

<b>JAMES BAY LOWLANDS SECONDARY SCHOOL BOARD</b>
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<b>ADMINISTRATIVE PROCEDURE STUDENTS: NO. 386</b>	
Effective	August 21, 2019
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## STUDENT ASSAULT ON STAFF AND VOLUNTEERS

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### PURPOSE

The James Bay Lowlands Secondary School Board is committed to maintaining a safe learning and working environment in Northern Lights Secondary School, and at all school-sponsored activities. The Board will promote a secure environment where all staff members and volunteers can carry out their responsibilities, free from assault upon their persons sustained in the course of their duties.

### DEFINITIONS

**Assault:** For the purpose of this administrative procedure, assault is defined as an act of intentional force applied to an individual; where one attempts or threatens by an act or gesture to apply force to another person; or causes the other person to believe upon reasonable grounds that the person issuing the threat has the ability to affect his/her purpose. This procedure applies to all forms of assault, including sexual assault, and assault with a weapon.

[*Criminal Code of Canada*]

An attempt by a staff member to restrain a student from harming themselves or others is not governed by this document.

**Intimidation:** Intimidation includes, but is not limited to, compelling another person to do anything, or preventing the individual from doing anything they have the lawful right to do. Such actions may include, but are not limited to:

- a) using threats of violence;
- b) persistent following or following in a disorderly manner;
- c) hiding property owned or used by the person or hindering the person in their use of that property;
- d) watching or hampering with the place where the person works or resides; and
- e) blocking or obstructing the person's passage.

[*Criminal Code of Canada*]

**Staff Member:** A staff member is any Board employee working in the school or Board office.

**Volunteer:** A volunteer is someone assisting with school-related functions on a voluntary basis under the direction of a Board employee.

**PROCEDURES****1. Board Expectations**

1.1. The James Bay Lowlands Secondary School Board seeks to ensure that:

- a) all staff members and volunteers fulfill their duties in an environment free from any intimidation or assault upon their person;
- b) all staff and volunteers are treated in a manner that respects their dignity and legal rights; and
- c) all staff and volunteers are afforded suitable legal, physical, and psychological support by the Board in situations arising out of assault upon their persons, sustained in the course of their duties or on Board-related activities.

1.2. The principal and staff shall respond immediately when any form of assault or intimidation occurs, in a manner consistent with the School's Code of Conduct and Board policies and administrative procedures related to student discipline and listed in the References below.

1.3. All staff members and volunteers of the Board shall respond to situations which involve or may involve an assault or intimidation in a manner which minimizes the risk of injury to themselves and the students for whom they are responsible.

**2. Threats and Intimidation**

In the event of a threatened assault or intimidation, it is the responsibility of the staff member or volunteer who is or has been subject to the same, to inform their supervisor who will in turn inform the director of education. The police may be, and will be, if the staff member or volunteer affected so requests it, contacted in the event of a threatened assault or intimidation.

**3. Assault**

Where a physical assault takes place on a staff member or volunteer, the staff member or volunteer should, while ensuring to the extent possible their own safety and the safety of the students for whom they are responsible:

- a) defend themselves using no more force than is necessary to prevent the assault or the repetition of it;
- b) solicit the assistance of another staff member;
- c) inform the principal or the principal's designate;
- d) obtain immediate medical attention and/or verification where warranted; and
- e) if a teacher, contact the Federation representative.

**4. Entitlement to a Safe Environment**

4.1. Ontario's teachers, educational professionals, and volunteers are entitled to a safe working and learning environment. This means that the workplace should be free not only of hazards that can injure, but also from violence. Violent outbursts in a classroom or in other school

board workplaces affect not only the staff members and volunteers directly involved, they also affect those who witness such violence.

- 4.2. The Ministry of Labour has developed a resource guide to help school boards understand their responsibilities and duties in complying with the *Occupational Health and Safety Act* in the context of schools and the legal and policy environment. The guide is entitled, *Workplace Violence in School Boards: A Guide to the Law*.
- 4.3. The resource from the Ministry of Labour provides details about developing a student safety plan for a student whose behaviour is known to pose an ongoing risk to themselves, other students, workers, or anyone in the environment.

## 5. Student Safety Plan

- 5.1. The *Workplace Violence in School Boards* document provides recommendations for a risk assessment of the working environment and the development of a student safety plan.
- 5.2. A student safety plan is a plan developed for students whose behaviour is known to pose an ongoing risk to themselves, other students, staff members, or other people in the environment. It can serve as a crisis-response plan that outlines the roles and responsibilities of the staff or volunteers in dealing with specific problem behaviours.
- 5.3. The development of a student safety plan involves all individuals who work on an ongoing basis with a student, as well as parents and representatives from any community agencies working with the student and family.
- 5.4. A student safety plan includes, but is not limited to:
  - a) a description of observable behaviour concerns;
  - b) known triggers or antecedents;
  - c) prevention and intervention strategies to support staff and student safety; and
  - d) emergency communication procedures for staff members and volunteers.

## 6. Responsibility of the Principal: Assessing Risk

- 6.1. The principal will make an assessment of risk factors in the working environment, notably the risk that a particular student might assault a staff member or volunteer, and establish measures to control the risks identified in this assessment.
- 6.2. The principal will take into account any risks inherent in:
  - a) the working environment: for example, the location of the school, effectiveness of communication systems;
  - b) work practices: for example, working alone with students, providing personal care to a student, involvement in special events such as school trips;
  - c) current procedures in the workplace: for example, student safety plans; professional development and instruction in recognizing, managing, and de-escalating behaviours.

**7. Principal's Response to an Assault**

7.1. Subsequent to an assault, it is the responsibility of the principal or his/her designate to:

- a) ensure the safety of the staff member or volunteer;
- b) establish that an assault has occurred, identify witnesses, and record such facts as are necessary;
- c) inform the supervisory officer and contact the police if appropriate;
- d) provide a copy of the written report to the staff member or volunteer, a copy to the supervisory officer, and place a copy in the school files;
- e) if the assault was on a staff member, complete and submit a Worker's Compensation Board Report;
- f) where the assailant is a student, take appropriate action under the *Education Act* and any disciplinary action as deemed necessary up to and including recommending expulsion; and
- g) where appropriate, discuss with the staff member or volunteer the appropriateness and feasibility of those steps necessary to avoid a repetition of an assault if the assailant remains and/or is returned to school.

**8. Responsibility of the Director of Education**

8.1. The director of education will support the principal in developing a workplace risk assessment and student safety plan.

8.2. Subsequent to an assault, it is the responsibility of the director of education to:

- a) provide advice to the assaulted staff member/volunteer and the principal or their designate as may be appropriate;
- b) obtain, as appropriate or necessary, legal advice for the school and the Board; and
- c) ensure that the staff member/volunteer is made aware of the legal recourse available to them and, if necessary, ensure that such information is made available through legal advice.

**9. Responsibility of the Board**

Subsequent to an assault, it is the responsibility of the Board to:

- a) provide leave and medical benefits in accordance with existing provisions, reserving the option of providing additional support or additional legal assistance in extenuating circumstances;

- b) consider expulsion if the assailant is a student and the expulsion has been recommended by the principal or their designate; and
- c) ensure that the staff member/volunteer is fully advised of the Board's support and available assistance.

## REFERENCE DOCUMENTS

### **Legal:**

*Education Act, Section 265 Duties of Principal: Maintain Proper Order and Discipline*

*Education Act, Part XIII Behaviour, Discipline and Safety*

Ontario Regulation 472/07 Behaviour, Discipline and Safety of Pupils

*Occupational Health and Safety Act*

Policy/Program Memorandum No. 120 Reporting Violent Incidents to the Ministry of Education, 2011

Policy/Program Memorandum No. 128 The Provincial Code of Conduct and School Board Codes of Conduct, 2018

*Criminal Code of Canada*

*Ontario Human Rights Code*

*Youth Criminal Justice Act*

*Workplace Safety and Insurance Act (WSIA)*

### **Board:**

Board Policy GOV-20 Safe School Environment

Board Policy GOV-21 Appeals and Hearings Regarding Student Discipline

Board Policy GOV-22 Ontario North East Region Police / School Board Protocol

Board Policy GOV-24 Occupational Health and Safety Committee

Administrative Procedure 379 Progressive Discipline

Administrative Procedure 381 Student Suspension

Administrative Procedure 382 Student Expulsion

Administrative Procedure 385 Violence-Free School

Northern Lights Secondary School Procedures for Reporting, Recording, and Dealing with Violent Incidents involving Students, Staff, and Visitors Occurring in School, on School Property, and during Extra-Curricular Activities

School Code of Conduct

FORM AP 386 Report of Assault by Student

### **Resource:**

*Ontario Ministry of Labour. Workplace Violence in School Boards: A Guide to the Law, 2018*

<https://www.ontario.ca/document/workplace-violence-school-boards-guide-law>