



Responding to Sexualized Abuse in Yukon Schools: Review of Policies and Governmental Response

Completed by the Yukon Child & Youth Advocate Office

October 2022

Territorial Acknowledgement

The Yukon Child & Youth Advocate Office (YCAO) respectfully acknowledges that we work and live on the traditional territories of the 14 Yukon First Nations. Government policies have caused violent and long-lasting impacts to Indigenous children and youth, and we commit ourselves to working in partnership with Yukon First Nations by integrating traditional knowledge and culture for the safety and wellbeing of children throughout the territory.

Who Are We?

The YCAO is an independent office of the Yukon Legislative assembly guided by the Yukon *Child and Youth Advocate Act* and the *United Nations Declaration on the Rights of the Child*. The YCAO promotes the rights and interests of young people eligible to receive services from the Yukon Government, a school board or a First Nation service authority. YCAO is a member of the Canadian Council of Child and Youth Advocates.

Mission (what is our purpose?): We commit to upholding the rights and amplifying the voices of children and youth throughout the Yukon.

Vision (how do we know when our job is done?): The vision of YCAO is for a safe and healthy society that hears, includes, values, and protects the rights and voices of children and youth.

Core Values (what guides our work?): YCAO operates from a foundation of Indigenous values and believes that traditional knowledge and culture can guide the work of our office in a way that supports all Yukon children and youth. Currently these values are Empowerment, Integrity, Excellence, Professionalism, Accountability, Self-Determination, and Respect.

What Do We Do?

Individual Advocacy: YCAO helps young people effectively access government services and have their views heard and rights considered in the decision making of government service providers.

Public Education: YCAO provides information about the role of the Advocate and children's rights. YCAO provides information and guidance to governments to support them in fulfilling their obligation to upholding children's rights.

Systemic Advocacy: YCAO may review and provide advice regarding systemic or policy issues that arise in the course of individual advocacy and raise a substantial amount of public interest. The Legislative Assembly or a Minister may also refer relevant matters to YCAO for review.

Advocacy Issue

Children have not been prioritized, and their rights have been violated, before, during, and after an Educational Assistant (EA) was charged in 2019 with sexual interference and sexual assault of a student in his care at Hidden Valley Elementary School (HVES). The longstanding gaps in educational supports for students with special needs created opportunity for harm to occur. The harm was compounded by inadequate Yukon Government (YG) response following the incident. Investigations, communications, and supports to families and the public were poorly managed and highly inadequate, and ultimately impacted access to therapeutic supports for students and their families. This highlights the need for improvements to a coordinated response across departments.

The responses from YG that we have observed do not provide confidence that students with special needs are being adequately protected at school, nor that responses from the systems meant to protect them are developmentally appropriate. Subsequent commitments from YG, however, offer hope that in the future there can be a coordinated response that promotes a child-centred approach, transparency, and accountability.

Introduction

The Yukon Child and Youth Advocate Office (YCAO or the Advocate) has a duty to the children and youth of the Yukon - to ensure that their views, rights, and interests are upheld as articulated in the *United Nations Convention on the Rights of the Child* (UNCRC). This review finds that children were not the priority in YG's response to incidents of sexualized abuse towards students by an EA. Communications and decisions made in the aftermath of these incidents demonstrate an alarming lack of attention to upholding children's rights on the part of the government, despite their statutory obligation to do so.

The EA's name, William Auclair-Bellemare, became public in September 2021. He will be referred to as "WAB" throughout this report. He has been accused of and charged with multiple sexual offences which will be referred to generally as "sexualized abuse."

This review focuses on the policies, communication, and response of Education (EDU) and Health and Social Services (HSS) in the wake of a criminal conviction of sexual interference and sexual assault by WAB in 2019. The issue gained public interest after a CBC article created awareness of the conviction and subsequent civil suit in July 2021. While performing individual advocacy functions on behalf of children impacted under Section 11 of the *Child and Youth Advocate Act* (CYAA), the Advocate determined a review was warranted of YG's policies and response both before and after the incident occurred.

It is important to note that although the sexualized abuse allegations took place at a specific school, the subject of this review is the inadequate policies and response of EDU and HSS at the central administrative levels, not of the school itself. Indeed, over the past year YCAO has found numerous issues with how YG is responding to safety concerns in several schools. It is

clear that substantial systemic change is necessary to ensure Yukon students feel safe and comfortable in their spaces of learning.

About This Review

- **Why:** The intention of this review is to effect systemic change and ensure public accountability concerning YG programs and services for children and youth. It is necessary to identify and address the underlying concerns that resulted in violations of children's rights. The objective of this review is to provide recommendations to EDU and HSS in order to promote safety at school for students, particularly students with special needs. Specifically, these departments must work collaboratively to ensure that clear policies and procedures not only exist but are followed in order to prevent abuse and to respond appropriately when abuse occurs. The Advocate notified EDU and HSS on July 29, 2021 (Appendix A) and August 6, 2021 (Appendix B) respectively providing advice for immediate steps to be taken.
- **How:** The Advocate reviewed the policies, protocols, and actions of EDU and HSS in response to allegations of sexualized assault at HVES to determine what happened, and to ascertain whether the actions related to this specific case followed YG's own protocols. We heard from numerous community members who were impacted by this ordeal, the most important of whom were the families of students who alleged abuse and had WAB as an EA, and others who previously attended HVES and may have had contact with WAB. It is important to note that for the purposes of not interfering in the criminal and civil proceedings, we did not engage directly with impacted students about the abuse. We have also spoken to HVES educators, First Nations organizations, politicians, media, and other stakeholders, including families, educators, and other school staff. Representatives of EDU and HSS, Victim Services, RCMP, Yukon Association of Education Professionals (YAEP), and Yukon First Nation Education Directorate (YFNED) all contributed to the review.
- **Framework:** The Advocate has undertaken this review through a children's rights theoretical framework. As a signatory to the *United Nations Convention on the Rights of the Child*, federal, provincial, and territorial governments are duty bound to uphold, protect, and champion children's rights. By applying an analysis based on children's rights, the Advocate was able to draw connections between data and themes, and make recommendations to YG about what needs to change moving forward to ensure children impacted directly and indirectly get what they need.

Authority

The Advocate operates under the authority of the *Child and Youth Advocate Act*. The authority to conduct this review is provided by sections 11, 12(1), 21, and 23 (1) and (2) of this *Act* and is

supported by interagency protocols between the Advocate and EDU (2014) and between the Advocate and HSS (2017). The legislation and the protocols direct the departments to work cooperatively with the Advocate within the confines of the *Child and Youth Advocate Act* and other relevant legislation and policies. Further, the departments are compelled to provide the Advocate with any information the Advocate requests and is entitled to receive under the *Act*.

12(1): If, in the course of performing the individual advocacy functions on behalf of a child or youth under section 11 [primary role], the Advocate becomes aware of a policy or systemic issue in respect of the designated service that raises a substantial question of public interest, the Advocate may review and provide advice in respect of the issue to the public body, First Nation service authority or school board that is providing the designated service.

Through the process of responding to individual advocacy issues, YCAO became increasingly aware of concerns around safety and supports at HVES, raising substantial public concern for students, families and educators. This issue continues to impact many Yukoners, particularly students with special needs.

In an initial response to the Advocate's July 29, 2021 notification letter, the authority of the Advocate was publicly brought into question by the Minister of Education. EDU stated they were not in support of the Advocate's review advancing as presented. EDU did not respond to the concerns addressed in the Advocate's notification, further enraging parents and community members.

In refusing to cooperate with the review, EDU was in contravention of the *Child and Youth Advocate Act*. More importantly however, EDU initially sought to prevent a review that is intended to serve the best interests of the children at HVES. The Advocate met with EDU leaders to work through the misunderstanding and clarified that YG has neither the authority to determine if a systemic or policy review is warranted nor the power to withhold support for the review. It is the responsibility of the Advocate to determine that a review is necessary in accordance with the *Child and Youth Advocate Act*. Ultimately, EDU agreed to cooperate as the lead department for this review. During the Fall 2021 sitting of the Yukon Legislative Assembly, the Minister of Education talked about "working with," "meeting with," "supporting," and "cooperating" with YCAO on this review no less than 36 times.

YG complied with the Advocate's request for records as part of the Advocate's review of YG's policies and response. Pursuant to s. 23(1) of the *Child and Youth Advocate Act*, the Advocate has the right to any information that is in the custody or control of EDU if it is necessary to exercise the powers or perform functions and duties under this *Act*. This includes information about persons other than a child or youth for whom we are carrying out individual advocacy services. YG departments are designated services within this legislation and therefore have an obligation under s. 23(2) of the *Act* to disclose any information to which the Advocate is entitled under s. 23(1). Further, the Department must respond to any reasonable questions from the Advocate regarding the clarification or explanation of the information provided.

The privacy of children and families is of utmost importance to the Advocate. Specific details about the experiences are not being shared in order to respect the privacy of the families and the integrity of both criminal and civil proceedings. Non-identifying information is shared with the consent of the families. There are numerous safeguards in place under the *Child and Youth Advocate Act*, as well as in the Advocate's functions, to protect all information and disclosure received while conducting this review. With limited exceptions, the Advocate may not be compelled to give evidence in a court or in proceedings of a judicial nature in respect of anything coming to their knowledge while exercising the functions and duties under the Act.

In accordance with s. 21 of the *Child and Youth Advocate Act*, the Advocate has the authority to be advised of steps taken by YG within a specified time to give effect to the Advocate's advice. If no steps have been or are proposed to be taken, YG must explain their reasons for not following the advice.

Public Interest

The sexualized abuse that occurred at HVES has had an immense impact on the community. Ongoing media coverage demonstrates a high amount of public concern not only in the Yukon, but also nationally. Between July 2021 and February 2022, there have been no less than 30 news articles and reports in publications across the country. At the time the HVES allegations became public, EDU was already dealing with fallout from the Auditor General's report on *Kindergarten Through Grade 12 Education in the Yukon*, the Advocate's *Review on School Attendance in the Yukon: What Is, What Could Be*, EDU's *Review of Inclusive and Special Education in the Yukon*, and public criticism of the department's response to the COVID-19 pandemic. Much of the mistrust in EDU's decision-making had been focused on a lack of transparency and the withholding of information from parents. Unfortunately, this proved to be a major shortcoming in YG's response to the HVES incident as well, and the inadequate response was and continues to be of high concern to Yukon political leaders. In the Fall 2021 sitting of the Legislative Assembly, the government was questioned 46 times regarding the HVES allegations, reviews and investigations. The allegations themselves were the subject of 10 motions, one motion of urgent and pressing necessity, and a petition.

EDU's lack of action and poor communication with affected parties and with the public have called into question whether their policies and systems are adequate to prevent similar situations in the future. The Advocate has heard from the affected families that the inadequacy of response has added to the trauma of the abuse, and has been particularly triggering for some people with connections to residential schools.

"Tell me how it is that the school officials, government officials and RCMP did not respond appropriately - understanding what has happened in the past to so many First Nation children in our communities?" - Parent

"The recent apology [by EDU] completely missed the point. It was not even directed to the children [who are] involved and for whom the Board of Education

is working for. These children are still being harmed [more than two] years later.”
 - Parent

The Advocate understands this review and its recommendations are not going to be enough for many people affected directly and indirectly by YG's inadequate response. Indeed, there is no real resolution to this issue for children and their families. While YG has committed to addressing systemic gaps and inefficiencies that have come to light in the independent review they commissioned, for many community members, there is nothing that can resolve the pain and heartbreak that comes from these kinds of inexcusable acts against vulnerable young people. Some questions can never be answered, some wounds can never be healed. To insinuate otherwise would be hubristic and frankly, insulting to parents, caregivers, and the children themselves.

The Other Reviews

The number of other reviews of YG's response to the incident are a key indication of how wide reaching the fallout of this incident has been. While these reviews have been and are being conducted entirely independently, the Advocate is supportive of the intentions behind them. There is hope that the breadth of investigation leads to greater clarity and a more comprehensive understanding of what happened for YG, the public, and those directly impacted by the incident.

- **RCMP review:** On Sept. 23, 2021, the RCMP Chief Superintendent apologized for the RCMP's inadequate investigation and announced the RCMP would conduct an internal review of what happened. A timeline of events was released on Nov. 9, 2021, and a verbal report of the review's initial findings was shared with HVES parents (with the Advocate in attendance) on Jan. 12, 2022.

"We should have been more diligent and worked more closely with our partners and more thoroughly with Hidden Valley School and [Family and Children's Services] to look for more potential victims whilst balancing the needs for privacy of the first victim and their family. We did not do that... We shoulder the responsibility along with the Department of Education for not having independently followed up in a thorough manner." - Chief Superintendent Scott Sheppard

- **Independent review (hired by YG and acting in consultation with EDU):** On Oct. 6, 2021, YG announced they had contracted Amanda Rogers, an independent lawyer based in Vancouver with a specialty in workplace dispute resolution, to conduct a review with broad authority to "look into the Government of Yukon's internal and inter-departmental processes in 2019 when allegations of child abuse by an educational assistant were brought forward to EDU staff. It will also include a broad and comprehensive review of established government policies and procedures around operations, reporting and communications to address serious incidents in Yukon schools." (Rogers, 2021). On Jan. 31, 2022,

Rogers presented her report to HVES parents at a meeting hosted by EDU. The report was publicly released on Feb. 1, 2022, and YG committed to addressing its recommendations and released an action plan on February 18, 2022. The action plan is signed by four YG departments (EDU, Justice, Executive Council Office, Public Service Commission) but curiously not signed by HSS.

- **Yukon Ombudsman's office's review:** On Oct. 25, 2021, the Yukon Ombudsman's office announced an investigation to determine if there was unfair treatment from EDU towards parents and students by not informing them about the 2019 charges laid against WAB. The findings of this investigation are not yet released.

Timeline

2015-16 school year: A teacher witnessed a possible situation of sexualized abuse by WAB* toward a student and reported it to school administration. The child also disclosed to their parents and the parents notified the school. EDU did not report this to RCMP or FCS. There was no investigation and there appears to be no formal record of the incident.

2019

Nov. 17: A parent notified HVES and FCS that their child had disclosed sexualized abuse by WAB. FCS notified RCMP. The next day, WAB was sent home and would not return. He has not worked in a school since.

Nov. 17-22: RCMP, FCS, HVES and Yukon Teachers' Association (YTA) worked together regarding the singular allegation.

Nov. 19: A teacher reported the 2015-16 incident to RCMP. It was not investigated or further explored at the time. (In 2021, the RCMP explained that the report was interpreted as the same victim as Nov. 2019, although the alleged victim only disclosed current allegation. This was not further explored.) This same day, EDU advised RCMP they would be starting their own investigation. RCMP agreed. EDU records collected by the Advocate do not show this communication nor an investigation conducted by EDU.

Nov. 22: WAB was arrested.

Nov. 25: RCMP Communications responded to EDU communications' request for advice on messaging that could be provided to the school principal for a planned meeting with school staff later that afternoon.

Nov. 26: Special Response Unit (SRU) updated and interviewed HVES principal on investigation. RCMP also met with an EDU communications analyst on this day.

Nov. 27: SRU interviewed EDU official on his role in the interview of WAB. The intentions of EDU and their investigation were not discussed.

Nov 29: The 2019 victim's parent was updated on the arrest of WAB and his release conditions.

Dec. 2: WAB was formally charged with sexual interference and sexual assault.

Dec. 4: The YTA confirmed through their legal counsel they had a legal duty to report, and they advised if they received further information from WAB they would advise the RCMP.

Dec. 13: HVES principal drafts a letter to HVES parents, but it is never sent out. No explanation provided by EDU.

2020

Feb. 12: WAB pleads guilty to Sexual Interference.

Apr. 14: WAB was officially terminated from his employment as an EA at HVES.

2021

Jan. 18: WAB was sentenced to 6 months custody and 2 years probation, with another 5 year probation not to have contact with children.

May 26, 31: HVES administration met with Child, Youth, and Family Treatment Team (CYFTT) to request additional counselling resources for the school.

Jul. 16: CBC published article regarding civil lawsuit filed against WAB by victim's family.

Jul. 17: RCMP received a report from a parent about the 2015-16 incident of sexualized assault by WAB that had not been investigated by FCS or RCMP (see Nov. 19, 2019). At this time, RCMP realized the 2015-16 victim was not the same 2019 victim reported to RCMP by the school. At the time of that incident, the parent advised they met with the school which informed the parent the incident had been handled internally by the school. As a result of this new information, RCMP police realized other victims were involved and confirmed the identification of a new victim.

Jul. 17 onwards: Numerous calls to the Advocate from parents concerned their child was abused, wanting to know how to talk to their children about sexualized abuse, looking for developmentally appropriate resources, concerned about safety in school and EDU's lack of response to the issue.

Jul. 29: The Advocate notified EDU they would launch a review (Appendix A). Some HVES parents form a support group and prepare an open letter expressing their concerns about EDU's lack of response.

Aug. 5: EDU responded to the Advocate's notification, stating that "it is the view of the Government of Yukon Department of Education that the Child and Youth Advocate Office (YCAO) does not have the statutory authority in accordance with the Child and Youth Advocate Act to conduct such a systemic review as outlined in your letter and, therefore, are not in support of it advancing" (Appendix C).

Aug. 6: The Advocate notified HSS of review (Appendix B).

Aug. 11: Letter sent from EDU to HVES school community (Appendix D).

Sept. 9: WAB was arrested, interviewed, and charged with multiple offences related to two additional alleged victims from the time period of 2014 to 2018. With the consent of the alleged victims' families, the RCMP released the name of the accused, the charges he was facing, and the presence of a publication ban.

Sept. 22: Parent meeting at HVES hosted by HVES School Council. The Advocate's request to attend was denied by School Council, stating that "the meeting was not open to the public."

Sept. 23: RCMP made a public apology and the Deputy Minister of Education released a public statement.

Oct. 5: YG announced contract with lawyer Amanda Rogers to conduct a review.

Oct. 6: The Minister of Education and the Minister of Justice issue a statement to the HVES community.

Oct. 18: Petition in the Legislative Assembly to "urge the Deputy Premier to clearly disclose to the public when she was made aware of the 2019 sexual assault at Hidden Valley Elementary School, and what direction she gave Department of Education officials — including any direction regarding communicating about this serious incident to parents."

Oct. 25: Ombudsman announced investigation regarding the lack of information provided to families.

Oct. 27: Motion in Legislative Assembly calling for the Minister of Justice (then Minister of Education) to resign. The Minister of Justice did not resign.

Nov. 9: The Advocate, Amanda Rogers, the Ombudsman, and RCMP attended a parents meeting at HVES and briefly informed parents about each of the reviews. EDU released its "Making it Right" document (Appendix E). RCMP released a verbal summary and timeline of their findings.

Jan. 12: RCMP hosted a meeting to release findings of internal review to HVES parents. The Advocate attended with RCMP's consent.

Jan. 31: Amanda Rogers hosted a meeting to release findings of independent review to HVES parents. The Advocate and parents' requests for the Advocate to attend were denied by EDU.

Feb. 1: Amanda Rogers publicly released their report and the Premier committed to action plan informed by the report's recommendations.

Feb. 7: RCMP targeted communication to families of students who attended after-school program at HVES with WAB.

Feb. 18: YG's *Hidden Valley Action Plan* released (later renamed to *Safer Schools Action Plan* after requests to take the school name off the interdepartmental document.)

Mar. 1: The Advocate hosted a meeting with parents to update them on review and hear more about their experiences with EDU's response. (The Advocate additionally had numerous points of contact by email, phone, text and in person with individual families.)

May 26: WAB pled not guilty to charges from 2014-2018.

Jun. 1: YCAO attends HVES School Council meeting on invitation from school council.

Jun. 2: HVES School Council releases letter requesting resources from YG (Appendix F).

Aug. 26: EDU received notice of health and safety violations from the Workers' Safety and Compensation Board, maintaining that Health and Safety Committee at HVES had not met regularly according to according to *Workers' Safety and Compensation Act*.

*In addition to his work as an EA at HVES, WAB also worked in after-school programs at HVES called Husky Fun Club (2014-2019) - Husky Fun Club, Dungeons and Dragons Club, and wrestling. He also worked as a respite worker for a family providing 1:1 care for a child with special needs (2017-2019). He previously worked as a French monitor at Selkirk Elementary School (2008-2010).

Findings Summary

The process of conducting this review has revealed a litany of troubling findings from classroom to central administrative levels. These are all cracks in the system that have contributed and continue to contribute to safety issues in Yukon schools. For the purposes of staying aligned with this review's objectives, the findings have been bucketed into four themes. Overall, the Advocate contends that there were and continue to be serious concerns with 1) Reporting and investigating sexualized abuse in schools; 2) Therapeutic supports and coordinated response; 3) Educational supports for children with special needs; and 4) Communication to families and the public.

1. Reporting and investigating sexualized abuse in schools

Hardships for impacted families could have been mitigated had the incidents been reported and investigated according to YG's established policies and protocols regarding sexualized abuse. Had the *Child and Family Services Act (CFSA)* and Interagency Protocols been followed correctly in 2015-16 and 2019, EDU, RCMP and FCS would have worked collaboratively to review initial concerns and all incidents of sexualized abuse. This would have increased the likelihood of identifying all victims, leading to earlier access to therapeutic supports. It has also become clear the investigative process lacked inclusive processes for children with special needs. Parents of non-verbal students shared their distress that their children had been left behind in the investigation, as they felt both RCMP and FCS lacked an approach to adequately assess harm for suspected victims who did not have developmental capacity to provide verbal interviews.

2. Therapeutic supports and coordinated response

One of the major flaws in this entire situation is the lack of a coordinated response between departments that ultimately resulted in the untimely and inadequate provision of therapeutic supports and healing to impacted members of the school community. The Advocate heard from numerous families and educators that access to services was not timely, sufficient, or developmentally appropriate. EDU has emphasized improving policies and processes to prevent such situations in the future, but parents have asked for more immediate attention to be provided regarding support and services, as research shows that outcomes improve with appropriate professional response. If a full-time clinical counselor or social worker had been employed at the school before the beginning of the 2021-22 school year, students, families and educators could have accessed the necessary support to manage these stressors and begin the recovery from harm. The allocation of such support could have alleviated some of the burden of managing a school community in crisis.

3. Educational supports for students with special needs

There is an urgent need to address gaps in the education system for students with special needs, as has been emphasized by multiple other reports. The Advocate has repeatedly heard about concerns regarding physical and emotional safety of students with special needs. Many factors, including lack of teacher and specialist involvement in educational programs and lack of training and support for EAs, contributes to major gaps for students with special needs. WAB worked for EDU for over a decade in multiple capacities, with the 2015-16 incident being minimized by school administration to lack of training and cultural differences. If systems had been in place to ensure developmentally appropriate programs with accountability and oversight in 1:1 work with students, risk to the most vulnerable students would have been mitigated.

4. Communication to families and public

Parents and caregivers of HVES students have repeatedly expressed outrage, confusion, and hurt at the lack of communication from EDU. The first formal communication to families from EDU came over 1.5 years after the 2019 sexual assault was reported. Additionally, families of students who had moved schools report not being included in communication from EDU, even if their children had been in close contact with WAB. Internal communications records obtained from EDU demonstrate a lack of action to address the impact of sexualized abuse on students and the broader school community. With sufficient exploration and targeted communication with families following the 2019 charge, additional victims could have been identified. Delays in accessing justice and therapeutic supports could have been prevented.

Findings

This review's "Findings" section approaches each of these four themes in the following manner: first by identifying the YG policies that should have informed the response, then by exploring how and which children's rights were violated according to the UNCRC, and finally by providing a narrative account and analysis of how YG's response ultimately fell short.

1. Reporting and investigating sexualized abuse in schools

The Policies

Duty to report: Anyone who is aware of a child in need of protective intervention must report their concerns to authorities (relevant legislation: *CFSA s.21, 22; Education Act s. 168, 169*).

Investigating child abuse: Reports of harm must be investigated in a timely manner to determine if the child is in need of protective intervention (relevant legislation: *CFSA s.23; Safe and Caring Schools Policy*).

Interagency collaboration: There must be a coordinated commitment to carry out joint investigations of abuse, including sexual abuse (relevant legislation: *Inter-Agency Agreement for the Investigation of Child Abuse; RCMP and HSS Interagency Protocol; Victims of Crime Act s.4, 5, 7*).

Health and safety in schools: Health and safety committees must meet regularly to discuss matters pertaining to the health and safety of workers and/or other persons at the workplace (relevant legislation: *Workers' Safety and Compensation Act p.1, p.3*).

Finding: Children's rights to protection, best interests, and supports were violated

Children have a right to be protected from harm such as sexualized assault. Governments are obligated to have policies in place to prevent abuse and address it when it occurs. Although there were related YG policies in place, these rights were violated.

Right to be protected from harm and to have harm addressed:

UNCRC Article 19: Governments must protect children from violence, abuse and being neglected by anyone who looks after them.

What happened: EDU, FCS, and RCMP did not respond adequately to allegations of sexualized assault and therefore failed to protect the impacted children. Inadequate interagency collaboration and communication created opportunities for further harm.

Right to be protected from sexual abuse:

UNCRC Article 34: Governments should protect children from sexual exploitation (being taken advantage of) and sexual abuse, including by people forcing children to have sex for money, or making sexual pictures or films of them.

What happened: The ongoing gaps in inclusive education, including recruitment, supervision and training for staff working with students with special needs, led to the situation that allowed for WAB to sexually abuse children.

Right for children with disabilities to be protected from discrimination:

UNCRC Article 2: All children have all these rights, no matter who they are, where they live, what language they speak, what their religion is, what they think, what they look like, if they are a boy or girl, if they have a disability, if they are rich or poor, and no matter who their parents or families are or what their parents or families believe or do. No child should be treated unfairly for any reason.

What happened: The investigation process was not consistently inclusive or developmentally appropriate for children with special needs.

Right to be cared for and protected by competent supervision:

UNCRC Article 3: When adults make decisions, they should think about how their decisions will affect children. All adults should do what is best for children. Governments should make sure children are protected and looked after by their parents, or by other people when this is needed. Governments should make sure that people and places responsible for looking after children are doing a good job.

What happened: The impacted children in this incident were failed by the adults responsible for their well-being, most notably at the departmental levels of EDU, HSS, and RCMP. Failings occurred in communication, interagency collaboration, and investigation. Decision-making was not done through a child-focused lens.

Right for children to share their voices and have their stories honoured:

UNCRC Article 12: Children have the right to give their opinions freely on issues that affect them. Adults should listen and take children seriously.

What happened: Investigations were not consistently conducted in a developmentally appropriate way by professionals with expertise in working with young children and children with special needs. Potential victims with language barriers did not have the opportunity to share their experience to the fullest extent possible, or at all.

Finding: Legislation and interagency protocols obliging educators to report suspected child abuse and work collaboratively to identify additional victims were not followed.

An alleged sexualized assault by WAB that occurred in the 2015-16 school year at HVES was reported to the principal by the classroom teacher. It was not reported to the RCMP or FCS by the principal at that time. It was not documented in the school or EDU departmental records and it was shared with the parents only after the child disclosed the incident to the parents and they requested an explanation from the school. WAB remained in classrooms with young children in alternating assignments for an additional four years at HVES. In addition, he worked directly with individual students with special needs and in a separately-run after school program and as a respite worker outside of school.

It is important to note that between 2015 to 2021, HVES experienced significant administrative turnover which likely resulted in communication breakdowns regarding past incidents. Within this time period, HVES had two principals and numerous superintendents. In November 2019, allegations of sexualized abuse were reported to EDU and FCS after a different student disclosed to their parent. WAB was placed on leave while FCS and the RCMP investigated the November 2019 incident. Charges were laid, WAB pled guilty on February 12, 2020 and on January 18, 2021 was sentenced to six months custody, two years' probation and five years no contact with children.

A major gap in the 2019 investigation occurred when the RCMP, FCS, and EDU did not investigate the possibility of other victims and did not include the aforementioned 2015-16 allegation in the investigation. This is despite the *Interagency Protocol's* assertion that "in situations of abuse and neglect, it is not uncommon that other children in the same circumstances may also have been victimized." During the 2019 investigation, the teacher who had previously reported the 2015-16 allegation again reported what they had witnessed, highlighting this was not an isolated incident. However, the investigation did not follow up on this report. The RCMP later admitted that they interpreted the 2015-16 and 2019 allegations to be the same victim.

"My son's teacher told me she gave a statement to the RCMP about the incident with [my child and WAB] yet the RCMP are saying they never got one and she only talked about the current victim. WHO IS LYING TO ME? Who dropped the ball? The [Department] of [Education] or the RCMP?" - Parent of 2015-16 victim

In June 2021, after media reported the criminal conviction, sentencing, and civil lawsuit against WAB, numerous parents responded with shock and concern that their children could also have been abused. Had the CFSA and Interagency Protocols been followed correctly in 2015-16 and 2019, EDU, HSS, and RCMP would have worked collaboratively to review initial concerns and

all incidents of sexualized abuse. This would have increased the likelihood of identifying additional victims. Given the ages and developmental capacity of the students WAB had contact with, we may never know if all victims have been identified.

“There is a lot left to uncover in this story. Until we know everything that happened to our children, there won’t be justice. I believe there are more child victims.” - Parent

Over the summer of 2021, allegations from additional victims were reported to the RCMP. In September 2021, new charges were laid related to allegations that occurred between January 1, 2014 and December 31, 2018. These charges are currently before the courts and on May 26, 2022, WAB pled not guilty to the charges. A trial is set for Spring 2023.

According to records obtained from EDU and HSS, it is apparent that the relevant legislation requiring mandatory reporting of child abuse was not adhered to. In 2015-16, EDU did not uphold their obligation to report abuse when a classroom teacher expressed concerns about an incident involving WAB. This concern was handled internally by EDU and was not communicated to the appropriate authorities. It remains unclear whether this decision was made by the school administration or at the central administration level (superintendent, Assistant Deputy Minister, Deputy Minister). Consequently, WAB was able to continue to work with vulnerable students. In 2019, although sexualized abuse was reported to the appropriate authorities, EDU, FCS and RCMP did not follow all Interagency Protocols that required a comprehensive investigation. The lack of coordination meant that the investigation was superficial and resulted in victims being missed.

Finding: Investigations did not consider developmental capacities of identified victims or potential victims

Through communication with impacted families, it has also become clear that the investigations lacked inclusive and developmentally appropriate processes for children with special needs. Parents of non-verbal students shared their distress that their children had not been appropriately included in the investigation. This is a concerning common scenario in child protection investigations in which verbal disclosures are prioritized over non-verbal communication (Barron et. al, 2019, p.768). Stalker et al. (2010) further contend that children’s disabilities are even used to rationalize inadequate investigations, which aligns in this case with the testimonies of both the RCMP and impacted parents. RCMP and FCS lacked an approach to adequately assess harm for suspected victims who were not able to provide verbal interviews. Parents suggested that student behaviour logs or school records of when WAB had direct 1:1 contact with their child could have been included in investigations.

The Advocate heard from families that they suspected that their children could have been abused, particularly given the unsupervised contact with WAB, the children’s vulnerability, and upon reflection of the children’s behaviour. WAB had daily access to children with specific vulnerabilities such as special needs, limited verbal ability, memory processing and he had numerous opportunities to be in isolated spaces with young children. As part of this review, the

Advocate requested that HSS provide “all reports and allegations of students being harmed by staff of HVES, including but not limited to sexualized assault, between August 2014 and October 2021.” HSS did not provide the Advocate with any records regarding children who were developmentally unable to provide verbal interviews, despite significant concerns raised by these children’s parents. Investigations did not appropriately assess these concerns and supports were not provided for these families.

“Meanwhile the parents are sitting there wondering if their child has been assaulted while everyone argues that it is someone else’s fault. This is not comforting.” - Parent

When sexualized abuse is suspected for children, there must be developmentally appropriate protocols established to assess harm. There are many models used to assess children when there are concerns of sexual abuse. Cronch, Filjoen, and Hansen (2006) reviewed different techniques frequently used in forensic interviews to determine whether or not sexualized abuse has occurred. Some of these include the use of cognitive interviews, anatomically detailed dolls, and structured interviews. There are detrimental impacts for children when investigators are not trained and competent in developmentally appropriate interviewing and therapeutic techniques. These systemic inadequacies signal to perpetrators that they may be safe from prosecution “because children with disabilities are often unable to tell, are not given the opportunity to tell, and won’t be listened to” (Barron et al., 2019, p.768).

“I don’t trust he didn’t hurt [my child]. Can I do anything about it? No.” - Parent

2. Therapeutic supports and coordinated response

The Policies

Access to supports: Any person who needs mental health services should have access to them according to the resources and abilities of the service providers (relevant legislation: *Mental Health Act s.4*).

Rights for victims of crime: Victims of crime must have their rights upheld and views considered in ways that are relevant to their needs and diversity (relevant legislation: *Victims of Crime Act s.3, 4, 5, 7*).

Interagency collaboration: There must be a coordinated commitment to joint investigations of abuse, including sexual abuse (relevant legislation: *Inter-Agency Agreement for the Investigation of Child Abuse; RCMP and HSS Interagency Protocol; Safe and Caring Schools Policy, Victims of Crime Act s.4, 5, 7*).

Finding: Children’s rights to therapeutic supports have not been fully implemented

Right to supports and services following abuse:

UNCRC Article 39: Children have the right to get help if they have been hurt, [exploited], neglected, treated badly, or affected by war, so they can get back their health and dignity.

What happened: Access to comprehensive therapeutic supports and healing was not provided in a timely manner to impacted children and their families, and families have had difficulties navigating what services are available, appropriate, and how to arrange funding. This had led to ongoing and unresolved impacts on both children and families.

Finding: Access to services has not been effectively coordinated

When services work together to coordinate their responses and implement best practices for child victims of crime, the psychological effects of abuse can be mitigated. Children who were directly impacted by the sexualized abuse by WAB did not receive timely therapeutic supports, due in part to the delay in identifying alleged victims.

The distress experienced by parents is ongoing and unresolved. Despite HSS identifying available resources (Child Family Youth Treatment Team, Sexualized Assault Response Team, Rapid Access Counselling), many families have not received the assistance they have needed to access necessary supports. Many months later, impacted families are still navigating the process to access healing. The resulting emotional impact on parents can directly impact the child's experience with recovery (Lovett, 2004).

“For 2+ years the (...) Board of Education has given these children the message [that] if you do something wrong instead of making it right simply do not talk about it. There is silence and shame around being victimized sexually and we don't talk about it. If you have been victimized or know someone who has been victimized there are no supports available. This is completely traumatizing and invalidating for everyone involved and in direct contradiction to reconciliation.” - Parent

Many of the students impacted were quite young with various degrees of verbal ability. Families have been challenged with navigating what developmentally appropriate services are available and how to arrange funding for non-governmental services. Some parents have accessed therapeutic supports for themselves to help cope.

Families have been left with questions about the impact of the abuse on their child. There are many questions families will never have answers to, including what happened to their child, what their child remembers, and what the long-term impacts of abuse could be.

“On a personal level, I'm very hurt...I sent [my child] to school, some days he was sad, I'm going to question that for the rest of my life.” - Parent

Finding: Without adequate support from EDU and HSS, HVES school staff have struggled to provide resources and supports to students and their families

In May 2021, just months before CBC's article on the civil lawsuit against WAB brought public awareness to the sexualized assault incident, the Advocate released *A Review of School Attendance in the Yukon: What is, What Could Be*. That review, informed by both the Advocate's individual advocacy casework and a wide-reaching community engagement process, recommended clinical counsellor positions be created and filled for every Yukon school. The Advocate reiterated this recommendation when launching this review (Appendix A, Appendix B), contending that such positions would have provided available, in-house, and timely supports to HVES students, families, and staff. More proactively, having full-time clinical counsellors and/or social workers in schools provides a consistent, familiar, and knowledgeable touchpoint for all students and staff about referrals for family treatment, community support, and crisis response. These roles also have the potential to deliver developmentally appropriate sexual health education to all students, including those who are often not part of classroom programming.

On July 26, 2021, following public awareness of the 2019 sexualized assault, a parent wrote the Minister of Education, stating, "I urge you to IMMEDIATELY dispatch counsellors for the parents and children of Hidden Valley School."

The then Assistant Deputy Minister, Schools and Student Services, sent a letter from EDU to parents and guardians of HVES students on Aug. 11, 2021:

"We will provide and continue to promote additional supports for students when they resume school later this month, and can help refer families to supports that may be needed by parents/guardians at home. Support persons will be available at the school prior to and during the first days of school. In addition, we are working with our partners at the Departments of Health and Social Services and Justice to determine the needs, identify and provide the most appropriate supports for families and students, and make referrals when Department of Education supports are not best-suited to assisting students or families" (Appendix D).

Despite a commitment from EDU ensuring that students would have access to appropriate supports at school, families who no longer attended HVES reported not being contacted or provided with information and access to supports.

Therapeutic supports provided to the HVES school community included:

- The Manager of CYFTT made a presentation to HVES staff on how to make referrals to CYFTT (Aug. 2021).
- The HVES School Council hosted a meeting for the HVES community (Sept. 2021).
- In Spring 2021, HVES identified the need for clinical supports. A clinical counsellor from CYFTT was provided to HVES one day a week. This counsellor continued to work one day a week with referred students at the school throughout the school year. Unfortunately, by this time some alleged victims had already transferred schools and did not have access to this counsellor.

- In Fall 2021, two clinical counsellors from CYFTT facilitated a six week parent support group on Wednesdays at the Hootlinqua Fire Hall.
- EDU publicly announced that there was an onsite counsellor or social worker in the school (Oct. 2021). However, this was not the case; there was a social worker (school based community consultant), based at EDU central administration who could be contacted to facilitate referrals.
- According to EDU, a school based community consultant was and is available to support families and educators. She facilitated a professional development session with HVES staff prior to the school year and was in person at HVES for half a day on the first day of the 2021-22 school year.
- With the support of EDU central administration, HVES contracted an outside therapeutic firm to travel to the Yukon to support staff.

Despite these actions, the therapeutic supports necessary to recover from this incident have been inadequate. Without a designated point person(s) overseeing the coordination of services for those impacted (children, families, educators, school community), HVES administration ended up coordinating many of the services themselves. From July 2021 and throughout the subsequent school year, the Advocate observed a severely stressed and over-capacity school community and administration trying to do their best to fill service gaps for students, families, and school personnel. In a May 16, 2022 letter to the Minister of Education, HVES School Council pleaded for additional resources, criticizing the continued lack of supports:

“Our school has experienced an exceptionally difficult year that has negatively impacted our whole school community. These negative impacts will take tremendous [amounts] of time, dedication, and consistency to rebuild trust in our school and the education system. We are disheartened your administration has committed to providing our school community with additional supports, but have done nothing out of the ordinary to address the extraordinary circumstances and pressures that have been felt by our children, parents and staff at Hidden Valley Elementary School.” - School Council

“Another issue that I see that’s not being addressed is the mental supports for staff. The DOE needs to provide the staff of HVES with the proper mental health supports that they need, on the ground and on site every week. By doing so you will ensure that our teachers are at the very best that they can be, which will ultimately result in better support for our children’s needs.” - Parent

If a clinical counsellor position had been created and filled as recommended, HVES would have had therapeutic support, holistic case management, assistance and guidance built into the school community. A clinical counsellor or social worker could have talked to students and educators about sexual health and abuse, and could have been available for all those impacted by the triggers that emerged, and will continue to emerge during the criminal proceedings. This should not have been the responsibility of the educators and school administration but of EDU central administration that purports to serve these schools.

“We 100% know that the staff and the administration are doing everything in their ability to ensure that our children are safe, there’s no question to that. The difficulty lies in the support that they’re actually getting from the DOE; we need more funding and resources for our school.” - Parent

3. Educational supports for students with special needs

The Policies

Access to educational supports: Any student who needs special education programs or services are entitled to them (relevant legislation: *Education Act s.15*).

Finding: Children’s rights to protection, dignity, and education were violated

Right for children with special needs to be protected from discrimination:

UNCRC Article 2: All children have all these rights, no matter who they are, where they live, what language they speak, what their religion is, what they think, what they look like, if they are a boy or girl, if they have a disability, if they are rich or poor, and no matter who their parents or families are or what their parents or families believe or do. No child should be treated unfairly for any reason.

What happened: Children with special needs were disproportionately impacted by this incident as WAB used his position of power in 1:1 situations to exploit students.

Right to be prioritized and protected by competent supervision:

UNCRC Article 3: When adults make decisions, they should think about how their decisions will affect children. All adults should do what is best for children. Governments should make sure children are protected and looked after by their parents, or by other people when this is needed. Governments should make sure that people and places responsible for looking after children are doing a good job.

What happened: The impacted children in this incident were failed by the adults responsible for their well-being, most notably at the departmental levels of EDU, HSS, and RCMP. Decision-making was not done through a child-focused lens.

Right for children with special needs to enjoy a full and decent life in conditions that ensure dignity:

UNCRC Article 23: Every child with a disability should enjoy the best possible life in society. Governments should remove all obstacles for children with disabilities to become independent and to participate actively in the community.

What happened: The impacted children in this incident were not treated with dignity and respect when they were exploited by an adult in a position of power over them.

Right to an education

UNCRC Article 28: Every child has the right to an education. Primary education should be free. Secondary and higher education should be available to every child. Children should be encouraged to go to school to the highest level possible. Discipline in schools should respect children's rights and never use violence.

What happened: The negative impacts from the abuse and YG's response has created mistrust in the education system. Some families have transferred their children out of HVES, others have considered taking their children out of the Yukon education system entirely.

"Parents want to start to build the trust again with the DOE, but we need to see actual action first, so we can start to feel comfortable sending our children to school every day. For many parents, especially ones with children who have exceptionalities, we still have major concerns about the safety of our children." - Parent

Right for education to be inclusive and developmentally appropriate:

UNCRC Article 29: Children's education should help them fully develop their personalities, talents and abilities. It should teach them to understand their own rights, and to respect other people's rights, cultures and differences. It should help them to live peacefully and protect the environment.

What happened: EDU did not ensure inclusive, developmentally appropriate, and safe learning environments for all children with special needs.

Finding: Inadequacies in inclusive education led to an environment where abuse could occur

There is an urgent and ongoing need for major improvements to be made to inclusive education in the Yukon for students with special needs. This was brought to light by the 2019 Auditor General's report *Kindergarten through Grade 12 Education in Yukon*, and was further emphasized in both the 2021 EDU *Review of Inclusive and Special Education in the Yukon* and the Advocate's 2021 *Review on School Attendance in the Yukon: What is, What Could Be*. Frankly put, EDU consistently states that they are dedicated to helping all students reach their full potential, yet does not provide the necessary resources to schools in order to achieve this goal. This failure not only inhibits students with special needs from receiving a developmentally appropriate education, but also led to an environment in which WAB was able to take advantage of those in his care.

"Teachers don't see him as one of their students. They openly admit that they're failing him. We'd just like to see someone with specific training, experience... a teacher for all the kids who fall through the cracks." - Parent

“I shouldn’t feel guilty to ask his teacher to set aside 10 minutes for him a day.” - Parent

An additional area of concern is the recruitment, assignment and training of EAs. Through conversations with parents, students, and educators, not exclusive to HVES, the Advocate has heard repeatedly that schools lack EAs and other supports for classroom teachers, and that even when EAs are available, they often lack specific education, training or relevant experience related to special education. To be clear, the blame for this lack of training should not be pointed towards individual EAs themselves, but rather an education system that continually fails to equip its employees with the requisite preparation, resources, and skills necessary to deliver special education programming.

“We finally have an EA who [our kid] trusts. He’s untrained but has a good heart and is patient... but we’re afraid we’re going to lose him. If you have someone who’s showing up and has kindness and enjoys [our kid]... train him. Treat him like a god.” - Parent

In the current model of inclusive education in the Yukon, EAs are frequently required to remove students from the classroom in order to engage them differently and prevent disruption of their classmates. This often includes going on walks, going to sensory rooms, taking them outside, playing on an iPad, etc. Accountability of where the EAs go and what they do with their students in these 1:1 settings is severely lacking. This normalized practice of removing students from the classroom without adequate tracking processes is irresponsible at best and at worst allows opportunity for abuse to occur.

“They don’t track where the EAs and students are. This puts the EA in a vulnerable position. We’ve shown up to get [our kid] and they tell us they don’t know where they are. The bare minimum is that they should know where your kids are.” - Parent

This lack of oversight is particularly concerning given that children with special needs are at a significantly higher risk for sexualized abuse and violence. Scholarly research conducted over the past few decades has shown the correlation between disability and increased risk (Jones et al., 2012; Helton et al., 2018; Stalker & McArthur, 2012; Sullivan & Knutson, 2000). Children with special needs face additional risk factors including being more likely to under-report (Stalker & McArthur, 2012) and less likely to have their allegations substantiated when they do report (Helton et al., 2018). Had systems been in place to ensure developmentally appropriate programs with accountability and oversight in 1:1 work with students, risk to the most vulnerable students would have been mitigated.

“[Our kid] trusts everybody because he has to. Don’t you want to be extra careful with him? There’s repercussions to having someone [untrained] with him. It can be dangerous for him, his classmates, if he hurts somebody or himself. If he was as important as every other student like they say, we wouldn’t be having this conversation.” - Parent

4. Communication to families and public

The Policies

Access to information for victims: Any person who is the victim of a crime should have timely access to all information regarding the crime, the investigation, status of the offender, and available services (relevant legislation: *Victims of Crime Act s.4*).

Access to information for parents/guardians: Parents of children attending school have the right to be informed of incidents and decisions that impact the education, health, or safety of their children (relevant legislation: *Safe and Caring Schools Policy; Education Act, s.18*).

Finding: Children’s rights to be cared for by their parents/guardians were violated

Right to be prioritized and protected by competent supervision:

UNCRC Article 3: When adults make decisions, they should think about how their decisions will affect children. All adults should do what is best for children. Governments should make sure children are protected and looked after by their parents, or by other people when this is needed. Governments should make sure that people and places responsible for looking after children are doing a good job.

What happened: Decision-making from EDU and RCMP regarding communication to families and public was not done through a child-focused lens. Had it been, timeliness and clarity would have been prioritized in order to ensure children had access to the necessary therapeutic supports and recovery as soon as possible.

Right to have parents/guardians fully equipped by the government to parent and protect:

UNCRC Article 18: Parents are the main people responsible for bringing up a child. When the child does not have any parents, another adult will have this responsibility and they are called a “guardian”. Parents and guardians should always consider what is best for that child. Governments should help them. Where a child has both parents, both of them should be responsible for bringing up the child.

What happened: Because communication from YG was delayed and unclear, parents and guardians were not successfully set up to support their children after sexualized abuse occurred in their school. This led to an inability to perform parenting duties to the most effective extent possible, at no fault of the parents themselves.

Finding: Impacts of sexualized assault on children was not centred in EDU’s response

Parents and caregivers of students have understandably been hurt, confused, and outraged at the lack and nature of communication from EDU about the sexualized assault(s) and WAB’s involvement. Though records provided from EDU indicate that a letter to the school community

was drafted by Principal John Duclos in December 2019, the letter was never sent. There is no clear explanation why this important communication was never sent. While privacy is important, information sharing could have occurred without compromising privacy rights for the victim, or interfering with a publication ban. EDU informed that the ministerial transition that took place in 2021 did not include mention of this issue. Additionally, EDU was aware this was not an isolated incident and that WAB had previously been involved in a suspicious incident with a student in his care in 2015-16. These allegations were never made public to families.

One of the more glaring observations of YG's response following the incident has been the ratio of communications that prioritized departmental response over interventions to support the needs of students. In reviewing the records of emails sent between YG employees in EDU, HSS, and Justice in the months following the 2019 sexualized assault, the Advocate was troubled to learn that support for impacted students was rarely discussed. Put another way, it seems as if YG was more concerned with the legalities and labour implications of the incident, rather than the wellbeing of impacted students. This is demonstrated in the "well-handled" labour relations piece:

It is worth noting that from a labour relations perspective, things were well-handled. WAB was immediately removed from HVES when the abuse allegation was first brought forward in November 2019. He was placed on unpaid administrative leave until his conviction at which time his employment was terminated. In other words, as soon as the allegation against WAB was made, YDE – with the guidance and assistance of the PSC – took swift action to ensure WAB presented no ongoing threat to students (Rogers, 2021, p.16).

As an office whose mandate is to uphold the rights of young people, the Advocate finds it unacceptable that communications were handled in such an ostensibly self-serving way. Had the same urgency and efficiency with which the labour relations element was handled been applied to communicating clearly with families and offering therapeutic supports, parents would not have been left feeling forgotten and abandoned by EDU. There were many opportunities between November 2019 and July 2021 where many people employed by EDU could have easily revisited their decision not to communicate with families - when the incident first occurred, after termination of employment, after WAB's conviction, after his sentencing, after the civil suit was launched, or at any point of transition between superintendents, Assistant Deputy Ministers, or Ministers of Education.

"You can't be really sorry and not call me. You can't be really sorry and not give me any information. You can't be really sorry and not provide anything for my...kid. You can't be both." - Parent

A letter sent to EDU by the parent group Concerned Parents of Hidden Valley School two weeks after the first CBC article came out stated the following:

It is appalling that it has been almost two weeks since the article came out about an EA being criminally charged and convicted of sexually assaulting a child at our school. Since

that time, no one from the Department of Education has reached out to offer support to the parents, students or staff of HVES.

There have been no counselling services offered, no supports for how to talk to our children about sexual abuse, nor any discussions on how they will ensure that our children are safe when they return to the school in the fall. We are extremely disappointed that the Department of Education did not inform parents of this incident 18 months ago, when it was first reported, so that we could have started the difficult discussions with our children then to see if any of them had been victimized (Concerned Parents of Hidden Valley School, 2021).

After communication from EDU finally took place in late August 2021, families of students who had moved schools reported not being contacted, even if the student was suspected to have been victimized. This was a gross oversight in the investigative process that left many parents feeling jaded, hurt, and fearful of whether their child(ren) had also been impacted by WAB.

If YG used a child-centred approach in its 2019 response, the immediate provision of and referrals to therapeutic supports would have been prioritized in the best interest of the impacted students. There is no reason why this couldn't have taken place alongside the department's attention to the labour relations situation, except that communications to parents had yet to be carried out. As such, it is clear that all issues surrounding communication are connected and adversely impact each other.

Recommendations

It is the Advocate's belief that in order for YG to fulfill its obligation to uphold children's rights, relevant YG departments must work in collaboration to address instances of alleged harm in schools. As previously stated in this review's introduction, it is the legal responsibility of Canadian governments at all levels to abide by and adhere to the articles expressly stated in the UNCRC.

In accordance with Section 21 of the *Child and Youth Advocate Act*, the Advocate is requesting that EDU and HSS advise of steps taken towards the following recommendations. To be clear, a response to this review and its recommendations that merely subsumes the Advocate's review into the Safer Schools Action Plan (and steps taken since) is not adequate. The process of this review was foundationally informed by a children's rights framework and as such, its recommendations stand alone as child-centred calls to action.

1. **Coordinated Response:** Confirm best practices for responding to any incident in education where a child is, or is likely to have been, physically, sexually or emotionally harmed. Design and implement an interagency response process, which includes competent investigations, child and family-centred approaches to information sharing, protection of privacy, communication with families and coordination of services.
2. **Duty to Report:** Provide clear information to educators and families about their mandatory duty to report any incident where a child is, or is likely to have been,

physically, sexually or emotionally harmed. Provide clear steps on how and who to report incidents to and how to follow up.

3. **Developmentally Appropriate Responses:** Implement best practices to ensure developmentally and culturally appropriate interviews and victim support services for students who have been physically, sexually or emotionally harmed.
4. **Sexual Health Information:** Provide developmentally appropriate sexual health information throughout the school year to all Yukon students. Sexual health programming should be mandatory and accessible to all students, including those with individualized plans (IEPs, Student Support Plans, etc.). Provide additional guidance to families about how to talk to children about sexual health.
5. **Therapeutic Supports:** Immediately determine therapeutic needs of students and families impacted by alleged abuse and ensure low-barrier access to appropriate supports identified by students, families and professionals. Provide accessible therapeutic supports for impacted educators. Develop a plan to create and fill clinical counsellor positions in all Yukon schools.
6. **Educational Supports:** Provide specialized educational supports for all children with special needs. Programs should include input and oversight by Learning Assistance Teachers, Student Support Services and, if needed, external specialists. Guidance and oversight by specialists should be thorough and long-lasting with the goal of creating educational programs that have clear and measurable goals and help students reach their full potential.
7. **Accountability and Oversight for Educators:** Develop structures for training, monitoring and supervising educators, particularly 1:1 EAs working with vulnerable students. Ensure learning environments are inclusive and promote safety and belonging.
8. **YG Response:** Provide a public report outlining YG's response to the Advocate's review by November 22, 2022 and a subsequent progress report within twelve months.

Conclusion

Through the course of this review, we have heard repeatedly how difficult the entirety of this experience has been for students, their families and the HVES community. We have felt the weight ourselves as an office advocating for children. It is hard to describe the feelings of pain, frustration, and helplessness shared with us in person, on Zoom, over the phone and in emails. People were hurt, and are still hurting, from YG's incredibly poor handling of the situation. While we know this review has its limits and will not be enough for everyone, we hope it can act as a step towards helping students and families find healing and closure.

Amidst the political and legal drama that played out in the news, on social media, and within the Legislative Assembly, our focus has always remained the same - to highlight how the situation has impacted the young people involved, and to advocate for their rights to be respected. Through our review, it has become apparent how many UNCRC rights have either not been upheld or have been violated during this ordeal. The actions required to address this harm, outlined in our recommendations, span far beyond what took place at HVES and all responses should be relevant to all Yukon schools and YG wide.

We have had numerous conversations with those impacted about what accountability means. While children generally are not concerned with who holds power and positions in government, many adults demand personal responsibility from those in charge at all levels of government. For our office, accountability means demonstrating a commitment to the safety and wellness of children through actions and decisions where children are protected and their rights, views and interests are prioritized. The impacts on victims and families will be long-lasting and efforts to promote healing should be interdepartmental and comprehensive. It has been our intention to respectfully and transparently report in this review on what we found while honouring the stories of the impacted families, and turning the attention firmly back towards where it should have been this whole time - the children.

Bibliography

Barron, I., Allardyce, S., Young, H., and Levit, R. (2019). Exploration of the Relationship between Severe and Complex Disabilities and Child Sexual Abuse: A Call for Relevant Research. *Journal of Child Sexual Abuse*, 28(7), 759-780.

Child and Family Services Act, 2008. (Yukon Government).

Child and Youth Advocate Act, 2009. (Yukon Government).

Concerned Parents of Hidden Valley School (2021). [Letter from Hidden Valley parents to Department of Education]. *Letters to the Editor, Yukon News*.

Convention on the Rights of the Child, Nov. 20, 1989. (United Nations).

Cronch, L. E., Viljoen, J. L., & Hansen, D. J. (2006). Forensic interviewing in child sexual abuse cases: Current techniques and future directions. *Aggression and Violent Behavior*, 11(3), 195-207.

Declaration on the Rights of Indigenous Peoples, Oct. 2, 2007. (United Nations General Assembly.)

Education Act, 2002. (Yukon Government).

Helton, J. J., Gochez-Kerr, T., & Gruber, E. (2018). Sexual Abuse of Children With Learning Disabilities. *Child Maltreatment*, 23(2), 157-165.

Jones, L., Bellis, M.A., Wood, S., Hughes, K., McCoy, E., Eckley, L., Bates, G., Mikton, C., Shakespeare, T., & Officer, A. (2012). Prevalence and risk of violence against children with disabilities: a systematic review and meta-analysis of observational studies. *Lancet*, 380(9845), 899-907.

Lovett, B. (2004). Child Sexual Abuse Disclosure: Maternal Response and Other Variables Impacting the Victim. *Child and Adolescent Social Work Journal*, 21, 355-371.

Mental Health Act, 2002. (Yukon Government).

Rogers, A. (2022). [Independent review of governmental response to allegation of sexual abuse committed by educational assistant William Auclair-Bellemare at Hidden Valley Elementary School]

Safe and Caring Schools Policy, 2018. (Yukon Government).

Stalker, K. & McArthur, K. (2012). Child abuse, child protection and disabled children: a review of recent research. *Child Abuse Review*, 21(1), 24-40.

Stalker, K., Lister, P., Lerpiniere, J., & McArthur, K. (2010). Child Protection and the Needs and Rights of Disabled Children and Young People: A Scoping Study. (University of Strathclyde Education).

Sullivan, P. M., & Knutson, J. F. (2000). Maltreatment and disabilities: A population-based epidemiological study. *Child Abuse & Neglect*, 24(10), 1257–1273.

Victims of Crime Act, 2010. (Yukon Government).

Workers' Safety and Compensation Act, 2021. (Yukon Government).

Yukon Child and Youth Advocate Office (2021). *Review on School Attendance in the Yukon: What Is, What Could Be*.

Appendices

Appen. A – July 29, 2021, notification to EDU of YCAO review



Yukon Child and Youth Advocate Office
 Unit 19 – 2070 2nd Ave. Whitehorse, Yukon Territory, Y1A 1B1
 Phone: 867-456-5575 ; Email: annette.king@ycao.ca
 "Young People Have A Voice!"

July 29, 2021

Department of Education
 Box 2703
 Whitehorse, YT
 Y1A 2C6

Attn: Nicole Morgan, Deputy Minister

Re: Systemic Advocacy – Safety and Supports at Hidden Valley Elementary School

Dear Deputy Minister Morgan,

Please be advised that the Child and Youth Advocate Office (YCAO) is launching a systemic review regarding the safety and supports at Hidden Valley Elementary School after the conviction and sentencing of an Educational Assistant employed with the school. The intention of this review is to ensure that children, families and educators have the supports required to start this upcoming school year with considerations for safety, information, emotional support, and guidance to prevent harm and recover from past harm.

Authority:

YCAO operates under the authority of the *Child and Youth Advocate Act* ("the Act"). The authority to conduct this systemic review is provided by s 11, s. 12 (1), s. 23 (1) and (2), and s. 21 of the Act and is supported by the Protocol between YCAO and the Department of Education (2014). The Protocol provides that the Department of Education will work cooperatively with YCAO within the confines of the Act and other relevant legislation and policies. Further, the Department of Education will provide YCAO with the information the Advocate requests and is entitled to receive under the Act.

Pursuant to s. 23(1) of the Act, I have the right to any information that is in the custody or control of Yukon government that is necessary to enable me to exercise my powers or perform my functions and duties under the Act. Further, s. 23(2) of the Act requires Yukon government to disclose the information to which I am entitled and respond to any reasonable questions that I may have regarding the clarification or explanation of the information provided. This may include information about persons other than the children or youth who are the focus of the review.

As an independent office, pursuant to s. 11, YCAO has the mandate to support, assist, inform and advise children and youth with respect to designated services as set out in the Act. The role of YCAO is to assist children and youth in accessing their rights and views when receiving government services. The issue of safety and supports at Hidden Valley Elementary School arose in the course of individual advocacy and raises a substantial question of public concern for students, families and educators at Hidden Valley Elementary School and indirectly impacts many Yukoners, particularly students with special needs.

Objective of the Review:

The objective of this review is to provide advice to the Department of Education to promote safety at school for all students, in particular students with special needs, and to ensure appropriate processes are in place to prevent abuse and to respond appropriately when abuse occurs.

As the 2021-22 school year begins, families and educators need information, guidance and support to communicate effectively with their children.

Our accountability is to the children and youth of the Yukon and to ensure their views, rights and interests are upheld as articulated in the *United Nations Convention on the Rights of the Child*. Children have a right to an education that helps them meet their full potential (Article 28, 29) and to receive special supports when required (Article 23). They have a right to be safe from abuse (Article 19, 34) and to have support in recovery after harm has happened (Article 39). They have a right to information and guidance (Article 17, 18) while protecting their privacy (Article 16). Children's views and best interests must be paramount in decisions and actions made about them (Article 12, 3).

Scope of Review/Methodology:

YCAO's systemic review will include analysis of:

- Relevant school and departmental records, including but not limited to incident reports, internal and external reports of harm, and communication with families.
- School and Departmental policies for recruitment, screening, supervision, orientation and training of Educational Assistants.
- School and Departmental policies regarding incident reports and responses.
- Views of students, families, school council and educators.
- Policies and records of external partners, such as: Family and Children's Services, First Nation governments, Mental Wellness Substance Use Services, Yukon Teachers Association, RCMP and Victim Services
- Other relevant research and reports

Recommended Actions for Immediate Response:

Upon completion of this review, a formal report will be provided to the Department of Education. It is my recommendation that the Department of Education immediately provide the following:

1. Formal communication to parents and First Nations about the importance of safety at school, the investigation process, and the school's response to reports of harm. Please note that this should not include personal information about specific incidents but should have policies and process for dealing with incidents.
2. Immediately assign a full time social worker and clinical counsellor to Hidden Valley Elementary for individual and group work with students and educators.

3. Distribute resources that provide parental guidance on speaking to children about sexual health and sexualized assault, along with referral information to relevant support programs.
4. Review all school records and ensure that past and current allegations and disclosures have been reported to the RCMP and Family and Children's Services.
5. Ensure all students beginning the 2021-22 school year are provided with required educational supports along with safeguards to ensure protection from abuse.
6. Provide a timely response to forthcoming records requests from YCAO.

Thank you for your consideration of this matter. I am requesting a meeting with you and relevant department or school officials by **August 5, 2021** to clarify the communication, public reporting, and methodology for the review process.

Respectfully,



Annette King
Child and Youth Advocate

- c. Hon. Jeanie McLean, Minister of Education
Ryan Sikkes, Assistant Deputy Minister, Public Schools

Appen. B – August 6, 2021, notification to HSS of YCAO review



Yukon Child and Youth Advocate Office
 Unit 19 – 2070 2nd Ave. Whitehorse, Yukon Territory, Y1A 1B1
 Phone: 867-456-5575 ; Email: annette.king@ycao.ca
 “Young People Have A Voice!”

August 6, 2021

Department of Health and Social Services
 Box 2703
 Whitehorse, YT
 Y1A 2C6

Attn: Stephen Samis, Deputy Minister

Re: Systemic Advocacy – Safety and Supports at Hidden Valley Elementary School

Dear Deputy Minister Samis,

On July 29th, 2021, the Yukon Child and Youth Advocate Office (YCAO) launched a systemic review regarding the safety and supports at Hidden Valley Elementary School. The intention of this review is to provide advice to the Yukon Department of Education to ensure that children, families and educators have the supports required to start this upcoming school year with considerations for safety, information, emotional support, and guidance to prevent harm and recover from past harm, particularly for students with disabilities.

Our accountability is to the children and youth of the Yukon and to ensure their views, rights and interests are upheld as articulated in the *United Nations Convention on the Rights of the Child*. Children have a right to an education that helps them meet their full potential (Article 28, 29) and to receive special supports when required (Article 23). They have a right to be safe from abuse (Article 19, 34) and to have support in recovery after harm has happened (Article 39). They have a right to information and guidance (Article 17, 18) while protecting their privacy (Article 16). Children’s views and best interests must be paramount in decisions and actions made about them (Article 12, 3).

Given the expertise of the Department of Health and Social Services in the area of child abuse and mental wellness, we are looking for a whole government approach to responding to the systemic issue. I am therefore advocating for your department to ensure children’s rights are upheld by providing the following:

1. Education about process and protocols for reporting allegations of child sexualized abuse. This information should be provided to school and departmental personnel and be made available publicly for families with information about how to report concerns. Direct access to social workers must be provided to guide families and educators through the disclosure process.
2. Offer in-person sessions and distribute resources that provide parental guidance on speaking to children about sexual health, boundaries, consent and sexualized assault, along with referral information to relevant support programs.
3. Provide a full time clinical counsellor to Hidden Valley Elementary School, right away, to provide emotional support to students, families and school personnel.

1

4. Actively participate in Project Lynx and Sexualized Assault Response Teams.
5. Provide a timely response to forthcoming records requests from YCAO for the purposes of this review.

In the interest of the children and families involved, we respectfully request that you respond to our recommendations, above no later than August 12, 2021.

Authority:

As you are aware, YCAO operates under the authority of the *Child and Youth Advocate Act* ("the Act"). The authority to conduct this systemic review is provided by s. 11, s. 12 (1), s. 23 (1) and (2), and s. 21 of the Act and is supported by the Protocol between YCAO and the Department of Health and Social Services (2017) and the Protocol between the YCAO and the Department of Education (2014). The Protocols provide that each Department will work cooperatively with YCAO within the confines of the Act and other relevant legislation and policies. Further, the Departments will provide YCAO with the information the Advocate requests and is entitled to receive under the Act.

Pursuant to s. 23(1) of the Act, I have the right to any information that is in the custody or control of Yukon government that is necessary to enable me to exercise my powers or perform my functions and duties under the Act. Further, s. 23(2) of the Act requires Yukon government to disclose the information to which I am entitled and respond to any reasonable questions that I may have regarding the clarification or explanation of the information provided. This may include information about persons other than the children or youth who are the focus of the review.

As an independent office, YCAO has the mandate to support, assist, inform and advise children and youth with respect to designated services as set out in the Act. The role of YCAO is to assist children and youth in upholding their rights and views when receiving government services. The issue of safety and supports at Hidden Valley Elementary School arose in the course of individual advocacy (in designated services with the departments of Education and Health and Social Services) and raises a substantial question of public concern for students, families and educators at Hidden Valley Elementary School and indirectly impacts many Yukoners, particularly students with special needs.

Thank you for your consideration of this matter. I will be following up with a formal request for information related to this review.

Respectfully,



Annette King
Child and Youth Advocate

- c. Geraldine MacDonald, Director, Family and Children's Services
Mary Vanstone, Director, Mental Wellness Substance Use Services
Nicole Morgan, Deputy Minister of Education

Appen. C – Aug. 5, 2021 EDU letter to YCAO regarding lack of authority to conduct review

Deputy Minister's office (E-1)
PO Box 2703, Whitehorse, Yukon Y1A 2C6

August 5, 2021

Annette King
Office of the Yukon Child & Youth Advocate
2070-2nd Ave, Unit 19
Whitehorse, YT Y1A 1B1

Dear Annette King:

Re: System advocacy – Safety and supports at Hidden Valley Elementary School

I am writing to respond to your letter of July 29, 2021, in which you communicate your desire to launch a systemic review regarding the safety and supports at Hidden Valley Elementary School.

We share the position that the safety and protection of all students is paramount and acknowledge the real and serious concerns of families related to this matter. In our duty of care, we have a responsibility to uphold the safety of all students at our schools. I can assure you that central staff at the Department of Education are working with the school administration to ensure supports and services that meet the needs of students and families are in place for the coming school year.

In addition, we encourage parents that have concerns about interactions their children may have had while at Hidden Valley Elementary School to contact the RCMP's Specialized Response Unit at 867-667-5555 directly to share the information.

We are also encouraging parents to contact the [Government of Yukon's Victim Services Branch](#), which offers specialized support through Project Lynx. Project Lynx supports children and youth victims of crime and their families. It does not matter whether the crime has been reported, a charge has been laid, or if there has been a conviction. This team provides services to help navigate next steps and can make referrals to other supports such as counselling. Project Lynx can be reached at 867-667-3002 or email at victim.services@yukon.ca.

It is the view of the Government of Yukon Department of Education that the Child and Youth Advocate Office (YCAO) does not have the statutory authority in accordance with the *Child and Youth Advocate Act* to conduct such a systemic review as outlined in your letter and, therefore, are not in support of it advancing.

I would like to recognize the important work of the CYAO and offer that we revisit the desire to review safety and supports in place in Yukon schools at a time that is suitable and in accordance with appropriate statutory provisions, such as Section 15 of the *Child and Youth Advocate Act*. As you are aware, the Government of Yukon Department of Education is a respondent in a connected civil legal matter and it is our understanding that there are open RCMP investigations ongoing; therefore, the timing for a review is problematic as it could impact these legal proceedings by revealing aspects of the evidence.

I am hopeful that we can meet to discuss this matter, including the news release your office issued on August 4, 2021. If you would like to have more conversation, please contact me directly at 867-667-5126.

Sincerely,

A handwritten signature in blue ink that reads "Nicole Morgan". The signature is fluid and cursive, with the first name "Nicole" and last name "Morgan" clearly distinguishable.

Nicole Morgan
Deputy Minister of Education

Appen. D – Aug. 11, 2021, Letter from EDU to HVES community



Assistant Deputy Minister's office (E-7)
PO Box 2703, Whitehorse, Yukon Y1A 2C6

August 11, 2021

Dear Parents and Guardians of Hidden Valley Elementary School students:

Re: Returning to school – supports are available

We have heard and acknowledge your concerns about the safety and protection of Yukon students. We care profoundly for the wellbeing of our students, their families, and our staff.

Hidden Valley Elementary is a close-knit school community and many parents/guardians appreciate both the strong sense of community and the care and concern that school staff show towards your children. I want to assure you that Hidden Valley Elementary is a safe environment for your children to learn and play in when they return to school later this month.

All school staff have a duty and responsibility to maintain the safety and privacy of all students in Yukon schools. This responsibility guided our actions in 2019 and continues to do so today. The Department of Education's [Safe and Caring Schools Policy](#) outlines the responsibilities that school administrators and staff have to ensure that all students are safe, and to react appropriately when there are concerns about the safety of students. Furthermore, the Department of Education and its staff are required to report suspected violence, abuse or assault to the appropriate authorities.

Unfortunately, in 2019 an employee chose to abuse their position of authority and trust with a student while in the school. This individual was criminally charged, convicted, and sentenced for his actions. We recognize that you and other families have many questions about recent reports concerning this former employee. We take all concerns involving the safety of our students very seriously. While protecting the safety of students we are also obligated to respect a victim's privacy rights.

When this matter came to the attention of Hidden Valley's school administration in 2019, they informed the RCMP, who commenced an investigation (and it is our understanding the RCMP have opened further investigations). In addition, as soon as the school administration and department officials became aware of the allegation, they immediately ensured that the individual was no longer allowed to work with students at Hidden Valley or in any Yukon

school. This was an important step to ensure the safety of our students and protect them from this individual.

Supports will be in place for the start of the school year

The Department of Education acknowledges the impact this situation is having on the school community. We are committed to ensuring that students have access to appropriate supports at school. We will provide and continue to promote additional supports for students when they resume school later this month, and can help refer families to supports that may be needed by parents/guardians at home. Support persons will be available at the school prior to and during the first days of school.

In addition, we are working with our partners at the Departments of Health and Social Services and Justice to determine the needs, identify and provide the most appropriate supports for families and students, and make referrals when Department of Education supports are not best-suited to assisting students or families.

Curriculum and learning

We are dedicated to helping prevent inappropriate situations from occurring by helping students learn about appropriate boundaries and how and when to seek support. As part of our Physical and Health Education curriculum, students from K-12 learn about consent, right and wrong touch, and personal boundaries. These topics are taught in developmentally appropriate ways and Hidden Valley teachers will, at the start of the coming schools year, revisit these topics with your children in class.

We also encourage you to talk to your children about these topics, and to help them identify a trusted adult that they can speak to if they have any questions or concerns about their safety. Please contact the school or Department of Education Student Support Services unit if you require any resources that might assist you in having these conversations at home.

What to do if your child shares concerning information

If your child discloses concerning information about harm that has come from a school staff member, or you have reason to believe any school staff member has caused harm, I urge you to contact either of the following, who are well-positioned to investigate the matter:

- the RCMP's Specialized Response Unit at 867-667-5555
- Family and Children's Services Unit at 867-667-3002.

You can also go [online](#) for more information on supports for child victims of crime.

School contact for supports

If you require support or advice on how to help your child feel safe upon their return to Hidden Valley Elementary, please contact the principal John Duclos at 667-8164 (or john.duclos@yukon.ca), Superintendent Donna Miller Fry at 867-667-5180 (or Donna.MillerFry@yukon.ca), or the School Community Consultant with Student Support Services, Brenda Jenner, at 456-6587 (or brenda.jenner@yukon.ca). We will all do our very best to assist you and your family.

Sincerely,



Ryan Sikkes
Assistant Deputy Minister, Schools and Student Services
Department of Education

Additional Information, Policies, and Procedures - School Employees

In our duty of care, the Department of Education has a legal responsibility to uphold the safety of all students at our schools. As such, all school staff are obligated to follow a number of specific policies and procedures designed to guide acceptable behavior and ensure that the school environment is safe for students, teachers and school staff.

The following is a comprehensive list of laws, policies and procedures related to maintaining the health and safety of all students. In general, these policies and procedures guide the department's response in instances when allegations of criminal wrongdoing are reported in Yukon schools. When we communicate about these instances, these are the policies and procedures that are considered.

Please note that these are general policies and procedures applicable to all school staff, and are not in response to any one school context or incident.

Legislation

Section 168 and 169 of the [Education Act](#), outline teachers and principals' duty to report to their supervisor any unsafe conditions, or other conditions that could affect the health and safety of students.

Under section 22 of the [Child and Family Services Act](#), teachers and principals are required by law to report to the proper government officials when there is reason to believe the child is in need of protective intervention.

Section 25 of the [Access to Information and Protection of Privacy Act](#) outlines the authority of a public body to disclose personal information of an individual if the disclosure is necessary to prevent or reduce a serious threat to public health or safety or the health or safety of an individual.

Section 3 of the [Public Interest Disclosure of Wrongdoing Act](#) applies to the disclosure of wrongdoings in or relating to public entities.

[Teacher Qualifications Regulations](#) ensure that school staff have the necessary credentials and background checks completed as a condition of their employment before working in Yukon schools.

Policies

Two Government of Yukon policies that help to guide the department's work around the hiring and orientation of school staff include:

- General Administration Manual 3.25 – Security Clearances Policy
- General Administration Manual 3.6 – Orientation.

The Department of Education's [Safe and Caring Schools policy](#) makes it abundantly clear that a school administrator has the responsibility to ensure that all students are safe and react appropriately when there are concerns about the safety of students. It requires the creation of caring, respectful and safe school environments, with a clear process to deal with incidents of bullying, harassment or intimidation.

In addition to department policies, Yukon teachers are also required to abide by professional conduct requirements as a condition of certification. The Yukon Teachers Association has a [code of ethics](#) that requires teachers to follow official procedures under section 3.2 in the case of suspected child abuse.

Procedures

School superintendents advise school administrators that if anyone – teachers, staff, or principals – suspects or experiences inappropriate or harmful behaviour within a school they should communicate this to principal or superintendent. The complaint is then reviewed to understand what happened and determine an appropriate response.

In general, upon receipt of an allegation of criminal wrongdoing:

- The principal immediately notifies the school superintendent, and undertakes a preliminary fact finding to ascertain the credibility and seriousness of the allegations. This includes meeting with the parents and potentially the student.
- If the complaint is of a criminal nature the principal must forward the allegations to the RCMP and provide all relevant and requested information for its investigation.
- If the allegations stand, the employee in question is immediately removed from working with any students.
- As warranted, the Department of Education will engage with other Yukon government departments, including Health and Social Services and Justice's Victim Services, to provide supports to students, families and other school staff.
- The department will also provide to the affected parent(s) contact information for the Department of Justice's Victims Services Branch – Project Lynx – which assists the families of child and youth victims of crime to navigate the justice system.
- The department considers the protection of personal information under the Access to Information and Protection of Privacy and the Health Information and Privacy Management Acts, along with any publication bans, along with the need to protect the safety of other students, for both the alleged victim and accused, when determining how and when to communicate to parents.

Policies and procedures are reviewed with new teachers and EA's during Welcome Week prior to the start of the school year. They are also shared in the Student Support Services School Procedures Manual.

Inter-Agency Child Abuse Protocols

The Inter-Agency Agreement for the Investigation of Child Abuse is a protocol between the Department of Health and Social Services, Public Prosecution of Canada, the Department of Justice, the Department of Education, and the RCMP. The protocol covers all stages of child abuse investigations.



Hidden Valley meeting

Making it right - November 9, 2021





Making it right

Hidden Valley parent and guardian FAQ

Why didn't you communicate in 2019 when the initial allegations were made?

We are sorry that families became aware of this situation through media reports rather than targeted communications directly from the Department of Education or the RCMP.

To protect the privacy of the victim and the integrity of the RCMP investigation, the Department of Education did not take steps in 2019 to broadly inform other parents of the situation at that time. We were respecting the RCMP process and assumed that a comprehensive investigation would involve contacting additional students and parents.

This didn't happen and we're taking the appropriate steps to look at our policies and how we work with agencies, including when and how families are communicated with.

There are several reviews underway that will help us improve how we protect Yukon students, support school communities, and ensure that the right policies and protocols are in place and effective. Aspects of the reviews will cover when and how to communicate to families when there are complex factors at play—publication bans, ongoing investigations, employer obligations (i.e., ATIPP), and more.

What is a publication ban?

[Justice Canada](#) states: A publication ban is an order the Court makes that prevents anyone from publishing, broadcasting, or sending any information that could identify a victim, witness, or other person who participates in the criminal justice system. The publication ban is intended to allow victims, witnesses, and others to participate in the justice system without suffering negative consequences. (More info on publication bans is provided in this [info sheet](#).)

What reviews are underway?

There are currently four reviews underway:



- The **Child and Youth Advocate Office** is conducting a [public review](#) of policies protocols and actions to ensure safety and supports at Hidden Valley School.
- An independent, [third-party review](#) led by **Amanda Rogers**, a lawyer specializing in workplace conflict, is looking into the government's internal processes, policies and protocols used to respond to the incidents at Hidden Valley School.
- An [investigation](#) by the **Yukon Ombudsman** is looking into decision, actions or inactions around communications to families of Hidden Valley School.
- The **RCMP** has also launched a complete review of the 2019 investigation by the E Division Major Crimes Unit from BC after acknowledging mistakes were made in their investigation.

How can families participate in these reviews? When will they be complete?

You will have the opportunity to hear directly from those leading the reviews at the November 9 meeting in respect to how you can participate and the anticipated completion timelines.

The Department of Education is also interested in learning how the school community would like to work together to take steps to address the findings and recommendations stemming from the various reports and findings. We recognize that where we go after these reviews needs to be determined together with students, parents and guardians, school staff and the school council.

Where do we go from here? How do we make this right?

We want to have ongoing safe, open and honest discussion about where families are at, and what we can do moving forward to rebuild trust and heal. We want to make this right and this work can and should start before the findings from the reviews are received.

We've started work on a communications tool, with the input of some families. There's work underway to improve safety and openness in the school setting (e.g., window to the sensory room and door removals). We've heard a desire for a smudge and to create a parent advisory committee to guide and inform how we move forward together.



We look forward to hearing directly from you on where we go together. We'll do whatever it takes to make it right.

How can my family access supports?

There are a range of supports available to you and your child. We know reaching out to ask for support might be difficult and it's not always easy to know where to start. Each family is unique and therefore the types of supports and services provided are too.

Our School Community Consultant, Brenda Jenner can help you navigate supports and provide referrals for you or your child. Brenda can be contacted at: brenda.jenner@yukon.ca or 867-456-6587. Brenda is available on-demand to meet in person or virtually, or to have a phone conversation.

Referrals to other supports and services (e.g., counselling supports) are being facilitated on request, such as through Family and Children's Services, Mental Wellness and Substance Use Services, and Victim Services.

How are children being supported at school?

To support the well-being of staff and students a significant part of our crises response – when a serious incident has occurred at school – is working towards a sense of normalcy.

Child, Youth and Family Treatment Team school visits

- The Child, Youth and Family Treatment Team has and will continue to attend the school weekly to monitor the needs of students and staff.
- They will be running sessions on resilience and social-emotional skills for grade 5,6 and 7 students.

School staff checking in with students

- Staff at Hidden Valley continue to monitor and check-in with students who may require support.
- Prior to students returning to school in the fall, staff were debriefed and prepared by the Principal, Superintendent, School Community Consultant, and Mental



Wellness and Substance Use to help anticipate and develop responses to how students might react or behave at the start of school and refer to supports if needed.

- They also continue to work hard to create a sense of normalcy at school for students, which we know is an important part of responding to a crisis.

Teaching safety in our school curriculum

- The most effective way to ensure student's safety is to educate them about consent, right and wrong touch and boundaries – and who to tell when they are feeling unsafe or have been harmed.
- School staff continue to address these topics as part of the Physical and Health Education Curriculum.

Child, Youth and Family Treatment Team (CYFTT)

Yukon



Child, Youth and Family Clinical Services

Clinical counsellors provide individual and group counseling to school-aged children, youth, parents and families in the Yukon. Service plans are tailored to individual needs.

Child and Youth Outreach

Outreach workers connect with families, schools, non-profits and other organizations to support children and youth in the community.

To get connected, talk to your school counsellor or drop by the office at 211 Hawkins Street.

Youth Treatment and Recovery Program

Youth are invited to drop-in to the Withdrawal Management Services at Sarah Steele Building (609 Steele Street) or call a youth treatment and recovery worker when ready to get support at 867-689-1797.

Contact

To learn more about our services call us at 867-456-3838 or drop by the office at 211 Hawkins Street.

We are open Monday through Friday from 8:30 a.m. to 4:30 p.m.

In **rural communities**, services are available through the closest Mental Wellness and Substance Use Services community hub. In certain cases, children, youth and families can be referred to CYFTT in Whitehorse.



Services des soins à l'enfance, à la jeunesse et à la famille

Yukon



Services cliniques pour les enfants, les jeunes et les familles

Selon les besoins de chacun, des conseillers cliniciens proposent des séances de counseling individuelles et collectives aux enfants d'âge scolaire, aux jeunes, aux parents et aux familles qui vivent au Yukon.

Services de proximité pour les enfants et les jeunes

Des travailleurs de proximité entrent en contact avec les familles, les écoles, les organismes à but non lucratif et d'autres organisations pour soutenir les enfants et les jeunes dans leur cadre de vie.

Pour bénéficier de ces services, contactez votre conseiller scolaire ou présentez-vous au bureau situé au 211, rue Hawkins.

Programme de traitement et de rétablissement pour les jeunes

Lorsqu'ils sont prêts à recevoir de l'aide, les jeunes peuvent se présenter aux Services d'aide au sevrage dans l'édifice Sarah-Steele (609, rue Steele) ou appeler au 867-689-1797 pour parler à un agent du programme de traitement et de rétablissement pour les jeunes.

Contact

Pour en savoir plus sur nos services, appelez au 867-456-3838 ou présentez-vous au 211, rue Hawkins. Nos bureaux sont ouverts du lundi au vendredi, de 8 h 30 à 16 h 30.

Si vous habitez en dehors de Whitehorse, communiquez avec les Services pour le mieux-être mental et la lutte contre l'alcoolisme et la toxicomanie de votre région. Dans certains cas, on dirigera les enfants, les jeunes et les familles vers les Services des soins à l'enfance, à la jeunesse et à la famille de Whitehorse.



VICTIM SERVICES

provides information and support to anyone who is a victim of crime, whether or not you report to the police.

listen • respect • support



We are a voluntary service available to all victims of crime, even if there is no charge laid or the accused has not been convicted.

We can:

- ▶ explain your rights, the justice system, and how you can participate;
- ▶ follow your matter in court and provide you with updates;
- ▶ help you complete a Victim Impact Statement;
- ▶ explore options for protective orders and safety planning;
- ▶ support you with options in case you don't want to report to police right away, including submitting a third party report;
- ▶ connect you with other community agencies.

Victim Services workers often work closely with the RCMP, Prosecution Services, Corrections and other service providers to advocate for the needs and rights of victims of crime.

yukon.ca/victim-services

VICTIM SERVICES is available in all Yukon communities. You do not need a formal referral to access our services, you can contact us on your own.

Whitehorse	867-667-8500 301 Jarvis Street - 2nd floor
Dawson City	867-993-5831 813B Third Avenue
Watson Lake	867-536-2541 820 Adela Trail

TOLL FREE
1-800-661-0408
ext 8500
all calls are confidential

EMAIL
victim.services
@gov.yk.ca

EMERGENCY ASSISTANCE

RCMP Whitehorse	911 or 867-667-5555
RCMP Communities	local prefix + 5555
Whitehorse Hospital	911 or 867-393-8700
Health Centres	local prefix + 4444
Kaushee's Place	867-668-5733 Whitehorse
Help and Hope	867-536-7233 Watson Lake
Women's Shelter	867-993-5086 Dawson City
VictimLink BC	1-800-563-0808 24 hr
Whitehorse Emergency Shelter	867-455-2820
SART (Sexualized Assault Support Line)	1-844-967-7275 24/7



For victims of intimate partner violence and/or sexualized violence, the Independent Legal Advice (ILA) program provides free legal advice and information that gives victims confidence to make informed decisions.

The ILA program is for victims of sexualized violence and/or intimate partner violence who want to explore their legal options or are currently in a legal process relating to their experience of violence.

- We help you navigate the legal system.
- We do not require that you report the incident to the RCMP to access the program.
- We understand the emotional impact of sexualized or intimate partner violence and will respond in ways that honour your dignity.

yukon.ca/independent-legal-advice

The Independent Legal Advice Program is free and confidential;

- can provide up to 4 hours of legal advice and information to assist you in making decisions;
- is accessible to people of all ages and genders;
- is available to you no matter when the incident occurred; and
- can be accessed by those living in Yukon and those who experienced sexualized violence and/or intimate partner violence in Yukon.



Contact the Independent Legal Advice Program through Victim Services.

You will then be matched with an independent lawyer.

Whitehorse	867-667-8500 <i>301 Jarvis Street - 2nd floor</i>
Dawson City	867-993-5831 <i>813B Third Avenue</i>
Watson Lake	867-536-2541 <i>820 Adela Trail</i>

TOLL FREE

1-800-661-0408 ext 8500
all calls are confidential
victim.services@gov.yk.ca

Other resources

Sexualized Assault Response Team (SART)	1-844-967-7275 <i>24/7, confidential support line</i>
RCMP Whitehorse	911 or 867-667-5555
RCMP Communities	local prefix + 5555
Whitehorse Hospital	911 or 867-393-8700
Health Centres	local prefix + 4444
Kaushee's Place	867-668-5733 <i>Whitehorse</i>
Help and Hope	867-536-7233 <i>Watson Lake</i>
Women's Shelter	867-993-5086 <i>Dawson City</i>
VictimLink BC	1-800-563-0808 <i>24 hr</i>

SART

Sexualized Assault
Response Team



Here to listen, Ready to help.

You are not alone. Your path is your choice.

Yukon's Sexualized Assault Response Team (SART) is a safe and confidential network of services that focus on your needs and choices.

You can access our services if you or someone you know has experienced sexualized assault. Our trained staff are here to listen and support you – without judgement.

Reporting sexualized violence to the RCMP is not required to access SART services*.

Call **1-844-967-7275**
Confidential, Free, Yukon-based.

sartyukon.ca



* Consult our limits to confidentiality for youth on the website



Who can access SART services?

- Victims of sexualized assault of all:
genders;
ages; and
sexual orientations.
- Victims of both recent and past sexualized assaults.
- Family members and loved ones supporting a victim.
- Support workers and other professionals supporting a victim.

Services offered by the Sexualized Assault Response Team include:

- Toll-free, Yukon-wide, 24/7 support line;
- 24/7, on-call, specially trained doctors and medical care;
- support workers who can go with you to the hospital and/or RCMP;
- options that let you have time to decide your next steps like Third-Party Reporting or medical "Kits-on-Ice";
- priority access to free counselling;
- support to navigate the legal system, including access to independent legal advice and/or assistance from Victim Services workers; and
- information if you are supporting a friend or family member.

There is no pressure to access services if you reach out to SART.



sartyukon.ca

How to access SART:

- call the 24/7 Sexualized Assault Support Line toll free **1-844-967-7275**;
- go directly to the **Whitehorse General Hospital** - you will be offered the option to have a SART support worker present if desired;
- call Victim Services at **867-667-8500** or drop in at 301 Jarvis Street on weekdays; and
- present to the **RCMP**.

No appointment is required for SART services.





Yukon School Post-Incident Communications

Guidance for School Administrators on post-incident communications to parents/guardians

Purpose: To ensure that parents/guardians maintain confidence in the safety and security of their children while at school, especially after an incident occurs at the school or in a setting connected with school-sanctioned activities. Schools should proactively share information with parents/guardians to advise them of the nature of the incident while maintaining the privacy and dignity of staff and students involved.

School administration will seek to:

- Ensure that parents/guardians are informed when incidents that may cause concern to families occur.
- Provide assurance to families and the wider school community that the safety and security of students while attending school and school sponsored activities is a top priority.
- Promote factual understanding of a potentially concerning incident that has occurred at the school or in a setting connected with school-sanctioned activities.
- Support staff in their work.

Guidance: Incidents at school can range from minor to critical incidents and the communications response should be proportional to the severity – or the perception of the severity of the incident.

Page 1 – Version 1.0, October 15, 2021



Minor Incidents

Example incidents

- Student accident causing injury
- Student physical contact causing injury
- Injury resulting in EMS/Paramedics/Ambulance attending the school
- Escalated behaviours that result in a Workplace Risk Assessment (WRA) form with a low or medium severity

Who to communicate with

- Only the parents/guardians of the students directly involved should be contacted.
- Classroom teacher communicates directly to parents/guardians of students involved;
- Or, if repeated or if disciplinary action is required, by the school administration.
- If repeated or if disciplinary action is required, school administration should ensure their Superintendent is aware of their intended approach.

What information to include

- ✓ Nature of incident
- ✓ Time and date
- ✓ How it was addressed
- ✓ Any next steps to be taken

Reviews/approvals

- ✓ No further approval beyond school to communicate directly with parents/guardians in this case.
- ✓ School administration should keep their Superintendent informed of their intended approach.

Example communication: Dear Parent/Guardian,

I am writing to inform you of a physical altercation between <child> and another student on the playground today. The students were <action of school staff>. I would like to have a discussion about the incident and work together on some actions and support for <student>. Please let me know a convenient time to talk.

Sincerely,
Teacher

Page 1 – Version 1.0, October 15, 2021





Concerning incidents	Example incidents	Who to communicate with	What information to include
	<ul style="list-style-type: none"> Escalated behaviours that result in a Workplace Risk Assessment (WRA) form with a high severity Escalated behaviours that are witnessed by large groups of students Fight between students Assaults of students or staff by students that are witnessed by other students Physical restraint of a student by school staff 	<p>Administration</p> <ul style="list-style-type: none"> Principal must make Superintendent and Director of Community Relations & Engagement aware of incident and intended approach to communicating with students, staff and families. <p>Students and families</p> <ul style="list-style-type: none"> School administration should consider targeted, wider communications to parents/guardians of students who witnessed the incident. Communication sent by the school's administration. <p>Further advice can be sought from Superintendent and Director of Community Relations and Engagement (or designated Communications Analyst)</p>	<p>What information to include</p> <ul style="list-style-type: none"> ✓ Nature of the incident ✓ Time and date ✓ Steps taken to ensure the safety of students/staff; ✓ Any next steps ✓ Contact name for questions/concerns <p>Reviews/approvals</p> <ul style="list-style-type: none"> ✓ Any communication sent should be reviewed and approved by a Superintendent.
<p>Example communication</p>	<p>Dear Parents/Guardians of Grade #,</p> <p>You are receiving this email because of an incident that occurred at the school today. At 10 a.m., a student's behaviour became escalated to the point where they struck and injured a school staff. Before this incident occurred, students were removed from the classroom, but some may have witnessed the staff member receiving treatment for their injury. Staff effectively managed the situation to keep students away from the escalated student in accordance with the school's emergency plan.</p> <p>A team of school staff members will be working to debrief the incident with students who witnessed the incident and the school administration will be working with the escalated student and family to determine the next steps.</p> <p>If you have any questions or concerns or would like to discuss supports your child may require, please feel free to contact the school principal at email.address@vesent.yk.ca.</p>		

Page 1 – Version 1.0, October 15, 2021



Major incidents	Example incidents	Who to communicate with	What information to include
	<ul style="list-style-type: none"> Fire department attends (aside from planned drill) Uniformed police attend the school and exercise the use of force or make an arrest of a student, staff member, or individual Evacuation of the school Lockdown or "hold-and-secure" Bomb threat School closure (or potential for school closure) 	<p>Administration</p> <ul style="list-style-type: none"> Principal must notify Superintendent and Director of Community Relations & Engagement ASAP. Superintendent must notify ADM of Schools. <p>Students</p> <ul style="list-style-type: none"> Staff must discuss the incident with students before the end of the day and refer any students who may require support to the school's administration. <p>Families</p> <ul style="list-style-type: none"> Should result in notification to the entire school community ASAP, but no later than 5 hours after the incident has concluded. If a long delay is anticipated to develop an approved communication, a short communication acknowledging the incident may be sent to indicate more details will be forthcoming. If the Principal is unable to complete the parent notification, the Superintendent should be contacted, debriefed, and responsible for coordinating the communication. 	<p>What information to include</p> <ul style="list-style-type: none"> ✓ Nature of the incident ✓ Current level of risk or threat to students ✓ Steps taken to ensure the safety of students/staff ✓ Contact for questions or concerns ✓ Information on supports and services for families <p>Reviews/approvals</p> <ul style="list-style-type: none"> ✓ Any communication sent should be reviewed and approved by a Superintendent.

Page 1 – Version 1.0, October 15, 2021





Example communication	Dear Parents/Guardians of NAME OF SCHOOL: You are receiving this email because of an incident that occurred at the school today. All students and staff are safe and there is no risk of injury or harm. At 12 p.m., it became necessary to evacuate the school. Students were evacuated outside and were able to return into the school within 30 minutes. I will send another email with more details later today after more information about the incident can be confirmed. Sincerely, School Principal
Preliminary communication	Dear Parents/Guardians of NAME OF SCHOOL: You are receiving this email because the school is currently in a "hold and secure," which means that students are required to remain in their classrooms while instruction continues. All students and staff are currently safe and there is a low risk of injury or harm. RCMP have advised the school they are dealing with a situation at a home near the school. Out of an abundance of caution, they have requested that the school be placed in a "hold and secure." We will send another notification when the "hold and secure" has been lifted. If you have any questions or concerns, please contact the school principal at email.address@yesent.yk.ca or superintendent at superintendents@yukon.ca Sincerely, School Principal
Active incident communication	Dear Parents/Guardians of NAME OF SCHOOL: You are receiving this email because of an incident that occurred at the school today. All students and staff are currently safe and there is no risk of injury or harm. At 1:15 p.m., it was determined that an individual was trespassing on school property and the school was placed in "hold and secure" (where students were required to remain in their classrooms while instruction continued). At 1:30 p.m., the RCMP attended the school and arrested the individual without further incident. Staff effectively managed the situation to keep students away from the individual in accordance with the school's emergency plan. If you have any questions or concerns, please feel free to contact the school principal at email.address@yesent.yk.ca or superintendent at superintendents@yukon.ca Sincerely, School Principal
Follow-up / or main communication	Dear Parents/Guardians of NAME OF SCHOOL: You are receiving this email because of an incident that occurred at the school today. All students and staff are currently safe and there is no risk of injury or harm. At 1:15 p.m., it was determined that an individual was trespassing on school property and the school was placed in "hold and secure" (where students were required to remain in their classrooms while instruction continued). At 1:30 p.m., the RCMP attended the school and arrested the individual without further incident. Staff effectively managed the situation to keep students away from the individual in accordance with the school's emergency plan. If you have any questions or concerns, please feel free to contact the school principal at email.address@yesent.yk.ca or superintendent at superintendents@yukon.ca Sincerely, School Principal

Page 1 – Version 1.0, October 15, 2021



Critical Incidents

Example incidents	Who to communicate with	What information to include
<ul style="list-style-type: none"> Serious injury, critical illness or death of a student or staff member Acts of significant violence at the school 	<ul style="list-style-type: none"> Follow Major incident guidance above And, refer to Response to Critical Incidents (9.06 in Student Procedures Handbook) or Violence Threat Risk Assessment [VTRA] (9.05 in Student Procedures Handbook). 	<ul style="list-style-type: none"> Follow Major incident guidance above Consider meetings with small and/or large groups or students/parents/guardian to fully communicate and debrief the incident.
Example communication	<ul style="list-style-type: none"> Follow Major incidents guidance above Communications should include supports and services available at the school and through other agencies. This may include helpful resources and materials. 	

Incidents or allegations of assault/abuse/criminal behaviour

Example incidents	Who to communicate with	What information to include
<ul style="list-style-type: none"> Assault or abuse of a student by a staff member Criminal Code of Canada offences 	<ul style="list-style-type: none"> RCMP/ Child and Family Services <ul style="list-style-type: none"> Required reporting under the Child and Family Services Act Provide as much detail as possible (nature of incident/allegations, time and date, observations or suspicions, other students and staff who may be impacted, etc.) Department of Education Administration <ul style="list-style-type: none"> School must inform Superintendent Superintendent must inform Assistant Deputy Minister, Schools and Student Services 	<ul style="list-style-type: none"> Nature of the incident Time and date Steps taken to ensure the safety of students/staff; Any next steps Supports available to students and families (at school and in community) Contact name for subsequent questions/concerns or to provide more information

Page 1 – Version 1.0, October 15, 2021



-
- o Assistant Deputy Minister, S&SS must inform Deputy Minister, Director of Human Resources, Director of Community Engagement and Relations, and Director of Policy
 - o Director of Policy (or designate) coordinates with other departments (e.g. Health and Social Services, Justice, RCMP) for information sharing (including communications advice)
 - Human Resources/YTA
 - o Superintendent must inform Human Resources Consultant to assess the need for a workplace investigation.
 - o If an investigation is required, YTA must be notified to allow for employee representation.
 - Students/families/school staff
 - o The ADM of Schools and Student Services will coordinate with RCMP, CFS, PSC and Justice to consider approach to communicating with students, families and school staff based on:
 - Any ongoing investigation
 - An assessment of the rights, privacy legislation and dignity of staff and students
 - o Examples of approaches may include:
-

Page 1 – Version 1.0, October 15, 2021



-
- Direct conversations with impacted students/families and school staff
 - Meetings with families and school staff
 - Written communication to all staff and families
-

References:

- [Violent Threat Risk Assessment \(VTRA\) Protocol](#)
- [Workplace Risk Assessment \(WRA\) Protocol](#)
- [Nonviolent Crisis Intervention \(NCI/NVCI\) Protocol](#)
- [Critical Incidents Response Guidance](#)

Page 1 – Version 1.0, October 15, 2021



VICTIMS' RIGHTS IN CANADA

PUBLICATION BANS

What is a publication ban?

A publication ban is an order the Court makes that prevents anyone from publishing, broadcasting, or sending any information that could identify a victim, witness, or other person who participates in the criminal justice system. The publication ban is intended to allow victims, witnesses, and others to participate in the justice system without suffering negative consequences.

A victim's right!

The *Canadian Victims Bill of Rights* came into force on July 23, 2015. This Act gives every victim the right to have their privacy taken into account by authorities in the criminal justice system and to ask that their identity be protected. These rights are part of a victim's right to protection.

When can the Court order a publication ban?

The principle of openness is a key part of Canada's criminal justice system. As a general rule, all proceedings take place in open court and the names of all witnesses, victims, and accused persons are made public. There are exceptions. These occur when the Court orders a publication ban to protect a victim, witness or justice system participant. The Court will take

into account who the publication ban is for, the kind of offence and other factors when deciding whether to make the order. A publication ban may be appropriate, for example, to:

- encourage witnesses who are afraid to testify;
- protect vulnerable witnesses, including children and victims of crime;
- encourage victims and others to report offences that are usually under-reported, such as sexual offences; and
- protect the privacy of justice system participants.

How does the Court decide whether to order a publication ban?

The *Criminal Code* sets out the rules governing publication bans. These rules vary depending upon who is applying for the publication ban and the nature of the proceedings.

For example, the Court *must* inform victims who are under the age of 18 of their right to seek a publication ban and, if the victim requests one, the Court *must* order the publication ban. The Court *must* also tell all victims and witnesses of sexual offences who are under 18 that they have the right to seek a publication ban. If they ask for a ban, the Court *must* order it.



RIGHT TO
INFORMATION



RIGHT TO
PROTECTION



RIGHT TO
PARTICIPATION



RIGHT TO SEEK
RESTITUTION



RIGHT TO
MAKE A COMPLAINT

VICTIMS RIGHTS IN CANADA

The *Criminal Code* also states that the Court *may* order a publication ban to protect the identity of any other victim over the age of 18 or any other witness if the Court believes that the order is “in the interest of the proper administration of justice.” The Court may also make this order for other people who participate in criminal proceedings such as a juror, police officer or police informant for offences involving criminal organizations, terrorism, and national security.

When deciding whether to order a publication ban for such victims, witnesses or justice system participants, the Court must take several factors into account. These include:

- the right of the accused person to a fair and public hearing;
- whether there is a risk that the victim, witness or justice system participant would be harmed if the public knew their identity;
- whether the order is needed to protect a victim, witness or justice system participant from intimidation or retaliation; and
- society’s interest in encouraging the reporting of offences and the participation of victims and witnesses and justice system participants (for example, court officers or jurors) in the criminal justice system.

The full list of factors is found in the *Criminal Code*.

How can a publication ban be requested?

The *Criminal Code* sets out the steps for requesting a discretionary publication ban:

- The prosecutor, victim, witness, or justice system participant must ask for a publication ban in writing. The person asking for the order must explain why he or she needs this type of protection.
- The request is made to the judge who will be hearing the case. If a judge has not yet been chosen, the request can be made to another judge of the same court.

- The prosecutor, the accused, and any other person who may be affected by the publication ban must be told about the application. The Court will decide whether to tell the media or anyone else who may be affected about the application. For example, local newspapers would need to know because a publication ban would restrict how they report on the trial or proceedings.
- The Court may hold a hearing to consider the request for the publication ban. At the hearing, the victim, witness or justice system participant can say why he or she needs the order. The prosecutor, the accused, the media, or other parties affected by the order may also speak.

What happens in a hearing?

A hearing to decide whether to order a publication ban is less formal than a trial and may be held in private, instead of in open court. The victim, witness, or justice system participant asking for the publication ban can speak for themselves or they can ask a lawyer to speak on their behalf.

If the Court agrees that a publication ban is needed to protect the identity of the victim, witness or justice system participant, the Court will order the ban. The order could have certain terms or conditions attached — for example, it may be effective for only a fixed period of time.

What are the responsibilities of victims, witnesses, and others whose identity is protected by a publication ban?

It is important for victims, witnesses and justice system participants to realize that if the Court orders a publication ban, their name cannot be reported in the news and they cannot communicate with the media in any other way. For example, a victim cannot write a letter to the editor which identifies him or her as a victim or witness to the offence.

The victim, witness, or justice system participant may later decide that he or she no longer wants to continue the publication ban. He or she must then ask the Court for an order to end it and to state how the circumstances that made the order necessary have changed.

Where is more information available?

If you or someone you know has been a victim of crime, there is help. All provinces and territories offer services for victims of crime. They can help you if you need information or other assistance. The Victim Services Directory can help you to find victim services near you:

<http://www.justice.gc.ca/eng/cj-jp/victims-victimes/vsd-rsv/index.html>

© Her Majesty the Queen in Right of Canada,
as represented by the Minister of Justice
and Attorney General of Canada, 2015

ISBN 978-0-660-03014-2
Cat. No. J2-412/8-2015E-PDF

Appen. F – June 2, 2022, Open letter from HVES School Council requesting resources

RE: Support Requested by Hidden Valley School Council

An open letter to Minister Jeanie McLean on Failure to Follow Through on Public Commitments to Support Hidden Valley Elementary School

Date

Hon. Jeanie McLean
Minister, Yukon Education
Government of Yukon
PO Box 2703,
Whitehorse, YT Y1A 2C6

We are contacting you as the Hidden Valley School Council, and we are speaking with a collective voice.

Our school has suffered tremendously over the last year. The Department of Education has acknowledged missteps they took following this incident, and we were promised over and over that any supports we needed would be provided. To date, we have not received the critical supports we have requested.

There have been four investigations into the incident of sexual abuse, some of the investigations are ongoing or have not even had reports released yet. These investigations have created an enormous administrative burden dumped squarely on the shoulders of our school administrators without support from the department. A school administration, we will remind you, that was already burdened with the COVID-19 pandemic and many other failings of the Department of Education.

We want to be clear that our school administration has gone above and beyond to support the families at our school, but the load placed on them by the Department of Education is unacceptable. For further clarity, this letter should neither create more work for the school's administration nor bring negative scrutiny of existing resources.

Hidden Valley School Council openly and formally requests the following supports for our school. This request should be honoured immediately so recruitment or assignment can begin for the 2022-23 school year.

- An additional 1.0 FTE for a two-year term to fill a vice-principal role
- A clinical counsellor, licensed to practice in the Yukon, assigned to HVES for a two-year term

The clinical counselor is in addition to our initial request for a vice principal.

We are making this request as numerous letters to your office and the Department of Education have been met with hollow statements about data-informed decisions, incomplete information, and convoluted processes. Most alarmingly, it was even recently suggested by department officials, that we rearrange resources in our school to 'create' a vice principal position. This would mean pulling from learning assistance or educational assistance staff to create the position ourselves.

Minister Mclean, you made what appeared to be heartfelt and emotional offers to support our school, and yet here we are in June at the end of the school year with no support. Minister McLean, you made a commitment for additional resources many times. We ask that you follow through on that commitment and take responsibility for it.

Premier Silver, you stated that this was a top priority for your government. Why are we having to fight so hard for so long to get basic, critically needed resources in our still-healing school?

Finally, we call on the leader of the Yukon Party, the leader of the Yukon NDP, and the Yukon Child and Youth Advocate to hold the Minister and the Premier accountable for the repeated and broad resource promises made and their failure to follow through on those commitments.

Respectfully, this will be the only public statement that we will be making on the matter. We are saddened to have to take this step as we know the Hidden Valley Elementary School community is still struggling with the trauma of the past year.

Sincerely,

Hidden Valley School Council

Encl. Letters

January 26, 2021 re: Lack of Space at Hidden Valley Elementary School

February 19, 2021 Response from Minister McPhee

April 12, 2022 re: Support Requested by Hidden Valley School Council

April 29, 2022 Response from Minister McLean

May 13, 2022 re: Support at Hidden valley Elementary School

May 16, 2022 re: Reconsideration for Support and Consistency Requested by Hidden Valley School Council

May 24, 2022 Response from Minister McLean