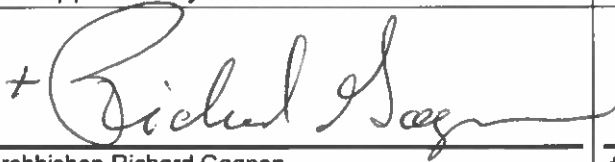





POLICY	Student Protection Policy		
Implemented	2011	Updated	2023
Date Approved		Dates of Amendment	
Cross Reference	<i>Field Trip Policy; Code of Professional Ethics; School Media Policy</i>		
Date approved by Board of Consultors	March 2023		
 +Archbishop Richard Gagnon Archdiocese of Winnipeg		 +Archbishop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