

<b>JAMES BAY LOWLANDS SECONDARY SCHOOL BOARD</b>
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<b>ADMINISTRATIVE PROCEDURE GENERAL ADMINISTRATION: NO. 142</b>	
Effective	August 21, 2019
Last Revised	June 30, 2023

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## TRESPASS TO PROPERTY

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### PURPOSE

This administrative procedure has been developed by system and school administrators of the James Bay Lowlands Secondary School Board to support Board Governance Policy GOV-23 Emergency Response Plans.

This administrative procedure is intended to promote a safe learning and working environment in Northern Lights Secondary School and the Board office, and to ensure compliance with Ontario Regulation 474/00 Access to School Premises and the *Trespass to Property Act*.

### DEFINITION

**Occupier:** Under the *Trespass to Property Act*, an occupier includes a person who is in physical possession of the premises, or a person who has responsibility for and control over the condition of premises or the activities there carried on, or control over persons allowed to enter the premises. The *Trespass to Property Act* gives this authority to school boards. Boards may extend this authority to employees.

**Trespasser:** The trespasser fits one or several of the following descriptions:

- has no legitimate business in the school or on the property
- has no legal right to remain, has been directed by an occupier to leave the property, and does not do so
- enters when entry is prohibited by signs or other notices
- has not reported to the school office before proceeding to another area of the school
- appears to be under the influence of alcohol or drugs
- behaves in a discourteous or aggressive manner
- is an “undesirable” in the school or on Board property (had a fight with a student or staff member, is a known drug dealer, etc.)
- is violating a “no access order”
- is a student under suspension or expulsion from the school
- is prohibited on school premises by trespass order

## PROCEDURES

James Bay Lowlands Secondary School Board is aware of the need for control over entry to and use of its premises, which includes all buildings and grounds.

### 1. Authority of the Occupier

1.1 The following persons are authorized by the James Bay Lowlands Secondary School Board to act with the authority of an occupier, and in so doing, be authorized to direct trespassers to leave the school premises and property and to arrest without warrant any trespassers pursuant to the *Trespass to Property Act*:

- a) the principal, teaching staff, custodial staff, and secretarial staff employed in the Board's school;
- b) all employees employed in the Board office; and
- c) all custodial help employed under any type of contract with the Board.

1.2 Student employees and casual employees are not authorized to act as occupiers.

### 2. Staff Member Encountering a Trespasser

2.1 The following procedures will be used by a staff member in dealing with persons who are suspected of trespassing on school premises and school property:

- a) If possible, have another adult accompany you as a witness.
- b) In a courteous, calm and assured manner, introduce yourself as staff to the trespasser and ask if you can be of assistance, **avoiding confrontation**.
- c) If the trespasser is not immediately co-operative or is openly disrespectful or hostile, ask the individual to accompany you to the school office.
- d) Avoid a situation that allows the trespasser to "play to an audience".
- e) If the individual refuses to accompany you to the office, ask for his/her name and to "Please leave the school/premises".
- f) If the trespasser refuses to leave, contact the office and explain the situation.
- g) Do not attempt to move/restrain the trespasser.
- h) Report the incident immediately to the principal/supervisor who will be given any notes of the incident as well.

### 3. Principal/Designate Encountering a Trespasser

- a) Advise someone in the office where you are going (location) and why.
- b) Take a second person with you as a runner or witness.
- c) In a courteous, calm, and assured manner, introduce yourself to the trespasser and ask if you can be of assistance.
- d) If the person is not immediately co-operative, or is openly disrespectful or hostile, ask the individual to accompany you to the office.
- e) If the individual declines, ask their name and to please leave the property.

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- f) Advise them that unless they leave immediately that the police will be called and a charge of trespass will be laid.
  - g) If this fails, call police from a cell phone and alert the front office of incident. At this time, the Principal or Designate should consider whether the trespasser constitutes a safety risk to students & staff and consider a lockdown procedure.
  - h) Have the office staff or other staff stand by to direct police to the area of the incident.
  - i) Remain with the intruder until the police arrive.
  - j) Do not make physical contact with the trespasser.
  - k) Notify the Director of Education.
  - l) Legal counsel may be sought, if appropriate, to ask advice about the laying of charges.
  - m) Proceed with trespass charges, if police attend.
  - n) Complete a Trespass Incident Report as soon as possible following the incident, including as many details as possible about the event, including:
    - the person's name (if known)
    - a description of the person
    - the time of the incident
    - details of the conversation
    - names of witnesses
    - any other pertinent details

#### 4. Staff Communication

- 4.1 The principal and facilities manager shall ensure that all staff are aware of this administrative procedure by reviewing the same at the beginning of the school year.
- 4.2 In addition, the principal shall ensure that each staff member is made aware of the contents of the Ministry of Education Regulation 474/00 Access to School Premises.

#### REFERENCE DOCUMENTS

**Legal:**

*Education Act, Section 169.1 (1) Board Duties and Powers: Promote Student Well-Being*  
*Education Act: Section 265 Duties of Principal: Care of Pupils*  
Ontario Regulation 474/00 Access to School Premises  
*Trespass to Property Act*

**Board:**

Board Policy GOV-01 Values, Vision, and Mission  
Board Policy GOV-22 Police-School Board Protocol  
Board Policy GOV-23 Emergency Response Plans