Public Schools Branch

OPERATIONAL PROCEDURE

Code of Conduct - Employee / Volunteer	
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1.0 INTRODUCTION

1.1 The Public Schools Branch (PSB) has developed this Code of Conduct to guide employees/volunteers. While every employee/volunteer is valued and unique, the PSB comes together as an organization in the best interests of children and their families. The safety, rights, and well-being of children the PSB serves are at the core of its operations. The PSB nurtures supportive relationships with children while balancing and encouraging appropriate boundaries.

1.2 This Code of Conduct for Employees must be read in conjunction with the *PSB School Code of Conduct* that establishes definitions, standards, principles, and response frameworks applicable to all members of the school community.

2.0 PURPOSE

2.1 At the core of the PSB's operations is a deep commitment to ensuring all children are protected and safe. A Code of Conduct is an important component to creating safe learning and working environments. The safety, rights, and well-being of PSB students is paramount to the core of the PSB's daily operations and continued public support, and it is imperative that there is transparency and accountability in work involving children.

2.2 The PSB believes that each employee/volunteer plays a key role in the protection of children regardless of their contact with the public. Employees/volunteers are role models for the PSB and in all dealings involving children they must display, and appear to display, behaviour that is consistent with the PSB's mission and values.

2.3 Maintaining personal boundaries is integral to developing healthy relationships with children and families. Behaviour that presents risk often begins by breaking boundaries with children and teens. To help employees/volunteers understand what is expected, this Code includes information about the type of behaviour expected, and it provides clear direction to those who either directly observe behaviour of concern, or who learn about behaviour of concern from others.

2.4 The intent of the Code of Conduct is to guide PSB employees/volunteers in developing healthy relationships with members of the school community, including students. By providing employees/volunteers with guidance to measure their own behaviour and behaviours of those around them, they are empowered to identify and address behaviour of concern at an early stage.

3.0 PRINCIPLES

3.1 All employees/volunteers are responsible for treating all children with respect and dignity, and for maintaining appropriate boundaries. Employees/volunteers must monitor their own behaviour towards children, and be aware of the behaviour of their colleagues, to ensure that behaviour is appropriate and respectful, and will be perceived as such by others.

3.2 If at any time an employee/volunteer is in doubt about the appropriateness of their own behaviour or the behaviour of others, they should discuss this with their supervisor.

3.3 Before engaging in any behaviour or activity with a child, and when considering how behaviour or the activity may be perceived by the child and by others, an employee/volunteer should consider whether:

- **i.** The activity being engaged in is known to, and approved by, the supervisor of the employee/volunteer and/or the parents of the child. All interactions with children should be transparent.
- **ii.** The activity or behaviour being engaged in would raise concerns in the mind of a reasonable observer as to its appropriateness.
- **iii.** The activity or behaviour is directly and objectively tied to the job function of an employee/volunteer.
- **iv.** The PSB may be detrimentally affected by the activity or behaviour.
- **v.** The activity or behaviour may be reasonably regarded as posing a risk to a child.
- **vi.** The activity or behaviour may contribute to the discomfort of a child.
- **vii.** The activity or behaviour may appear inappropriate to the PSB, the child's family, and/or the public.

3.4 Always consider the child's reaction to any activities, conversations, behaviour, or other interactions, and avoid criticizing, embarrassing, shaming, blaming, or humiliating a child. Do not place inappropriate expectations on a child. An employee/volunteer should use their instincts as a guide, the purpose of an activity or behaviour should always be to meet the child's needs, not the adult's needs.

3.5 If a child seems uncomfortable with an activity and/or behaviour, this is an indication that the activity and/or behaviour is unwelcome and should stop. A supervisor should be consulted to reassess the activity and/or behaviour before continuing.

4.0 EXPECTED BEHAVIOURS

4.1 Employees/volunteers of the PSB **must**:

- **i.** Treat all children with respect and dignity.
- **ii.** Establish, respect, and maintain appropriate boundaries with all children involved in activities or programs delivered by the PSB.
- **iii.** Always adhere to the policies and procedures of the PSB and the legislative requirements laid out in the *Education Act* and its regulations.

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iv. Treat all disclosures, allegations, or suspicions of sexual or other unlawful or inappropriate behaviour involving a child seriously.

v. Demonstrating sensible digital citizenship by maintaining a respectful online presence, using social media responsibly, and avoiding the spread of content that may negatively affect the school community.

vi. Report all disclosures, allegations, or suspicions of sexual or other unlawful or inappropriate behaviours as described in this Code of Conduct.

4.2 Employees/volunteers of the PSB **must not**:

i. Engage in any sort of physical contact with a child that may make the child or a reasonable observer feel uncomfortable, or that may be seen by a reasonable observer to be a violation of reasonable boundaries. Physical contact must be professional, minimal, and for educational or safety purposes only. Contact that is secretive, prolonged, or unrelated to duties must be avoided.
    - A useful measure to determine reasonable physical contact would be to consider if the outcome is meeting the needs of the child or the employee/volunteer if viewed by a reasonable observer.

ii. Engage in any communication with a child within or outside of work that may make the child uncomfortable or that may be seen by a reasonable observer to be a violation of reasonable boundaries

iii. Engage in any behaviour that goes against, or appears to go against, the PSB's mandate, policies, or Code of Conduct, regardless of whether they are serving the organization at that moment.

iv. Conduct their own investigation into allegations or suspicions of inappropriate behaviour. The duty of an employee/volunteer is to report the matter, not investigate.

v. Consider consent a factor when engaging in physical contact with children as those under the age of 16 cannot legally consent to any sexual activity with a person in a position of trust.

4.3 Employees/volunteers are expected to model professional conduct and appropriate boundaries in all interactions with colleagues. Unprofessional conduct between employees/volunteers includes, minimizing concerns, tolerating inappropriate comments, or discouraging reporting. These actions can lead to boundary transgressions and increase the risk to students.

4.4 It is always the duty of the employee/volunteer to establish and maintain boundaries with children. Boundary transgressions occur when individuals put their own needs above those of the children they're responsible for and/or rely on the children to have their own needs met.

4.5 It is important for all employees/volunteers to understand that behaviours, as they relate to interactions with children, will fall into a continuum:

i. **Unlawful Behaviours:** these are behaviours that are criminal or that would breach child welfare or related legislation. These can include, but are not limited to, such things as physical abuse, sexual misconduct, grooming, child pornography offences, and voyeurism. Unlawful Behaviours need to be reported to the child welfare agency and/or law enforcement for investigation. The reporting process for these behaviours can be found in the PSB policy and procedure documents associated with the behaviour itself.

ii. **Inappropriate Behaviours:** these are behaviours that are inappropriate but it is believed they can be addressed and corrected through additional training, supervision, and monitoring. Inappropriate behaviour could range from one time behaviour to multiple

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instances, and could include behaviour that is repeated even after it has been brought to the attention of the employee. It includes such things as inappropriate jokes to or near a child, confiding in a child with personal stories and having unauthorized contact with a child outside of duties required for work.

iii. PSB policies require the reporting of these inappropriate behaviours to the administration so it can be followed up formally and internally. The administration can determine if the behaviour is inappropriate and how it should be addressed, or escalated if necessary.

iv. **Circumstantial Behaviours:** these are behaviours that fall in the middle of a continuum and could be perceived as either unlawful or inappropriate depending on the circumstance. It could also be an escalation of behaviour that was initially viewed as correctable through training and supervision but upon investigation has risen to the level that now requires reporting to child welfare agencies or law enforcement.

v. While it is understood that these behaviours falling within the middle of the continuum can be difficult to address, it is crucial to the maintenance of the PSB Safe and Caring Learning Environments that they are reported and investigated.

vi. An example provided by the *Canadian Centre for Child Protection*:

> "A report is submitted internally about an employee/volunteer exchanging unauthorized emails with a child outside of work duties, The initial information indicates that the emails are of a general nature. After the administrator follows up, it learns that some of the emails were sexual in nature, and it learns that the employee/volunteer has exhibited other inappropriate behaviour that had not been reported previously. Each instance of inappropriate behaviour, if considered separately and without context of the others, might be characterized as poor judgement that is capable of correction. However, once all behaviors are considered in context with each other, it may be sufficient to warrant a report being made to the child welfare agency and law enforcement."

vii. To ensure the protection of children in the care of the PSB all instances of inappropriate behaviour will be investigated. Behaviours of concern will be reported for further investigation under the associated PSB policy and procedure documents.

viii. These investigations also serve to ensure the protection of employees/volunteers from bad faith reports and from any fear of reprisal from making a report in good faith.

5.0 BEHAVIOUR GUIDELINES

5.1 Behaviours determined as inappropriate will not be tolerated as it relates to the care of children involved in activities or programs delivered on behalf of the PSB.

5.2 With consideration given to the established continuum of behaviours, it is important to detail examples of behaviours which may be seen, by a reasonable observer, to be a violation of reasonable boundaries. These types of behaviours include, but are not limited to:

i. Extracurricular Communications

- Making personal phone calls to a child or the child's family members beyond those required within context of duties and responsibilities
- Having electronic communications (text message, email, online chats or messaging, social networking friend requests) using non PSB-approved platforms, regardless of who initiated the exchange

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- Writing personal letters or notes
- Any form of excessive communication with the child or family members

It is expected that all communication with the child or their family that occurs outside the workplace is reported, if it could be viewed by a reasonable observer to be outside reasonable incidental communication. This enables the ability to ensure any such communication is appropriate and helps to prevent future problematic situations.

ii. Extracurricular Contact

- Spending time (planned, repeated, or private contact) with a child or the child's family outside designated work times and activities must be reported
- It is expected that the report of extracurricular contact will be made prior to the contact itself
- The reporting and documentation must make note of the awareness of the child's parent/guardian to this contact. If the parent/guardian is unaware there should be a reasonable reason given and should only be done if a reasonable observer would conclude that it was in the best interest of the child.

Extracurricular contact is not required to be reported if a reasonable person would view the contact as incidental or unavoidable. The PSB recognizes the small tight knit communities its schools live within, and understands that incidental public sightings at arenas, grocery stores, and community events do not rise to the level of requiring reporting.

iii. Favouritism

- Favouring one or a group of children to the exclusion of others will be deemed inappropriate
- Examples of favouritism include: extra attention, personalized gifts, excessive privileges that are not offered to others, or privileges that are unwarranted and inappropriate to a school environment.

It is not inappropriate behaviour to give a contextually appropriate thank you card, birthday card, seasonal card, or other nominal gifts to a child provided the gifts are not secretive or personalized in a way designed to create exclusive attachment.

The gesture must be considered reasonable under the circumstances provided that all gestures taken together are not excessive in number and that such exchanges are carried out within an appropriate context, in the presence of other adults, and with the full knowledge and consent of the administration.

These gestures must also be shared across the class and not provided in isolation to a select group of children.

iv. Personal Photos and Videos

- The *Personally-Owned Mobile Devices (PMD) in Schools* policy outlines the proper use of personally owned cell phones in PSB schools for employees and students.
- It is considered inappropriate behaviour to use a PMD to take videos or pictures of a child or to allow another person to do so. This includes the copying or uploading of consensually taken photos and videos to a PMD.

- Pictures or videos taken with prior written consent from the parent/guardian on standard administrator prescribed forms are permissible provided the school has approved the activity in advance and has procedures in place for the storage and access to these files.
- These files should be removed or deleted when no longer required for the purpose they were taken.

v. Offering or Providing Rides

- The use of your personal vehicle to provide transportation can be seen as inappropriate behaviour.
- Any use of your vehicle, or the organization's vehicle, should only be done when your administrator is aware and has approved it and express parental consent has been granted, or in emergency situations.
- All rides given to a child must be reported to administration and can be done using the PSB *Use of Private Vehicle for Transporting Students*.

vi. Suggestive or Lewd Comments

- Telling sexual jokes to a child, or making comments that are in any way suggestive or explicit, if considered by a reasonable person, is considered inappropriate behaviour.
- These types of comments could be considered serious and if repeated or found to be serious in nature will trigger a report to child welfare or law enforcement.

vii. Suggestive or Lewd Materials

- Showing material to a child that is sexual in nature, including signs, cartoons, internet memes or other content, graphic novels or literature, or photos and videos is considered inappropriate behaviour
- The display and storage of this type of material in a location where it is reasonably possible that a child may see it is also considered inappropriate.
- These types of actions would warrant investigation and if repeated or found to be serious in nature will trigger a report to child welfare or law enforcement.

viii. Physical and Emotional Harm

- Acts that will physically harm a child are considered inappropriate unless conducted in an emergency situation or by someone trained in *Non-Violent Crisis Intervention* acting within their role as a PSB employee/volunteer during an escalated situation.
- Acts deemed to cause emotional harm to a child could include, but are not limited to: exclusion, intimidation, threats, and making fun of the child.
- These types of actions would warrant investigation and if repeated or found to be serious in nature will trigger a report to child welfare or law enforcement.

6.0 REPORTING REQUIREMENTS

6.1 Following the *Child, Youth and Family Services Act*, any employee who has reasonable grounds to suspect that the safety or well-being of a child is endangered, based on the definition of a child in need of protection, has a mandatory duty to report the circumstances to the Director of Child Protection and to police.

6.2 An employee may minimize concerning behaviour that they have witnessed or heard about due to worry that they are overreacting or misreading a situation. Sometimes, there may be fear of damaging a working relationship by raising a concern about a work colleague. A person's character or their position in the organization has nothing to do with whether that person's behaviour is appropriate or inappropriate in a given situation. An employee should

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not concern themselves with whether they are “right” or “wrong,” but about doing the best they can to identify behaviour of concern so it can be dealt with appropriately.

6.3 When considering making a report it is important to remember that employees/volunteers are considered to be in a position of trust and authority to a vulnerable group, children, and have a heightened responsibility to maintain appropriate boundaries. Interactions with students should be with the needs of the student in mind, they should remain focused on positive educational outcomes, they should be authorized and transparent, and within the scope of practice and competencies.

6.4 If an employee/volunteer is witness to abuse in progress, it is expected that in addition to reporting what is seen, they also do what they reasonably can to stop or disrupt the interaction. The steps may vary according to what is witnessed and what personal safety considerations may exist for the employee/volunteer and/or the child being abused. If an employee/volunteer does not feel they can intervene safely, they should immediately get additional help, whether by involving other employees or calling the police.

6.5 Categories of incidents that need to be addressed by employees and volunteers under this Code of Conduct include the following:

i. **Reports of Unlawful Behaviour from a Child Involving an Employee/Volunteer of the PSB or a Third Party.** Disclosures or allegations of unlawful behaviour reported to an employee by a child regarding either:

- Another employee/volunteer of the PSB; or
- Someone other than an employee/volunteer of the PSB (e.g. parent, teacher, babysitter, coach, etc.);

must be reported to the Director of Child Protection and/or police.

ii. **Unlawful Behaviour Witnessed by an Employee/Volunteer of the PSB.** Any incident of alleged unlawful behaviour either:

- Witnessed by an employee/volunteer regarding another employee/volunteer of the organization; or
- Witnessed by an employee/volunteer regarding someone other than an employee/volunteer of the organization (e.g. parent);

must be reported to the Director of Child Protection and/or police. If you do not know the identity of the child, take steps to find out who the child is. Depending on the situation, steps may need to be taken to protect that child from additional harm, the child may need to make a statement to police, etc.

iii. **Inappropriate Behaviour Involving a PSB Employee/Volunteer.** Inappropriate behaviour that is either:

- Reported to the employee/volunteer by a child or third party regarding another employee/volunteer of the organization; or
- Witnessed by the employee/volunteer and involving another employee/volunteer;

must be reported to the PSB. In addition to reporting, if you witness the inappropriate behaviour you should take steps that can safely be taken to stop or disrupt the interaction.

iv. **Inappropriate Behaviour Involving Third Parties.** Inappropriate behaviour that is either:

- Reported to the employee/volunteer by a child or third party regarding a third party; or
- Witnessed by the employee/volunteer and involving a third party;

must be reported to the PSB. In addition to reporting, if you witness the inappropriate behaviour you should take steps that can safely be taken to stop or disrupt the interaction.

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7.0 FAILURE TO ADHERE

7.1 Depending on the circumstances, failure to adhere to the Code of Conduct by an employee/volunteer may result in:

- **i.** Follow-up by the PSB to (1) gather information about what happened and (2) determine what, if any, disciplinary action is required; and/or
- **ii.** A report to the Director of Child Protection and/or law enforcement.

7.2 Consequences, disciplinary or corrective actions will be as determined by the Director of the Public Schools Branch, and will be based on the nature and severity of the incident, as well as information learned during follow-up, and any past behaviour of concern. If, in following up on a concern, the PSB believes that the behaviour exhibited may constitute unlawful behaviour, the PSB will report the behaviour to the Director of Child Protection and possibly law enforcement.

7.3 In circumstances where multiple behaviours are reported, where inappropriate behaviour is recurring, or where one instance of inappropriate behaviour is of serious concern, the PSB may refer the matter to the Director of Child Protection, law enforcement, or the employee's licensing body for investigation. Failure to adhere to the Code of Conduct by any employee/volunteer will result in follow-up to look into the situation and disciplinary action, if necessary. Appropriate consequences/disciplinary actions are determined by PSB management, and will be based on the nature and severity of the incident.

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