



Sarnia Lambton  
Children's Aid Society



# **PROTOCOL**

**between the**

## **Police Services,**

## **School Boards**

**and**

## **Children's Services**

July 2001  
Revised: February 2004  
Revised: July 2008  
Revised: January 2009  
Revised: April 2011  
Revised: May 2016



*This protocol has been developed through the co-operative efforts of the following:*

*St. Clair Catholic District School Board  
Lambton Kent District School Board  
Conseil scolaire catholique Providence  
Conseil scolaire Viamonde*

*Chatham-Kent Police Service  
Ontario Provincial Police  
Sarnia Police Service*

*Chatham-Kent Children's Services  
Sarnia-Lambton Children's Aid Society*

## **1. SIGNATORIES TO THE PROTOCOL:**

We, the undersigned on behalf of our respective agencies agree to the joint Police/School Protocol:

**Dan Parr, Director of Education** May, 2016  
**St. Clair Catholic District School Board** **Date**

**Jim Costello, Director of Education** May, 2016  
**Lambton Kent District School Board** **Date**

**Joseph Picard, Directeur Général** May, 2016  
**Conseil scolaire catholique Providence**

**Martin Bertrand, Directeur de l'éducation** May, 2016  
**Conseil scolaire Viamonde** **Date**

**Gary Conn, Chief of Police** May, 2016  
**Chatham-Kent Police Service** **Date**

**, Inspector** May, 2016  
**Ontario Provincial Police – Lambton** **Date**

**Phil Nelson, Chief of Police** May, 2016  
**Sarnia Police Service** **Date**

**Stephen Doig, Executive Director** May, 2016  
**Chatham-Kent Children's Services** **Date**

**Dawn Flegel, Executive Director** May, 2016  
**Sarnia-Lambton Children's Aid Society** **Date**

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**Note to readers: A glossary of terms is provided in Appendix A of this document. An asterisk (\*) following an italicized word or phrase at its first use in the text of the document signals that a definition of that word or phrase is provided in the glossary.**

## **2. STATEMENT OF PRINCIPLES**

The guiding principles of this protocol are to:

- establish a clear understanding of police and school responsibilities
- promote respect and civility in the school environment
- respect fundamental rights of students, teachers and staff pertaining to disability, race, creed, ethnic origin, and other prohibited grounds of discrimination, under the *Ontario Human Rights Code* (OHRC) [www.e-laws.gov.on.ca](http://www.e-laws.gov.on.ca)
- provide support for rights and responsibilities.

This protocol supports and reflects the principles of community policing. Community policing involves the interaction of the police within the community with a focus on problem-solving for the benefit of all of the stakeholders.

## **3. INTRODUCTION**

### **Purpose**

Providing the best possible education for students in a safe school community is a shared responsibility, and it requires a commitment to collaboration, co-operation, and effective communication.

Making our schools safe requires a comprehensive strategy that includes the following elements:

- opportunities to acquire the knowledge, skills, and attitudes necessary to maintain a school environment in which conflict and differences can be addressed in a manner characterized by respect and civility
- intervention and supports for those who are at risk of, or are already engaged in, violent or antisocial behaviour and
- an effective response to incidents when they occur-one that respects the rights of victims and witnesses, as well as those of the alleged perpetrators.

Police play a vital role in supporting and enhancing the efforts of schools and their communities to be safer places in which to learn and to work. In addition to responding to and investigating school-related incidents, police are essential partners in the prevention of crime and violence.

The purposes of this protocol are to:

- assist in the greater safety and protection of students, teachers, principals, staff, and volunteers in schools
- encourage constructive ongoing, adaptive, and responsive partnerships between police and the school community
- facilitate appropriate sharing and disclosure of information in accordance with privacy laws, including *Freedom of Information and Protection of Privacy Act* (FIPPA) [www.e-laws.gov.on.ca](http://www.e-laws.gov.on.ca) and *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA) [www.e-laws.gov.on.ca](http://www.e-laws.gov.on.ca) and in accordance with the *Youth Criminal Justice Act* (YCJA) <http://laws.justice.gc.ca>
- promote joint consultation and partnerships between school boards, police services, and children's services agencies on maintaining a safe school environment

- ensure the obligations and requirements of both the education and police systems are met and
- ensure an equitable and consistent approach across the school board’s jurisdictions in the ways in which police and schools respond to a school-related occurrence.

#### **4. ROLE AND MANDATE OF POLICE SERVICES**

In cases of *exigent circumstances\**, police will assume primary responsibility as may be necessary to ensure school safety.

The specific roles and responsibilities of the local police service related to young people and the school community are to:

- engage and work proactively in partnership with school officials to ensure the effectiveness of this protocol
- protect public safety and prevent crime
- enforce the *Youth Criminal Justice Act* <http://laws.justice.gc.ca> the *Criminal Code* <http://laws.justice.gc.ca> and other federal, provincial and municipal legislation and related regulations
- uphold the duties legislated under section 42 of the *Police Services Act*
- [www.e-laws.gov.on.ca](http://www.e-laws.gov.on.ca)
- assist victims of crime
- conduct police and criminal investigations
- assist in the development of young people’s understanding of good citizenship
- promote and foster the prevention and reduction of crime, both against and committed by young people
- provide information on community safety issues
- divert young people away from crime and antisocial behaviour; and
- work in partnership with other government and community-based organizations to support positive youth development.

#### **5. ROLE AND MANDATE OF SCHOOL BOARDS**

In cases of exigent circumstances, the police will assume primary responsibility as may be necessary to ensure school safety. The principal will continue to have a role consistent with his or her statutory responsibility for the health and welfare of students and to maintain discipline in the school.

In this document, the term *principal* refers to the principal or the principal’s designate.

The specific roles and responsibilities of the school boards are to:

- develop and explain the board’s Code of Conduct to students and their families (inclusive of the term *weapon\** and the potential reach of school discipline with respect to behaviours taking place outside of school that have a *negative impact on school climate\**)
- engage and work proactively in partnership with police officials to ensure the effectiveness of the Local Police / School Board protocol
- comply with the requirements related to the duties of principals and teachers under the *Education Act* [www.e-laws.gov.on.ca](http://www.e-laws.gov.on.ca) and regulations

- ensuring that all staff, including occasional, part-time, or itinerant teachers, have the means, training, and resources to implement the provisions of this protocol that may apply to them, including the ability to lock their classroom doors during a *lockdown*\*

The specific roles and responsibilities of the principal or designate include:

- conducting investigations of incidents for which *suspension*\* or *expulsion*\* may be applicable. The principal must consider, under the *Education Act* [www.e-laws.gov.on.ca](http://www.e-laws.gov.on.ca), to take *mitigating and other factors*\* (*circumstances that must be considered by the board and school administrators in situations involving suspension and/or student expulsion of a student, as required by the Education Act*) into account, as set out in Ontario Regulation 472/07:
- communicate awareness of policies and procedures to staff, students, parents and school communities, taking into consideration the potential need for interpretive services
- comply with the requirements legislated under the *Child and Family Services Act* [www.e-laws.gov.on.ca](http://www.e-laws.gov.on.ca)
- respect the board's code of conduct, as required by the *Education Act* (s. 302) [www.e-laws.gov.on.ca](http://www.e-laws.gov.on.ca)
- ensure that resources and prevention and intervention strategies (e.g. on drug awareness, on *bullying*\* prevention) are accessible to assist school staff in promoting a positive school environment with students and parents
- develop policies on how to respond to crises, including the development of a communication plan
- ensure that prevention and intervention strategies are available
- provide staff with opportunities for acquiring the skills necessary to promote safe, equitable, and inclusive school environments and
- develop an effective mechanism for soliciting input from staff, students, parents, parent involvement committees (PICs), school councils, and special education advisory committees (SEACs) in the ongoing review of the Local Police/School Board protocol.

## **6. DEFINITIONS/EXPLANATIONS OF TERMS**

Appendix A of this document provides definitions/explanations of terms of the Local Police / School Board protocol.

## **7. A COORDINATED APPROACH TO VIOLENCE PREVENTION**

A co-ordinated and multifaceted approach is required to promote positive behaviour and to prevent school violence. Police and school involvement extends beyond simply responding to incidents. Police work in partnership with our schools and community agencies to administer programs in the area of prevention by sharing our educational resources for the betterment of our student population.

The role of police is to investigate incidents involving youth at risk, assist in identifying areas of concern and to work collaboratively to employ the strategies of “Crime Prevention Through Social Development” (CPSD).

The school/police protocol is one component of a broader partnership between schools and other essential community partners, including mental health providers, health care professionals, and Children's Aid Societies that are dedicated to violence prevention in Ontario schools.

CPSD recognizes that the intersection of multiple and complex social, economic, health, and environmental factors may lead to criminality. CPSD involves long-term, sustainable, multi-agency, integrated actions that deal with the risk factors (e.g., mental health issues, certain types of behavioural issues, involvement in the criminal justice system, victimization/abuse) that can start a young person on the path to crime, and build protective factors (e.g., strong adult role models, enhanced self-esteem, effective personal coping skills and strategies) that may mitigate those risks.

Strategies that schools can use to help prevent violence include:

- helping students develop social skills, including conflict-resolution skills
- promoting positive mental health and reducing the stigma associated with mental health issues
- proactively identifying students at risk and giving them extra support
- using progressive discipline to teach and encourage appropriate behaviour in school
- viewing each student as an integral and contributing member of the school community
- demonstrating, by example and leadership, that students' human rights are to be respected; and
- encouraging students to return to the school community after involvement with the criminal justice system, and supporting them in the process.

Strategies that police can use to help prevent violence in schools include:

- developing positive partnerships with all members of the school community, including parents
- being visible within the school community
- being a positive adult role model for students
- establishing positive relationships with children and youth
- making referrals based on the best interest of the students
- helping deliver educational sessions on crime and criminal justice issues
- facilitating communication and cooperation with school officials, Youth Justice, Probation Services, other police officers, courts, and other social services; and
- supporting students as they return to the school community after involvement with the criminal justice system.

## **8. OCCURRENCES REQUIRING POLICE RESPONSE**

It is the duty of the principal to maintain proper order and discipline in the school. The following reporting guidelines should be followed by the principal or designate.

### **Mandatory Notification of Police**

For students age 12 or over, at a minimum, the police must be notified of the following types of incidents although it should be noted that mandatory police reporting does not mean that police will lay charges in every situation. The incidents listed include those that happen at school, during school-related activities in or outside school, or in other circumstances if the incident has a negative impact on school climate:

- all deaths

- physical *assault*\* causing *bodily harm*\* requiring medical attention
- *sexual assault*\*[behaviour of a sexual nature, including indecent acts]
- *robbery*\*
- *criminal harassment*\*
- *relationship-based violence*\*
- possessing a weapon, including possessing a firearm
- using a weapon to cause or to threaten bodily harm to another person
- *trafficking*\* in weapons or in illegal drugs
- *possessing an illegal drug*\*
- *hate and/or bias-motivated occurrences*\*
- *gang-related occurrences*\* and
- *extortion*\*
- *non-consensual sharing of intimate images*\* ;and
- *bomb\*threats*\*

### **Discretionary Notification of Police**

Police response may also be needed in connection with the following types of incidents:

- giving alcohol to a minor
- being under the influence of alcohol or illegal drugs
- threats of serious physical injury, including threats made on social networking sites or through instant messaging, text messaging, e-mail, and so on
- incidents of *vandalism*\*
- *trespassing incidents*\*

Principals should consider mitigating and *other factors*\* when deciding whether to call the police in discretionary situations.

For students with special education needs, school boards should identify circumstances where a police response is neither necessary nor appropriate. Refer to section 15 below for further information on dealing with students with special education needs.

## **9. INFORMATION SHARING AND DISCLOSURE**

Information sharing and disclosure regarding students is governed simultaneously by federal legislation (*Criminal Code* <http://laws.justice.gc.ca>, the *Youth Criminal Justice Act* <http://laws.justice.gc.ca> ), and provincial legislation (*Education Act* [www.e-laws.gov.on.ca](http://www.e-laws.gov.on.ca) and the *Municipal Freedom of Information and Protection of Privacy Act* [www.e-laws.gov.on.ca](http://www.e-laws.gov.on.ca)). Certain statutes, however, take precedence over the provisions of the aforementioned acts. In situations where federal and provincial laws are in conflict with each other, the federal law takes precedence.

### **a) *Criminal Code* <http://laws.justice.gc.ca>**

The police can access a student's Ontario Student Record (OSR) by warrant or subpoena, or with the written consent of a *parent*\* or of the student, if the student is 18 years of age or older. In exigent circumstances, the police can access a student's OSR without a warrant, under section 487.1.1 of the *Criminal Code* <http://laws.justice.gc.ca>.

### **b) *Youth Criminal Justice Act (YCJA)* <http://laws.justice.gc.ca>**

The YCJA sets out the procedural requirements for dealing with young persons charged with offences. (Refer to Part 6 (ss. 110 to 129) of the YCJA, “Publication, Records and Information”.)

There may be occasions when it is necessary for police to share confidential information with school officials. Section 119 of the YCJA provides the circumstances under which confidential information may be shared.

The following subsections of Part 6 (YCJA) are of particular relevance for police/school board protocols:

- No person shall publish the name of the young person or any information that would identify the young person as a young person dealt with under the YCJA (subsection 110-(1))
- No person shall publish the name of a child or young person, or any other information related to a child or a young person, if it would identify the child or young person as having been a victim of, or as having appeared as a witness in connection with, an offence committed or alleged to have been committed by a young person” (subsection 111(1))
- No person shall be given access to a record and no information in the record shall be given to any person, where to do so would identify the young person as being dealt with under the YCJA (subsection 118)
- “A peace officer may disclose to any person any information in a record kept under section 114 (court records) or 115 (police records) that it is necessary to disclose in the conduct of the investigation of an offence”(subsection 125 (1))
- A provincial director, youth worker, peace officer, or any other person engaged in the provision of services to young person is permitted to disclose to a representative of a school board or school any information kept in a record under sections 114 to 116 of the YCJA if the disclosure is necessary (Subsection 125 (6)):
  - to ensure compliance with an order made by the youth justice court for a young person released from custody to attend school
  - to ensure the safety of staff, students, or other persons or
  - to facilitate the rehabilitation of the young person.

**c) *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)***

The MFIPPA [www.e-laws.gov.on.ca](http://www.e-laws.gov.on.ca) regulates the collection and disclosure of personal information that is not related to the YCJA <http://laws.justice.gc.ca>. Police services, and school boards may collect and disclose personal information to aid in an investigation under subsection 32(g) of the MFIPPA. (i.e., “to aid in an investigation undertaken with a view to law enforcement proceeding...”).

Further information regarding the release of students’ personal information can be found in the Office of the Information and Privacy Commissioner’s *Guide to Ontario Legislation Covering the Release of Students’ Personal Information*, at [www.ipc.on.ca/english/Resources/Discussion-Papers/Discussion-Papers-Summary/?id=495](http://www.ipc.on.ca/english/Resources/Discussion-Papers/Discussion-Papers-Summary/?id=495)

**d) *Child and Family Services Act (CFSA)* [www.e-laws.gov.on.ca](http://www.e-laws.gov.on.ca)**

The local police/school board has a duty under subsection 72(1) of CFSA to report to a children’s aid society those children who are suspected to be in need of protection. The duty to report includes persons “who perform professional or official duties with respect to children”, including teachers and principals.

This provision includes information that is confidential or privileged (except under solicitor/client privilege). There is no liability against a person who reports a child in need of protection, unless the reporting was done maliciously or without reasonable grounds.

## **10. PROCEDURES FOR REPORTING TO POLICE**

- When a principal or designate has reason to believe that a student, or any other person in a school has committed a criminal offence or is likely to commit a criminal offence, the principal is expected to report the incident to the police using the most appropriate method listed: email, text, direct phone call, 911 call or in person with the officer(s).
- Generally, the police dispatcher will receive the call. Based on the information provided by the principal or designate, the police dispatcher will determine the appropriate response. If requested, the dispatcher may provide an estimated time of police arrival.

### **Who Should Call the Police**

- As a general rule, the principal or designate will call the police
- If the principal or designate is unavailable, any school staff member will contact the police directly. In these situations, the principal will be contacted as soon as possible and information shared regarding the nature of the call
- In an emergency situation (e.g., *imminent threat\**, incidents involving serious bodily harm), any school staff member will contact the police immediately, and advise the principal at first opportunity. The reporting staff member should refer to the appropriate school response plan.

### **Telephone Numbers**

<b>Police Service</b>	<b>Emergency situations:</b>	<b>Non-emergency situations:</b>
Chatham Kent	911	(519) 436-6600
Sarnia	911	(519) 344-8861
Lambton OPP	911	(519) 882-1011

Each school should have a list of these telephone numbers clearly displayed for staff use.

### **When Making Police Contact**

When informing the police that an incident has occurred the following information should be considered:

- name, date of birth, and address of individuals involved
- type of incident
- degree of harm and level of *threat\**
- previous occurrences
- the involvement of a gang
- the presence of a weapon
- incidents off school property that could lead to incidents at school
- the influence of racism, sexism, homophobia or drugs and alcohol
- the history of the involved student with respect to similar incidents
- any other relevant information (e.g. mitigating factors, special needs background)
- best access and entry point to the school.

## **11. INITIAL POLICE CONTACT**

Police officers who respond to a report of school related incident under exigent circumstances, or if the principal or designate is being investigated, are not required to follow the procedures set out below. Alternative reporting procedures for situations where the principal is under investigation should be established between police services and the area school superintendent. The responding police service will ensure that the area school superintendent is notified as soon as possible.

### **The Responding Officer Will**

- report to the principal or designate with proper identification
- explain the purpose of the visit
- consider alternatives that limit the disruption to the school day
- obtain information from the principal about the student (e.g. regarding accommodation needs or barriers to communication) before making contact with the student; and
- contact, or make arrangements with the principal or designate to contact the *parents/legal guardians\** of students under the age of 18 and
- if a *parent/legal guardian\** cannot be reached, the police may proceed to interview the student. In this situation, the principal or suitable designate must act in *loco parentis* according to the Education Act.

### **Documentation Procedures for Police**

- The police officer who responds to a report of a school-related incident is responsible for obtaining and thoroughly documenting information on the incident.

### **Documentation Procedures for School Staff**

- all events where police are involved must be documented
- school staff should record the details as soon as practical
- documentation should include dates, times, names of witnesses interviewed and relevant observations
- such details should be kept in a journal (or hardcopy made of electronic notes) and available for reference when required
- where appropriate, include a summary of any action taken by school administration;
- notes should be recorded in an objective manner, free of opinion or suggestion, and with the potential use in legal proceedings in mind
- school staff should maintain their records in accordance with the school board's records management guidelines – records retention schedule

## **12. SCHOOL AND POLICE INVESTIGATIONS OF INCIDENTS**

When both the principal and the police are investigating the same incident at the same time, it is important that the principal not do anything to prejudice the police investigation. It is also important that the police recognize and respect the principal's obligation under the *Education Act* [www.e-laws.gov.on.ca](http://www.e-laws.gov.on.ca) (e.g. under the Act, a school board's decision regarding expulsion of a student must be made within twenty school days from the date when the student was suspended). Police need to be aware of this fact and should, when possible, share with the principal information that may be relevant to that decision. Police and schools need to cooperate, whenever possible, regarding their investigations.

It is important for police and school staff to work cooperatively and understand each other's roles when a matter involves both a police investigation, and a mandated investigation under the *Education Act* [www.e-laws.gov.on.ca](http://www.e-laws.gov.on.ca) relating to suspension/expulsion. Working cooperatively and sharing good communication, reduces the risk of jeopardizing an investigation and the subsequent judicial proceedings, while ensuring school administrators are able to meet their legislated responsibilities under the *Education Act* [www.e-laws.gov.on.ca](http://www.e-laws.gov.on.ca).

Police must understand a principal's legislated responsibility to conduct an investigation under the *Education Act* [www.e-laws.gov.on.ca](http://www.e-laws.gov.on.ca), and only in exceptional circumstances, should police advise school administrators against exercising their legislative responsibility to speak with students, regardless of whether they are the accused, a victim or a witness.

When police conduct an investigation, take statements etc., they should provide a verbal account of the statement(s) to the principal. Where individual police service policy allows, or specific protocols are in place for the sharing of information, (e.g.: Threat\* Risk Assessment Protocol) police may provide copies of statements to the principal.

Furthermore, police can disclose the findings and outcome of the investigation to the principal. Principals may make their own notes as to what an officer has told them about a matter, for the purpose of addressing their obligations under the *Education Act* [www.e-laws.gov.on.ca](http://www.e-laws.gov.on.ca).

If a principal feels he or she must re-interview a student for the purposes of the *Education Act* [www.e-laws.gov.on.ca](http://www.e-laws.gov.on.ca) investigation, he/she may do so, but are encouraged to discuss the interview with the police prior to re-interviewing the student, so as to minimize the possibility of jeopardizing the police investigation and any subsequent prosecution. In serious matters, students should not be re-interviewed by the principal, without first discussing the matter with police.

Principals should be aware of the issue of re-victimization, in cases of sexual assault, or intimate partner violence and discuss with police, the need to re-interview victims in these matters. Principals should also be aware that creating multiple statements from one witness may subject that witness to a more difficult cross-examination in a criminal prosecution. Principals should also be aware that any contact they have with students, after a police investigation has been initiated, may place them in a position of becoming a witness in a criminal proceeding.

The principal will inform police of any logistical information about the school (e.g., the hours of the school day and class rotation schedules) that may be relevant to the investigation process. Police services will endeavor to work within these logistical considerations in order to minimize the disruption of the school. Unless other options have been exhausted, police services should not use the school as a place of convenience in which to interview or arrest students for matters that do not pertain to the school.

Police investigations should also be undertaken in accordance with the local police service's criminal investigation management plan and, where required, with the *Ontario Major Case Management Manual* [www.attorneygeneral.jus.gov.on.ca](http://www.attorneygeneral.jus.gov.on.ca) .

### **Legal Rights**

In the investigation of school-related incidents committed by young persons, the following provisions should be adhered to as the students are divided by age:

### **Students 18 Years of Age and Older**

Students who are eighteen years of age or older are considered adults. The *Criminal Code of Canada* <http://laws.justice.gc.ca>, *Charter of Rights and Freedoms* <http://laws.justice.gc.ca/en/charter> and other relevant legislation will be followed if these students are investigated for a criminal offence.

### **Students Between the Ages of 12 and 17**

Students between the ages of 12 and 17 are covered by the *Youth Criminal Justice Act* <http://laws.justice.gc.ca>. Where appropriate, police will also advise those persons pursuant to the *Criminal Code* <http://laws.justice.gc.ca> and *Charter of Rights and Freedoms* <http://laws.justice.gc.ca/en/charter>. These rights should also be clearly explained to the principal or designate.

Particular attention should be given by the principal and police to procedures that are consistent with the following provisions:

- parental notification upon arrest (s.26. *Youth Criminal Justice Act* <http://laws.justice.gc.ca>)
- right to counsel (s. 25, *Youth Criminal Justice Act* <http://laws.justice.gc.ca>)
- right not to make a statement (s 146. *Youth Criminal Justice Act* <http://laws.justice.gc.ca>) and
- protection of privacy (s. 110, *Youth Criminal Justice Act* <http://laws.justice.gc.ca>).

### **Students Under 12 Years of Age**

Children under the age of twelve years cannot be charged under the *Youth Criminal Justice Act* <http://laws.justice.gc.ca>, or the *Criminal Code* <http://laws.justice.gc.ca>. Nonetheless, the police must be called to investigate serious criminal offences and facilitate communication between school, parent(s)/guardian(s) and outside agencies (such as C.K.C.S. or S.L.C.A.S.). Unless under investigation as well, based on a determination by police, the parent or guardian is an active partner in this process and shall be notified in every case by the principal or designate, whether their child may be a victim, a witness, or at fault in the circumstances (See Under 12 Protocol ??)

### **Responsibilities of Principal**

- To investigate as necessary in order to establish the nature and extent of an alleged offence.
- To establish as part of the code of conduct and to communicate to students, parents, and staff, that desks and lockers are considered school property, and that a search of such property is permissible by school administration. In addition, students shall be advised that they may be directed by a principal or designate to display the contents of clothing, duffle bags, backpacks, or similar items that are worn or carried on school property.
- The principal will inform police of any logistical information about the school (e.g. the hours of the school day and class rotation schedules) that may be relevant to the investigation process. Police services will endeavour to work within these logistical considerations in order to minimize the disruption to the school.

### **Search and Seizure**

School staff will not conduct personal searches of students.

### **Where the Principal Has Grounds to Conduct a Search**

- the principal has the continuous responsibility for students even when police are on the school premises
- as a general guideline, the extent of the search is limited by the nature of the item being sought
- the principal may search school property assigned to the student (desk, locker)
- the principal may also direct a student to display the contents of clothing, duffle bags, backpacks etc. that are worn or carried on school property
- one other adult shall be present when a desk or locker is opened, or when a student is asked to display the contents of their clothing, duffle bags, backpacks, or similar, so as to have corroboration
- where a principal or designate conducts a search without police being present and he/she seizes an item that may be related to an offence, the principal shall contact the police to determine appropriate strategies to deal with the seized item
- the principal shall document any search.

### **Search of Persons**

- where reasonable and probable grounds exists to warrant a search of persons, the school administration shall call the police and request their assistance and
- police officers shall adhere to their respective police policies and procedures as they relate to Search of Persons, e.g., a strip/complete search will be conducted by a police officer of the same gender as the person being searched, unless safety requirements clearly dictate otherwise

### **Search Warrants**

- police will notify the principal prior to conducting a search on school premises
- when the parent cannot be reached or be present, at the request of the student, the principal or suitable designate, may act as an observer/advocate for the student
- under some exigent circumstances, police may be required to execute a search warrant without notice to the principal or designate

### **Canine Drug Searches**

- Random canine drug searches shall neither be requested nor conducted.

## **Detention and Arrest**

### **Role of Police Officer**

- when it is necessary that a student be arrested at school during school hours, to the extent possible, such an arrest will be made in a manner that respects the dignity of the student, will minimize disruption of school routines, and give due consideration to privacy
- where a student is to be arrested on school premises during school hours and, so long as circumstances permit, police will contact the principal or designate to arrange a suitable procedure by which police will access the student
- where physical restraints are necessary, they will be employed with full regard for the safety of those involved in accordance with the arresting officer's discretionary powers
- it is the responsibility of the police to attempt to contact a parent/legal guardian of persons under the age of 18 to advise them an arrest has been made. It is the responsibility of the principal to act in *loco parentis* under the Education Act. The parent should not be contacted if the police determine that doing so may endanger the safety of the student or another person or the integrity of an investigation. In such cases, the student will be

advised that he or she may contact another adult (this should be principal or designate) will act to support student

- where it has been determined by police that an arrest will be made, the officer shall follow established police policies and procedures as they relate to Arrest-Detention-Release (e.g., rights and caution)
- all requirements under the *Youth Criminal Justice Act* <http://laws.justice.gc.ca> must be followed when a young person is arrested or detained, including who is responsible for discharging specific obligations (e.g. the notification of Parents, under s. 26 of the Act).

### **Role of School Staff**

- where a student is to be arrested, the school staff shall co-operate with police and allow access to the student
- in the event a student is detained by a school employee, the police will be contacted forthwith and
- where an arrest has been made by a school agent (e.g., security guard), the person making the arrest shall forthwith turn the person over to police.

### **Victim's Assistance**

Schools and police, with the assistance of the community, may provide, where available, programs and services which:

- help identify the underlying causes of the violence
- provide counselling and support as appropriate to victims/witnesses, which may include referrals to school or community services
- make reasonable efforts to ensure the safety and security of victims/ witnesses
- provide victim/witness assistance in accordance with local Victim's Assistance Procedures and
- follow procedures that are consistent with the *Ministry of Community Safety and Correctional Services Guideline VA-001* [www.mcscs.jus.gov.on.ca](http://www.mcscs.jus.gov.on.ca) on victim's assistance.

Police and school personnel, should be aware of the obligation that the principal inform the parents of victims who have been harmed as a result of an activity for which suspension or expulsion must be considered, unless, in the principal's opinion, doing so would put the victim at risk of harm from the parents. (*Education Act*, s. 300.3(1) and O. Reg. 472/07) [www.e-laws.gov.on.ca](http://www.e-laws.gov.on.ca);

All board employees, who work directly with students, are expected to support all students, including those who disclose or report such incidents, by providing them with contact information about professional supports (e.g. public health units, community agencies, Help Phone Lines):

All board employees who work directly with students can also provide notice to victims of the services available to them such as:

- police services for victims
- student support services from the school board
- services offered by other municipal, community and social service agencies, including legal services
- access to information
- confidentiality of victim and witness identity (s.111, *Youth Criminal Justice Act* <http://laws.justice.gc.ca>)
- procedures for information sharing and community referrals and

- community supports pamphlets; Sarnia-Lambton, Chatham-Kent

The completion of victim impact statements shall not normally be considered the responsibility of school staff. Rather, the responsibility of the statement process is through a referral by police to Victims Services.

Under the *Youth Criminal Justice Act* <http://laws.justice.gc.ca>, victims are entitled, on request, to receive information about how an offence was dealt with where extra judicial measures are ordered. Such information shall not be provided by school officials, but by the police or other persons designated under the *Youth Criminal Justice Act* <http://laws.justice.gc.ca>.

### **13. POLICE INTERVIEWS OF STUDENTS**

#### **Notification of Parents**

The following procedures are to be followed, except in exigent circumstances, when the police interview students on school premises.

#### **Police**

- must advise a student, under the age of 18, that he/she may request his/her parent/legal guardian to be in attendance during the police interview
- are to act in a manner that respects the dignity of the student and minimizes disruption to the school when it is necessary to interview, search, or arrest a student at school during school hours
- if the student is deemed a suspect, the police will explain to the young person his/her rights, specifically the right to speak to a lawyer.

#### **Police/Children's Aid Society (C.A.S.)/Chatham Kent Children's Services (C.K.C.S.)**

#### **Involvement**

- If C.A.S./C.K.C.S. is involved, school and police officials should discuss and come to agreement regarding the timing and procedure for notifying the parents.
- Police will report with the C.K.C.S., or Sarnia-Lambton C.A.S. when there is a duty to report, as outlined under the *Child & Family Service Act*.

#### **Principal**

#### **Students under the Age of 18**

- except in exigent circumstances, it is the principal's responsibility to contact parents of:
  - victims who have been harmed as a result of an activity for which suspension or expulsion must be considered, unless, in the principal's opinion, notification of the parents would put the student at risk of being harmed by the parents. If that is the case, the parents must not be contacted (*Education Act*, s300.3(3) [www.e-laws.gov.on.ca](http://www.e-laws.gov.on.ca))
  - students receiving a suspension (*Education Act*, S. 311 [www.e-laws.gov.on.ca](http://www.e-laws.gov.on.ca));
  - all other students being interviewed by police during an investigation, except:
    - if the principal is otherwise directed by police because of exigent circumstances, or where the police believe the parent may be implicated
    - if the student is 16 or 17 years of age and has withdrawn from parental control (unless the student consents to or requests such contact or is incapable of providing consent)

- the principal will attempt to inform the parent of any student who will be interviewed by the police and give the parent the opportunity to attend at the location of the interview. This applies to students under the age of 18 (except where the student is the victim of abuse and the alleged offender is a family member or primary care-giver or the contact may jeopardize further investigation or safety of the student)
- a parent/legal guardian, third-party adult, or the principal, if no alternative is available, must be present when students under the age of 18 are being interviewed at school
- in cases where a student aged 12 to 17 is to be interviewed at the school and waives the right to have an adult present at the interview, and the police and the principal consider the school the most appropriate location for conducting the interview, steps will be taken to ensure that the student's rights are respected during the interview **NEED LEGAL ADVICE ON THIS ONE**
- when the parent cannot be reached or be present, at the request of the student, the principal or suitable designate, may act as an observer/advocate for the student; and
- where the principal is not able to contact the parent(s)/guardian(s), the principal will record his/her attempts to make such contact.

### **Students over the Age of 18**

The parent/legal guardian should not be called if the student is 18 years of age or older, unless the student gives his/her consent or makes the request him/herself or is incapable of providing consent for medical or other reasons.

### **Preparations for Interviews**

Police will employ appropriate techniques when interviewing children and young persons and are required to follow the Guide to Officers for Section 146 *Youth Criminal Justice Act* <http://laws.justice.gc.ca> Statements.

Police are required to provide, upon arrest or detention, a legal caution and notification of the right to counsel, where there are reasonable grounds to believe that the student being interviewed has been involved in the commission of a criminal offence. As well, the police will take into account the legal considerations respecting the admissibility of statements made to persons in authority (S. 146(2) of the *Youth Criminal Justice Act* <http://laws.justice.gc.ca>)

It is recognized that the norm for interviews by police will be conducted outside the school. Procedures and considerations related to preparing for interviews include the following:

- determining whether the circumstances allow for the interview to be conducted at the student's home or another location rather than at school, in view of the stigma and potential impact on the student
- evaluating the need for specialized resources where a student is known to have mental health needs or special education needs
- determining the methodology of the interview
- deciding which officer will take the lead in conducting the interview, if more than one officer is interviewing
- arranging for the audio/videotaping of interviews and statement, and meeting the requirement for police to inform the interviewee that the conversation is being recorded; and
- determining the need for an interpreter (e.g., a language interpreter, an interpreter for a student who is deaf or hard of hearing) and/or for information to be provided in an alternative format (e.g., Braille for a student who is blind or has low vision)

### **Conduct of Interviews**

Procedures and considerations related to conducting interviews include the following:

- the need for police officers to employ appropriate techniques when interviewing children and young persons
- the requirement that police follow the Guide to Officers for section 146 *Youth Criminal Justice Act* Statements
- the requirement that police provide, upon arrest or detention, a legal caution and notification of the right to counsel where there are reasonable grounds to believe that the student being interviewed has been involved in the commission of a criminal offence
- taking into account legal considerations respecting the admissibility of statements made to persons in authority 9s. 146 (2) of the *Youth Criminal Justice Act*) involving the local Children's Aid Society in the interview process, which is necessary when an interview involves a child who may be in need of protection; and the requirement that an adult be present throughout the interview, except when the student can waive and has waived the right to have an adult present. Best efforts must be made to have the student's parent(s) or another adult of the student's choice present. In circumstances when this cannot be done, the principal must attend the interview.

## **14. REPORTING OF CHILDREN SUSPECTED TO BE IN NEED OF PROTECTION**

It is important that a trilateral understanding between the local children's services, the police and the school board be established. Please consult separate protocols between CAS/CKCS and local police services and protocols between CAS/CKCS and local school boards regarding responsibilities and procedures related to children who may be in need of protection, children receiving services from or in the care of CAS/CKCS and the duty to report child abuse or neglect.

The *Child and Family Services Act* (CFSA) [www.e-laws.gov.on.ca](http://www.e-laws.gov.on.ca) recognizes that each of us has a responsibility for the welfare of children. We all collectively share the responsibility under section 72 (1) of the CFSA as follows:

- the public, including professionals who work with children, must promptly report to a children's aid society, (CAS) any suspicions that a child is or may be in need of protection
- a child may be in need of protection from physical, sexual and emotional abuse, neglect and risk of harm.

### **Child in Need of Protection:**

The *Child and Family Services Act* [www.e-laws.gov.on.ca](http://www.e-laws.gov.on.ca) defines a child in need of protection as a child who is, or who appears to be, suffering from abuse and/or neglect.

### **Duty To Report:**

- duty to report applies to any child who is, or appears to be, under the age of 16 years. It also applies to children already under a child protection order who are 16 and 17 years old.
- anyone who has reasonable grounds to suspect that a child is, or may be, in need of protection must promptly report the suspicion and the information upon which it is based to CAS.
- any person who suspects abuse or neglect must report directly to CAS and not rely on anyone else to report on their behalf (CFSA S.72 (3) [www.e-laws.gov.on.ca](http://www.e-laws.gov.on.ca)).
- it is not necessary for a police officer, teacher or principal to be certain that a child is or may be in need of protection to make a report to CAS. Reasonable grounds refers to the

- information that an average person, using normal and honest judgement, would need in order to report.
- if you know a report has already been made about a child, you must make a further report to the CAS if there are additional reasonable grounds to suspect that a child is or may be in need of protection. (CFSA. S72(3) [www.e-laws.gov.on.ca](http://www.e-laws.gov.on.ca) )

All school board employees should take time to reference the following respective policies and procedures within the Lambton Kent District School Board, St. Clair Catholic District School Board, Conseil scolaire catholiques Providence and Conseil scolaire Viamonde for additional information and support:

Lambton Kent DSB Reporting of Child Abuse and Neglect-A-SE-306-06 ([www.lkdsb.net](http://www.lkdsb.net) )

St. Clair Catholic DSB - Child Abuse and Neglect – Section C - Students ([www.st-clair.net](http://www.st-clair.net))

Conseil scolaire Viamonde - Références à la Société d'aide à l'enfance (Cyber@dmin)  
([www.csviamonde.ca](http://www.csviamonde.ca))

Conseil scolaire catholiques Providence - Signalement de mauvais traitements et d'actes de négligence envers des enfants - DA-7 ([www.csdecso.on.ca](http://www.csdecso.on.ca))

For additional information, refer to the document *Reporting Child Abuse and Neglect*, developed by the Ministry of Children and Youth Services, which is available at [www.children.gov.on.ca/htdocs/English/topics/childrensaidd/reportingabuse/index.aspx](http://www.children.gov.on.ca/htdocs/English/topics/childrensaidd/reportingabuse/index.aspx).

## **15. INVESTIGATIONS INVOLVING STUDENTS WITH SPECIAL NEEDS**

Consideration must be taken into account when an investigation involves a student (or students) known to have special education needs, who may be identified as having an exceptionality in any of the following categories: behaviour, communication, intellectual, physical or multiple. In addition to the guidelines in Section 13, **Police Interviews of Students**, school personnel and police will consider the following, when investigations involve a student known to have special needs:

- the responsibility of the school to communicate to the police that a student is known to have special education needs or communication difficulties
- the requirement to accommodate the student, especially when interviewing is necessary. Every attempt should be made to provide specialized supports/resources, as needed, for the student during an investigation
- the need to ensure that the student's parent is contacted as soon as possible, except in exigent circumstances, or where the police believe the parent may be implicated in the incident. If a parent cannot be present, a familiar adult may be present

In cases involving students with special education needs, the principal should review the student's Individual Education Plan (IEP) and other relevant student records in order to identify whether further intervention strategies/and/or resources are required for the student. These may include the development of and/or revisions to a behaviour management or safety plan.

## **16. OCCURRENCES INVOLVING CHILDREN UNDER AGE 12**

Children under 12 cannot be charged with an offence under the *Criminal Code* <http://laws.justice.gc.ca>, *Youth Criminal Justice Act* <http://laws.justice.gc.ca>, or the *Provincial Offences Act* [www.e-laws.gov.on.ca](http://www.e-laws.gov.on.ca), but police have authority to:

- notify the child's parent as soon as possible, except in exigent circumstances or where the police believe the parent may be implicated in the incident
- take reports of incidents allegedly committed by students in this age group
- make referrals to additional services for the student (Health, counselling)
- conduct interviews
- report to the local children's aid society under subsection 72 (1) of the Child and Family Services Act when there is evidence of abuse or neglect, or the risk thereof; when the child has committed serious acts and the child's parents are not accessing appropriate treatment;
- provide accommodations and/or modifications for students with special education needs, as outlined in their IEPs.

Police shall refer to relevant police procedures/protocols, and local police service policies.

The Principal is required to conduct an investigation of an incident for the purpose of school discipline where a recommendation for suspension or expulsion may be required regardless of the age of the students involved. The Principal is required to provide accommodations and/or modifications for students with special education needs, as outlined in their Individual Education Plan (IEP).

The Principal shall refer to appropriate board regulations and procedures, in addition to this protocol, and may at any time consult with a Supervisory Officer.

## **17. SCHOOL BOARD COMMUNICATION STRATEGY**

Knowledge and understanding of the contents of the protocol should be promoted so that students and families are aware of the range of situations in which police may be called.

## **18. PROTOCOL REVIEW PROCESS**

A review of the local police protocol will be conducted every two years, or sooner, if required. The effectiveness of the policies shall be monitored and evaluated by school boards, in consultation with the local police, according to Board policy, and the input of students, staff, parents or guardians, the community and other agencies will be taken into consideration. The results of monitoring and evaluation will be used by the boards and local police services to revise this Protocol as needed.

## **19. PHYSICAL SAFETY ISSUES**

When requested, police services may work in cooperation with local schools to assess the potential safety risks posed by current school practices or physical design of building/grounds. In all cases, final decisions about alterations rest with the school board, as does the responsibility to carry out any desired work.

## **20. RISK ASSESSMENT SERVICES**

School boards, police and other community partners (e.g., mental health agencies, Youth Justice Probation Services, and other youth-focused agencies), are encouraged to develop procedures and protocols to facilitate timely intervention in situations, where a *threat*\* has been made, or a situation where there is non-threatening but worrisome behaviour. Having such a multi-agency approach in place provides for the sharing of information and makes a collective and timely response possible. The Community Threat Assessment Protocol (CTAP) is available on each school board website.

- St. Clair Catholic District School Board – [www.st-clair.net](http://www.st-clair.net)
- Lambton Kent District School Board – [www.lkdsb.net](http://www.lkdsb.net)
- Conseil scolaire catholique Providence – [www.CscProvidence.ca](http://www.CscProvidence.ca)
- Conseil scolaire Viamonde - <http://csviamonde.ca>

Police services will investigate and manage criminal investigations in a manner that is consistent with federal and provincial legislation and in accordance with Solicitor General Guidelines, and will determine if support services (e.g., Behavioural Sciences) are required. In addition, several larger police services, including the Ontario Provincial Police, have Threat\* Assessment Units.

## **21. EMERGENCY PLANNING AND THREATS TO SCHOOL SAFETY**

Schools are to develop an annual Emergency and Crisis Response Plan in consultation with local police and the safe school committee. A copy of the Emergency Crisis Response Plan will be shared with police annually.

### **Lockdown plan and procedures:**

1. All publicly funded school boards in Ontario must establish a lockdown policy to ensure the development and implementation of individual school plans. Refer to your board Lockdown Policy.
2. A minimum of two lockdown drills must occur each school year
3. Every school's emergency response plan should be guided by the provincial lockdown policy in developing its lockdown plan.

### **Bomb threat plan and procedures:**

1. All publicly funded school boards in Ontario must establish a bomb threat response policy to ensure the development and implementation of individual school plans
2. Each board must ensure that its staff, students, and other stakeholders are aware of their obligations/responsibilities within the individual school plans
3. Every school's emergency response plan should be guided by the provincial policy in developing its bomb threat plan.

## **22. TRAINING**

The school board and police services will provide joint training on the local police/school board protocol to their respective staff on an annual basis. The training should be based upon effective/leading practices and will be delivered as considered appropriate to staffing requirements. Best efforts should be made to include all staff, including part-time, itinerant and occasional staff, in this training.

**23. DEALING WITH THE MEDIA**

Whenever a serious incident occurs in a school or is school-related and the local police propose to issue a press release that includes reference to a school board or a school, the police will consult with the appropriate director of education or designate in advance, where possible.

- St. Clair Catholic District School Board.....(519) 627-6762
- Lambton-Kent District School Board .....(519) 336-1500
- Conseil scolaire catholique Providence .....(519) 948-9227
- Conseil scolaire Viamonde .....(416) 614-0844

## **APPENDIX A – Definition of Terms**

These definitions are provided as a general guide. Applicable legislation should be referenced for specific legal definitions. Online access to statutes is available through:

- [www.e-laws.gov.on.ca](http://www.e-laws.gov.on.ca)
- <http://laws.justice.gc.ca/en/notice/index.html?redirect=%2Fen%2F>
- <http://www.napra.ca/pdfs/fedleg/cdsa.pdf>

### **Assault**

A person commits an assault when (a) without the consent of another person, he/she applies force intentionally to that other person, directly or indirectly; (b) attempts or threatens, by an act or gesture, to apply force to another person, if he/she has, or causes that other person to believe upon reasonable grounds that he/she has present ability to effect his/her purpose; (c) while openly wearing or carrying a weapon or an imitation thereof, he/she accosts or impedes another person.

### **Barricading**

Creating a further barrier to a classroom or office that would obstruct the entry of an intruder, should the locked door be compromised. Barricading can be done by a number of means, including but not limited to adding a secondary locking mechanism or blocking the doorway with a large moveable object or with multiple smaller moveable objects. The barricade should be capable of being removed to allow exit from the room once the lockdown incident has been resolved.

### **Bodily Harm**

Refers to injury resulting from assault that is more than transient or trifling in nature

### **Bomb**

An explosive device fused to detonate under specified conditions.

### **Bullying**

“Bullying is typically a form of repeated, persistent, and aggressive behaviour directed at an individual or individuals that is intended to cause (or should be known to cause) fear and distress and / or harm to another person’s body, feelings, self-esteem, or reputation. Bullying occurs in a context where there is a real or perceived power imbalance.”

### **Causing Disturbance**

In or near a public place, by fighting, screaming, shouting, swearing, singing or using insulting or obscene language; by being drunk; or by impeding other persons.

### **Criminal Harassment**

Criminal harassment occurs when: (1) a person repeatedly follows an individual from place to place or repeatedly communicates, directly or indirectly, by any means (including electronic means), with an individual, or watches the home or place of work of an individual, or engages in threatening conduct directed at a person or a member of that person’s family; and (2) the victim of the criminal harassment is caused to reasonably, in the circumstances, fear for his or her safety.

### **Exigent Circumstances**

Urgent, pressing, and/or emergency circumstances. Exigent circumstances usually exist when immediate action is required for the safety of the police or others. Such circumstances may include a bomb threat, a person possessing or using a weapon, or a fire on school property.

## **Expulsion**

The removal of a student from his or her school or from all schools of the board. Students expelled only from their school are assigned to another school of the board. Students expelled from all schools of the board must be offered a program for expelled students. Activities for which expulsion must be considered are found in section 310(1) of the *Education Act* [www.e-laws.gov.on.ca](http://www.e-laws.gov.on.ca). An example is using a weapon to cause or to threaten bodily harm.

## **Extortion**

The use of threats, intimidation, or violence towards a person to obtain something of value from that person or someone else, or to cause that person or someone else to do something.

## **Extra-Judicial Measures**

Measures used by police to hold a young person accountable for his or her alleged criminal behaviour, in a timely manner, outside the formal youth justice system. The formal system would include charging the individual and going through the court process. Extra-judicial measures hold a youth accountable for his or her actions and provide sanctions outside of judicial proceedings. Some examples of sanctions include substance abuse counselling, volunteer work, repair or compensation for stolen or damaged property, and a letter of apology.

## **Gang-related Occurrences**

Incidents involving a group, consisting of three or more persons, however organized, having as one of its main purposes the commission or facilitation of a criminal offence, in which any or all of the members engage

## **Hate-and/or Bias–Motivated Occurrences**

Incidents (e.g., involving statements, words, gestures) motivated by hatred or bias towards an identifiable group (i.e., a group distinguished by colour, race, religion, gender, sexual orientation, or ethnic origin) that are publicly communicated and that are wilfully intended to promote or incite bias or hatred against such a group.

## **Lockdown**

A procedure used in response to a major incident or threat of violence within a school, or in relation to the school. Refer to individual board lockdown policies.

## **Mitigating and Other Factors**

Circumstances that must be considered by the board and school administrators in situations involving suspension and /or expulsion of a student, as required by the *Education Act* [www.e-laws.gov.on.ca](http://www.e-laws.gov.on.ca) and as set out in Ontario Regulation 472/07 (quoted below):

2. *For the purposes of subsections 306 (2), 306 (4), 310 (3), 311.1 (4) and clauses 311.3 (7) (b) and 311.4 (2) (b) of the Act, the following mitigating factors shall be taken into account:*
  1. *The pupil does not have the ability to control his or her behaviour.*
  2. *The pupil does not have the ability to understand the foreseeable consequences of his or her behaviour.*
  3. *The pupil's continuing presence in the school does not create an unacceptable risk to the safety of any person...*

### **Other factors**

3. *For purposes of subsection 306 (2), 306 (4), 310 (3), 311.1(4) and clauses 311.3 (7) and 311.4 (2) (b) of the Act, the following other factors shall be taken into account if they would*

*mitigate the seriousness of the activity for which the pupil may or is being suspended or expelled:*

- 1. The pupil's history.*
- 2. Whether a progressive discipline approach has been used with the pupil.*
- 3. Whether the activity for which the pupil may be or is being suspended or expelled was related to any harassment of the pupil because of his or her race, ethnic origin, religion, disability, gender or sexual orientation or any harassment.*
- 4. How the suspension or expulsion would affect the pupil's ongoing education.*
- 5. The age of the pupil.*
- 6. In the case of a pupil for whom an individual education plan has been developed.*
  - i. whether the behaviour was a manifestation of a disability identified in the pupil's individual education plan,*
  - ii. whether an appropriate individualized accommodation has been provided, and*
  - iii. whether the suspension or expulsion is likely to result in an aggravation or worsening of the pupil's behaviour or conduct.*
- 7. and other factors as may be specified in board policy.*

### **Negative Impact on School Climate**

A possible result of inappropriate activities or behaviours, whether those activities/behaviours occur inside or outside the school. Actions or behaviours that occur outside school may still have negative impact on school climate. For example, cyber bullying often occurs outside school, but if it targets individual students and causes them to be afraid to come to school, it is having a negative impact on school climate.

### **Non-consensual sharing of intimate images**

Knowingly publishing, distributing, transmitting, selling, making available or advertising an intimate image of another person while knowing that the person depicted in the image did not give their consent, or being reckless as to whether the person gave their consent. The term "intimate image" refers to a visual recording such as a photograph, film, or video recording of a person in which the person is nude or engaged in explicit sexual activity and which was created in circumstances that gave rise to a reasonable expectation of privacy.

### **Parent/Legal Guardians**

A person legally entrusted with the care of, and managing the property and rights of, another person, usually a child/youth who is under the age of 18. For the purposes of Part XIII of the *Education Act* [www.e-laws.gov.on.ca](http://www.e-laws.gov.on.ca), students who are 18 years of age or older, and students who are 16 or 17 years of age but have withdrawn from parental control, are considered to be adults.

### **Possession of Drugs**

Having a controlled substance (e.g., a drug or narcotic, as set out in the Controlled Drugs and Substances Act) in one's personal possession or possessing it jointly with others, including knowingly possessing an illegal drug elsewhere.

### **Relationship-Based Violence**

Any behaviour or action that is used to scare, harm, threaten, control, intimidate, or injure another person within an intimate relationship. The behaviour or action can be physical, sexual, or emotional, and it may comprise a single act of violence, regardless of the level of physical injury, or a number of acts forming a pattern of abuse through the use of assaultive and controlling behaviour.

### **Robbery**

The use of violence or threats of violence to steal money or other property from a victim.

**Sexual Assault**

Any type of unwanted sexual act done by one person to another that violates the sexual integrity of the victim. The term refers to a range of behaviours that involve the use of force or control over the victim. In some cases, no overt physical force is used – instead the victim may be threatened with words or pressured into doing something he or she doesn't want to do.

**Suspension**

The removal of a student from his or her school and all school-related activities for a minimum of one school day to a maximum of twenty school days. Activities for which suspension must be considered are found in subsection 306(1) of the *Education Act* [www.e-laws.gov.on.ca](http://www.e-laws.gov.on.ca). An example is possessing alcohol or illegal drugs.

**Theft**

The illegal or unauthorized removal of another person's property without his/her consent

**Threats**

Any statement, act, or communication, by means, including electronic means, of an intent to cause harm, whether physical or emotional, to any person or thing, in circumstances where the person threatened believes or has grounds to believe the threat may be carried out.

**Trespasser**

A person who is on (school) property without approval or permission.

**Trafficking**

Assisting in any manner with the distributing of a controlled drug or substance, as set out in the Controlled Drugs and Substances Act, or with the distributing of weapons.

**Vandalism (Mischief)**

The wilful or malicious damage, defacement, or destruction of (school board) buildings, grounds, equipment, or property as well as staff and student property.

**Weapon**

Any article designed as a weapon, or used or intended to be used for the purpose of threatening, intimidating, or injuring a person. All firearms, including replica firearms and imitation firearms, are always considered weapons.