
ST. MICHAEL'S COLLEGE SCHOOL
("ST. MICHAEL'S")

CHILD PROTECTION POLICY
FOR OPERATIONS AT ALL LOCATIONS OF ST. MICHAEL'S

Board Approval dated the 17th day of June, 2013

CHILD PROTECTION POLICY FOR ST. MICHAEL'S COLLEGE SCHOOL

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CHILD PROTECTION POLICY FOR ST. MICHAEL'S COLLEGE SCHOOL

SECTION I DEFINITIONS, STATEMENT OF COMMITMENT AND STATEMENT OF PRINCIPLE

1.01 Definitions

In this policy document ("Policy"), the following terms shall have the following meanings. Where relevant legislation defines a like term, the legislated definition shall apply:

"Accused" shall mean a person against whom a Complaint of Child Abuse and/or Sexual Exploitation of a Child is made pursuant to the terms of this Policy;

"Act" shall mean the Ontario *Child and Family Services Act, R.S.O. 1990, c. C.11* or any successor legislation;

"Adult" shall mean a person who is aged 18 years of age or older;

"Board of Directors" shall mean the board of directors for St. Michael's as defined in the general operating by-law for St. Michael's;

"Child(ren)" shall mean a person or persons, of either sex who is or appears to be under the age of 16; and any person subject to a child protection order who is 16 or 17 years of age, with respect to the Child Abuse provisions of this Policy, and a person or persons, of either sex who is/are between 16 and 18 years of age with respect to the Sexual Exploitation provisions of this Policy. Throughout this Policy, the terms Child(ren) and Student may be used interchangeably to mean the same person.

"Child Abuse" for the purposes of this Policy includes physical abuse, sexual abuse, neglect/failure to provide, and emotional maltreatment;

- (a) Physical abuse is the deliberate application of force to any part of a Child's body, which results or may result in a non-accidental injury. Physical abuse may include shaking, choking, biting, kicking, burning, poisoning, holding a child under water, or any other harmful or dangerous use of force or restraint.

- (b) Sexual abuse occurs when an adult or youth uses a Child for sexual purposes. Sexual abuse includes fondling, intercourse, incest, sodomy, exhibitionism, and commercial exploitation through prostitution or the production of pornographic materials.
- (c) Neglect/failure to provide occurs when a Child's Parent(s)/Guardian(s) or caregivers do not provide the requisite attention to the Child's emotional, psychological, or physical development.
- (d) Emotional maltreatment involves acts or omissions by Parent(s)/Guardian(s) or caregivers that cause or could cause serious behavioural, cognitive, emotional, or mental disorders. Emotional maltreatment can include verbal threats, socially isolating a Child, intimidation, exploitation, terrorizing, or routinely making unreasonable demands on a Child.

“Child in Need of Protection” shall have the meaning prescribed in s. 37(2) of the Act, and mean for the purposes of this Policy, a Child that is being physically, sexually, or emotionally abused and/or neglected by Parent(s)/Guardian(s), or any other person or is in danger of being physically, sexually, or emotionally abused and or neglected by a Parent(s)/Guardian(s), or any other person. A Child that is suffering from Child Abuse and/or Sexual Exploitation as defined in this Policy is a Child in Need of Protection;

“Children’s Aid Society” shall mean the Children’s Aid Society of Toronto;

“Complainant” shall mean a Child or person who makes a Complaint of Child Abuse and/or Sexual Exploitation under this Policy;

“Complaint” shall mean formal or informal allegations of Child Abuse and/or Sexual Exploitation;

“Consent” shall mean non-coercive agreement or willingness to participate. For greater certainty, meaningful consent cannot be given by a Child under 16 years of age to engage in sexual activity with any Adult. In addition, meaningful consent **cannot** be given by a Child **under the age of 18 years** of age to engage in sexual activity with an Adult as a result of the relationship that exists between them;

“Employees” shall mean all full-time and part-time employees of St. Michael’s, and all full-time and part-time contractors of St. Michael’s who are deemed to be employees for purposes of the *Income Tax Act* (Canada), where applicable;

“Internal Determination” shall mean the finding from the review conducted by St. Michael’s, undertaken in relation to a Complaint of Child Abuse and/or Sexual Exploitation. The remedies and/or sanctions which may be imposed against the Accused as part of the Internal Determination may include, but are not limited to, suspension with or without pay, or termination for cause for Employees, depending on the seriousness and nature of the Complaint. The remedies and/or sanctions to be imposed by the Board of Directors where appropriate shall be in their sole discretion;

“Investigation” shall mean the act of the Police or the Child Protection Authority receiving written statements from the Child, the Accused and any witnesses in relation to any allegations of Child Abuse and/or Sexual Exploitation;

“Law” refers to the legislation governing Child Abuse and Sexual Exploitation relevant and applicable in the jurisdiction where St. Michael’s is located;

“Member” shall mean the directors, officers, administrators, teachers, teacher assistants, school counselors, employees, volunteers and/or any other persons who perform duties, either on a paid or volunteer basis, or on a full-time or part-time basis, for St. Michael’s;

“Parents/Guardians” shall mean the father and the mother of a Child or, where applicable, any other person acting as the person having lawful parental authority as a guardian;

“Policy” shall mean the guidelines and procedures described herein which are designed to guide and determine the present and future conduct and decisions of all Members who have contact with Children as part of any operations or activities of St. Michael’s;

“Potential Member” shall mean a person who has submitted an application to become a Member of St. Michael’s, either in a paid or volunteer capacity, on a full or part time basis;

“Principal” shall mean the Principal at St. Michael’s or his designate(s);

“Sexual Exploitation” shall mean, in accordance with the Criminal Code of Canada, sexual contact or invitation to sexual contact by a Member to a Child, or by anyone in a position of authority, trust or power over that Child, whether or not the Child has consented. Sexual Exploitation may include, but is not limited to, permitting, encouraging or requiring a Child to engage in any of the following activities if they occur between a Member and a Child:

- (a) using or engaging in sexually provocative language, acts or conduct towards a Child;
- (b) writing sexually lurid, provocative or suggestive correspondence to a Child;
- (c) rough-housing or engaging in conduct which involves physical contact with a Child and which is sexually suggestive in nature;
- (d) kissing, fondling, caressing, patting or pinching a Child;
- (e) engaging in sexual intercourse or other sexual conduct designed to sexually stimulate either the Individual or the Child or both;
- (f) using sexual remarks, jokes, innuendo or taunting about a Child’s body or sexual orientation;
- (g) uttering, either verbally or in writing, invitations, requests or sexually suggestive remarks;
- (h) leering or engaging in other sexually suggestive activities;

- (i) displaying pornographic or sexually suggestive material to a Child; or
- (j) developing or attempting to develop a sexual relationship between an Individual and a Child;
- (k) conduct of a sexual nature for the stimulation, gratification, profit and self interest of a Member who is in a position of trust or authority or with whom the Child is in a relationship of dependency;
- (l) prostitution;
- (m) production of material of a pornographic nature.

“Student” shall mean an enrolled student of St. Michael’s College School;

“Visitor” shall mean a person who is not a Member, but who is invited or permitted upon the property, grounds or facilities of St. Michael’s College School for educational, social, religious or other purposes as sanctioned by St. Michael’s College School.

1.02 Statement of Principles

The following are the principles of St. Michael’s concerning the protection of Children:

- (a) St. Michael’s will not tolerate any form of Child Abuse or Sexual Exploitation involving its Members and will respond to allegations of Child Abuse of Children or Sexual Exploitation of Children who are enrolled as Students at St. Michael’s in a swift and compassionate manner in accordance with the terms and conditions of this Policy;
- (b) Members shall respect the relationship of trust that exists between themselves and the Children under their care. Any Abuse or Sexual Exploitation of a Child by a Member will be considered a breach of that relationship, regardless of whether the Child allegedly consents to the conduct of the Member;
- (c) Members shall take full responsibility over their relationships with Children. Members shall carry out their obligations toward Children in an appropriate manner that does not include sexual innuendo, activities or sexual relationships of any sort whatsoever; and
- (d) St. Michael’s reserves the right to take all steps deemed necessary to ensure the continuing physical and emotional integrity and well being of Children who are enrolled as Students at St. Michael’s, which steps may include contacting the appropriate authorities which may include the police.

1.03 Policy Objective

This Policy applies to all Members as defined in this Policy, as well as to all of St. Michael’s operations and locations. To ensure the integrity, safety and reputation of Potential Members and Members, this Policy establishes and describes St. Michael’s’ guidelines and procedures for the protection of Children, the prevention of Child Abuse and Sexual Exploitation, and outlines the

processes to be followed in addressing the possible concerns related to Child Abuse and Sexual Exploitation as defined in this Policy. As part of creating and maintaining a safe environment for Children, the Policy herein:

- (a) mandates screening procedures for all Potential Members expected to be in contact with Children, and or involved in work with Children;
- (b) outlines the obligations and procedures to be followed in investigating or reporting knowledge of, reasonable belief or allegations as to occurrences of Child Abuse and/or Sexual Exploitation of the Children enrolled as Students at St. Michael's.

1.04 Implementation, Monitoring and Review

The implementation and monitoring the Policy will be the responsibility of the Principal or the Principal's designate. This Policy will be reviewed at regular intervals, which intervals will be determined by St. Michael's from time to time, with such intervals to be at least every three (3) years.

SECTION II **CHILD PROTECTION IN ONTARIO**

2.01 Relevant Applicable Legislation for Child Protection in the Province of Ontario

Relevant Applicable Code and Legislation in the Province of Ontario that effects this Policy includes but is not limited to the following:

- (i) *Child and Family Services Act*, R.S.O. 1990, c. C.11 (the "Act")
- (ii) *Criminal Code* [R.S. 1985, c. C-46] (the "Criminal Code")

This Policy complies with and endorses the child protection principles that are outlined in the Act and the Criminal Code. Some of these principles are outlined below.

In Ontario, the primary child protection legislation is the Act. The Act prescribes the policies, procedures and standards that will apply in ensuring that Children within the Province are protected. The Act also prescribes the duties and responsibilities that are placed on the general public to report instances or suspicions that a Child is in Need of Protection.

Under the Act, and for the purposes of Child protection, a "Child" is defined as a person under the age of sixteen unless the "Child" is subject to a Child protection order, in which case a Child is defined as any person who is 16 or 17 years of age.

All persons have a duty to report when a Child is in need of Protection. This means that, the duty to report a Child in need of Protection applies to any Child who is, or appears to be under the age of sixteen. The duty to report also applies to a Child who is subject to a Child protection order who is 16 or 17 years of age.

Under Ontario Law, a Child that is suffering from Child Abuse or that is exploited is a Child in Need of Protection, as defined under the Act. Under Section 37 (2) of the Act, a Child is in need of Protection where:

1. The Child has suffered physical harm, inflicted by the person having charge of the Child or caused by or resulting from that person's,
 - (a) failure to adequately care for, provide for, supervise or protect the Child, or
 - (b) pattern of neglect in caring for, providing for, supervising or protecting the Child.
2. There is a risk that the Child is likely to suffer physical harm inflicted by the person having charge of the Child or caused by or resulting from that person's,
 - (a) failure to adequately care for, provide for, supervise or protect the Child, or
 - (b) pattern of neglect in caring for, providing for, supervising or protecting the Child.
3. The Child has been sexually molested or sexually exploited, by the person having charge of the Child or by another person where the person having charge of the Child knows or should know of the possibility of sexual molestation or sexual exploitation and fails to protect the Child.
4. There is a risk that the Child is likely to be sexually molested or sexually exploited as described in paragraph 3.
5. The Child requires medical treatment to cure, prevent or alleviate physical harm or suffering and the Child's Parent/Guardian or the person having charge of the Child does not provide, or refuses or is unavailable or unable to consent to, the treatment.
6. The Child has suffered emotional harm, demonstrated by serious,
 - (a) anxiety,
 - (b) depression,
 - (c) withdrawal,
 - (d) self-destructive or aggressive behaviour, or
 - (e) delayed development,and there are reasonable grounds to believe that the emotional harm suffered by the Child results from the actions, failure to act or pattern of neglect on the part of the Child's Parent/Guardian or the person having charge of the Child.
7. The Child has suffered emotional harm of the kind described in subparagraphs (a), (b), (c), (d) or (e) of paragraph 6 and the Child's Parent/Guardian or the person having charge of the Child does not provide, or refuses or is unavailable or unable to consent to, services or treatment to remedy or alleviate the harm.
8. There is a risk that the Child is likely to suffer emotional harm of the kind described in subparagraphs (a), (b), (c), (d) or (e) of paragraph 6 resulting from the actions, failure to

act or pattern of neglect on the part of the Child's Parent/Guardian or the person having charge of the Child.

9. There is a risk that the Child is likely to suffer emotional harm of the kind described in subparagraphs (a), (b), (c), (d) or (e) of paragraph 6 and that the Child's Parent/Guardian or the person having charge of the Child does not provide, or refuses or is unavailable or unable to consent to, services or treatment to prevent the harm.
10. The Child suffers from a mental, emotional or developmental condition that, if not remedied, could seriously impair the Child's development and the Child's Parent/Guardian or the person having charge of the Child does not provide, or refuses or is unavailable or unable to consent to, treatment to remedy or alleviate the condition.
11. The Child has been abandoned, the Child's Parent/Guardian has died or is unavailable to exercise his or her custodial rights over the Child and has not made adequate provision for the Child's care and custody, or the Child is in a residential placement and the Parent/Guardian refuses or is unable or unwilling to resume the Child's care and custody.
12. The Child is less than 12 years old and has killed or seriously injured another person or caused serious damage to another person's property, and services or treatment are necessary to prevent a recurrence and the Child's Parent/Guardian or the person having charge of the Child does not provide, or refuses or is unavailable or unable to consent to, those services or treatment. The Child is less than 12 years old and has on more than one occasion injured another person or caused loss or damage to another person's property, with the encouragement of the person having charge of the Child or because of that person's failure or inability to supervise the Child adequately.

In addition to the Act, the *Criminal Code* prohibits:

- (a) any sexual activity between an Adult and a Child under the age of 16 – a Child under 16 is incapable in law of consenting to sexual activity with an Adult;
- (b) any sexual activity between an Adult in a position of trust or authority towards a Child between the ages of 16 and 18 years;
- (c) any sexual activity without the consent of a Child of any age; and
- (d) use of Children in prostitution and pornography.

SECTION III
LEGAL OBLIGATIONS, CHILD PROTECTION POLICIES AND PROCEDURES
APPLICABLE TO ALL CHILDREN

3.01 Policy, Procedure and Legal Obligations as it Relates to Reporting Child Abuse and Sexual Exploitation

(a) Duty to Report

Generally, reporting when a Child is in Need of Protection is the duty of all persons in the Province including members of the public, Parents/Guardians, family members, caregivers, service providers, police, priests, ministers and religious leaders, health care providers and teachers.

(b) Who to Inform

- (i) The Act imposes a duty on any person who suspects on reasonable grounds that a Child is or may be In Need of Protection to report this suspicion and the information upon which the belief is based to the Children's Aid Society ("CAS"). Where a Member reasonably suspects that a Child is or may be In Need of Protection, it is the legal obligation of the Member to report this suspicion to the CAS. St. Michael's stresses that this obligation is not only a legal one but is also a moral one in keeping with Christian values. Pursuant to their legal and moral obligations, Members shall report suspected Child Abuse or Sexual Exploitation to both the CAS and the Principal of St. Michael's. The local office of the CAS is located at 30 Isabella Street, Toronto, ON M4Y 1N1 and their 24-hour telephone number is: 416-924-4646.
- (i) In emergencies, Members are encouraged to immediately contact the local Police department. The contact information for the local Toronto Police Services office is 13th Division, 1435 Eglinton Av. W., Toronto, ON, M6C 3Z4 and their telephone number is 416-808-1300 or 911.
- (ii) In addition to their legal reporting obligations, Members are directed to promptly report the Child Abuse and/or Sexual Exploitation to the Principal or his designate where appropriate, in order to ensure that St. Michael's can take all reasonable and appropriate steps to limit the Child Abuse or Sexual Exploitation and the threat posed by the Accused if the Accused is a Member who has access to St. Michael's facilities or participates in St. Michael's activities.
- (iii) Members are required, where appropriate, to keep the Principal, or his designate where appropriate, fully informed of any investigation they may be involved in arising from the reporting of Child Abuse or Sexual Exploitation, unless they are otherwise directed not to do so by a criminal or civil authority of competent jurisdiction, such as an investigating police force or the CAS.
- (iv) The Act expressly provides that persons who perform professional or official duties with respect to Children, including a teacher or a religious official, such as a priest, a

rabbi and a member of the clergy, will be guilty of an offence if s/he contravenes the reporting obligations by failing to report suspicions of Child Abuse or Sexual Exploitation.

- (v) Any professional or official including those named above, who fails to report a suspicion that a Child is in Need of Protection based on knowledge obtained in the course of professional or official duties is liable on conviction to a fine of up to \$1,000.
 - (vi) Members do not need to be sure that a Child is suffering Child Abuse and/or Sexual Exploitation in order to make a report of Child Abuse or Sexual Exploitation to the CAS. If Members are unsure about possible Child Abuse or Sexual Exploitation, then they are directed to err on the side of caution and immediately report their concerns to the CAS.
 - (vii) The obligation to report Child Abuse or Sexual Exploitation is ongoing. In such cases Members must report any additional grounds that they might have to suspect that a Child is suffering Child Abuse or Sexual Exploitation.
 - (viii) The legal duty to report overrides any duty of confidentiality, except a solicitor-client relationship.
- (c) Content of Report

Without limiting the generality of the forgoing, a report made to the CAS shall include the following:

- (i) all the information in the possession of the person making the report which allows the Child to be identified;
- (ii) the name and address of the Child's Parents/Guardians, if known; and
- (iii) all the information the person making the report has concerning the Child's situation, and a clear description of the facts that lead the person making the report to believe that the Child is In Need of Protection.

3.02 Sanctions Following an Allegation of Child Abuse or Sexual Exploitation

- (a) If a report of Child Abuse or Sexual Exploitation (the "Complaint") is made against a Member, then the Member shall be immediately suspended from performing any services, duties for St. Michael's (with pay, if applicable). The suspension of the Member will remain in effect until the Member is exonerated from any criminal charges arising from the Complaint, or any Investigation commenced by the CAS and/or the police or the CAS have completed an Investigation and concluded that the Complaint did not occur. Under these circumstances, the suspension will end and the Member will be entitled to return to performing his or her pre-suspension services or duties.
- (b) If a Member is convicted in a criminal court of Child Abuse or Sexual Exploitation or pleads guilty to some lesser and included offense arising from the Child Abuse or Sexual

Exploitation then the Member shall be immediately terminated with cause from his or her services and duties with St. Michael's.

- (c) Regardless of whether a Member is suspended or terminated, such Member shall not enter onto St. Michael's property and shall not take part in St. Michael's teaching programs or extra-curricular activities during the suspension period or following termination, and will not have any contact, either directly or indirectly, with any Student.
- (d) Upon learning of a Complaint, the Principal's designate, where appropriate, shall notify St. Michael's insurance provider of the Complaint.
- (e) If, as a result of an Investigation by the CAS, or the police, a determination is made that Child Abuse or Sexual Exploitation has occurred, but no criminal charges are laid against the Accused, or if the CAS, or police, are satisfied that the risk of further Child Abuse or Sexual Exploitation by the Accused has been addressed and the CAS, or the police, determines that no further action will be taken by it against the Accused, then St. Michael's will investigate the report of Child Abuse or Sexual Exploitation itself (the "Internal Determination") if it is deemed necessary to ensure the ongoing safety of its Students. The Internal Determination will be undertaken by two Members ("Investigators") appointed by the Principal for the purpose of the Internal Determination.
- (f) As part of the Internal Determination, the Accused will be interviewed by the Investigators to determine the risk of further or ongoing Child Abuse or Sexual Exploitation posed by the Accused to the Students of St. Michael's. The interview will be reduced to writing. As part of the Interview, the Accused will be required to complete a new Application Form that is attached to this Policy as Schedule "A" and to make full and complete disclosure as required thereunder. If the Accused fails to complete a new Application Form, provides false or misleading information, or fails to disclose any relevant information thereunder, then the Accused shall be immediately thereafter terminated with cause from his or her responsibilities with St. Michael's and will be banned from the property, facilities and functions of St. Michael's.
- (g) Further, as part of the Internal Determination, such witnesses, family members, Members and Students as are deemed necessary by the Investigators will be interviewed, and the interviews will be reduced to writing.
- (h) At the completion of the Internal Determination, the Principal shall convene a special meeting of the Board of Directors of St. Michael's on seven (7) days' notice in writing to the Accused. The Board of Directors shall meet with the Accused in camera and will discuss the Internal Determination and its findings with the Accused. At the conclusion of the meeting, the Board of Directors shall render its decision as to whether further disciplinary measures will be taken by St. Michael's against the Accused. Such disciplinary measures may include, but are not limited to, the following:
 - (i) requiring counseling;
 - (ii) requiring therapeutic treatment;
 - (iii) suspension (with or without pay as determined by St. Michael's);

- (iv) reallocation of duties;
 - (v) restrictions upon contact with the Students of St. Michael's;
 - (vi) restrictions from access to certain property of St. Michael's, such as change rooms and washrooms;
 - (vii) termination (with or without notice, as determined by St. Michael's);
 - (viii) permanent ban from the property and facilities of St. Michael's; and/or
 - (ix) making a further report to the CAS, or the police, if it is felt that there is evidence of Child Abuse, or Sexual Exploitation that did not form the basis of the original Complaint against the Member accused.
- (i) The decision of the Board of Directors shall be final and not open to appeal.
 - (j) Pursuant to section 3.02(a) of this Policy, the suspension of the Accused shall remain in effect until the decision of the Board of Directors is delivered pursuant to section 3.02(a) of this Policy.
 - (k) St. Michael's shall maintain the strictest confidentiality over the records of the Internal Determination, the meeting between the Board of Directors and the Accused, and the decision of the Board of Directors respecting disciplinary measures ("Records"). A record of the Complaint, the Investigation and the Internal Determination shall be kept in the records of the Child and Accused to be maintained in accordance with the privacy and confidentiality policies of St. Michael's. The Records shall only be disclosed as required by law and shall be permanently maintained in the employment file of the Accused with St. Michael's.
 - (l) Subject to the legal reporting requirements referred to herein, where a Member who is subject to a Collective Bargaining Agreement is alleged to have committed Child Abuse or Sexual Exploitation then the terms of the Collective Bargaining Agreement respecting discipline of the said Member shall be applicable and shall supersede the terms of this Policy, where the terms of this Policy and the Collective Agreement conflict.

3.03 If a Visitor is Alleged to Have Committed Child Abuse or Sexual Exploitation

- (a) If a report of Child Abuse or Sexual Exploitation is made against a Visitor, then the Visitor shall be immediately barred from entering onto St. Michael's property and shall not take part in St. Michael's teaching programs or extra-curricular activities, and will not have any contact, either directly or indirectly, with any student on St. Michael's property.
- (b) The suspension described in section 3.03(a) is for the protection of the Students of St. Michael's. St. Michael's reserves the right to maintain the suspension for an indefinite period until satisfied that the suspension is no longer required.
- (c) Any Member receiving a report of Child Abuse or Sexual Exploitation by a Visitor shall report same in accordance with the legal requirement as set out in section, 3.02(a) above.

3.04 Incident Report Forms

All Members, who receive a Child Abuse and/or Sexual Exploitation Complaint, shall complete a Child Abuse and/or Sexual Exploitation Concern Form attached as Schedule “C” to this Policy. Copies of the Completed Child Abuse Concern Form shall be kept in the records of the Student and Accused to be maintained by St. Michael’s.

Individuals who file an Abuse/Sexual Exploitation report with the caseworker or police or other external source as outlined in this Policy shall complete an Incident Report Form attached as Schedule “D” to this Policy. Copies of the Completed Child Abuse and/or Sexual Exploitation Incident Form shall be kept in the records of the Student and Accused to be maintained by St. Michael’s.

SECTION IV **MEMBER DISCLOSURE REQUIREMENTS**

4.01 Member Disclosure Requirements

- (a) All Members of St. Michael’s and all Potential Members wishing to work for St. Michael’s shall be required to complete the Application Form which is attached as Schedule “A” to this Policy. Completion of the Form is mandatory. Further, all Members and Potential Members shall complete a Police Service Information Check Form which is attached as Schedule “B” to this Policy. In this Policy, the Application Form and the Police Service Information Check Form will be collectively referred to as the “Forms”.
- (b) If a Member of St. Michael’s does not complete the Forms or does not disclose a conviction or any other relevant information requested in the Forms, this may lead to the termination of the Member for cause or other less severe disciplinary measures, which disciplinary measures shall be determined by the Principal in his sole discretion.
- (c) If a Potential Member does not complete the Forms or does not disclose a conviction or any other relevant information requested in the Forms, this may lead to the Potential Member being denied appointment to the position he or she has applied for.
- (d) The information provided by the Member or the Potential Member in the Forms shall be treated as strictly confidential. The person designated by St. Michael’s to review the Forms and/or the Principal of St. Michael’s will be the only persons to see the Forms. No information in the Forms will be disclosed except where there is a legal duty to do so or where disclosure is required to ensure the continuing safety of a Child from Child Abuse or Sexual Exploitation.
- (e) Members may be required to complete new Forms from time to time. Failure to complete new Forms as required may lead to the sanctions outlined above in section 4.01(b) of this Policy.
- (f) All Potential Members will be subject to an interview with the Board of Directors of St. Michael’s, or its representative(s).

- (g) All Potential Members shall be advised by the Principal or Controller of St. Michael's if they have been accepted for employment with St. Michael's.
- (h) All applications of Potential Members shall be kept on record by St. Michael's for a period of three (3) years after the application is submitted by the Potential Member.

SECTION V
ACKNOWLEDGEMENT OF THE POLICY BY POTENTIAL MEMBER

5.01 Acknowledgment

Each Potential Member shall be required to sign an acknowledgment in the form attached as Schedule "E" to this Policy. In that regard, each Potential Member agrees to comply with the Policy and understands that disciplinary action will be taken against anyone found guilty of Child Abuse and/or Sexual Exploitation.

SECTION VI
SCHEDULES TO THE POLICY

The following schedules attached to this Policy shall, for all purposes of this Policy, form an integral part of it:

Schedule "A" – **APPLICATION FORM FOR POTENTIAL MEMBERS**

Schedule "B" – **POLICE SERVICE INFORMATION CHECK**

Schedule "C" – **SUSPECTED CHILD ABUSE AND/OR SEXUAL EXPLOITATION
CONCERN FORM**

Schedule "D" – **SUSPECTED CHILD ABUSE AND/OR SEXUAL EXPLOITATION
INCIDENT REPORT FORM**

Schedule "E" – **POTENTIAL MEMBER'S ACKNOWLEDGMENT**

SCHEDULE "A"
APPLICATION FORM FOR POTENTIAL MEMBERS

ST. MICHAEL'S COLLEGE SCHOOL

A. PURPOSE

This Application Form (the "Form") is to be completed by all directors, officers, administrators, teachers, teacher assistants, school counselors, employees, volunteers and/or persons who perform duties, either on a paid or volunteer basis, or on a full time or part time basis for St. Michael's College School ("St. Michael's").

St. Michael's has a spiritual, moral and legal obligation to provide a safe and secure learning environment for children who are students enrolled at St. Michael's. To this end, this Form is intended to assist in ensuring that obligation is met.

This Form is an integral part of the Child Protection Policy of St. Michael's (the "Policy"). Please thoroughly review the Policy and ensure that you understand the consequences which will arise from your failure to complete this Form or from your inclusion of any misleading information in it. If you have any questions regarding the Form, please direct those questions to the person who has supplied you with the Form. If such person is unable to answer your question(s) then please contact the Principal of St. Michael's.

The information which is provided in this Form will be considered **STRICTLY CONFIDENTIAL AND WILL ONLY BE RELEASED AS REQUIRED BY LAW.**

B. PERSONAL BACKGROUND

Full Name _____

Address _____

Telephone _____

Do you have a criminal record or have you ever been convicted of an offense involving children or assaults? If so, please provide full details including the nature and date(s) of the offence(s), continuing on a separate sheet of paper if necessary:

Have you ever been cautioned by the police or bound over to keep the peace? If so, please provide full details of such incidences, continuing on a separate sheet of paper if necessary:

Have you ever been found by a court exercising civil jurisdiction (including matrimonial or family jurisdiction) to have caused harm to a person under the age of eighteen (18) years of age, or has any such court made any order against you on the basis of any finding or allegation that any person under the age of eighteen (18) years of age was at risk of harm from you? If so, please provide full details, continuing on a separate sheet of paper if necessary:

Have you ever been the subject of a complaint to, or an investigation by, the Children's Aid Society or other Child Protection Agency? If so, please provide full details, continuing on a separate sheet of paper if necessary:

Has a child in your care or for whom you have or had parental responsibility ever been removed from your care, been placed under the care of the Children's Aid Society, or been made a Ward of the Crown, as defined, and pursuant to the *Child and Family Services Act*, R.S.O. 1990 c. C.11, or a similar order under other legislation? If so, please provide full details, continuing on a separate sheet of paper if necessary:

Has your conduct ever caused or been likely to cause harm to a child under the age of eighteen years of age, or put a child at risk of harm, or to your knowledge has it ever been alleged that your conduct has resulted in any of those things? If so, please provide full details, continuing on a separate sheet of paper if necessary:

Do you have a driver's license? If yes, the driver's license number is:

Have you any health problem(s) which might affect your ability to work with children? If so, please provide full details, continuing on a separate sheet of paper if necessary:

Have you ever been known by any other name than the one given in this Form as your Full Name?
If so, please provide full details, continuing on a separate sheet of paper if necessary:

C. REFERENCES

Please provide two personal references who are not relatives: (name, addresses, phone numbers, and relationship to you)

1) _____

2) _____

D. STATEMENT

I, the undersigned, do hereby declare that the information which I have provided in this Form is correct, accurate and complete to the best of my knowledge. I authorize any references listed to provide any information requested by St. Michael's pertaining to my character and fitness to work with children and with St. Michael's.

I authorize St. Michael's to undertake all reasonable searches to confirm my identity, and the personal information I have provided in this Form.

DATED _____, this _____ day of _____, Year _____

Witness

Signature

SCHEDULE "B"
POLICE SERVICE INFORMATION CHECK FORM

ST. MICHAEL'S COLLEGE SCHOOL

[TO BE ATTACHED]

SCHEDULE "C"
SUSPECTED CHILD ABUSE AND/OR SEXUAL EXPLOITATION CONCERN FORM

ST. MICHAEL'S COLLEGE SCHOOL

Date and time of report:

Staff person taking information:

Name of Individual Reporting:

Name of alleged victim:

Address:

Street # & Name

City/Town

Province

Postal Code

Telephone number:

() -

When did the alleged incident occur?

How old were you (or victim)?

Details of the alleged incident

Person involved in the alleged incident

Location of alleged incident _____

Did the alleged Child Abuse and/or Sexual Exploitation occur on more than one occasion? How often? Where? When?

To whom did the alleged Child Abuse and/or Sexual Exploitation occur?

Has this been reported before? To whom? What was the response?

If the alleged incident was not reported, you need to report it now. If the Individual is an adult and the Child Abuse and/or Sexual Exploitation happened to them as a Child, the Individual needs to be encouraged to call the appropriate authorities. If the Individual is reporting an alleged incident involving someone who is currently under the Age of Majority, encourage the Individual to call the appropriate entity, person or authorities as per the Policy, but we will also report.

Will you call a Social Worker/Police/Parent/Guardian?

If the alleged Child Abuse and/or Sexual Exploitation is current, you need to take steps to keep the Child safe while making a report to the authorities. Can you keep the Child away from the alleged perpetrator while a report is made to a social worker/police/Parent/Guardian?

How can I help you now?

SCHEDULE "D"
SUSPECTED CHILD ABUSE AND/OR SEXUAL EXPLOITATION INCIDENT
REPORT FORM

ST. MICHAEL'S COLLEGE SCHOOL

TO BE COMPLETED BY PERSON WHO RECEIVES THE COMPLAINT

Please do not delay submitting this report even if you cannot fully answer all the questions.
Additional information can be subsequently provided.

PLEASE PRINT (OR TYPE) AND, IF POSSIBLE, USE BLACK INK. THANK YOU.
(Insert additional pages as necessary)

Date:

This report is submitted by:

NAME (TITLE)

Address:

STREET # AND STREET NAME

CITY/TOWN PROVINCE POSTAL CODE

Telephone:

() _____ - _____

This report is submitted to:

NAME (TITLE)

Address:

STREET # AND STREET NAME

CITY/TOWN PROVINCE POSTAL CODE

Telephone:

() _____ - _____

Person(s) suspected of misconduct:

Name (title):
Age:
Address:

Sex:

STREET # AND STREET NAME

CITY/TOWN *PROVINCE* *POSTAL CODE*

Telephone

(_____) _____ - _____

Suspected victim(s) of misconduct

Name:

Sex M F

Age:

Address:

STREET # AND STREET NAME

CITY/TOWN *PROVINCE* *POSTAL CODE*

Telephone:

(_____) _____ - _____

Describe incident of suspected Child Abuse OR Sexual Exploitation (include date, time and location).

Identify any witnesses to the incident (include names, addresses and telephone numbers where available).

Was a call placed to social worker/parent/guardian/police in the province/town/city where the child abuse or sexual exploitation occurred?

Yes No

If so, when was the call placed? _____

What phone number was called? _____

Did you leave a message or talk with a person? _____

If you spoke with a person, with whom did you speak? _____
NAME & TITLE

What did you say to them? _____

What did they say to you? _____

What was the course of action that the social worker/police/parent/guardian said they would take?

Did you follow up with a report to the social worker/police/parent/guardian in writing?

Yes No

Date of letter _____

IF YES, PLEASE FORWARD A COPY OF THIS LETTER TO THE PRINCIPAL'S OFFICE.

Other information which may be helpful to an investigation (please use additional paper if necessary).

All information submitted in this report is warranted to be true and correct

This _____ day of _____, 20__

Signature of Person Submitting Report

Signature of Witness to Report

Signature of St. Michael's College School Personnel Assisting With Report (where applicable)

SCHEDULE "E"
POTENTIAL MEMBER'S ACKNOWLEDGMENT

ST. MICHAEL'S COLLEGE SCHOOL

I, the undersigned, acknowledge that I have received and reviewed a copy of the Child Protection Policy (the "Policy") of St. Michael's College School ("St. Michael's"). If my application is accepted, I understand that St. Michael's does not condone and will not tolerate Child Abuse and/or Sexual Exploitation of the Children in St. Michael's care. I understand that I am required to comply with the Policy as stated and I agree to be bound by its terms. I understand that any questions I may have regarding the Policy should be referred to the Principal or his designate, where appropriate. I also understand that disciplinary action will be taken against anyone found guilty of committing Child Abuse and/or Sexual Exploitation as defined in the Policy. I understand how to report Child Abuse and/or Sexual Exploitation in accordance with the Policy. I acknowledge that St. Michael's has the right to modify, change, or revise any part of the Policy at any time.

[A copy of this form shall be filed in the Potential Member's file]

DATED AT _____, THIS ____ DAY OF _____ 20__.

Witness

Signature