

Mandatory Child Abuse Reporting Protocol for School Staff

Note: This protocol is to be used in conjunction with the information outlined earlier in this handbook.

Roles and Responsibilities

School staff, due to their access to children, are in a unique position to identify and report suspected child abuse. The term school staff refers to all employees and volunteers within the school setting (ex: teachers, educational assistants, volunteers, guidance counsellors, principals, janitors, nurses, bus drivers, librarians, speech therapists, coaches and so on). Child abuse can be a difficult topic to address. However, actions must be taken to ensure that children's health, safety and overall best interests are taken into consideration. There are higher expectations for professionals in their obligation to report children who are abused and/or in need of protection.

According to *The Child and Family Services Act* (the CFS act), abuse means an act or omission of any person, where the act or omission results in:

- physical injury to the child,
- emotional disability of a permanent nature in the child or is likely to result in such a disability, or
- sexual exploitation of the child with or without the child's consent.

Remember:
A child is anyone under 18 years of age.

Child neglect is the failure of a child's primary caregiver to provide adequate food, clothing, shelter, supervision and/or medical care. Child neglect involves an act of omission by a parent or guardian, resulting in (or likely to result in) harm or imminent risk of harm to a child.

For children with disabilities, the usual risk factors for child abuse (ex: dependence and vulnerability) are intensified. **If you work with a child with a disability, you need to be aware of the factors that increase the risk of abuse among children with disabilities, as well as the unique challenges that can prevent or limit children with disabilities from disclosing experiences of abuse.** For more information, refer to Section 12 of this handbook titled *Increased Risk of Abuse and Important Considerations for Children with Disabilities*.

Staff working in schools should be familiar with the types and indicators of child abuse. Please refer to Section 6 of this handbook that provides a review of the types and indicators of child abuse.

Legal Duty to Report a Child in Need of Protection, including Child Abuse

As outlined in the CFS act, any person who has information that leads him/her to reasonably believe that a child is, or might be, in need of protection has a legal obligation to report this information to a child and family services (CFS) agency or, if deemed appropriate, to the parent(s) or guardian(s). **These legal requirements supersede all internal organizational policies and procedures.** The duty to report applies even when the information is obtained during a professional or confidential relationship such as the teacher-student relationship. The obligation to report also applies to allegations of past abuse, even when the teacher believes the child is no longer in danger (ex: when the alleged offender does not reside in the household or has moved to another province).

School staff are required to report abuse concerns directly to a CFS agency/worker (see section: *How to Report* below for more information). While a report of child abuse can result in an initial negative experience for the parties involved, reporting is both compulsory and necessary, as a child's life may be at risk.

In addition to referring abuse concerns to a CFS agency, it may be necessary for the child's immediate safety to report the concerns to the parent(s) or guardian(s). School staff should not discuss the referral to CFS with the child's parent(s) or guardian(s) if:

- the alleged offender is a family member
- the alleged offender has a significant relationship with the child's parent(s) or guardian(s)
- the identity of the offender is unknown
- there is a suspicion that the non-offending caregiver will not support or protect the child

The relationship that school staff have with the parties involved can continue; however, there **should not** be any discussion about the referral to CFS as this might impede the investigation into this matter.

If a staff member is unsure whether a particular situation warrants a child abuse report, she/he can consult with a CFS agency. Their staff can help to determine if a child may be at risk.

Failure to Report

If a staff member working for a school fails to report suspected child abuse, he/she can be charged and punished on summary conviction, which can result in a substantial fine and/or prison term. Failing to promptly report suspected child abuse is a serious offence under *The Child and Family Services Act*, and carries a maximum penalty of \$50,000 or imprisonment of 24 months, or both. There may also be implications by the appropriate licensing bodies for school staff who fail to meet their duty to report abuse.

Abuse by Professionals

Allegations or suspicions of child abuse involving a professional or a person who has been certified or licensed, especially anyone who is working with children in a position of trust, must be reported. It is also very serious when a professional fails to report a child in need of protection. Further, these circumstances generate additional actions by the director of Child and Family Services (the director).

Where the director has reasonable grounds to believe that (1) a professional has caused a child to be in need of protection or (2) a professional has failed to report a child in need of protection, the director may report the matter to the body or person that governs the professional status of the person or certifies, licenses, or otherwise authorizes or permits the person to carry out his/her work or occupation. To ensure the immediate protection of other children, the current employer of the alleged offender may have to be notified and/or access to children may be limited until a complete investigation has been undertaken.

An investigation by the governing or licensing organization may take place to determine whether any professional status review or disciplinary proceedings should take place against the person. Schools and/or school divisions should have policies in place to deal with such investigations. In some cases, suspending the accused staff person with or without pay during the investigation may be necessary to ensure that students are safe and protected. The alleged offender may also be subject to a review by the certificate review committee of Manitoba Education. If schools/divisions/districts choose not to suspend an individual during an investigation then a plan of protection, regarding the accused, should be put in place. The plan should be developed in consultation with the investigating CFS agency.

The CFS agency is required to report the conclusion of its investigation to the principal of the school or the superintendent of the school division in which the school is located. Boards and school staff should be aware that disciplinary action by the employer is not dependent on the outcome of an investigation conducted by a CFS agency or the police. Boards and providers should have policies in place, including termination of employment, to deal with inappropriate child management by staff.

In situations where a person is charged with an offence under *The Criminal Code* and that person's employment involves the care of children, the police are required to advise the person's employer that the accused person has been charged.

Documenting the Situation

Children who are victims of child abuse and/or neglect are in a very vulnerable state. They will choose to disclose their situation to someone whom they trust. If a child discloses that they have been (or are being abused), or if you observe child abuse indicators, you should remain calm and non-judgmental. If applicable, let the child know that she/he did the right thing in telling you their situation. Remind them that they are safe with you and that they were very courageous for speaking up. When asking the child questions, be sure to use open-ended questions.

However, keep in mind that it is not necessary to probe the child for details. If the information provided suggests that a child may have been or is being abused or in need of protection, the child will be interviewed by a CFS agency worker and/or the police. For more information, please see Section 7 of this handbook titled *Handling a Disclosure and Responding to Observed Indicators of Child Abuse*.

Clear and concise documentation of the situation is always necessary. Documentation must be done as soon as possible after a disclosure or observation of abuse indicators. Documentation of a report being made should be noted in the **confidential** portion of the student's file. Depending on the protocol in your school/division, you will likely need to have a copy of the report held in a confidential file.¹ Generally, this file is held at the school division office, under the direction of the student services administrator or the assistant superintendent. Collect as much information as you can but remember that you are **not** conducting an investigation. Write down only the facts. Do not include how you are feeling about the incident, or personal thoughts about what may have happened. All records should be kept confidential and securely stored. Key information to document is:

- date and time of entry
- name of school
- full name, age, gender, and address of the child and parent(s)/guardian(s)
- your relationship to the child
- any immediate concerns about the child's safety, and the time of day the child's parent or guardian is expected to pick the child up from school
- a description of the type of suspected abuse
Also, record how the child looks and other indicators of abuse or neglect that you have observed. If applicable, include a description of the length, size, colour, form and location of any physical injury that may be observed. Drawings may be useful to pinpoint the area, size and colour of injuries.
- date and time of the disclosure, as well as any direct quotes of the disclosure (if applicable)
- a description of the family, including names and ages of other children in the family
- visits and telephone calls to the unit/area by the parent(s)/guardian(s)

In addition to the key information that is listed above, you may have further details that you can document and share with the CFS agency worker when you make a report. While this additional information is useful to have, it is not necessary to make a report. It is important **not** to question the child further to obtain any of this information:

- when and where the abuse took place
- whereabouts of the parent(s) or guardian(s)
- the person alleged to have caused the child's condition, and the present whereabouts of that person

¹ This information is confidential and is protected under The CFS Act.

- where the person suspected of abusing the child works or volunteers, especially if she/he provides services to children (this includes foster parents)
- the length of time the abuse has been taking place, as well as the severity and frequency of the occurrence, and the objects used
- information about other persons or agencies closely involved with the child and/or family
- the status of guardianship of the child (ex: living at home, in care, voluntary placement agreement or permanent ward of CFS)
- consultation with other professionals
- information about other persons who may be witnesses or may have information about the child
- factors affecting the child's vulnerability (ex: disabilities, limited social skills or observable developmental delays)
- the signature of the staff person documenting concerns

Caution must be taken not to document subjective feelings. Documentation must be factual and legible as notes may be subpoenaed in court. The responsibility of school staff is to report the situation. School staff members should **not** investigate the situation.

You do not need all of the above information to make a report. You also do not need proof that the abuse has taken (or is taking) place. Just tell the CFS agency worker what you know.

If you have questions or are unsure if the signs that you are observing are a cause for concern, contact a CFS agency. Their staff can help you determine if a child may be at risk.

The exact information shared with a CFS agency should be included in the report. Depending on the protocol in your school or division, that information is typically held in a **confidential** file at the school division office, under the direction of the student services administrator or the assistant superintendent.

School staff should note, in the confidential portion of the student's file, that a CFS agency was called. The file should also include the date and time of the report and the name of the CFS intake worker to whom the report was made.

How to Report

Report suspected child abuse to a local CFS agency (see page 104 for more information). Where applicable, you should follow your workplace guidelines or procedures for reporting suspected child abuse. **However, remember that your obligation to report suspected child abuse supersedes all internal organizational policies and procedures.**

If you think a child under 18 years of age is being abused, you have the legal duty to report your concern to your local child and family services (CFS) agency. For a list of CFS designated intake agencies, go to: manitoba.ca/intakeagencies or see page 151 of this handbook.

*If you do not know the number of your local CFS agency or it is after working hours, you can call the province-wide intake and emergency after-hours child and family services telephone number at **1-866-345-9241**.*

If you think the child is in immediate danger, call 911 or your local police station.

While school division or school policies may require a staff person to report suspected child abuse to an administrator, the responsibility does not end there. The legal duty to report is an **individual one** and does not require staff consensus or the approval of any supervisor or person in authority.

When a report is made, it is the responsibility of the CFS worker (and not the staff member employed by the school) to contact the parent(s)/guardian(s) of the child.

Remember:

- It does not matter if you think someone else is reporting the situation; you still must make a report.
- If a child shares more information with you after the initial disclosure, the new information will need to be forwarded to a CFS agency.
- According to *The Child and Family Services Act*, a child is anyone under 18 years of age.
- All disclosures of abuse are to be treated as real and serious regardless of the child's history.
- Names of suspected child abuse victims or offenders (or specific information) cannot legally be discussed at staff or board meetings. However, the board may wish to be informed that a child abuse report has been made.

Protection and Rights of the Informant

No retaliatory action can be taken against a staff person who, in good faith, reports information about suspected child abuse. The staff person cannot be dismissed, suspended, demoted, disciplined, harassed or disadvantaged as a result of making a report.

The identity of the informant (ex: the person making the report) will be protected and kept confidential except as required in the course of judicial proceedings or with the written consent of the informant. Also, the identity of the informant is specifically protected from disclosure to the alleged perpetrator or other parties involved.

After Reporting

The responsibility of school staff is to report any situation of suspected abuse to a CFS agency. If the child is in immediate danger, school staff should contact the police. The CFS agency and/or the police will then assume responsibility of the investigation of the situation.

As part of an investigation, a CFS agency worker or a police officer may wish to interview the child at the school. Interviews are sometimes pre-planned by CFS workers but frequently are not, due to the nature of the allegation and the mandated responsibility to respond. When arriving at the school to interview the child, CFS staff should present identification to school officials. **It is important to note that CFS staff have the right and mandate to interview a child without parental/guardian consent.** If possible, the provision of a quiet and private place for such interviews is helpful.

At times, a school staff member may be faced with an angry parent or guardian who demands to see the child's school file. This information may be available to the parent or guardian through a formal process that involves the school division's privacy officer determining whether or not the file can be viewed by parent or guardian. If the parent(s) or guardian(s) are permitted to view the file and subsequently accuse school staff of reporting abuse, staff members may choose:

- not to confirm that they made the report (remember that the informant's identity is protected under law)
- explain to the parent or guardian that they had no choice but to report the suspicion as this is the law
- explain to the parent or guardian that they were genuinely concerned about the child's well-being and safety and a report was made to ensure the child's safety

On occasion, a CFS agency worker or the police may feel that a child's safety and well-being would be severely compromised if the child returned to his/her home. At these times, a CFS agency worker may apprehend the child from the school setting to a safe and protected environment. Occasionally, due to immediate safety issues police may take the child to a safe place and then call CFS, as only CFS has the authority to apprehend a child. For more information, see section 21 of the CFS act.

It is the responsibility of the CFS worker to notify the parent(s)/guardian(s) of a child apprehension. Whenever possible this should happen prior to the time that the parent(s)/guardian(s) arrive at the school to pick up the child. If, for some reason, the CFS agency worker is unable to reach the parent(s)/guardian(s) before their expected arrival at the school, she/he should meet the parent(s) or guardian(s) at the school.

Occasionally, a CFS worker will provide school staff with CFS contact information to share with the parent(s)/guardian(s) of the child being apprehended. CFS staff may not always be present at the school when parent(s)/guardian(s) arrive, as their focus may be on the safe removal of the child from the premises, and doing so prior to the parents(s)/guardian(s)' arrival reduces the immediate risk of trauma to the child. Nevertheless, CFS agency workers should make every effort to inform the parent(s)/guardian(s) of the situation, prior to their arrival at the school. School staff are not responsible for dealing with person(s) whose child was apprehended. Any such occurrences need to be reported by school staff to the executive director of the responsible child and family services agency.

To ensure the best course of action is taken in every case, **there shall be mutual sharing of all relevant information by the agencies and professionals involved in the investigation.** Manitoba not only permits the sharing of information for the purposes of ensuring child protection; it requires it. For more information, see Section 8 of this handbook.

As a person reporting suspected child abuse, you are entitled to know what the CFS agency decided at the end of its assessment and/or investigation, unless the agency feels that sharing this information is not in the best interest of the child or when a criminal investigation into the matter is pending. Conclusions refer to the outcome of the investigation, not to the sharing of detailed findings or confidential information.

After an investigation is carried out, the child's life may change very quickly. For example, the child may be placed in foster care. The family will be disrupted and the child may be involved in a legal process. Ongoing support to the child by school staff is essential. To maintain your relationship with the child:

- Treat the child in a normal way.
- Assess and be aware of his/her needs (ex: is there a court date coming?).
- Respect the child's right for privacy. Do not discuss the incident with people who are not directly concerned with the situation.
- Let the child know you that you respect her/his feelings.
- Help the child to stay connected with peer groups.
- Teach and model appropriate behaviours for the rest of the class.
- Reinforce appropriate behaviours. Understand that the healing process can take a very long time and children will have difficult periods as they attempt to cope with what has happened to them.
- Be prepared for the child to withdraw or even experience depression weeks or months after the report or investigation. Where possible, stay in contact with the child's caseworker or therapist and, if applicable, the non-offending parent(s).

Court Testimony

School staff members who have been involved in the identification of child abuse are sometimes required to testify as a witness at a court hearing. Often cases come to court long after the incident occurred. Therefore, clear documentation at the time of the incident makes organizing and presenting evidence at a later date easier. School staff members should remember to:

- Notify their supervisor when they receive a subpoena and discuss the process of obtaining legal support prior to court proceedings.
- When attending court, take a resume describing their educational background, qualifications and work experience.
- Ensure personal notes are clear, concise and dated.
- Describe only direct observations when testifying in court. Reporting what one has been told by someone else is considered hearsay and is not permitted.
- Express knowledge related to their profession, as appropriate.
- Refer questions about ethical issues (ex: confidentiality) to the judge. The lawyer calling the school staff person to court should be aware of such issues beforehand.

Dealing with Personal Feelings

Staff people working with abused children and their families may experience feelings of rage, anger, horror, sadness, pity, empathy, fear, hopelessness and helplessness. Sometimes, staff in schools can be reminded of personal experiences (ex: their own childhood, their present situation, or their own parenting style). It is important to be aware of feelings, label them, and begin to address them. No feeling is wrong or bad, it simply occurs. Dealing with personal values and feelings about child abuse and maltreatment is important to be able to address such situations in a professional and helpful manner. As needed, staff should have access to appropriate supports, such as a manager and/or a counselling service, to allow them to share and debrief.

The entire Manitoba Policy document entitled, *Reporting of Child Protection and Child Abuse- Handbook and Protocols for Manitoba Service Providers*, can be accessed at [handbook_child_protection_and_child_abuse.pdf\(gov.mb.ca\)](http://handbook_child_protection_and_child_abuse.pdf(gov.mb.ca))

**If you think a child is being harmed or neglected,
contact CFS at 1-866-345-9241.**

ST. MAURICE SCHOOL STUDENT HANDBOOK

2023-2024



St. Maurice School
1639 Pembina Highway
Winnipeg MB
R3T 2G6

Phone: (204) 453-4020 or (204) 452-2873
Fax: (204) 452-4050
website: www.stmaurice.mb.ca
email: info@stmaurice.mb.ca

Code of Conduct – Policy

(Item 7 in the K-6 Handbook; Item 62 in the 7-12 Handbook)

All people are created in the image and likeness of God and, as such, all people have the right to be treated with dignity and respect.

We believe that everyone - students, parents/guardians, teachers, staff and volunteers - has the right to be safe and feel safe in our school. With this right comes a very large responsibility: to be law-abiding citizens and to be accountable for actions that put at risk the safety of others or oneself. Violent or disrespectful behavior is contrary to our Gospel and Catholic values.

Section A

Our Code of Conduct outlines the responsibilities students, parents/guardians and staff must accept to maintain a safe, secure, positive, productive, and faith-based learning environment. Detailed descriptions are found in the school's student handbooks. The School Administrators referred to in this policy are the Principal, Vice-Principal for K-8 and Vice-Principal for 9-12. The term "parent" used throughout this policy also applies to any legal guardian of the child or to any person designated by the child's parent as being their guardian in that instance.

The Principal has disciplinary authority over the conduct of students while they are at school, over their conduct towards one another on their way to and from school, while being transported via school bus, at school sponsored activities, and to address unacceptable student conduct including bullying, cyberbullying, and abuse of a student by another.

Students and staff must behave in a respectful manner and comply with the Code of Conduct.

Expectations and Responsibilities:

Staff shall:

- create a positive faith-based learning environment where all students are accepted, feel respected and encouraged to develop self-esteem and respect
- encourage the involvement of parents in educational decisions involving their children
- operate on the premise that school, parish and home work together for the benefit of all students
- treat and discipline students with courtesy, respect, consistency, and fairness
- report incidents of bullying (including cyberbullying) to a School Administrator as soon as reasonably possible
- model behaviour in keeping with the school's Respectful Workplace Policy and its internet, social media and electronic device policies
- teach and model by positive example

St. Maurice School students are expected to conduct themselves in a manner which exhibits reverence, respect and responsibility. Students are expected to maintain a respectful attitude towards their peers, schoolmates, school staff, substitute teachers, student teachers, parent volunteers, and visitors to the school.

Students shall:

Respect the rights and safety of others by:

- developing self-discipline
- demonstrating behaviour that contributes to an orderly, supportive and safe learning environment
- respecting human differences

- complying with the school's discipline policies including rules related to dress codes, bullying and cyberbullying, etc. as described in the Student Handbook
- resolving conflicts and difficulties with others through discussion or, by seeking assistance from school personnel

Make a commitment to promote their academic success by:

- attending school regularly and punctually
- coming to class on time with all necessary materials, e.g., textbooks, pens, notebooks, etc.
- completing assignments and handing them in on time
- participating, to the best of their ability, in class and school activities

Parent(s) are encouraged and/or expected to:

- ensure regular and punctual attendance and encourage completion of all school assignments by their children
- attend school meetings and events, and support the school
- maintain open communication with staff by addressing concerns through proper lines of communication
- treat all staff with dignity and respect
- assist their children to establish positive attitudes towards achievement as well as respect for peers, school personnel and property
- monitor their children's use of social media, the internet and personal communication devices to keep them safe and ensure they are not the subject or cause of cyberbullying or other dangerous activities
- inform the school of problem areas or areas of behavioural concern
- discuss with their children and support the school's Code of Conduct and policies

Section B

Bullying, harassing, or abusing another student physically, sexually or psychologically, verbally, in writing or otherwise, is unacceptable. Bullying is behavior that is intended to cause, or should be known to cause, fear, intimidation, humiliation, distress or other forms of harm to another person's body, feelings, self-esteem, reputation, or property. It is also behavior intended to create, or should be known to create, a negative school environment for another person. Bullying takes place in a context of a real or perceived power imbalance between the people involved and is typically repeated behavior. It may be direct (face to face) or indirect (through others); it may take place through any form of expression, including written, verbal, physical, or any form of electronic communication.

Types of Harassment or Bullying may include but, are not limited to:

Physical - such as gestures, slapping, hitting, choking, poking, punching, pinching, kicking, scratching, spitting, defacing property, physical acts that are embarrassing, locking in and out of space, physical violence against family or friends, threatening with a weapon, or inflicting bodily harm.

Verbal - such as name calling, gossiping or embarrassing another, spreading rumors, ethnic slurs, setting up to take blame, taunting, teasing, threatening phone calls or text messages, threats of violence against family or friends.

Social/Relational - actions or behaviours such as rejection, exclusion, manipulating social order, setting up to humiliate in person or through the use of technology.

Cyberbullying - such as the use of information and communication technologies including e-mail, cell phone text messages, instant messaging, social media, digital cameras, defamatory personal web sites, and defamatory online personal polling websites, to support deliberate, repeated, or hostile behaviour by an individual or group that results in harm to others.

Section C

Possession or use of illegal drugs, marijuana (cannabis) or alcohol, possession of weapons or dangerous goods (including laser pointers) and gang-related activities are prohibited at St. Maurice School.

- a. Using, possessing or being under the influence of alcohol, marijuana (cannabis), or illicit drugs at school or, on school related activities - inside or outside the school - is unacceptable.
- b. Possessing a weapon, as defined in section 2 of the Criminal Code, will not be tolerated at school.
- c. Gang involvement will not be tolerated inside or outside the school.

Section D

Students and staff must adhere to school policies respecting appropriate use of computer technology, electronic mail and the Internet, including the prohibition of accessing, uploading, downloading or distributing material that the school has determined to be objectionable. Access is a privilege and not a right.

To gain access all students must obtain parental permission and must have their parent sign and return the school's Computer Acceptable Use Agreement to the school.

Section E

In order to maintain a Catholic learning environment based on the teachings of the Catholic Church, staff and students must follow the Respect for Human Dignity and Equality Policy. Discriminating with prejudice on the basis of any characteristic set out in subsection 9(2) of the Manitoba Human Rights Code is unacceptable.

Section F

Disciplinary consequences for violating the school's Code of Conduct will follow the Provincial Code of Conduct which may include, but are not limited to:

- Informal Discussion with Teacher or School Administrator
- Parental Involvement
- Formal Interview
- Withdrawal from Classroom Setting
- Removal of Privileges
- Detention
- Restitution/Compensation
- Behaviour/Performance Contract
- In-school suspension
- Out-of-school suspension
- Revoking of the student's re-registration for the next school year
- Expulsion

School Administrators and Teachers must ensure that interventions and disciplinary consequences are appropriate given the frequency and severity of the conduct and must take into account a student's state of development.

Parents/Students have the right to appeal the disciplinary consequences issued in accordance with the Grievance Procedures outlined in this Student Handbook. Concerns about more serious disciplinary consequences (suspension, revoking of re-registration, expulsion) should first be discussed with the K-6 or 7-12 Vice-Principal, as applicable. If unresolved, the student and parent(s) should approach the Principal regarding the concern. As a final measure, the student and parent(s) may request that the Board of Directors for St. Maurice School review the processes used in the determination of the consequence(s) assigned to the student. Such a request must be made in writing, addressed to the Chair of the St. Maurice School Inc. School Board, and received not more than 7 days after the meeting of the student and parent(s) with the Principal.



Guideline	CODE OF PROFESSIONAL ETHICS		
Implemented	August 2016	Updated	July 5, 2016
Date Approved			
Cross Reference	Respectful Workplace Policy, Complaint Guidelines or School Complaint Policy and School Code of Conduct Policy		

PURPOSE

The purpose of this document is to provide members of the Manitoba Catholic School community with a set of ethical principles guiding the standards of conduct that they are expected to uphold in their interactions with students, each other and the wider community. Manitoba Catholic Schools are committed to fostering the dignity, self-esteem, and integrity of every person. The provision of a safe and supportive environment is essential to ensure that all Members, and students entrusted to our care are affirmed in their dignity and worth as a person. Manitoba Catholic Schools believe that all students should develop skills in building positive relationships based on those modelled by our Members.

This Code was developed by the Manitoba Catholic Schools Office and has been approved by the Archbishops of Winnipeg and Saint Boniface for use in their respective schools.

DEFINITIONS

"Church" means the Catholic Church.

"Code" means this Code of Professional Ethics.

"Manitoba Catholic Schools" means all Catholic Schools in the Archdiocese of Winnipeg, Archdiocese of Saint Boniface and the Ukrainian Archeparchy of Winnipeg and "School" means individual Catholic Schools in Manitoba.

"Member/s" means each and all: (i) employees of any school in Manitoba, including permanent, part-time, temporary or casual employees or independent contractors and service providers, and includes all teachers, administrators, and support staff; (ii) members of the Board of Directors of each school and (iii) other volunteers who participate in activities involving a school.

Last update - July 5, 2016Z:\POLICIES & GUIDELINES\Code of Professional Ethics - G2016 (2).docx

INTRODUCTION

All Members serve in the name of the Church. Each Member undertakes to support the Catholic ethos of the

Manitoba Catholic Schools and, as a condition of his or her employment or volunteer engagement with a Manitoba Catholic School, each Member is expected to demonstrate their support for the Vision and Mission of Catholic education.

Mission and Vision of Manitoba Catholic Schools

- to teach and nurture the faith, values, traditions and beliefs of the Catholic Church;
- to assist parents as the primary educators of their children;
- to assist every child in reaching their full social, academic, emotional, and spiritual potential; ➤ to foster the development of leadership and service to others including matters of justice and peace;
- to foster respect for all human life and all of creation.

APPLICATION of the Code

This Code applies to all Members. If there is any conflict between this Code and any applicable legislation, the legislation will prevail. Any Members questions or concerns about the interpretation of this Code should be first directed to the Member's school Principal. If the interpretation cannot be clarified among the Member and School Principal, the interpretation may be referred to the Superintendent, Manitoba Catholic Schools.

This code is not intended to be and shall not be used to intimidate, coerce or threaten Members.

1. LAWS AND REASONABLE DIRECTIONS

- 1.1. Members shall not participate in any illegal activities and shall comply with all applicable federal, provincial and municipal laws in carrying out their duties and responsibilities as Members.
- 1.2. Members must comply promptly, conscientiously and effectively with all reasonable decisions and directions given by a person having authority to give such directions.
- 1.3. Members must not knowingly or deliberately impede compliance with, or implementation of, a lawful and reasonable decision or direction.
- 1.4. When making decisions or giving direction, Members must act within their legal and organizational responsibilities and delegations. Members must make what they believe to be competent decisions and give fair and reasonable guidance and directions.

2. PROFESSIONALISM AND ETHICAL CONDUCT

Last updated - July 5, 2016

- 2.1. In the course of their employment or position in the school community, Members must act in a professional and respectful way that enhances their professional reputation and the reputation of Catholic education. Members should be aware that personal conduct and lifestyle outside of normal working hours can reflect either positively or adversely on Catholic education and therefore they should act appropriately in the presence of student(s) at all times, both within and outside school hours. At all times Members should conduct themselves in a manner that does not bring Catholic education into disrepute.
- 2.2. Members must treat fellow Members, students and others within the school community with the respect and dignity that all deserve.
- 2.3. Members whose work involves interacting with students have a special responsibility to comply with duty of care requirements and not to be engaged in inappropriate behaviors which may negatively impact on them being seen as appropriate role models for those students.
- 2.4. Members must be aware of and at all times comply with the school's policies and procedures that are applicable to role and position within the Manitoba Catholic School community. Administration must make relevant information available to staff.
- 2.5. Members must uphold and comply with:
 - 2.5.1. Applicable Federal, Provincial and Municipal laws and regulations;
 - 2.5.2. Applicable agreements, professional standards and codes of practice that do not conflict with this Code or other policy of Manitoba Catholic Schools;
 - 2.5.3. This Code, Manitoba Catholic Schools and applicable archdiocesan and government directives, policies and procedures.
- 2.6. Members shall behave in ways that promote the safety, welfare and well-being of students, fellow Members and others in their school environment in accordance with relevant occupational, health and safety legislation.
- 2.7. Members must perform their work duties or volunteer responsibilities competently and responsibly, with a focus on delivering or supporting high quality educational services to students, and delivering high quality services to other internal or external Catholic education clients.
- 2.8. Members must maintain currency of their professional competence through appropriate professional development or learning experiences.
- 2.9. Dress, personal appearance and hygiene are important elements of professional presentation. Members must ensure that their personal appearance and presentation are clean, tidy and appropriate for their role in accordance with any established dress code or in its absence the local expectations of the School.
- 2.10. Members must ensure that school resources are not used improperly. These resources include financial and material resources as well as intellectual, information, system and knowledge resources and database related to the work of Catholic education.

3. INTERACTIONS WITH COLLEAGUES

- 3.1. In relation to colleagues, Members have a responsibility to:
 - 3.1.1. Build an atmosphere of collaboration, trust, mutual respect and candor;
 - 3.1.2. Recognize and respect the individual potential and talents of colleagues irrespective of race, gender, age, religion, etc.;
 - 3.1.3. Encourage openness and tolerance among colleagues;

- 3.1.4. Use constructive methods of resolving any conflict which may arise following the appropriate process as established by the school's relevant policies and procedures;
- 3.1.5. Observe the principles of justice in dealing with any complaints against colleagues;
- 3.1.6. Avoid behaviors which might reasonably be perceived as abuse, harm, harassment, bullying or intimidation in accordance with Respectful Workplace Policy;
- 3.1.7. Foster unity, harmony and cooperation in working relationships; 3.1.8. Respect the ethical professional practice of colleagues in all settings.

3.2. All Members must in first instance direct any criticism of the professional activity and related work of a colleague to that colleague in private following the School's established process. A Member shall not be considered in contravention of this article in the following circumstances:

3.2.1. When consulting with school administration

3.2.2. When taking any action that is allowed or mandated by legislation

No Member shall criticize another Member's performance to students, parents, or colleagues.

Performance evaluation is the responsibility of an Member's Principal or supervisor in accordance with School policy and should always be done in a professional manner.

3.3. Gossiping about other Members, students or their families must always be avoided.

4. RESPONSIBILITIES

4.1. All Members have a responsibility to reasonably protect others from foreseeable harm. While this applies in all aspects of a Member's work or obligations, it is particularly important for those Members who have interaction with and responsibility for students.

4.2. Teachers and Educational Assistants have additional legal and ethical duties and responsibilities towards students, including the duties not to cause harm to the student and to act in the best interest of the student, as a parent would.

4.3. All students have a basic and expected right to a physical and emotional environment that is free from unreasonable risk of harm. Harm includes any significant detrimental effect to the student's physical, psychological or emotional well-being by any cause and includes minor harm that is cumulative in nature and which would result in a detrimental effect of a significant nature to the student if allowed to continue. Amongst other things, harm can be caused by:

4.3.1. Physical, psychological or emotional abuse or neglect; or

4.3.2. Sexual abuse or exploitation; or

4.3.3. Domestic or family violence; or

4.3.4. Bullying; or

4.3.5. One's own actions.

Members are referred to the Catholic Schools Policy for the Protection of Youth and Vulnerable Adults and Provincial Legislation which lay out the reporting procedures required of Members in Manitoba Catholic Schools.

4.4. Members must actively seek to maintain a physically safe teaching and working environment in accordance with *Provincial Workplace Health and Safety* Legislation.

- 4.5. Members must take reasonable steps to prevent harm to students and to support students who have been harmed.

5. PSYCHOLOGICAL HARM

- 5.1. Members must not behave in ways that a reasonable person would consider to be offensive, intimidating, humiliating or threatening. Such conduct might include, but not be restricted to, targeting others with unfair and continued criticism; exclusion and or shunning; making excessive or unreasonable demands of others; and making any form, either oral or written (including electronic communication), of derogatory comments to students, parents, work colleagues or the general public. Should such unacceptable behavior occur, then all recipients of such behaviors have recourse to the processes contained within the school's Respectful Workplace Policy and Complaint Guidelines.

- 5.2. The following practices are unacceptable:

- 5.2.1. Intimidating a student;
- 5.2.2. Swearing at a student;
- 5.2.3. Using sarcasm to humiliate;
- 5.2.4. Criticizing a student rather than the student's actions;
- 5.2.5. Using fear or practices which instill fear as a means of controlling a student;
- 5.2.6. Exposing a student to material that contains adult concepts or themes that are inappropriate to the student's age or the relevant curriculum expectations.

6. PHYSICAL CONTACT WITH CHILDREN

- 6.1. Members must not engage in conduct that could physically harm a student and this should be noted especially in cases involving disciplinary action.
- 6.2. Corporal punishment is prohibited.
- 6.3. There may be occasions; however, where reasonable physical intervention is appropriate in order to protect students, self and others. In such a circumstance reasonable physical intervention by a Member is permitted to prevent harm or further harm to students, self and others provided that the Member seeks to avoid inflicting physical harm where possible. The physical intervention would need to be proportionate to the circumstances and reported immediately to supervisors.
- 6.4. The following practices are unacceptable:
 - 6.4.1. Using an object, such as a ruler, book, sports equipment, duster, chalk or whiteboard marker to gain a child's attention in a hostile or an inappropriate physical manner;
 - 6.4.2. Restraining a student for any purpose other than in accordance with section 6.3 above;
 - 6.4.3. Hitting or kicking a student;
 - 6.4.4. Shaking or throwing a student;
 - 6.4.5. Refusing biological necessities as a means of punishment;
 - 6.4.6. Applying painful or noxious conditions.

7. SEXUAL CONDUCT

- 7.1. Members' interactions with students and colleagues must be, and be seen to be, professional at all times.
- 7.2. Members must not sexualize a relationship with a student. To do so is a breach of trust, an abuse of authority, professional misconduct, immoral and criminal.
- 7.3. Members must not provide or exchange personal contact details such as telephone numbers or email addresses with students, unless there are specific work related reasons as authorized by the Principal. Similarly, Members must not enter into unauthorized electronic communications with students such as text, pod-casting, and chat rooms, etc.
- 7.4. The following behaviors constitute either misconduct or sexual misconduct towards students or members;
 - 7.4.1. Unwarranted and inappropriate touching
 - 7.4.2. Suggestive remarks or actions of a sexual nature
 - 7.4.3. Sexual exhibitionism
 - 7.4.4. Inappropriate conversations of a sexual nature
 - 7.4.5. Comments that express a desire to act in a sexual manner
 - 7.4.6. Deliberate exposure to sexual behavior of others including display of pornographic material
 - 7.4.7. Obscene gestures, language, jokes containing sexual references
- 7.5. The following behaviors constitute sexual misconduct relevant to students;
 - 7.5.1. Deliberately exposing students to the sexual behavior of others in any form, other than in the case of prescribed curriculum material in which sexual themes are contextual
 - 7.5.2. Flirtatious behavior directed at a student
 - 7.5.3. Dating a student
 - 7.5.4. Spending significant time alone with a student other than to perform one's professional duties, or without other reasonable explanation
 - 7.5.5. Personal correspondence (including electronic communication) with a student in respect of the adult's sexual feelings for a student or vice versa
 - 7.5.6. Expressing romantic feelings towards a student in any way.
- 7.6. Sexual misconduct can also include grooming behavior. Grooming behavior is a process whereby sexual offenders condition and build rapport with children or young persons in order to reduce their resistance to, and increase compliance with, sexual abuse. The grooming process can include:
 - 7.6.1. Misleading students by pretending that they are particularly special, for example by spending inappropriate time with students, inappropriately giving gifts, showing certain special favors to certain students but not to other students, allowing students to overstep the accepted school rules.
 - 7.6.2. Breaking of accepted school standards of behaviors for example undressing in front of students allowing students to sit on their lap, talking about sex, apparently *accidental* touching.
 - 7.6.3. Engaging in inappropriate, personalized forms of communication.
- 7.7. Members must discourage and reject any advances of a sexual nature initiated by a student. Should such a situation arise then Members must report such instances immediately to their

Principal/Principal delegate to assist in preventing repetition and avoiding subsequent allegations. Allegations will be investigated thoroughly and may involve police.

8. DISCRIMINATION AND HARASSMENT

- 8.1. Members are committed to providing workplaces free of all forms of harassment (including bullying and sexual harassment) discrimination and violence. The provisions set forth in Appendix A– Respectful Workplace Policy are incorporated into this Code.
- 8.2. Members must not discriminate against, victimize or harass any colleague, student or parent, nor discriminate in how services are provided to the community. All Members of Catholic schools have the responsibility to act fairly and evenly toward other Members, students and the general public.
- 8.3. Discrimination, victimization or harassment will not be tolerated and will be dealt with in accordance with existing policies.

9. USE OF TOBACCO, ALCOHOL, MARIJUANA OTHER DRUGS AND MEDICATION

- 9.1. Members shall comply with all applicable laws and School policies relating to the use of tobacco, alcohol, marijuana and other drugs. Without limiting these obligations, the provisions in this Article 9 shall also apply. ,
- 9.2. Members shall ensure that their use of alcohol, marijuana, and drugs, whether illicit, over-the-counter or prescribed as medication, does not adversely affect their work performance or endanger the health and safety of others.
- 9.3. The illicit use of drugs, marijuana, and alcohol at any time within a professional context, particularly in association with the supervision of students, is strictly prohibited. Any exception would have to come in the form of a letter from the Principal to supervising staff.
- 9.4. Members whose use of drugs, marijuana, or alcohol adversely affects their work performance or professionalism are encouraged to access relevant Member or other Assistance Programs.
- 9.5. Members must not provide students with tobacco, alcohol, marijuana or other illicit drugs and must not encourage or condone the illegal use of alcohol or marijuana (including underage drinking or smoking) or the excessive consumption of alcohol.
- 9.6. Members should reasonably endeavor to avoid direct social contact with students where a student's consumption of alcohol, marijuana or illicit use of drugs occurs.
- 9.7. Members must not consume or be affected by alcohol, marijuana or illicit drugs in any school related circumstances where they are responsible for students. This includes camps, retreats, excursions and other such activities.
- 9.8. Member consumption of alcohol is generally not permitted at any School organized or sponsored activity or event where students will be present such as fairs, barbecues and graduation. However, in special circumstances where School authorities have authorized the serving of alcohol, have secured applicable licenses and permits and have set aside a clearly defined area for such purposes, the limited consumption of alcohol by Members is permitted.
- 9.9. At the request of parents and with the agreement of appropriately trained Members, Members are authorized to administer prescribed medications to students in accordance with School policies and procedures. Members must not provide students with non-prescribed medications

or over-the counter drugs without the appropriate authorization of parents and School authorities.

10. ILLICIT ACTIVITY

Members must not commit fraudulent acts. In general, fraud is an act committed which, through deceit, falsehood or other such behaviors, either deprives the School of its assets, property or other resources (this includes theft), or causes the School to act to its own detriment or prejudice.

Fraud may include acts committed with the intent to deceive, involving either misappropriation of assets, property or other resources or misrepresentations of financial or other information to conceal such misappropriations, by such means as;

10.1. Manipulation, falsification or alteration of records or documents

10.2. Suppression of information, transactions or documents

10.3. Recording of transactions without substance

10.4. Misapplication of accounting principles

All members shall work in accordance with both the Board controls established to prevent fraudulent misconduct and all applicable laws, licenses, copyrights, regulations and government guidelines. All members shall exercise honesty, integrity, objectivity and diligence and shall not knowingly be a party to any fraudulent activity, including theft

11. CONFLICT OF INTEREST

11.1. A conflict of interest may exist when a Member's personal interests could interfere with the Member's duties and obligations to his or her School. Any activity involving a potential or actual conflict of interest of a Member must be disclosed by the Member to his or her Principal or Board of Directors, shall be reasonably avoided and shall not be undertaken without the express permission of the Member's Principal or Board of Directors.

11.2. In many cases only individual Members themselves will be aware of the potential for conflict. The onus therefore, is on the Member to notify the Principal or Board of Directors of a potential conflict of interest.

11.3. Members who operate a business or activity for profit for themselves or others should not use their position in the school community with students, parents, or colleagues for personal gain. Members should seek approval from the Principal or Board of Directors prior to carrying out business activities with colleagues on School premises.

11.4. Members shall not use School email distribution lists to solicit or advertise business or sales.

11.5. It is understood that situations may occur where Members are related to other Members, prospective Members, students or prospective students or have a romantic relationship with another Member or prospective Member. Where such relationships exist, then the potential for conflict of interest exists and should be disclosed.

11.6. Members who participate in the selection, granting of tenure, performance appraisal, termination or transfer of any person who is related to that Member or with whom they have, or have had, a romantic relationship should be disclosed to the Principal or Board of Directors. However, the existence of a romantic or family relationship does not constitute a bar to the employment, promotion, granting of tenure or transfer of any individual.

- 11.7. Outside employment or consulting engagements by employee Members, including tutoring, may give rise to a conflict of interest. Members should seek prior approval from the Principal before engaging in any such outside employment or engagement. For clarification, tutoring students that are currently under the assignment of the Member should be considered part of the Member's employment obligations and should not be remunerated separately.
- 11.8. The receipt of a gift by a Member from those considered as part of the broad client base of the organization (e.g. Students/families in a school setting) may present the potential for a conflict of interest.
- 11.9. Members may accept appreciation gifts (ex. Christmas/Yearend) if they are of a reasonable value that would be acceptable in the Manitoba Catholic School community.

12. PRIVACY AND CONFIDENTIALITY

- 12.1. As a Member, you may be entrusted with access to information of a confidential or sensitive nature. Such information shall only be shared on a need-to-know basis, shall remain private and shall only be shared among those authorized by the Principal, Board of Directors, or as directed by applicable legislation.
- 12.2. Members must ensure that confidential and sensitive information is handled carefully and that the integrity of such information is maintained at all times in compliance with relevant privacy legislation.
- 12.3. A Member shall not use or disclose confidential information (including contact information of Members or students) obtained during the course of his/her employment or engagement with the School for any purpose not related to the Member's employment or engagement with the School. This obligation shall survive the termination of the Member's employment or engagement with the School.

13. USE OF SCHOOL RESOURCES AND INTELLECTUAL PROPERTY RIGHTS

- 13.1. Members must ensure that all school equipment, resources, and other property are used appropriately for the work and business of the School. Members must seek permission from the Principal or Board of Directors to use school resources for private use. Limited and occasional private use of School equipment and resources is permitted without permission, providing such use does not adversely affect the performance of the Member's work or duties, or the work duties of others, or the business or reputation of the School or have a financial expense to the school. Examples of where this might occur include:
- 13.1.1. Limited, occasional and brief private telephone calls (outside of teaching times)
 - 13.1.2. Limited and occasional use of a photocopier or other office equipment
 - 13.1.3. Limited and occasional use of computers, email and internet subject to school policy on acceptable use by Members of ICT resources.
- 13.2. Members must ensure that school equipment is maintained and used in accordance with the manufacturer's requirements, and that all use is both safe and legal.
- 13.3. Members must have prior approval to use school equipment and resources off site for work purposes, and must ensure that they are safely stored and secured.
- 13.4. Members must ensure that they do not breach copyright law or licensing arrangements when copying any school property such as software, library and reference materials, or copying other materials for school use.

- 13.5. All intellectual property rights in any work product created or modified by Members in the course of their employment or engagement are owned by the School. Such work may include, without limitation, exams, tests, course outlines and curricular materials. The creator of any such work retains authorship and has the right to have his/her name on the work or to be anonymous. Members must obtain the express written consent of the School before using any such works outside of the School or after termination of the Member's employment or engagement. Copies of any such works created by Members may be retained by the School and used for various purposes and may be shared with others at the discretion of the School.
- 13.6. Members whose work duties involve purchasing or managing resources on behalf of the school must act within their delegated authority and comply with legislative requirements, local policies and procedures for the purchase, use and disposal of any school resource.

14. ELECTRONIC COMMUNICATION AND SOCIAL MEDIA

- 14.1. All Members must follow the School policies on using electronic communication and social media.
- 14.2. Except for official purposes or in accordance with School policy, Members must not use school resources, including mobile phones, the internet, electronic mail systems, or other means of electronic communication for:
- 14.2.1. Accessing, storing, or transmitting words, images or other material that are illegal, sexually explicit, violent or that a reasonable person would find offensive. (This does not include material that is part of a complaint, report or notification about alleged improper conduct of a person made in accordance with an authorized procedure.)
 - 14.2.2. Gambling
 - 14.2.3. Accessing chat lines and social media sites
 - 14.2.4. Transmitting inappropriate jokes
 - 14.2.5. Sending of inappropriate programs or mail
 - 14.2.6. What a reasonable person would see as excessive use of the internet
 - 14.2.7. Unauthorized use of the school's email distribution lists
- 14.3. All Members should maintain a sense of professionalism in their use of electronic communications and social media at all times, in their personal and professional lives. See Appendix B -

15. PROCEDURE FOR DEALING WITH ALLEGATIONS AND APPARENT BREACHES OF THE CODE OF PROFESSIONAL ETHICS

- 15.1. Alleged and actual breaches of this Code will be dealt with in accordance with the principles of procedural fairness.
- 15.2. All Members have the obligation to report any situation where there are reasonable grounds for suspecting child abuse to proper authorities as per school policy and legislation. The Principal should also be notified.

- 15.3. Each Member is encouraged to report to the Principal any knowledge of fraud, theft or other illicit activities. Each Member is encouraged to report to the Superintendent any knowledge of fraud, theft or other illicit activities that involve the Principal.
- 15.4. Potential breaches may be addressed in the content of established Complaint Policy or as detailed in other appropriate school based policies such as the Respectful Workplace Policy. Members have the option of taking an informal or formal approach to raising a concern or filing a formal complaint.
- 15.5. The administration will investigate breaches of this Code. The Board of Directors may bring in a third party to investigate formal complaints.
- 15.6. The Board of Directors will bring in a third party to investigate formal complaints involving the school Administration or members of the Board of Directors.
- 15.7. The Administration or the Board of Directors according to their responsibilities and areas of authority may apply disciplinary action or other sanctions if this Code is breached by a Member. Depending on the nature of the breach, various sanctions such as the following may be applied:
- 15.7.1. Appropriate warnings
 - 15.7.2. Counselling
 - 15.7.3. Corrective actions
 - 15.7.4. Demotion
 - 15.7.5. Suspension (with or without pay)
 - 15.7.6. Dismissal/Removal from position
 - 15.7.7. Laying of criminal charges or civil action
- 15.8. There shall be no reprisal against a Member who in good faith exercises rights under this code. Reprisal is an actual or threatened harmful act. Reprisal not only involves penalizing someone, it can also be the withholding of a benefit.
- 15.9. If it is determined that a complaint was deliberately made for frivolous or vindictive reasons, the Member making the allegation may be subject to discipline. This does not apply to complaints made in good faith but which are not proven.

This code is not intended to discourage a Member from exercising any legal right, including filing a complaint with the Manitoba Human Rights Commission or contacting the police.

APPENDIX A: Respectful Workplace Policy

1. HARASSMENT

1.1. Defining Harassment

Harassment is defined as any objectionable or offensive conduct, comment, action, gesture or display, directed at a person or a group of persons that degrades, demeans, humiliates or embarrasses and that a reasonable person should have known would be unwelcome, thus creating an uncomfortable, hostile and/or intimidating work and learning environment. It also includes an improper use of power or authority inherent in a person's position. It is behaviour that is unwelcome, vexatious, hostile, inappropriate and unwanted that:

- Threatens the health or safety of a Member.
- Endangers a Member's job or threatens the economic livelihood of the Member.
- Undermines the Member's job performance or negatively interferes with the Member's career in any other way.
- Adversely affects the Member's dignity or their psychological and/or physical integrity.
- Results in a harmful workplace for the Member.

Harassment may be a one-time event or a series of incidents and may also exist systemically as part of the work environment. Retaliatory behaviour in response to a complaint is also considered harassment.

1.2. Harassment on Human Rights Grounds

Harassment under Human Rights Law is defined as a course of offensive and unwelcome conduct or comments made on the basis of a person's:

- Age
- Ancestry, including colour and perceived race
- Ethnic background or origin
- Gender-determined characteristics or circumstances
- Marital or family status
- Nationality, national origin or citizenship
- Physical or mental disability
- Political belief, political association or political activity
- Record of offences
- Religion, creed, religious belief, religious association or religious activity
- Sex, including pregnancy, the possibility of pregnancy or circumstances related to pregnancy
- Sexual orientation
- Source of income, including funding, financial or economic status Examples of Human Rights based harassment include, but are not limited to:
- Insulting gestures, remarks, jokes, innuendoes or taunting based on any of the above prohibited grounds or about adornments and rituals associated with cultural or religious beliefs.
- Displaying racist, derogatory or offensive written or visual material.
- Racial or ethnic slurs, including racially derogatory nicknames.
- Unwelcome inquiries about a person's source of income or funding.
- Racially motivated threats, intimidation or physical force.

- Any action, verbal or physical, that expresses or promotes racial intolerance, prejudice, discord or hatred.
- Refusal to work with or cooperate with a Member or client because of any of the above prohibited grounds.
- Any action, verbal or physical, that expresses or promotes racial intolerance, prejudice, discord or hatred.

1.3. Personal and Psychological Harassment

Personal and Psychological harassment is also known as “bullying” and can include abuse of authority. This consists of abusive and unwelcome comments and behaviours or actions that offend, abuse, intimidate, humiliate, demean or cause loss of dignity to an individual and can often have the effect of interfering with a person’s work performance. Personal harassment can take place between peers and it can also take place between individuals where there is a power imbalance.

“Bullying” occurs when the behaviour criticizes or degrades an individual in a persistent manner or in the presence of others. It is abusive behaviour that makes the recipient feel upset, threatened, humiliated or vulnerable.

“Abuse of authority” harassment occurs when a person in a position of authority uses their position unreasonably and with the intent to interfere with a Member or the Member’s job through the use of humiliation, intimidation, threats or coercion.

A “person in authority” is typically someone who has the ability to influence or impact the working conditions of others.

Examples of personal and psychological (bullying) harassment include, but are not limited to:

- Written or verbal abuse, threats and/or patronizing comments that are humiliating, demeaning or threatening.
- Condescending remarks or behaviour which undermines self-respect.
- Misuse of authority such as deliberately punitive assignments.
- Reprimanding and belittling an individual publically.
- Threats to one’s employment, working conditions or personal security.
- Dismissive gesture, or comments.
- Using patronizing behaviour, language or terminology which reinforces stereotypes and undermines self-respect or adversely affects work performance or working conditions.
- Practical jokes that cause awkwardness or embarrassment, that endanger a Member’s safety or negatively affect work performance.
- Spreading rumors or gossip about another individual.
- Isolating an individual or refusing to work with an individual without justifiable reasons.
- Displaying graffiti or other material which is racist, sexist, sexually explicit, ethnic-based, offensive, degrading or derogatory.
- Unwelcomed remarks, jokes, innuendoes, or taunting about a person’s appearance, body, height, weight, attire, age, marital status, gender, ethnic background, race, religion, accent, sexual orientation or disability or any other prohibited ground.

1.4 Sexual Harassment

Sexual Harassment is defined as any type of sexually-oriented conduct, comment or gesture whether intentional or not, that is unwelcome, offensive or unsolicited and has the purpose or effect of creating a work environment that is hostile, offensive or uncomfortable. Examples of sexual harassment include, but are not limited to:

- Unwelcome sexual jokes, language, advances or propositions.
- Written or verbal abuse of a sexual nature, sexually degrading or vulgar words to describe an individual.
- The display of sexually suggestive objects, pictures, posters or cartoons.
- Unwelcome comments or taunting about an individual's body, size, attire, sex or sexual orientation.
- Inquiries or comments about a person's sex life or sexual preferences.
- Unwelcome touching, leering, whistling, brushing against the body, pinching, patting, kissing and can also include suggestive, insulting or obscene comments or gestures.
- Sexual assault.
- Demanding sexual favours in exchange for favorable reviews, assignments, promotions or continued employment or promises of the same.
- Refusing to work with or have contact with other Members because of their sex, gender or sexual orientation.

1.5 Harassment is not:

- Appropriate performance reviews, counseling, coaching or discipline by a supervisor or manager. • Day-to-day management or supervisory decisions involving work assignments, workplace assessments, and implementation of appropriate dress codes, provided they are carried out in a manner that is reasonable and not abusive.
- Physical contact necessary for the performance of the work using accepted industry standards.
- Conflict or disagreements in the workplace that are not based on one of the prohibited grounds and would reasonably be considered as acceptable within a workplace setting.
- Occasional misunderstandings, thoughtlessness or poor communications.
- Reasonable words or actions related to isolated stress or frustrations encountered in the performance of work duties.
- Consensual banter or conduct, or romantic relationships, where the people involved do not find it offensive or unwelcome and consent to what is happening.

2. DISCRIMINATION

Discrimination in the workplace is described as treating people unfairly or differently based on certain criteria identified in legislation: The Archdiocese of Winnipeg will not discriminate against any person in any aspects of employment based on a person's:

- Age
- Ancestry, including origin and perceived race
- Ethnic background or origin
- Gender-determined characteristics or circumstances
- Marital or family status
- Nationality, national origin or citizenship
- Physical or mental disability
- Political belief, political association or political activity
- Record of offences
- Religion, creed, religious belief, religious association or religious activity
- Sex, including pregnancy, the possibility of pregnancy or circumstances related to pregnancy
- Sexual orientation
- Source of income, including funding, financial or economic status

3. VIOLENCE

3.1 Defining Violence

Workplace violence is defined as the attempted or actual exercise of physical force by a person against an Member in a workplace that causes, or could cause, physical harm or injury to an Member. It also includes the threat, real or perceived, of any act of physical force or aggression. Examples of workplace violence include, but are not limited to:

- Hitting, scratching, pinching or biting.
- Throwing or slamming things.
- Swearing and the use of profane language.
- Yelling and screaming.
- Direct, conditional or veiled threats.
- Practical jokes that could cause embarrassment or physical harm or injury.
- Vandalism of personal property.
- Use of, or threat to use, a weapon.

Workplace violence can take place in the workplace itself, or outside the workplace in a situation that is somehow connected to work. This includes threatening phone calls from one Member to another at his/her home, or any kinds of verbal or written threats or violent actions against a Member's family or property.

APPENDIX B –

1 MINIMIZING RISK WHEN USING ELECTRONIC COMMUNICATIONS (including forms of Social Media) Note: Inappropriate use of electronic communication and social media can also result in a person being criminally charged and convicted of facing civil action.

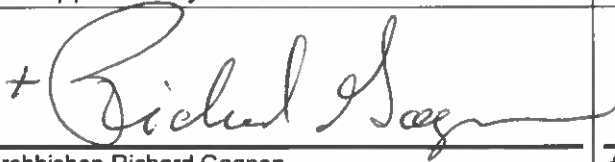

Staff should model ethical and appropriate online behaviour

- Online Do's

- Keep printed and electronic copies of all significant emails;
- Ensure students are not exposed to inappropriate material or communications;
- Avoid impulsive, inappropriate or heated comments in online discussions and ensure that your comments do not incite others to make discriminatory or other professionally unacceptable comments;
- Always maintain a formal, courteous and professional tone in communicating with pupils and ensure that professional boundaries are maintained;
- Only use official channels of communication (i.e. work email addresses) and be aware of and comply with the schools policies;
- Operate online in a way in which would not call into question your position as a professional;
- Manage your privacy settings and keep them under review. These are particularly important in regard to photos. Remember that no privacy mechanism is 100% guaranteed and that all electronic communication which may be considered illegal

- may be retrieved by police services using a production order to the communication provider;
 - Ensure your settings prohibit others from tagging you in any photos or updates without your permission. You can ask others to remove any undesirable content related to you;
 - Consider that conversations shared online may not be private. Be aware of who may have access to what you post;
 - Assume that information you post can be accessed and altered;
 - Respect the privacy and confidentiality of student information at all times;
 - Use strong passwords and change them regularly. Protect your mobile phone/smart phone/tablet/computer with a PIN, especially when in school, to protect access to its content and potential misuse;
 - Bring the matter to the attention of your employer using the proper procedures, if you are the victim of cyber bullying or are uncomfortable with comments, photos or posts made by pupils about you.
- Online Don'ts
- Do not exchange private texts, phone numbers, personal email addresses or photos of a personal nature with pupils;
 - Don't use texting to develop a rapport with students
 - Firmly decline student-initiated 'friend' requests from pupils and parents and do not initiate any yourself;
 - Do not discuss pupils, colleagues, parents or careers online or criticize your employer or others within the school community;



POLICY	Student Protection Policy		
Implemented	2011	Updated	2023
Date Approved		Dates of Amendment	
Cross Reference	<i>Field Trip Policy; Code of Professional Ethics; School Media Policy</i>		
Date approved by Board of Consultors	March 2023		
 +Archbishop Richard Gagnon Archdiocese of Winnipeg		 +Archbishop Albert LeGatt Archdiocese of St. Boniface	

POLICY STATEMENT:

Manitoba Catholic Schools are committed to fostering a safe and supportive environment for all pupils entrusted to our care. The purpose of this document is to provide members of the Manitoba Catholic Schools' community with a set of ethical principles guiding the standards of conduct that they are expected to uphold in their interactions with students.

Manitoba Catholic Schools are committed to fostering the dignity, self-esteem, and integrity of every person.

INTRODUCTION:

All members serve in the name of the Church. Each member undertakes to support the Catholic ethos of the Manitoba Catholic Schools and, as a condition of their employment or volunteer engagement with a Manitoba Catholic School, each member is expected to demonstrate their support for the Vision and Mission of Catholic education.

This policy applies to all members. If there is conflict between this policy and any applicable legislation, the legislation will prevail. Any members with questions or concerns about the interpretation of this policy should be first directed to the member's school principal. If the interpretation cannot be clarified among the member and school principal, the interpretation may be referred to the Superintendent of Manitoba Catholic Schools.

DEFINITIONS:

"Manitoba Catholic Schools" means all Catholic Schools in the Archdiocese of Winnipeg, Archdiocese of Saint Boniface, and the Ukrainian Archeparchy of Winnipeg and **"School"** means an individual Catholic school in Manitoba.

“member/s” means each and all: (i) employees of any school in Manitoba, including permanent, part-time, temporary or casual employees or independent contractors and service providers, and includes all teachers, administrators, and support members; (ii) members of the Board of Directors of each school, (iii) other volunteers who participate in any activities involving a school, and (iv) student teachers.

“boundaries” is defined as professional behaviour by members while and when interacting with or communicating with pupils. See the “behaviours” section in the content that follows for further clarification and definition of acceptable boundaries.

“intention/intentional/intentionally” means any act or outcome undertaken with express advance planning and/or purpose.

“parent/guardian” means any person who exercises parental duties and obligations over a pupil by virtue of biological, adoptive, customary, temporary ward or custody, or host family arrangement.

“property/properties” means any physical, electronic, stationary, moveable, or vehicular properties.

“pupil” means any person attending or participating in school instruction or activities inside or outside of Manitoba, subject to exceptions as laid out in the content that follows.

BOUNDARIES:

As with any relationship, boundaries are important guideposts for defining what should and should not be done, what is acceptable or not acceptable, and what promotes the best interests of all people who are in that relationship.

In the context of member-pupil relationships within and outside of school, it is very important for all members to be aware that they hold a legal position of trust and power in relation to pupils. While legal obligations may vary depending on the specific circumstances, the position of trust they have does not cease to exist when a member or a pupil leaves the school premises. It applies at all times and under all circumstances.

If ever these positions of trust and power are compromised, this would exceed the boundaries of an appropriate pupil/member relationship. An abuse and breach of power on the part of the member, a breach of their required employment duties and responsibilities, and/or a breach and betrayal of both parental/guardian and public trust, are all detrimental to our pupils and the communities we serve.

The following best practices and strong recommendations are therefore designed to ensure that acceptable boundaries remain in place at all times. By following these practices, members can work collaboratively with their school to promote acceptable and proper boundaries with all pupils.

ACCEPTABLE VS UNACCEPTABLE BEHAVIOURS:

The following best practices are particularly designed to raise further understanding of member-pupil interactions and/or communications that are, could lead to, or may be perceived as flirtatious, sexually suggestive, abusive (physical/mental) or otherwise objectively inappropriate and unacceptable. While these are not the only behaviours and boundaries that might be considered by members when interacting with pupils, they remain among the most damaging and negative if they do occur, for both pupils and for members themselves.

Members must be diligent in avoiding any conduct that is unprofessional; this is to say any act that does not represent a member-pupil interaction that is required for learning and instruction, or that could be reasonably perceived as a breach of power or trust on the part of the members by others.

Compliance with these expected behaviours is not designed to restrict or challenge members' own personal or professional freedoms. Rather, these expectations are designed to keep members themselves, their pupils, and schools safe, to minimize potential risk and harm, and to promote the proper exercise of their authority and trust under all circumstances.

EXPECTATIONS:

During school hours:

1. Members must not intentionally invite or allow a pupil(s) to visit with them at, meet them at, or conjointly and concurrently make use of a non-school or private property¹, for any purpose (including a pupil(s)' residence or property), unless
 - i. advance authorization and permission is sought from the member's immediate supervisor, and
 - ii. such authorization from the supervisor does permit for this interaction to occur.
2. Subject to 1. (ii), members who have obtained approval from their immediate supervisor must additionally seek further written approval from the pupil's parent/guardian in advance and this written approval from the pupil's parent/guardian must then be submitted by the member to their supervisor at the earliest possible time. Each school has existing parent/guardian consent or release forms for this purpose.
3. In circumstances where no parental/guardian approval or consent is required, such as in contexts:
 - i. involving pupils who are legally emancipated; or
 - ii. where notifying the pupil's parent/guardian would create potential harm or risk to the pupil; or
 - iii. where a member may be unduly limited, restricted or prohibited from exercising the full scope of their school mandated duties and responsibilities, the supervisor must carefully consider whether granting permission or approval to a member for purposes of engaging in such an interaction poses potential risk or harm to either the member or pupil. If the supervisor is reasonably satisfied that any potential risk and harm from

¹ Please see definitions above for explanation of what is included in "property".

such interaction between the member and pupil is addressed, they can then grant approval for it to occur.

4. If a member intentionally interacts with any pupil(s) according to section 1 above more than once per month, a general authorization covering all recurring interactions may be sought by the member from both their immediate supervisor as well as from the parent(s)/guardian(s) of that/those pupil(s). Schools can provide permission slips and consent forms that cover the full length of each school year, rather than on an occasional or one-time basis.

Outside of school hours (during weekends, weeknights, holiday/break periods):

1. If a member intentionally invites or allows a pupil(s) to visit with them at, meet them at, or conjointly and concurrently make use of a non-school or private property, for any purpose, including a pupil(s)' residence or property, they must only do so subject to express consent or permission of the parent/guardian of that/those pupil(s). It is critical that such consent or permission remain verifiable if interactions between a member and pupil(s) are ever called into question.
2. Interactions between members and a pupil(s) that may be unintentional– that is to say happenstance or unplanned (e.g. when either a member or pupils are acting as a private citizen in community or the neighbouring environs of the school)– remain permissible, although members should avoid any such interactions that may give rise to public perception of unprofessional conduct.
3. Interactions between a member and pupil(s), arising from relationships of established family or kinship between that member and pupil(s), remain permissible at all times, although it is strongly recommended that the parents/guardians of the pupils provide consent to such interactions.

In general (both during and outside of school hours):

1. Members only create emotional attachments with pupil(s) within the confines of a professional member-pupil relationship;
2. Members must never share or disclose information about romantic, sexual, or other types of private and/or sensitive information.
 - i. Voluntary disclosure of personal information between a member and pupils regarding a member's or pupil's personal information in context of age appropriate instruction and/or activities designed or intended to foster a supportive and caring learning environment for pupils, remains permissible.
3. Members must not give gifts to an individual pupil that are perceived to be of significant value or of a personal or intimate nature;
4. Members must not engage in any unnecessary physical contact or interactions with a pupil;
5. Members must not "single out" a particular pupil(s) for inappropriate personal attention and/or friendship beyond the usual member-pupil relationship;
 - i. "singling out" includes making comments or sharing observations concerning a pupil's appearance, dress or other physical or personal characteristics.
6. Members must not show excessive attention and/or favouritism toward a pupil(s);

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7. Members must not ask or encourage a pupil(s) to keep specific information or incidents from private from others;
 8. Members must not make or participate in unacceptable or inappropriate comments and/or jokes of a sexual or profane nature or use inappropriate language/profanity in the presence of a pupil(s);
 9. Members must not become involved with a pupil in such a way that could objectively be viewed as inappropriate or sexual behaviour;
 10. Members must not engage in inappropriate use of social media with or about a pupil(s). Follow the school social media policies and the Appendix to the Code of Professional Ethics;
 11. Members keep appropriate administrator(s) informed when a significant issue develops involving a pupil's welfare;
 12. Members must not take on the role of a surrogate parent/guardian for a pupil (even when and where this may be formally requested by child welfare authorities).²
 13. Members must not criticize the pupil's parents/guardians to the pupil or other pupils;
 14. Members must not start a personal relationship with a pupil for the purposes of a romantic relationship. Under no context or circumstance should such a relationship occur. It is an outright infringement and violation of the trust and power that defines acceptable boundaries and behaviours;
 15. When required to communicate electronically with pupils, members only do so through a school approved medium and using only a recognized school source, device or other approved technology. Such electronic communications, including through social media channels, must be for school-related reasons only and must be professional in all respects;
 16. Members must not share personal passwords, handles, names, or identifiers for social media, school or personal email addresses or other means of communication with a pupil(s);
 17. Members minimize and avoid, to the greatest extent possible, being alone in a room with a pupil at school beyond the visibility or earshot of others (for example, with the door closed and/or if other barriers block a clear public view of the room). See following section "Rule of Two".

OUTSIDE THE SCHOOL DAY

It is recognized that members or their children have intentional, amicable or happenstance interactions with other pupils and/or their families outside of school, such as those arising in the course of family, friendship, or community social functions or where there is a formal arrangement for a member to supervise, tutor or mentor a pupil in a non-school capacity. Within such relationships and during the course of such interactions, members must consult and practice all requirements outlined in the policy.

² Exigent circumstances or emergency contexts should be reviewed and approved by the member's supervisor.

Beyond such interactions, members must minimize communications with pupils outside of regular school hours, on weekends and during school breaks with the exception of school sponsored activities. For any electronic communication with a pupil(s) outside of regular school hours, on weekends, and when school is on break, it is strongly recommended that members advise the pupil's parent(s)/guardian(s) of the communication.

“RULE OF TWO”

Members are also strongly encouraged and recommended to use the **“Rule of Two”**: **having two adults present during the course of any interaction with a pupil(s), in planning for individualized or small group interactions with any pupil(s) during and outside of the school day, to protect pupils and themselves.**

The “Rule of Two” serves to protect members and pupils in potentially vulnerable situations by ensuring that more than one adult is present when members are meeting with a pupil both during and outside of the school day. Members should ensure there is at least one other person, preferably another adult, with them and the pupil at all times. If this is not possible, members must use alternative measures, such as having another pupil or member present, meeting in a public area within the school, and/or ensuring the visibility of the interaction (ie. through a window or leaving their classroom or office door open).

DUTY TO REPORT

1. If a member finds themselves in a difficult situation related to boundaries, have questions related to the conduct in this policy, or have questions on any of the recommendations outlined in this policy, they are encouraged to consult their administrator and/or superintendent.
2. When any member becomes aware of or has reason to believe that another member is violating acceptable boundaries with a pupil, the member must report the matter at the earliest possible time to their supervisor and/or superintendent. Not doing so is a violation of legal obligations on the part of every member. *The Public Schools Act, The Criminal Code of Canada, and The Child and Family Services Act* each mandate duties for members to report violations of acceptable boundaries according to the type of violation in question. Other reporting procedures or obligations on the member may also be established by a school.
3. Members must consult with their supervisor if a pupil is, or may reasonably be perceived to be, infringing upon a member's professional and/or personal boundaries, attempting to establish an inappropriate relationship, or engaging in conduct or behaviours that may compromise acceptable and appropriate member-pupil interactions.
4. Members, pupils, parents/guardians or visitors must notify a supervisor, administrator and/or superintendent, if they believe a member may have engaged in or is engaging in conduct that may violate this policy.
5. All members should review the *Manitoba Catholic Schools Code of Professional Ethics* for additional reference.

CLARIFICATION REGARDING CONSENT:

1. It is important that members understand that any sexual relationship between a pupil and members is never justified under legal definitions of consent. Quite the contrary, any person who remains in a position of trust or authority relative to a pupil of any age, commits sexual exploitation if sexual relationships occur. This includes the full spectrum of sexual contact, from kissing and touching to intercourse. In Manitoba, members working with pupils are designated "in loco parentis" under the law, meaning that they serve as temporary guardians of all pupils and are expected to act according to parental behaviour, whether or not these pupils have reached the legal "age of consent." This principle establishes a clear position of trust and authority between all members relative to pupils.
2. In terms of sexual relationships between pupils and persons not employed or volunteering in a school, sexual exploitation can also occur depending upon the context whether or not the age of the other party is the same or similar to that of the pupil.

TRAINING:

1. All members must complete a professional development program approved by the Manitoba Department of Education and the Manitoba Catholic Schools office (*Respect in Schools* and/or *Commit 2 Kids*). This training must be current to 4 years.
2. Members providing supervisions or coaching of curricular, intramural, or extra-curricular school athletics programs must further complete the *Respect in Sports* program. This training must be current to 5 years.
3. These programs provide valuable information to help all members become more aware of the variety of circumstances that occur within schools. Completion of these programs are mandated by the Province or Manitoba.

CRIMINAL RECORD WITH VULNERABLE SECTOR SEARCH AND CHILD ABUSE REGISTRY CHECKS:**Employees**

It is the responsibility of each school to require all persons offered employment of a casual, term, or permanent nature to agree to a Child Abuse Registry Check and Criminal Record Check including the Vulnerable Sector search. Employment is conditional upon the results of these checks. The Manitoba Catholic Schools office will confirm the checks for all substitute teachers on the approved list.

Volunteers

All members who have access to children and/or finances are required to agree to a Child Abuse Registry Check and Criminal Record Check including the Vulnerable Sector search. Volunteering in situations where children are present is conditional upon the results of these checks. The principal is responsible for deciding which volunteer activities or roles require Child Abuse Record Checks and/or Criminal Record Checks including the Vulnerable Sector search.

Application

Members listed on the Child Abuse Registry will not be allowed to work or volunteer in schools. Whether a criminal charge or conviction has a relevant relationship to employment or volunteer work will depend on the circumstances of the individual situation, including the nature of the record and how recent it is. The main areas of concern include: sexual/physical abuse or assault or exploitation, child pornography, family violence, violent acts, drug trafficking, fraud and financial misconduct or a chronic pattern of criminal activity. If a criminal record has been confirmed, the principal of the school in consultation with the chair of the board of directors, pastor, superintendent and other administration will determine the suitability of the member.

DECLARATIONS:

1. All Criminal Record and Child Abuse record checks must be current to 5 years.
2. The principal is responsible for ensuring that a review of member files to ensure all information is up to date is to be done annually. Copies of the checks shall be kept permanently.
3. All members must sign a copy of the *Statement of Understanding* (Appendix A) annually and submit it to the school to be placed in their personnel file.
4. A *Safe Environment and File Review Declaration Form* (Appendix B and C) is to be submitted to the Manitoba Catholic Schools office every year (to be included with FTE, staffing information, etc. that is sent at the beginning of the school year).



Appendix A: Statement of Understanding

A statement of understanding provides documentation that the member has read and understood Manitoba Catholic Schools' expectations and policies as well as pertinent local school policies. This approach is particularly recommended where contravening the policy could result in disciplinary measures.

I, _____, hereby acknowledge and declare that:

Print Name

- I confirm that I have received, read, and understood the Manitoba Catholic Schools Code of Professional Ethics
- I confirm that I have received, read, and understood the Manitoba Catholic Schools Student Protection Policy
- I confirm that I have received, read, and understood the school's Code of Conduct
- I agree to conduct my activities in accordance with these documents and understand that breaching these standards may result in disciplinary action.

Signed: _____

Date: _____



Appendix B: Safe Environment and Employee File Review Declaration Form

Date: _____ **Name of School:** _____

Declaration:

I declare that all employee files have been reviewed and that the following documents are up to date:

- Criminal Record Check including a Vulnerable Sector search (within 5 years)
- Child Abuse Registry Check (within 5 years)
- Respect in School training (within 4 years)
- Respect in Sports training for all coaches (within 5 years)
- Statement of Understanding (every year)
- Truth and Reconciliation training (one time)
- Foundations of Faith training/or equivalent programs as approved by the superintendent for teachers only (new teachers have 2 years to complete)

Name of reviewer (printed):
Signature of reviewer:
Date:
Name of Principal (printed):
Signature of Principal:
Date:

Please send this form back signed with your annual school data information to mcsadmin@archwinnipeg.ca



Appendix C: Safe Environment and Volunteer File Review Declaration Form

Date:

Name of School:

Declaration:

I declare that all volunteer files have been reviewed and that the following documents are up to date:

- Criminal Record Check including a Vulnerable Sector search for those in contact with students and/or money/school assets (within 5 years)
- Child Abuse Registry Check for those in contact with students (within 5 years)
- Respect in School training for those in contact with students (within 4 years)
- Respect in Sports training for all coaches (within 5 years)
- Statement of Understanding (every year)

Name of reviewer (printed):
Signature of reviewer:
Date:
Name of Principal (printed):
Signature of Principal:
Date:

Please send this form back signed with your annual school data information to

mcsadmin@archwinnipeg.ca