



Policy

Title: Student Protection	Policy #: PO607
Policy Area: Student Conduct and Safety	
Source: Superintendent of Education – Student Services	
Date Approved: January 27, 2003	
Dates of Amendment: December 8, 2014; November 5, 2018 (Interim)	

1.0 Introduction

All students need to feel safe and secure to benefit from the advantages of being part of a Catholic education community. The Durham Catholic District School Board also believes that each student has the right to belong. The Board implements this belief through its broader policy of inclusion.

The spiritual, emotional, physical, social, intellectual and psychological development of students is contingent upon the fulfilment of these basic needs for safety and belonging.

Student safety and well-being is the shared responsibility of the home, school, and the community. Due to the amount of time students spend within an educational setting, students who are at risk of abuse or neglect are often identified during the school day.

The Durham Catholic District School Board is committed to ensuring that all persons in its employ and all its students are treated with dignity and respect. The Board further recognizes its responsibility in responding to those situations where an employee is alleged to have abused a student.

2.0 Definitions

Child or youth – a person under 18 years of age

Child Youth and Family Services Act (CYFSA) – the purpose of this act is to promote the best interests, protection and well being of children under the age of 18.

Children’s Aid Society (CAS) – separate, independent organizations which have each been approved by the Ontario government’s Ministry of Children and Youth Services to provide child protection services.

2.0 Definitions (Cont'd)

Emotional Harm – all acts that result in the lack of a nurturing environment for a child or youth. It occurs when the caregiver treats the child or youth in such a negative way that the child or youth's concept of self is seriously impaired. Emotional harm can be the most difficult to identify and prove.

Inadequate Medical Treatment – a caregiver has the responsibility to ensure that the child's medical needs are met. This includes ensuring that appropriate treatment for a child's mental, emotional or developmental conditions.

Inadequate Supervision – a child may be at a risk of harm if the caregiver fails to adequately care for, provide for, supervise or protect the child.

Physical Harm – any harm to a child or youth caused by the action (or lack of action) of a child's caregiver for example bruises or burns. Physical harm can occur as an isolated incident or continue over a period of time.

Neglect – usually results from the lack of knowledge about appropriate care for children or an inability to plan appropriately for a child's needs.

Sexual Harm – any sexual exploitation of a child by an older person

3.0 Purpose

3.1 The purpose of this policy and the associated administrative procedure is to promote the safety and well-being of students and to clarify for staff and administrators the procedures for reporting suspected child abuse and neglect, sexual abuse, or other abuse of students, including any allegation of abuse of a student by a school board employee. It is also the Board's intent to promote co-operation with the staff of the Children's Aid Society and to assist it in its investigations by providing relevant information pertaining to the safety of students.

3.2 The obligation of all employees of the Board, as well as volunteers, to report suspected child abuse, on or off school property, arises under the Child Youth and Family Services Act 2017. A further obligation is imposed on the Board to report sexual abuse of students by teachers to the Ontario College of Teachers in accordance with the Student Protection Act (2002). Beyond the obligations, which arise under statutes, this policy recognizes the moral commitment which all members of the community of the Durham Catholic District School Board have to advocate for students who are at risk.

4.0 Application/Scope

4.1 This policy covers all students enrolled in Junior Kindergarten to grade 12 in all school sites including Alternative and Continuing Education schools.

4.0 Application/Scope (Cont'd)

- 4.2 Statutory reporting obligations referred to in this Policy, arise with respect to students under the age of 18 years or, in the case of a person who has special needs, 21 years old or less. A person has special needs if,
- 4.2.1 in the opinion of the Board, the person, by reason of some mental or physical disability, is particularly vulnerable to sexual abuse; or
 - 4.2.2 the Board, exercising reasonable diligence, should have formed the opinion that the person, by reason of some mental or physical disability, is particularly vulnerable to sexual abuse.
- 4.3 The obligation to report under this policy applies to all employees and volunteers.

5.0 Principles

- 5.1 Ontario courts have stated that school authorities, in providing for the supervision and protection of students for whom they are responsible, must exercise a standard of care of a kind, firm and judicious parent in the circumstances.
- 5.2 The Child Youth and Family Services Act 2017 requires that any persons including staff members, volunteers or adult students who have reasonable grounds to suspect that a child has suffered or is suffering from abuse or neglect that may have been caused or permitted by a person who has or has had charge of the child, will forthwith report the suspected abuse to the Children's Aid Society (and/or Police, if the student is 18 years or over) in accordance with the Appendix of the Administrative Procedure on Student Protection.
- 5.3 The Student Protection Act (2002), requires a Board to report to the College of Teachers where a teacher, or former teacher, is charged with or convicted of a criminal offence involving sexual conduct with minors, or a criminal offence which indicates that students may be at risk of harm or injury. This Act also requires that the Board report to the College where the Board terminates the employment of a teacher or imposes restrictions on the teacher's duties for reasons of professional misconduct, which includes "sexual abuse" as defined by the Student Protection Act, 2002, or where the Board intended to impose restrictions or terminate the teacher's contract for reasons of professional misconduct but the teacher resigned.

6.0 Procedures

- 6.1 A person who has reasonable grounds to suspect that a child or young person who is under 18 years of age and is a ward of the Children's Aid Society, may be in need of protection shall notify the Children's Aid Society and the school principal.

6.0 Procedures (Cont'd)

- 6.2 When a person is in doubt that reasonable grounds exist to suspect child abuse, the Children's Aid Society should be consulted. A principal or colleague may also be consulted, however, if there is any doubt, it is best to consult with the Children's Aid Society. The employee should continue to observe and monitor the situation even if no report is to be made.
- 6.3 Notification of a reported case of suspected child abuse must be made in writing by the principal to the Director of Education and Family of Schools Superintendent within twenty-four hours of reporting the case to the Children's Aid Society. Therefore, all employees must inform the principal of the school when making a report to CAS.
- 6.4 All employees of the Board will annually read and sign-off this policy and related administrative procedure, so that they understand how to recognize the signs of child abuse and neglect, the legal, professional duty to report and when, how and to whom to report, and how to manage the consequences of making a report.
- 6.5 There is an ongoing duty to report to the Children's Aid Society based upon reasonable grounds to suspect that a child is in need of protection, even if previous reports have been made.
- 6.6 A person who has reasonable grounds to believe that a student who is 18 years of age or older has been sexually or emotionally or physically abused shall immediately advise the principal; in these circumstances, where possible a consultation will be held with the student and, if appropriate, the superintendent and, if the student does not agree to contact the Police, a decision will be made as to whether compelling circumstances affecting health or safety of the student or any other individual require that information to be disclosed to the Police or other agency. Such a disclosure will be made in accordance with the Board Police protocol.
- 6.7 If the alleged perpetrator is a Board employee, the Board reserves the right to conduct an investigation as indicated in Administrative Procedure 607-1 Student Protection.
- 6.7.1. The Board recognizes the definition of "sexual abuse" as provided in the Student Protection Act (2002), for the purpose of a teachers professional misconduct, as follows:
- 6.7.1.1 Sexual abuse of a student by a member means:
- 6.7.1.1.1 sexual intercourse or other forms of physical sexual relations between the member and the student;
 - 6.7.1.1.2 touching, of a sexual nature, of the student by the member, or
 - 6.7.1.1.3 behaviour or remarks of a sexual nature by the member towards the student whether made verbally, in writing (including email), by gesturing or through any other form of communication.

6.0 Procedures (Cont'd)

6.7.1.2 “Abuse” for the purposes of this policy shall also include the following actions by any employee or volunteer of the Board:

- 6.7.1.2.1 “grooming” which refers to the preparation of students, usually at a secondary school level, for a sexual relationship at some future point in time.
- 6.7.1.2.2 intimidation or exploitation for the personal gain or benefit of the employee or volunteer.

6.7.2 In the event that the employee is a member of the Ontario College of Teachers, the Board will make a report to the Ontario College of Teachers in accordance with section 43.3 of the Student Protection Act (2002).

6.7.3 The employee will be dismissed if convicted, or if it is determined by an internal investigation of the Board that the circumstances justify the dismissal of the employee.

7.0 Sources

- Child Youth and Family Services Act, (2017)
- Ministry of Community and Social Services, Reporting Child Abuse and Neglect, (2010)
- Ontario Ministry of the Attorney General, Protecting Our Students (Robins Report), (2000)
- Bill 101, Student Protection Act, (2002)
- Standards of Practice for the Teaching Profession (Ontario College of Teachers), (2014)
- Criminal Code of Canada
- Police/School Board Protocol, 2016
- Ontario College of Teachers – Provincial Advisory – Professional Misconduct Related to Sexual Abuse and Sexual Misconduct, (September 27, 2002)
- Teaching Profession Act, 2006
- Regulated Health Professions Act, (1991) Amended 2013
- Social Work and Social Services Work Act, (1998) Amended 2010
- Accepting School Act, (2012)
- Provincial Code of Conduct, (2012)
- Inquest Touching the Death of Jeffrey Baldwin (2014)

8.0 References

- Student Protection Policy (PO607)
- Student Protection Administrative Procedure (AP607-1)
- Code of Conduct Policy (PO610)
- Code of Conduct Administrative Procedure (AP610-1)
- Student Discipline Policy (PO611)
- Student Discipline Administrative Procedure (AP611-1)
- Workplace Violence Policy (PO324)
- Workplace Violence Prevention Administrative Procedure (AP324-1)
- Sexual Harassment Policy (PO307)