safe and caring learning environments in Yukon schools.

The safety and protection of students is a priority for the Department of Education. All adults have an obligation to protect students from harm that can be reasonably foreseen.

The Department of Education recognizes that:

- A privileged and trusted relationship exists between students and adults in the school community; and safeguarding this relationship is crucial to fostering a safe and caring school culture.
- All students have the right to be safe and protected from harm by adults they interact with through school-related activities.
- All staff have the right to be supported in their responsibility to prevent, respond, and report alleged or suspected harm; and to be protected when reporting in good faith.

The Department of Education is committed to:

- Protecting students from harm and supporting their well-being.
- Providing a multidisciplinary and collaborative approach across the department and Yukon government, to ensure prevention and intervention strategies are undertaken.
- Responding to disclosures and allegations in a professional and timely manner, while using a victim-centered approach.
- Maintaining policies and practices that align with standards for child protection.
- Demonstrating oversight and accountability for our actions.

PURPOSE OF POLICY

1) To protect students from adult conduct that has caused or may cause harm to their wellbeing. Examples include conduct toward a student, that is:

- Abusive (i.e., physical harm, emotional harm, sexualized abuse, exploitation); or
- Otherwise considered inappropriate (i.e., behaviours in conflict with their professional duties).

2) To provide clarity to Department of Education staff, and school community members on roles and responsibilities in relation to this policy.

PRINCIPLES

Creating safe and caring school environments: implementing actions that contribute to professionalism and schools being safe and welcoming environments.

Protection and prevention: protecting students from harm, detecting and preventing harm before it occurs and preventing reoccurrence.

Victim-centered approach: upholding the rights of students, supporting students and families if harm occurs. Treating people with dignity and compassion, providing positive social responses that are developmentally appropriate.

Transparency and timely communication: providing those affected or potentially affected by harm with the information and supports needed for protection and well-being in a timely manner, as guided by this policy and related procedures.

Accountability and oversight: prioritizing student protection throughout the Department of Education through appropriate mandates and processes, including shared understanding of roles, responsibilities, and communication mandates.

Collaboration: working collaboratively with departments and agencies to prevent harm to students, and to respond to allegations and disclosures of harm in a timely manner.

ROLES AND RESPONSIBILITIES

All Department of Education staff have a responsibility to work collaboratively with one another and with partner departments and organizations.

Schools and Student Services Branch are responsible to:

- Ensure the necessary procedures are implemented in relation to this policy, updating them as needed and communicating procedures to all school administrators and authorities.
- Follow the requirements set out in this policy and in related procedures.
- Ensure that clear and comprehensive documentation of all alleged harm will be completed and monitored, and stored, as per Yukon government and the Department of Education record keeping practices.
- Monitor implementation of this policy and related procedures.

School administrators are responsible to:

- Follow the requirements set out in this policy and in related procedures.
- Communicate this policy and related procedures to the school community.

School community are responsible to:

- Follow the requirements set out in this policy and in the related procedures.

PROCEDURES

Department of Education:

- School Procedure Handbook: 9:11 Procedures for Preventing and Responding to Harm by Adults
- Yukon School Post-Incident Communication Procedures
- Security Clearance Guidelines

POLICY STATEMENT

Prevention

Multiple prevention and intervention strategies are required to protect students from harm and support their well-being. In addition to screening and hiring practices, staff training, and student education, it is expected that every effort is made to take a preventative approach when interacting with students, and identifying unsafe situations between adults and students.

Screening and hiring practices:

Security clearance processes will be applied during screening to hire Department of Education staff. The process will provide guidance for all positions where security clearance and vulnerable sector verification is a condition of employment.

Prior to volunteers or agency in the school staff accessing schools or students attending off-site field trips, security screening will be applied, as per the *Volunteers in Schools Policy* and *Agencies in Schools Policy*, and *Off-site Experiential Learning Policy*.

Orientation and training:

Annual training will be provided to all new and existing school-based and school branch staff, which will include content addressing but not limited to:

- Recognizing abuse e.g., sexualized, physical, and emotional harm.
- Recognizing other forms of inappropriate behaviours e.g., potential grooming behaviours and those that may require further assessment and follow-up.
- Processes, protocols in the response to abuse and other inappropriate behaviours, protective intervention, mandatory duty to report.

Student education:

The Superintendent or Executive Director will ensure that a developmentally appropriate curriculum on abuse and harm prevention is delivered to students in all Yukon schools.

School environments:

For the purpose of implementing this policy, further guidelines and/or procedures will be developed as needed to enhance the safety of school environments for students, including off-site environments where school activities take place.

Response and Reporting

Response and reporting are key to supporting safe and caring environments.

Disclosures, allegations or suspicions of harm must be promptly reported and responded to. In keeping with department and Yukon government's responsibility to personal information and privacy, documentation must be handled with discretion and information will be shared only when necessary for the protection of students.

Failure to report may result in further investigation and disciplinary action.

Ensuring immediate safety:

In the case of known or alleged harm to a student, the first priority is to take immediate and reasonable actions to protect the student i.e., from further physical and/or emotional harm.

Responding to and reporting allegations of abuse:

Any person who has reasonable grounds to believe a student has been abused or made the victim of a criminal offense by an adult, must immediately report the belief to the appropriate authorities, including the RCMP or Family and Children's Services and must document the reported allegation. School administrators must be informed that a report has been made.

A school administrator must report to the Executive Director or Superintendent and the appropriate authorities, and must document the allegation.

If the school administrator is the subject of the report, then the Superintendent or Executive Director must be informed that a report has been made, in addition to reporting to the appropriate authorities.

Responding to and reporting other forms of inappropriate behaviour:

Any person who has reason to suspect or believe that an adult has engaged in behaviour that is otherwise considered inappropriate, must immediately document and report the behaviour to the school administrator for further inquiry.

If the school administrator is the subject of the report, then the report must be made to the Superintendent or Executive Director for further inquiry.

Responding to historical reports:

Historical reports of suspected abuse are those for which a significant time-period has passed.

Any person receiving a historical report, regardless of the time since the suspected abuse occurred must follow the section in this policy for 'Responding to and reporting allegations of abuse'.

Record keeping:

Reports of alleged harm will be documented with clear and comprehensive notes related to the incident. Documentation will be reported and completed with the materials provided, monitored and stored, as per Government of Yukon and the Department of Education record keeping practices.

Coordination and Communication

When following this policy for 'Responding to and reporting allegations of abuse' Department procedures for coordination and internal and external communications will be initiated.

The Assistant Deputy Minister of Schools and Student Services is responsible to:

- Ensure communication procedures are followed.
- Ensure a timely response to disclosures that is victim -centered (including developing a Victim Support Plan, when appropriate).
- Confirm actions of collaborating departments or agencies after a report of suspected abuse has been reported by the Department of Education.
- Develop a collaborative and multidisciplinary team to support the physical and emotional health of students and staff as warranted.
- Review and evaluate the branch's response.
- Brief the Deputy Minister.

The Deputy Minister is responsible to:

- Assess the department's response.
- Communicate and coordinate response with deputy ministers across government.

MONITORING AND ACCOUNTABILITY

The Assistant Deputy Minister of Policy and Partnerships will be responsible for oversight of this 'Policy' including recommended amendments.

The Assistant Deputy Minister of Schools and Student Services will be responsible for the oversight of 'School Procedures' including recommended amendments.

The Department of Education commits to ongoing discussions with partners to further revise this policy and related procedures, such as documenting, monitoring and storage of reports.

Appendix A: Definitions

'Abuse' means harm to students that includes both familial and non-familial, physical harm, sexual harm and emotional harm, as well as other circumstances that could be a violation of the *Criminal Code of Canada* or render a child in need of protective intervention under the *Child and Family Services Act*.

'Sexualized Abuse/Harm' means a student inappropriately exposed or subjected to sexualized contact, activity or behavior, as well as sexualized exploitation. When an adult abuses power, uses coercion or manipulation, implicit or explicit threats to commit acts of a sexualized nature on a student. Any sexualized abuse involving a student that is a violation of the *Criminal Code of Canada* or renders a child or youth in need of protective intervention under the *Child and Family Service Act*.

'Department of Education' includes central administration staff and all school-based staff.

'Emotional Harm' means if a student's mental or emotional functioning or development is impaired as shown by significant anxiety, depressions, withdrawal, self-destructive behaviour or chronic use of substance. Can include exposure of the student to domestic violence or severe domestic disharmony; inappropriately criticism, threats, humiliation, accusations towards or having inappropriate expectations of the student; exposure of the student to the chronic use of substances by a person who resides in the same home as the student. Emotional harm as defined in the *Yukon Child and Family Services Act*, also applies.

'Grooming' means a technique used by an adult to gain the trust of a student and the adults around the student. This technique is used by individuals with a sexual interest in children with the goal of having the student see the individual as a caring adult that they can trust and whose direction they should follow. The individual may also build rapport with the adults around the student so that the individual's relationship is welcomed and encouraged. Grooming is often a slow and gradual process of building trust and comfort that later escalates into inappropriate, abusive, or unlawful behaviour.

'Harm' in the context of this policy means to negatively impact the physical or mental health, safety or wellbeing of a student and includes all forms of abuse and/or other forms of inappropriate behaviour. This includes the use of corporal punishment to discipline or control a student, as per section 36 of the *Education Act*.

'Inappropriate Behaviour' means any behaviour towards a student that may be seen by a reasonable observer to be a violation of that student's reasonable boundaries and/or is in conflict with the duties of the individual towards the student, and any other behaviour Yukon schools or the central administration deems to be inappropriate.

Includes behaviours or boundary transgressions that might not initially indicate reasonable grounds to act under the mandatory duty to report but that requires further assessment and follow-up at the school or central administration level. Examples include, but are not limited to:

- Unauthorized contact with a student e.g., private meetings outside of school hours, private transport or text messaging.
- Engaging in open discussion or comments of an adult nature in the presence of students.
- Using prejudice, oppressive behaviour, or other inappropriate language with students.
- Sharing details of private life with a student(s) for own benefit/need.
- Developing a relationship with a student that could be seen as favouritism (e.g., offering gifts and special treatment).

'Parent' means the biological parents, the adoptive parents by custom or otherwise, and/or otherwise the persons legally entitled to custody, or the persons who usually have primary responsibility for the care of a child. This may or may not be the biological parent of the child, and could include grandparents, foster parents, legal guardian etc.

'Physical Harm' means any act or omission, which results in or may potentially result in injury to a child/student that exceeds what could be considered reasonable discipline. It includes, but is not restricted to, physical beating, and failure to provide reasonable protection from physical harm.

'School' means any school under the jurisdiction of the Minister including a School Board, virtual schools and student residences.

'School Administration' means the school principal, vice principal and or other staff acting in the role of principal or vice principal.

'Collaborative Multidisciplinary Team' means a collaborative problem-solving team established to support the physical and emotional health of staff and students. Members could include, but are not limited to, a school/department administrator, Counsellor (e.g., psychologist), Consultant, cultural support, and members of collaborating departments.

'School Community' means everyone in a community who has contact with a school, including students, families, Department of Education staff, School Councils or Boards, First Nations and other partners in education.

'Student' means a person enrolled in a K-12 educational program provided by the Schools and Student Services Branch or by a School Board. For the purpose of this policy 'student' also includes a **'visiting student'** i.e., a non-Yukon resident student visiting any school under the jurisdiction of the Minister.

Appendix B: Application, Exceptional Circumstances and Legislated and Policy References

APPLICATION

This policy applies to all staff of the Department of Education and members of the School Community.

EXCEPTIONAL CIRCUMSTANCES

In situations where the individual circumstances of a case are such that the provisions of this policy cannot be applied or to do so would result in an unfair or an unintended result, the decision may be based on the individual merits and justice of the situation. Such a decision will be considered for that specific case only and will not be precedent setting.

LEGISLATIVE REFERENCES

Child and Family Services Act

Education Act

Access to Information and Protection of Privacy Act

Public Interest Disclosure of Wrongdoing Act

Public Service Act

Criminal Code of Canada

POLICY REFERENCES

Department of Education 'Safe and Caring Schools Policy'

Department of Education 'Volunteers in Schools Policy'

Department of Education 'Agencies in Schools Policy'

Department of Education 'Off-Site Experiential Learning Policy'

Department of Education 'Privacy Management Policy'

United Nations 'Convention of the Rights of the Child'

Government of Yukon 'General Administration Manual'