1. **APPLICATION and SCOPE**

1.1 The Rady Faculty of Health Sciences and its Colleges ("RFHS") is committed to treating all Children with respect and dignity. It is dedicated to safeguarding and protecting the rights of all Children.

1.2 This policy incorporates the legal requirements for Child safeguarding and protection in Manitoba within the operations of the RFHS. It applies to all faculty, staff and learners of the RFHS and other individuals involved in RFHS activities, regardless of location. It applies most specifically to individuals working on projects, grants or initiatives that directly or indirectly involve Children. This policy is meant to complement, and not detract from, other applicable University policies, contractual agreements, including collective agreements, and other applicable laws.

1.3 In the event an inconsistency or conflict arises between this policy and any other applicable University policy, contractual agreement, collective agreement or law (including the law of another jurisdiction), such inconsistency or conflict shall be resolved in favour of the University policy of higher authority, or in favour of the contractual agreement or collective agreement, in accordance with the laws applicable in the Province of Manitoba, in a manner that affords the highest standards for the safeguarding and protection of Children as possible.

2. **PURPOSE**

2.1 To guide learners, staff and faculty members in the safeguarding and protection of Children.
3. DEFINITIONS

In addition to certain capitalized words and phrases that may be defined elsewhere in this policy, the following capitalized words and phrases shall have the following meanings:

3.1 Child/Children: is any individual under 18 years of age.

3.2 Abuse: as defined under section one of The CFS Act (including as such definition may be updated from time to time), an act or omission by a person where the act or omission results in:
   (a) physical injury to the Child;
   (b) emotional disability of a permanent nature in the Child or is likely to result in such a disability;
   (c) sexual exploitation of the Child with or without the Child’s consent.

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

3.4 CFS Act: The Child and Family Services Act (Manitoba).

3.5 In Need of Protection: Under The CFS Act, a Child is in need of protection where the life, health or emotional well-being of the Child is endangered by the act or omission of a person. Without restricting the generality of the above, a Child is in need of protection where the Child:
   (a) is without adequate care, supervision or control;
   (b) is in the care, custody, control or charge of a person

       (i) who is unable or unwilling to provide adequate care, supervision or control of the child, or

       (ii) whose conduct endangers or might endanger the life, health or emotional well-being of the Child, or

       (iii) who neglects or refuses to provide or obtain proper medical or other remedial care or treatment necessary for the health or well-being of the Child or who refuses to permit such care or treatment to be provided to the Child when the care or treatment is recommended by a duly qualified medical practitioner;

   (c) is abused or is in danger of being abused, including where the Child is likely to suffer harm or injury due to child pornography;
(d) is beyond the control of a person who has the care, custody, control or charge of the child;

(e) is likely to suffer harm or injury due to the behaviour, condition, domestic environment or associations of the child or of a person having care, custody, control or charge of the child;

(f) is subjected to aggression or sexual harassment that endangers the life, health or emotional well-being of the child;

(g) being under the age of 12 years, is left unattended and without reasonable provision being made for the supervision and safety of the child; or

(h) is the subject, or is about to become the subject, of an unlawful adoption under The Adoption Act or of a sale under section 84 of the CFS Act.

4. POLICY AND PROCEDURE STATEMENTS

Prevention

4.1 All new RFHS learners, staff and faculty members shall be familiarized with this Child Safeguarding and Protection Policy through their new faculty/staff/learner orientations.

4.2 For learners, staff or faculty members whose University of Manitoba work or University of Manitoba learning activities directly involve Children:
   • A Criminal Records Check, Child Abuse Registry Check, and Adult Abuse Registry Check shall be required. For most learners, these Checks are a requirement on admission to, or registration in, the program. Therefore, please consult with the specific applicable program policy or regulation for additional detail;
   • The Code of Conduct – Child Safeguarding and Protection (at Appendix A to this policy) is required to be read and the responsibilities of the individual acknowledged.
   Examples of activities that may directly involve Children include clinical learning/fieldwork activities, service-learning activities or training Children as standardized patients.

4.3 For research involving Children, please refer to the specific ethics requirements and processes applicable to the research project.

4.4 The requirements set out in section 4.2 are not applicable to group tours or other visits to RFHS facilities or affiliated sites where Children are present (such as “Take Our Kids to Work Day”) or other interactions where Children are present in a group setting (such as learner examination/invigilation where Children standardized patients are present but participating in a group setting; Children brought into a classroom or lab in a group setting).
**Reporting**

4.5 It is the legal responsibility and duty of anyone who reasonably believes that a Child is, or might be, In Need of Protection or suffering from Child Abuse, to report the information directly to a CFS agency. Reporting to other law enforcement authorities may also be required, if the suspected activity is criminal in nature. While a report of Child Abuse can result in an initial negative experience for the parties involved, reporting is both compulsory and necessary, as a Child’s life or safety may be at risk.

4.6 In addition to the mandatory reporting obligations as above noted, it may be necessary for the Child’s immediate safety to report the concerns to the parent(s) or guardian(s).

4.7 The duty to report supersedes any restrictions respecting the disclosure of information in legislation, including *The Personal Health Information Act* (Manitoba) or otherwise.

4.8 In addition to the mandatory reporting obligations under The CFS Act, suspicions or concerns about Child Abuse, a Child in Need of Protection, or other behaviour that might be considered inappropriate (refer to the Code of Conduct at Appendix A), require a report within the RFHS. The person making the mandatory CFS Act report shall inform their immediate supervisor (for learners this could be their preceptor, course/rotation/program director, Department Head, Associate Dean), as well as make a written report to the Dean & Vice-Provost of the RFHS, using the report form attached hereto at Appendix B ("Report Form"). If desired, the person’s immediate supervisor may assist in completing the Report Form.

4.9 Should an individual have any questions or require any guidance respecting the requirements to report, they should, in consultation with their immediate supervisor, access resources available to assist in decision making (such as Child and Family Services or RFHS resources) that have trained staff available to assist with decision making and with any parental communication and disclosure required.

4.10 **Special Provision for Children’s Investment Fund Foundation (“CIFF”) Grants/Projects**

In addition to the above reporting requirements, for CIFF grants or projects, the grantee must advise the local CIFF Designated Safeguarding Officer (“DSO”) or Programme Manager, within three (3) days of knowledge of the concern or disclosure. Grantees are expected to provide regular updates to CIFF as to the status of any investigation and the outcome of the process, to the extent the Grantee is made aware of the status and outcome.
Investigation of a Faculty Member, Staff or Learner of the RFHS

4.11 If the respondent/offender is a faculty member, staff or learner of the RFHS, the Dean & Vice-Provost, RFHS will, upon receipt of a completed Report Form, ensure that an investigator (the “Investigator”) is assigned to review the report (“Report”) and ensure that all other mandatory reporting obligations as above noted are completed. The Dean & Vice-Provost, RFHS may appoint either an employee of the University or an external consultant to act as the Investigator, provided that the Investigator:
(a) Has relevant skills and/or experience;
(b) Would be able to conduct an investigation in an unbiased manner; and
(c) Would not be placed in a conflict of interest.

4.12 Within 10 working days of being appointed, the Investigator ensures that the investigatory steps described below are completed. This may involve consultation with other units of the University about appropriate investigatory steps in accordance with applicable policies (e.g., Human Resources, Faculty of Graduate Studies). If the matter reported is being investigated by a law enforcement authority (e.g., under the CFS Act or Criminal Code of Canada), the Investigator may defer the University investigation to such other authority while also implementing measures to ensure the safety of work and learning environment in accordance with appropriate policies.

4.13 The Investigator will meet with the appropriate individuals to conduct an investigation and will inform senior leadership as required (e.g. Dean of the College, Associate Dean, Department Head, etc.) of the Report. The Investigator will conduct an investigation by interviewing the reporting individual, informing the respondent about the matter of the Report, interviewing the respondent, and interviewing any other persons who might have insight into the situation, such as witnesses and individuals in relevant positions. The Investigator may also conduct a joint investigation, including without limitation, with an affiliated clinical learning site, the Faculty of Graduate Studies, another Faculty, or the Office of Human Rights and Conflict Management. All such individuals will be bound to strict confidentiality regarding all aspects of the case.

4.14 The Investigator will review all of the information gathered in the course of the investigation and will submit their investigative report to the Dean and Vice-Provost, RFHS and the lead of any other applicable program or College (the “Dean/Director”) that includes the summary of the evidence and facts of the case and recommendations for action. If the matter has been deferred in lieu of investigation by a governmental authority, this should be reflected along with other interim measures that have been put into place. Once the other investigation is completed, this should also be reported, along with all findings. The Dean and Vice-Provost, RFHS will review the report and make a decision on the action to take, in consultation with the Dean/Director.
4.15 Actions resulting from a Report will depend on the circumstances, on the seriousness of the behaviour, whether the Report is determined to be founded or unfounded, on any mitigating factors and on applicable University policy, bylaw, collective agreement or academic regulation. The following list provides examples of measures and is not meant to be exhaustive nor necessarily represents a progression of measures:
   a) A letter of apology;
   b) Attendance at educational session(s);
   c) Attendance at coaching session(s);
   d) Prohibited or restricted access to Children;
   e) Academic consequences such as remediation, probation, notation on the performance record, dismissal/expulsion from the Program/College/RFHS, termination of academic appointment.

4.16 In cases where the respondent is dissatisfied with the decision, that person must submit his or her appeal in writing to the Dean & Vice-Provost, RFHS within 10 working days of the decision and refer to the applicable University Policy, Procedure or Bylaw or collective agreement.

**Retaliation / Reprisal**

4.17 A reporting individual, respondent, witness, and/or any other person who has sought advice regarding this Policy, who has brought forward allegations, who has made a report or who has cooperated with an investigation, is entitled to be supported and protected from retaliation and reprisal. Retaliation or reprisal of any sort during or following the investigation is prohibited and will not be tolerated. All concerns and complaints raised respecting retaliation or reprisal will be thoroughly reviewed and investigated, and any breaches appropriately addressed. Accusations that retaliation or reprisal has occurred will be subject to investigation and may result in disciplinary action up to and including termination or expulsion.

4.18 There are many supports to assist in addressing one’s concerns about retaliation or reprisal. The University’s Office of Human Rights and Conflict Management is a resource available to all University members. Faculty members and staff may contact Human Resources and their union representatives. Learners may contact Student Affairs and Student Services at Bannatyne Campus representatives, including Student Advocacy. If the individual is an employee in a certified bargaining unit, he or she may challenge a retaliation or reprisal, through the grievance process or applicable collective agreement. A non-unionized employee may contact Human Resources. A learner can challenge a retaliation or reprisal through an appeal process set out in the Student Discipline Bylaw, the academic appeal policy relating to their program, or other applicable discipline or academic appeal routes within the University.

4.19 **False Accusations**
Any RFHS faculty member, staff or learner found to have been dishonest in making allegations with a conscious design to mislead or deceive, or with a malicious or fraudulent intent may be subject to disciplinary action up to and including termination or expulsion.
Confidentiality & Record Keeping

4.20 Any communication of information gathered in any case is confidential. The RFHS will not disclose the name of the reporting individual, of the respondent, or the circumstances related to a report except to the extent that disclosure is necessary to effectively implement this policy or to undertake any disciplinary or action arising from a decision made under this policy. Records will be kept pursuant to any applicable relevant University policy and/or procedure.

5. REFERENCES

5.1 Academic Regulations for graduate programs within the Rady Faculty of Health Sciences and its Colleges

5.2 Academic Regulations for undergraduate programs within the Rady Faculty of Health Sciences and its Colleges

5.3 Children’s Investment Fund Foundation Child Safeguarding and Protection Policy

5.4 Code of Conduct to Protect Children: Children’s Hospital Research Institute of Manitoba (in development)

5.5 Reporting of Child Protection and Child Abuse: Handbook and Protocols for Manitoba Service Providers

5.6 The Child and Family Services Act (Manitoba)

5.7 The Student Discipline Bylaw, University of Manitoba

6. POLICY CONTACT

Please contact the Dean’s Office, Rady Faculty of Health Sciences, with questions regarding this policy.