

9.11 Procedures for Preventing and Responding to Harm by Adults - v.1

All adults who interact with students through school activities have an obligation to protect students from harm. These procedures enhance the protection of students and clarify the roles and responsibilities of adults that interact with students by virtue of school activities. The more structure and accountability there is around contact with students, the less likely a potential or actual offender will have opportunities to groom, harm, and/or commit sexualized or other unlawful offenses against students in our care, while engaged in school activities.

It is the responsibility of all employees and adults who interact with students through school activities adhere to these procedures as an extension of the Preventing and Responding to Harm by Adults Policy. Definitions within the policy align to these procedures.

Mandatory Duty to Report

In the [Child & Family Services Act \(CFSA\)](#), Part 3 Section 22 (1) A person who has reason to believe that a child is in need of protective intervention shall immediately report the information on which they base their belief to a director or peace officer. In Yukon's [CFSA](#), a, "director" means a child protection social worker at Family and Children's Services (FCS). "Peace Officer" in this context means an RCMP officer.

The legal duty to report suspected abuse, harm or unlawful behaviour is the independent responsibility of each person.

It is important to remember that Mandatory Duty to Report legislation governs any concerns of abuse/harm or unlawful behaviour of an adult to a child/student regardless of the role/relationship with the child/student.

Nothing in this procedure or related policy interferes with the duty to report.

If you believe a child is in immediate danger or your report is an emergency, call 911.

To report your concerns to a child protection social worker, call Family and Children's Services at 867-667-3002, 24 hours per day, 7 days a week. In communities dial 1-867-667-3002 or contact your local RCMP.

Whitehorse RCMP can be reached at 867-667-5555. In communities, contact your local RCMP detachment.



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Section A: Prevention

Adults in all school activities must provide environments that uphold students' rights to a safe and respectful school environment free from inappropriate or abusive/harmful actions by adults. As part of your responsibilities, you are expected to treat all students with respect and dignity, and maintain appropriate boundaries and demonstrate professional behaviour at all times.

This procedure, as an extension of the policy, recognizes professionally responsible ways that adults can promote and demonstrate preventive behaviour to uphold student's rights to protection from harm.

Maintaining professional boundaries

All adults who interact with students through school activities must monitor their own behaviour towards students, and be aware of the behaviour of other adults to protect students from potential and actual harm.

Before engaging in any behaviour or activity with a student, think about whether your behaviour is appropriate. Also, think about how your behaviour may be perceived by the student and by others.

If, at any time, you are unsure whether your behaviour or other's behaviour is appropriate, discuss it with your school administrator and your direct supervisor.

Refer to **Appendix A** for further information and examples of best practices on professional boundaries and behaviour.

Orientation and training on child protection

All employee who interact with students through school activities must complete orientation to the policy and this procedure, along with the Canadian Centre for Child Protection (Commit to Kids) online training, annually.

Adults who interact with students through school activities will be provided with training and orientation to this procedure and corresponding policy (e.g., volunteers, contractors).

Section B: Responding, reporting, and documenting

The following procedures outline how to respond, report and document observed and/or alleged behaviours of adults who interact with students through school related activities that may/can lead to concern of student safety.

The first priority is to take immediate and reasonable actions, where possible to protect the student from harm. If ensuring a student's immediate safety could cause further risk, call 911.

Responding

Often adults may worry that they may be overreacting and misreading a situation, and this may cause them to minimize concerning behaviour they witness or hear about. There may also be a fear of damaging a working relationship by raising a concern about a work colleague. It is vital not to downplay a transgression/wrongdoing in the hopes it will not be repeated. It's not about your relationship with the person, it is about the identified behaviour of concern being dealt with appropriately and in a timely manner. By responding and reporting in good faith, the focus is on the student's health, safety, wellbeing.

In responding, take action to stop or interrupt the behaviour or situation causing the concern. If you do not feel you can intervene safely, you should immediately get additional help, whether by calling the RCMP, involving other employees, school administrator, etc. The action you may be able to take will vary depending upon the situation and the safety concerns that may be applicable.

IMPORTANT NOTE: If you are not sure whether the issue you have witnessed or heard about involves unlawful behaviour, or inappropriate behaviour, discuss the issue with your supervisor who will guide you through the process.

Ranges of inappropriate behaviour

It is important for all adults who interact with students through school activities within Yukon public schools to understand that behaviours, as they relate to the safety and protection of children, fall into a continuum.

On one end of the continuum are behaviours of harm that are unlawful. Unlawful behaviours are those that are criminal and require a report to the appropriate authorities.

See **Appendix B** for clarity in recognizing signs of abuse or harm in students that may place a child in need of protection.

In the middle of the continuum are those behaviours that may be either unlawful or inappropriate, depending on the level of the circumstances. Or, it may be behaviour that is initially seen as behaviour that could be corrected (i.e. through additional training, supervision

and monitoring) but upon following up and learning more information, it is determined the behaviour is more serious and warrants a formal investigation. See case scenario below.

At the other end of the continuum are those behaviours that are inappropriate but are of such a nature that it is believed they can be addressed and corrected through additional training, supervision and support, and monitoring. Forms of inappropriate behaviour could range from one-time behaviours to multiple instances. It includes such things as telling inappropriate jokes to or in earshot of a child, confiding in a child with personal stories, and having unauthorized contact with a child outside of work duties.

Example Case Scenario:

One instance of behaviour may initially be seen as inappropriate, and of a nature that it can be dealt with internally. However, upon following up and learning more about the specific incident, the overall circumstances and any prior inappropriate behaviour it may meet the duty to report threshold, and a call to Family and Children's Services or the RCMP may be required. Consider the following scenario:

A report is submitted internally about an adult exchanging unauthorized email with a student outside of their work duties. The initial information indicates that the emails are of a general nature. After the organization follows up, it learns that some of the emails were sexualized in nature, and it learns that the adult has exhibited other inappropriate behaviour that had not been reported previously. Each instance of inappropriate behaviour, if considered separately and without context of the other behaviours, might be characterized as something in the nature of "poor judgment" that is capable of correction. However, once all behaviours are considered in context with each other, it may be sufficient to warrant a report being made to Family and Children's Services, RCMP and/or the licensing body for the individual.

In such a situation as noted above, the adult who has observed and/or had the information regarding inappropriate behaviour disclosed to them, can call:

- Department of Family and Children Services intake phone number 867-667-3002, 24 hours per day, 7 days a week. In communities dial 1-867-667-3002 or contact your local RCMP; and
- Whitehorse RCMP Detachment phone number 867-667-5555 and seek advice and/or let these authorities assess the information provided to them. In communities, contact your local RCMP detachment.

Appendix C further provides examples constituting inappropriate behaviour.

Responding to disclosures

When receiving a disclosure from a student of harm or inappropriate behaviour:

- LISTEN – move to a suitable environment, free of distractions;
- Be calm and patient – allow for the student to be heard;
- Let the student use their own words and avoid asking leading questions;
- Avoid “quizzing” the student about the details of the harm and/or inappropriate behaviour;
- Don’t be afraid of saying the “wrong” thing. Listening supportively is more important than what you say;
- REASSURE – the student that it is OK that they have told you what’s been happening;
- Address any concerns about the student’s immediate safety;
- Reassure the student that they are not at fault;
- RESPECT – that the student may only reveal some details;
- Acknowledge the student’s bravery and strength;
- Avoid making promises you can’t keep – manage the student’s expectations; and
- Explain to the student that in order for them to be safe and to follow your obligation under law, you will need to report their experience to someone else.

Take steps to ensure the immediate safety of the student in the moment and/or prior to the end of the school day. Receiving and reporting disclosures/allegations of harm can be difficult. It is important to note that such information does need to be kept confidential. If you experience difficulties in the process of receiving and reporting information, there are resources available to you through:

- Employee Family Assistance Program 867-668-3327 or 1-855-767-7429;
- Your school administrator/Superintendent/Executive Director; and
- School Community Consultant with Student Support Services 867-456-6587.

Reporting

Observations, disclosures, allegations or suspicions of harm or inappropriate behaviour by adults to students through school related activities, must be taken seriously and staff must promptly report and respond to using the **Preventing and Responding to Harm by Adults Report Form** and when applicable report to appropriate authorities.

In the event a school administrator is the subject of the report, a **Preventing and Responding to Harm by Adults Report Form**, must be submitted to the Superintendent or Executive Director.

Where you have reason to believe that a child is in need of protective intervention, or made the victim of a criminal offense, **you must immediately report to the RCMP or Family and Children’s Services.**

If you do not know the student or adult involved, take reasonable steps to identify the party you do not know and/or to note any identifiable features that may help to identify the persons involved.

Employees must notify their school administrator that a report to Family and Children's Services or RCMP has been made. Failure to report may result in further investigation and disciplinary action.

Documenting

Ensure the immediate safety of the student. Take all steps required to mitigate the immediate safety concerns before reporting.

All adults who observe or receive the disclosure, allegation or other concern must keep the information confidential and in accordance with the confidentiality obligations set out in the policy, and these procedures.

1. Employee is responsible to:
 - a. Complete incident details on **Preventing and Responding to Harm by Adults Report Form** for any observed, disclosed, alleged or suspicion of harm to a student by an adult they interact with through school activities.
 - b. Submit form to and discuss the incident with the school administrator.
 - i. In the event a school administrator is the subject of the report, submit form to and discuss the incident with the Superintendent or Executive Director.
2. The school administrator is responsible to:
 - a. Mitigating immediate risks, following up with the guidance of the Superintendent or Executive Director, and Human Resources, taking corrective action, and documenting on the **Preventing and Responding to Harm by Adults Report Form**.
 - b. Submit form to and discuss the incident with the Superintendent or Executive Director.
3. The Superintendent or Executive Director is responsible to:
 - a. Brief the concern to the Assistant Deputy Minister, Schools and Student Services and Director Human Resources, when appropriate.
 - b. Engaging the Director of Policy to consider consulting with legal counsel, if appropriate.
 - c. Follow steps regarding Human Resources protocol with regards to alleged staff and safety mitigation.

Section C: Confidentiality and communication

Confidentiality

Preventing and Responding to Harm by Adults Reports are collected to ensure student safety, all information is collected and managed in accordance with the ATIPP Act. You may not disclose the identity of any parties involved, or the circumstances, except where necessary for the purpose of immediate safety and support, follow-up or corrective action, where required by law, or for the protection of individuals. Similarly, adults interviewed as part of the follow-up process shall treat all information in a confidential manner. An employee/volunteer who breaches confidentiality may be subject to discipline.

Preventing and Responding to Harm by Adults Reports will be stored by the office of the Executive Director of Inclusive Policy and Practice. The Report includes the alleged offence, how it was handled and any follow-up that was completed. This information will be used to determine system and individualized training and supports as well as inform practice to further mitigate risk situations that present through the documentation of such incidents.

Communication

In matters of incidents or allegations of harm by an adult who interacts with students through school activities, communication to students, staff, families, and school communities will be guided by the **Yukon School Post-Incident Communication Guidance** document.

Appendix A: Best practices on professional boundaries and professional behaviour

Consider whether the behaviour you are engaging in:

- Is known to, and approved by, your supervisor/school administrator and/or the parents of the student. All interactions with a student should be transparent;
- Would raise concerns in the mind of a reasonable observer as to its appropriateness. (e.g. other school staff, the student's family, or the public)
- Is directly and objectively tied to your job duties/function;
- May detrimentally affect Yukon schools and/or the Schools and Student Services branch/ School Board;
- May be reasonably regarded as posing a risk to the student;
- May contribute to a student's discomfort;
- May criticize, embarrass, shame, blame, or humiliate a student.
- How the student may react to the activity, conversation, behaviour, or interaction.
- Places inappropriate expectations on the student. Ask yourself: "Whose needs are being met by the activity or behaviour?"

Tip: If the student may be uncomfortable with the activity or behaviour, this is a good indication that the activity and/or behaviour is unwelcome and should not occur. Reassess the activity or behaviour and consult with your supervisor before continuing.

Appendix B: Recognizing signs of abuse or harm in students

Often there are signs that a child is being abused or harmed. These may be physical, which means it is possible to see them. In other cases, the child's behaviour may lead to concerns about abuse or harm. Often, one indicator is not enough to suggest abuse or harm, but several indicators or a pattern make it more likely that abuse or harm may exist. Any one of these signs tell us, however, that we need to know more about the child's circumstances.

The role of the Child Protection Social Worker is to support you and the report you are making by listening empathically, asking curious and concrete questions and helping you to remember and report information that is necessary for the assessment and investigation of a child protection report. For example, things like attendance or a test failure, in and of themselves do not equate child abuse or harm. In the context of time, behaviour, emotions, contact with student and family, any other observed concerns, attendance and test failure may form part of the cluster of concerns.

The following information lists a number of possible physical indicators and behaviours that might suggest abuse. Rarely is any one indicator conclusive proof that a child has been abused/harmed. In most instances, children present a cluster of behavioural and physical indicators. Child abuse and harm often carries a range of possible signs and indicators and some student may not demonstrate overt signs or indicator at all.

Possible indicators of physical abuse:

Physical

- injuries (e.g., bruises, cuts, burns, bite marks, fractures, etc.) that are not consistent with explanation offered (e.g., extensive bruising to one area)
- the presence of several injuries over a period of time
- any bruising on an infant
- facial injuries in preschool children (e.g., cuts, bruises, sores, etc.)
- injuries inconsistent with the child's age and development
- injuries that form a shape or pattern that resemble the object used to make the injury (e.g., buckle, hand, teeth, cigarette burns)

Behavioural

- cannot recall how injuries occurred, or offers an inconsistent explanation
- wary of adults or reluctant to go home, absences from school
- may cringe or flinch if touched unexpectedly
- may display a vacant stare or frozen watchfulness
- extremely aggressive or extremely withdrawn
- wears long sleeves to hide injury

- extremely compliant and/or eager to please
- sad, cries frequently
- describes self as bad and deserving to be punished

Possible indicators of emotional abuse:

Physical

- bedwetting and/or diarrhea which is non-medical in origin
- frequent psychosomatic complaints: headaches, nausea, abdominal pain
- child fails to thrive.

Behavioural

- impaired mental or emotional functioning as shown by
 - Significant anxiety
 - Depression
 - Withdrawal,
 - Self-destructive or aggressive behaviour
 - Chronic use of substances

Possible indicators of sexualized abuse:

Physical

- unusual or excessive itching in the genital or anal area
- torn, stained or bloody underwear (observed if the child requires bathroom assistance)
- pregnancy or venereal disease
- injuries to the vaginal or anal areas (e.g., bruising, swelling or infection) (observed if the child requires bathroom assistance)
- self-mutilation/self-harm (cuts or sores made by the child)
- sudden weight change
- difficulty walking or sitting

While the above are not conclusive indicators of sexual abuse, one or more could be a sign that a child needs help.

Behavioural

- age-inappropriate sexual play with toys, self, others (e.g., replication of explicit sexual acts)
- age-inappropriate, sexually explicit drawings and/or descriptions
- bizarre, sophisticated or unusual sexual knowledge
- promiscuity
- prostitution
- seductive behaviours

- fear of home, excessive fear of men or women
- depression
- change or loss of appetite
- sad, cries often, unduly anxious

Appendix C: Examples of inappropriate behaviour

Example of inappropriate behaviours that may require further follow up include, but are not limited to, the following:

- 1. Communication that goes beyond the employee/volunteer's responsibilities with the student and/or does not occur within the context of their duties and responsibilities, and which has not been authorized by the employee's supervisor.**

Such as:

- Making personal phone calls to a child.
- Having personal digital exchanges with a student (e.g. email, text message, instant message, online chats, social networking (including "friending"), etc.), regardless of who initiated the exchange.
- Writing personal letters to a student.
- Excessive communication (online or offline) with a student.

- 2. Spending time with a student or the student's family outside of designated work times and activities,** especially if this is not known to your supervisor and the student's parents.

- 3. Favouring one or more student to the exclusion of others** (for example, paying a lot of attention to, giving or sending personalized gifts*, or allowing privileges that are excessive, unwarranted or inappropriate).

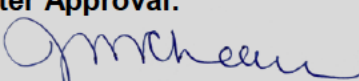
***Note:** A gesture that is contextually appropriate to the circumstances that are not excessive in number, are carried out within a work context, in the presence of other adults and with the full knowledge and consent of the school administrator, are considered appropriate. (e.g. thank-you card, birthday card, seasonal card, or other nominal gifts)

- 4. Storing pictures or videos of a student on a personal device, or allowing any other person to do so, as well as uploading or copying any pictures you may have taken of a student to the Internet or any personal storage device, without proper consent.** Pictures taken in a work related setting, with prior written consent from the parent/guardian, and in circumstances in which the parent/guardian and your supervisor is aware that pictures are being taken may be permissible provided the Schools and Student Services has approved the activity in advance and has put procedures in place to ensure the pictures will be stored in a location only accessible to those with a need to access and removed when no longer required for the purpose for which they were taken.
- 5. Offering or providing rides to a student in your personal vehicle, or in a Yukon government (YG) vehicle,** except when your supervisor is aware of and has approved it and express parental consent has been granted, or in emergency situations.

Concerning instances of inappropriate behaviour

The following behaviour is considered serious and may trigger a report to Family and Children's Services or the RCMP in addition to any other internal disciplinary procedures.

- Telling sexualized jokes to a student or making comments to a student that are in any way suggestive, explicit or personal.
- Showing a student material that is sexualized in nature, including signs, cartoons, graphic novels, calendars, and literature, photographs, and screen savers. Displaying or keeping such material in a location where it is reasonably possible that a student may see it, or making such material available to a student.
- Intimidating or threatening a student.
- Ridiculing a student with sarcasm, shaming, or other degrading comments.

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'

Yukon School Post-Incident Communications Guidance - v.1

Purpose: this guidance is to support school administrators to communicate effectively with families after an incident and provide guidance on internal reporting within the Department of Education. Proactively sharing information with families ensures they remain confident that their children are safe and secure while at school. When sharing information, we must maintain the privacy and dignity of all staff and students involved in the incident.

School administration will seek to:

- Ensure that families are informed in a timely manner when incidents occur.
- Provide assurance to families and the wider school community that the safety and security of students is a top priority.
- Promote factual understanding of a potentially concerning incident that has occurred at the school or in a setting connected with school-sanctioned activities.
- Support staff in their work.

Guidance:

Incidents at school can range from minor to critical incidents. The communications response should be proportional to the severity, or perceived severity, of the incident. The guidance in this document is based on 5 categories of incidents: minor, concerning, major, critical and incidents or allegations of abuse/harm. If you are unsure what category your incident falls into, contact your Superintendent or Executive Director for guidance.

Disclosure of personal information:

Communications to the public and families must not include any personal information (e.g., of students, staff, or other persons). If any member of the public wishes to obtain further information on an incident, they should submit an ATIPP request:

<https://service.yukon.ca/forms/atipp-request>

Examples of minor incidents include:

- A student accident that causes injury
- Student physical contact that causes injury
- An injury or medical emergency
- Escalated behaviours that result in a Workplace Risk Assessment (WRA) form with a low or medium severity

Examples of concerning incidents include:

- Escalated behaviours that result in a Workplace Risk Assessment (WRA) form with a high severity
- Escalated behaviours that are witnessed by large groups of students
- Fights between students
- Assaults of students or staff, by students, that are witnessed by other students
- Physical restraint of a student by school staff

Examples of major incidents include:

- The fire department attends the school (aside from planned drill)
- Uniformed police attend the school and exercise the use of force or make an arrest of a student, staff member, or individual
- Evacuation of the school
- Lockdown or "hold-and-secure"
- Bomb threat
- School closure (or potential for school closure)

Examples of critical incidents include:

- Serious injury, critical illness or death of a student or staff member
- Acts of significant violence at the school

Examples of incidents or allegations of abuse/ harm include:

- Potential and/or actual abuse/harm of a student by a staff member/adult in the school community

Minor incidents

Who to communicate with

- Only the family of the students directly involved should be contacted.
- Classroom teacher communicates directly to the family of the students involved. A phone call is recommended as first approach and email if contact is not made. Communications should occur before the end of the school day or shortly thereafter.
- If this is a repeat incident, or if disciplinary/restorative action is required, the school administration will communicate instead of the teacher. In this situation, school administration will ensure their Superintendent/Executive Director is aware of their intended approach.

What information to include

- ✓ Nature of the incident
- ✓ Time and date
- ✓ How it was addressed
- ✓ Any next steps to be taken

Reviews/approvals

- ✓ No further approval beyond school to communicate directly with parents/guardians in this case.
- ✓ School administration should keep their Superintendent/Executive Director informed of their intended approach.

Example communication:

Phone:

Hi <parent/guardian name>,

This is <name> calling to let you know about a physical altercation between <child> and another student on the playground today. The students were <action of school staff>. <Provide update on situation and any next steps recommended>.

Email:

Dear <parent/guardian name>,

I am writing to let you know about a physical altercation between <child> and another student on the playground today. The students were <action of school staff>. I would like to have a discussion about the incident and work together on some actions and support for <student>. Please let me know a convenient time to talk.

Sincerely,

Teacher

Concerning incidents

Who to communicate with

Administration

- The Principal must make the Superintendent/Executive Director and Director, Community Relations and Engagement aware of the incident and the intended approach to communicating with students, staff and families.

Students and families

- Follow Minor incidents above
- School administration should consider targeted, wider communications to families of students who witnessed the incident.
- Communication will be sent by the school's administration before the end of the school day.
- Further advice can be sought from Superintendent/Executive Director and Director, Community Relations and Engagement (or designated Communications Analyst).

What information to include

- ✓ Nature of the incident
- ✓ Time and date
- ✓ Steps taken to ensure the safety of students/staff
- ✓ Any next steps
- ✓ Contact name for questions/concerns

Reviews/approvals

- ✓ Any communication sent must be reviewed and approved by a Superintendent/Executive Director.

Example communication:

Dear Parents/Guardians of Grade #,

I am emailing you to let you know about an incident that occurred at school today. At 10 a.m., a student's behaviour became escalated to the point where they struck and injured a school staff member. Staff followed our school's emergency plan – they safely removed the other students from the classroom and kept students away from the escalated student. Some students may have seen the staff member receiving treatment for their injury.

No students were physically harmed; however, witnessing the incident will impact each student differently and a team of school staff will be working to debrief the incident with the students.

Our school administration will also be reviewing the incident and working with those directly involved to determine next steps.

If you have any questions or concerns, or would like to discuss supports your child may need, please feel free to contact the school principal at email.address@yukon.ca.

Major incidents

Who to communicate with

Administration

- The Principal must notify the Superintendent/Executive Director and the Director, Community Relations and Engagement as soon as possible.
- The Superintendent/Executive Director must notify the Assistant Deputy Minister, Schools and Student Services, and School Council Members or School Board Trustees.

Students

- Staff must discuss the incident with students before the end of the day and refer any students who may need support to the school’s administration.

Families

- Communication should be sent to the entire school community ASAP, but no later than 5 hours after the incident has concluded.
- If a long delay is anticipated to develop an approved communication, a short communication acknowledging the incident may be sent to indicate more details will be forthcoming. (Superintendent/Executive Director is made aware of this intended approach)
- If the Principal is unable to notify the school community, the Superintendent/Executive Director should be contacted, debriefed, and responsible for coordinating the communication.

What information to include

- ✓ Nature of the incident
- ✓ Current level of risk or threat to students
- ✓ Steps taken to ensure the safety of students/staff
- ✓ Contact for questions or concerns
- ✓ Information on supports and services for families

Reviews/approvals

- ✓ Any communication sent must be reviewed and approved by a Superintendent/Executive Director.

Example communication:

<u>Preliminary communication</u>	<p>Dear Parents/Guardians of NAME OF SCHOOL:</p> <p>I am emailing about an incident that occurred at the school today. All students and staff are safe and there is no risk of injury or harm. At 1 p.m., we had to evacuate the school. Students were led outside safely. We were able to return to the school within 30 minutes. I will follow up with more details later today after we have more information about the incident.</p> <p>Sincerely, School Principal</p>
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<u>Active incident communication</u>	<p>Dear Parents/Guardians of NAME OF SCHOOL:</p> <p>You are receiving this email because the school is currently in a “hold and secure.” This means that students must remain in their classrooms while regular instruction continues.</p> <p>All students and staff are currently safe and there is a low risk of injury or harm. The RCMP have advised us that they are dealing with a situation at a home near the school. To be cautious, they have requested that the school be placed in this hold and secure.</p> <p>We will follow up when the hold and secure has been lifted. If you have any questions or concerns, please contact me at email.address@yukon.ca or our Superintendent or Executive Director at email.address@yukon.ca.</p> <p>Sincerely, School Principal</p>
<u>Follow-up / or main communication</u>	<p>Dear Parents/Guardians of NAME OF SCHOOL:</p> <p>I am emailing to let you know about an incident that occurred at the school today. All students and staff are currently safe and there is no risk of injury or harm.</p> <p>At 1:15 p.m., an individual trespassed on school property and the school was placed in “hold and secure” (where students are required to remain in their classrooms while instruction continues and school outer doors are locked and no one is to exit or enter the school building during the duration of the “hold and secure.”).</p> <p>At 1:30 p.m., the RCMP attended to the situation and arrested the individual without further incident. Staff effectively managed the situation to keep students away from the individual in accordance with our school’s emergency plan.</p> <p>If you have any questions or concerns, please feel free to reach out to me directly at email.address@yukon.ca or email our Superintendent or Executive Director at executive.director@yukon.ca.</p> <p>Sincerely, School Principal</p>



Critical incidents

Who to communicate with

- Follow Major incident guidance above.
- Refer to Response to Critical Incidents (9.06 in School Procedures Handbook) or Violence Threat Risk Assessment [VTRA] (9.05 in School Procedures Handbook).

What information to include

- ✓ Follow Major incident guidance above.
- ✓ Consider meetings with small or large groups of students/families to fully communicate and debrief the incident.

Example communication:

- Follow Major incidents guidance.
- Communications should include supports and services available at the school and through other agencies. This may include helpful resources and materials.

Incidents or allegations of abuse/harm

Who to communicate with

RCMP/ Child and Family Services

- Required reporting under the [Child and Family Services Act](#)
- Provide as much detail as possible (nature of incident/allegations, time and date, observations or suspicions, other students and staff who may be impacted, etc.)

Department of Education Administration

- School administrator must inform Superintendent/Executive Director
- Superintendent/Executive Director must inform Assistant Deputy Minister, Schools and Student Services and Director of Human Resources, when appropriate.
- Assistant Deputy Minister, Schools and Student Services must inform Deputy Minister, Senior Advisor, Director of Human Resources, Director of Community Engagement and Relations, and Director of Policy
- Assistant Deputy Minister, Schools and Student Services, and Director of Policy and Partnerships, and Director of Public Community Relations and Engagement (or designate) coordinates briefings and communications with other departments or agencies (e.g., Health and Social Services, Justice, RCMP) for information sharing (including communications advice)

Human Resources/YAEP

- Superintendent/Executive Director will inform Human Resources Consultant to assess the need for a workplace investigation, when appropriate
- The Human Resources Consultant will consult with Labour Relations, when applicable.
- If an investigation is required, Yukon Association of Education Professionals will be notified to allow for employee representation.

Students/families/school staff/school board/school council

- The Assistant Deputy Minister, Schools and Student Services will coordinate with RCMP, Family and Children's Services, Public Service Commission, Justice and Executive Council Office to consider the approach for communicating with students, families, school board/council and school staff based on:
 - Any ongoing investigation
 - An assessment of the rights, privacy legislation and dignity of staff and students

What information to include

- ✓ Nature of the incident
 - ✓ Time and date
 - ✓ Steps taken to ensure the safety of students/staff;
 - ✓ Any next steps
 - ✓ Supports available to students and families (at school and in community)
 - ✓ Contact name for subsequent questions/concerns or to provide more information
-

Resources to support families:

Reference “Supports for Yukon students and families”
and/or

Contact: Community Liaison Coordinator or Executive Director of Inclusive Policy and Practice

References:

- Student Protection Policy: Preventing and Responding to Harm by Adults
- [Violent Threat Risk Assessment \(VTRA\) Protocol](#)
- Workplace Risk Assessment (WRA) Procedure
- Nonviolent Crisis Intervention (NCI/NVCI) Procedure
- Critical Incidents Response Guidelines

Guideline #17**Security Clearance Process**

April 30, 2015

Authority

Security clearance information is being collected under the authority of section 29(c) of the *Access to Information and Protection of Privacy Act* and the Government of Yukon General Administration Manual Policy 3.25.

Application

This process applies to all Education Act positions that require a security clearance as a condition of employment.

Notification to Candidates of Condition of Employment

All employment opportunity postings must indicate if a security clearance is a condition of employment. Candidates are also notified by the Principal or responsible staffing officer at time of interview that a favourable security clearance is a condition of employment and that it must be received by Human Resources prior to starting in the position.

At time of appointment, if no valid security clearance is on file, the offer letter states that a security clearance is a condition of employment and directs the individual to contact their local police detachment to complete the process before reporting to work.

Substitute Teacher Applicants

The Yukon Education website states a security clearance is mandatory prior to starting work as a substitute teacher. When a substitute teacher applicant has met the condition of employment, their hire is finalized and their name is added to the substitute teacher list and they are then eligible to work.

Beginning Work before a Security Clearance is Provided

In those instances where the individual is not able to provide a security clearance prior to the Principal's need for them to start work, the Principal will contact Human Resources and obtain approval from the HR Director or Manager Staff Relations. If approval is granted, the Principal must ensure that the employee is never on their own with students.

Human Resources will continue to follow up with the employee until the security clearance is provided. Human Resources may contact the Principal to have them follow up with the employee as well.

HR will notify the Principal by email when the security clearance has been satisfied.

If, after three months from the date the security clearance was first requested and it has not been provided, the HR Director makes a decision, in consultation with the Principal and the Superintendent, whether the employee may continue working in their position.

Access to Vulnerable Sector Checks (VSC), Fingerprinting Results and Declarations

- All VSC's are kept at Human Resources.
- Any and all other documents pertaining to security clearance are kept at Public Service Commission.
- Under no circumstances should a VSC be received by anyone other than Yukon Education Human Resources. If the employee/individual attempts to give their VSC to someone other than Human Resources, the employee/individual shall be directed to put it in the envelope that was provided and mail it accordingly.
- Under no circumstances should fingerprinting results or declarations be received by anyone other than the Director Labour Relations, PSC. If the employee/individual attempts to give their fingerprinting results or declaration to someone other than the Director Labour Relations, PSC, the employee/individual shall be directed to put it in the envelope that was provided and mail it accordingly.
- Under no circumstances should the school receive and accept any security clearance information including VSC's, fingerprinting results, and declarations.