

PROTECTION OF YOUTH POLICY

Statement of Policy

This document outlines Loyola's procedures and policies to prevent, report and investigate suspected or confirmed incidents of abuse.

In developing these policies Loyola made every attempt to remain true to its mission as a Catholic Jesuit School, while focusing primarily on the protection of the safety, security, and development of every student within our community. Loyola prays that it remains a safe school where children can be children, in an environment conducive to learning, playing, achieving and serving, and growing, protected from harmful experiences and abuses.

The legal procedures pertaining to reporting a suspected incident of child abuse follow and adhere to the laws prescribed by the Quebec *Youth Protection Act*, CQLR c P-34.1 ("**Act**"). In any case of a conflict between this policy and the Act, the Act shall apply.

1. General Principles and Definitions

- 1.1. The Act directs our actions in cases of suspected child abuse and neglect. All school staff who deal with youth at Loyola will receive training so that they are familiar with the responsibilities and obligations under the Act and as outlined in this policy. One of the primary objectives of the Act is to promote the best interests, protection and well-being of children.
- 1.2. In accordance with the Act, a 'child' means any person under the age of eighteen years.
- 1.3. The Act states clearly that members of the public have an obligation to bring the situation to the attention of the Director of Youth Protection ("**DYP**") without delay whenever they suspect that the security or development of a child is or may be considered to be in danger ("**Suspicion of Abuse**").
- 1.4. For the purpose of this policy, there is a reasonable Suspicion of Abuse when the child is abandoned, neglected, subjected to psychological ill-treatment or sexual or physical abuse, or if the child has serious behavioural disturbances. These terms are defined as follows:
 - 1.4.1. "**abandonment**" refers to a situation in which a child's parents are deceased or fail to provide for the child's care, maintenance or education and those responsibilities are not assumed by another person in accordance with the child's needs;
 - 1.4.2. "**neglect**" refers to

(1) a situation in which the child's parents or the person having custody of the child do not meet the child's basic needs,

i. failing to meet the child's basic physical needs with respect to food, clothing, hygiene or lodging, taking into account their resources;

ii. failing to give the child the care required for the child's physical or mental health, or not allowing the child to receive such care; or

iii. failing to provide the child with the appropriate supervision or support, or failing to take the necessary steps to ensure that the child receives a proper education and, if applicable, that he attends school as required under the *Education Act* (chapter I-13.3) or any other applicable legislation; or

(2) a situation in which there is a serious risk that a child's parents or the person having custody of the child are not providing for the child's basic needs in the manner referred to in subparagraph 1;

1.4.3. "**psychological ill-treatment**" refers to a situation in which a child is seriously or repeatedly subjected to behaviour on the part of the child's parents or another person that could cause harm to the child, and the child's parents fail to take the necessary steps to put an end to the situation. Such behaviour includes in particular indifference, denigration, emotional rejection, excessive control, isolation, threats, exploitation, particularly if the child is forced to do work disproportionately to the child's capacity, and exposure to conjugal or domestic violence;

1.4.4. "**sexual abuse**" refers to

(1) a situation in which the child is subjected to gestures of a sexual nature by the child's parents or another person, with or without physical contact, including any form of sexual exploitation, and the child's parents fail to take the necessary steps to put an end to the situation; or

(2) a situation in which the child runs a serious risk of being subjected to gestures of a sexual nature by the child's parents or another person, with or without physical contact, including a serious risk of sexual exploitation, and the child's parents fail to take the necessary steps to put an end to the situation;

1.4.5. "**physical abuse**" refers to

(1) a situation in which the child is the victim of bodily injury or is subjected to unreasonable methods of upbringing by his parents or another person, and the child's parents fail to take the necessary steps to put an end to the situation; or

(2) a situation in which the child runs a serious risk of becoming the victim of bodily injury or being subjected to unreasonable methods of upbringing by his parents or another person, and the child's parents fail to take the necessary steps to put an end to the situation;

1.4.6. "**serious behavioural disturbance**" refers to a situation in which a child behaves in such a way as to repeatedly or seriously undermine the child's or others' physical or psychological integrity, and the child's parents fail to take the necessary steps to put an end to the situation or, if the child is 14 or over, the child objects to such steps.

1.5. In the context of our policy, any faculty or staff member must report Suspicions of Abuse to the guidance department, who, in consultation with the Principal, will coordinate a report to the DYP.

1.6. All reporting from Loyola High School to the DYP is to be done through the guidance office.

1.7. The guidance personnel will record the information and consult with the Principal who retains responsibility for the investigation, follow-up and resolution of any reported case. If the case meets the criteria of a reasonable Suspicion of Abuse, the guidance personnel will then follow up with a report to the DYP.

1.8. In some cases, the guidance personnel may have to obtain supplementary information prior to or following the report to DYP. In such cases, the Principal, in coordination with guidance personnel, may appoint an Investigative Team to obtain such supplementary information.

1.9. In every case, the action to report is guided by the primary goal of protecting and maintaining the child's safety and security; as such, action will be taken as quickly as possible, always remaining professional with the information collected and reported in order to ensure the privacy and dignity of the child are respected.

1.10. In any case where a member of the Loyola staff has concerns that a student may be subject to imminent harm, the staff member must take such actions as he or she deems necessary to ensure the student's security and immediately contact authorities.

1.11. No action for making the report shall be instituted against a person who acts in accordance with their duty to report unless the person acts maliciously or in bad faith.

1.12. Appropriate documentation shall be maintained by employees who receive a disclosure and those who report suspected child abuse.

2. Procedures for vetting employees

2.1. The first step in protecting students from abuse is to establish a careful selection and vetting process for staff, including Jesuits proposed to be assigned to the school. In engaging staff who work with students, Loyola follows the following process:

2.1.1. job descriptions are established;

2.1.2. open positions are posted to seek qualified applicants;

2.1.3. the application and selection process consists of:

2.1.3.1. request for a cover letter, CV, 3 references, university transcripts;

2.1.3.2. interview(s);

2.1.3.3. verification of references – with a specific focus on if the person has been convicted of child or sexual abuse, or any other penal or criminal offence connected with the employment and if there is any cause for concern for the person to work with children;

2.1.3.4. completion of a social media background check.

2.1.4. Criminal background checks are completed for staff who work with children.

2.2. Orientation and training, including signing off on the maintaining proper boundaries document, is completed annually.

2.3. Ongoing supervision and evaluations will be completed at least annually.

2.4. Any pending charge, court order or conviction for penal or criminal offence at any time throughout the employment relationship shall be reported to the President, who will take all necessary measures, which may include termination of employment.

For the purpose of this paragraph and paragraph 3.5, the following definitions apply:

“Criminal offence”

An offence created by a federal law to impose a sanction for grave misconduct that infringes the fundamental values of society. Laws that define criminal offences include the Criminal Code and the Controlled Drugs and Substances Act.

“Penal offence”

An offence created by a federal or provincial law to impose a sanction for conduct that harms the public interest. For example, the Employment Insurance Act include penal offences created by a federal law; the Act include penal offences created by a provincial

law. A penal offence may also result from the exercise of powers granted to municipal authorities (e.g. an offence covered by a municipal by-law).

“Pending charge”

A charge that has been laid in a case where the judicial or administrative tribunal has not yet rendered a decision.

“Court order”

A decision by a judge requiring a person to respect certain conditions, such as a surety under sections 810 and following of the Criminal Code, a probation order, an order of prohibition to drive or to possess firearms, a restitution order or an order prohibiting a person from contacting persons under the age of 14 or being in a place where such persons are likely to be encountered. This list is not comprehensive.

3. Procedures for vetting volunteers who work with students.

3.1. The application and selection process consists of:

- 3.1.1. interview(s) of the volunteer;
- 3.1.2. verification of references – with a specific focus on if the person has been convicted of child or sexual abuse, or any other penal or criminal offence connected with the volunteering or if there is any cause for concern for the person to work with children;
- 3.1.3. completion of a social media background check.

3.2. Criminal background checks are completed for volunteers who work with children.

3.3. Orientation and training, including signing off on the maintaining proper boundaries document, is completed annually.

3.4. Ongoing supervision and evaluations will be completed at least annually.

3.5. Any pending charge, court order or conviction for penal or criminal offence, as defined in paragraph 2.4, at any time through the relationship of the volunteer with Loyola shall be reported to the President, who will take all necessary measures, which may include termination of the volunteering relationship.

3.6. Volunteers working with students do so only under the direction and supervision of Loyola staff. Loyola staff will take steps to ensure that students understand the roles, responsibilities and authority of staff members as delineated from volunteers.

4. Communication and Training

4.1. Students

- 4.1.1. All Loyola students will receive training annually from the school’s guidance staff on the guidance and protective resources available to them at the school, how to recognize Suspicion of Abuse, how to report such incidents and how the school will support students in such cases.

4.1.2. Aside from describing the roles, functions, and mission of the guidance department, the guidance services counsellors will present a few case scenarios on typical reasons to seek out guidance services.

4.1.3. During this part of the presentations, the guidance services counsellors will discuss the subject of child abuse, and the protocol for reporting abuse; students will be briefed on the various types of Suspicion of Abuse.

4.1.4. Students will be taught how and why they must report any Suspicion of Abuse, to the guidance personnel.

4.1.5. Students will receive any necessary information about what happens after a report is made and will be directed to the appropriate resources if needed.

4.2. Faculty / Staff

4.2.1. All Loyola Faculty/staff will receive a briefing/training session annually on how to identify and report Suspicion of Abuse. Training will include information on the Act and how it is applied within the greater context of the Loyola community, Montreal and Quebec.

4.2.2. Staff will be trained that any adult in the school who suspects child abuse will refer the matter in accordance with this policy.

4.2.3. This policy will be available for reference in the teacher's manual and online on the Loyola High School website.

5. Reporting Procedures to be Followed in Disclosures or Suspicions of Child Abuse/Neglect

5.1. The person receiving the disclosure, upon reporting to guidance, will also, accompanied by guidance, immediately report to the Principal.

5.2. The Principal may convene an Investigative Team in order to assist him or her in ascertaining the pertinent facts concerning case.

5.3. As part of the investigation of the case, the child involved may be interviewed by the Investigative Team.

5.4. If the Investigative Team determines that it is in the child's best interest for the interview to take place without the prior knowledge of the parents, the Principal may permit an interview to take place at the school without prior parental consent. The decision is ultimately at the discretion of the Principal and is based upon confirmation from the Investigative Team that:

5.4.1.1. The Investigative Team is investigating a reported Suspicion of Abuse, with respect to that child;

5.4.1.2. The Investigative Team is of the opinion that it would be in the best interest of the child to have the interview take place at the school;

5.4.1.3. The Investigative Team intends to interview the child without the prior knowledge of, or the presence of the parents, in any event;

5.4.1.4. The Investigative Team agrees to inform the parents of the interview as soon as is reasonably possible.

5.5. Support for the student during investigation

5.5.1. Generally, interviews with students should only be conducted by members of the Investigative Team.

5.5.2. If a child requests that a support person be in the room during the interview, the Investigative Team may agree provided they deem it to be in the best interest of the child.

5.6. Following the investigation and with the findings of the Investigative Team, the guidance counsellor will consult with the Principal and contact DYP to file a report if necessary.

5.7. Follow up support and counselling can be offered to the child and family if appropriate.

6. Procedures to be Followed When the Alleged Abuser is a Loyola High School Employee or volunteer.

6.1. The person receiving the disclosure, upon reporting to guidance, will also, accompanied by guidance, immediately report to the Principal.

6.2. If the alleged abuser is the school Principal, the employee suspecting the abuse shall report to the guidance department and the President.

6.3. The Principal will immediately notify the appropriate supervisory officer, the President and the Chair of the Board that a case of suspected abuse by an employee or volunteer is currently being investigated.

6.4. The Principal may convene an Investigative Team in order to assist him or her in ascertaining the pertinent facts concerning case.

- 6.5. Upon notice of an allegation of Suspicion of Abuse against an employee or volunteer, which the President, Principal or his/her designate believes is serious, the employee or volunteer shall immediately be removed from any contact with students.
- 6.6. Under no circumstances shall the implicated staff member or volunteer be contacted regarding allegations or disclosures until specific instructions are received from the Principal. This procedure is designed to secure the safety of the students, to ensure that the rights of the victim and the alleged abuser are protected, and to prevent possible destruction of evidence or flight by the alleged abuser.
- 6.7. Following an initial fact-finding investigation, if there is reasonable Suspicion of Abuse, a report to the DYP will be made without delay.
- 6.8. After a report has been made, the Principal will be responsible for notifying the parents/guardians of the students.
- 6.9. Once a disclosure has been made, the disclosing student will not be questioned by any other staff, nor shall any other enquiries be made until directions are received from the Investigative Team.
- 6.10. Follow-up support and counselling can be offered to the child and family if appropriate.

7. Annual Reporting and Board Certification of Procedures

- 7.1. **Annual Review.** By November 30 of each year, the President will prepare and present a report to the Board of Governors
 - 7.1.1. summarizing the number of reports under this policy and the outcomes of such cases, both those involving students and those involving staff; and
 - 7.1.2. including a discussion on key learning and proposals for future strengthening of Loyola's policy and procedures.
- 7.2. **Annual Certification.** By December 31st of each year, the President will provide the board with a written, signed certification that the procedures described in this document have been fully complied with:
 - 7.2.1. that all employees and volunteers engaged by the school were vetted according to the procedures described in sections 2 and 3;
 - 7.2.2. that all students, as well as staff and volunteers have been trained in the past year in accordance with the procedures described in section 4.

Approved: September 21, 2020