

# **SUPERIOR-GREENSTONE DISTRICT SCHOOL BOARD**

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<i>Section</i>	SCHOOLS AND STUDENTS	
<i>Management Guideline</i>	POLICE AND SCHOOLS PROTOCOL	
<i>Applicable Policy</i>	SAFE SCHOOLS CODE OF CONDUCT	520

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

- Superior-Greenstone District School Board
- Superior North Catholic District School Board
- Long Lake 58 and Ginoogaming First Nation Authority
- The Geraldton Ontario Provincial Police Detachment
- Nishnawbe-Aski Police Service
- The Children's Aid Society of the District of Thunder Bay
- Dilico Anishnabek Family Care

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## 1.0 **Introduction**

### Background

Under the direction of the Ministry of Education and Ministry of the Solicitor General, school boards and police services must establish a protocol for the investigation of school-related occurrences.

This document has been prepared for the following reasons:

- to ensure consistency of approach in the local protocols developed by school boards and police services in the communities served by the school boards, police services and agencies;
- to provide a vehicle that will promote dialogue and effective relationships between schools and police that are based on co-operation and shared understanding;
- to set expectations for local protocols, while allowing police services and school boards to address service-delivery arrangements; and
- to recognize the partnership role of The Children's Aid Society of the District of Thunder Bay and Dilico Anishnabek Family Care

### 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, staff, and volunteers in schools;
- encourage ongoing, adaptive, and responsive partnerships between police and the school community;
- facilitate appropriate sharing and disclosure of information;
- promote shared consultation and partnerships between school boards, police services, and The Children's Aid Society of the District of Thunder Bay and Dilico Anishnabek Family Care on maintaining a safe school environment;

- ensure the obligations and requirements of both the education and law enforcement systems are met; and
- ensure a consistent approach across the school board's jurisdiction in the way police and school boards respond to a school-related occurrence.

The Protocol should be viewed as a general guideline for the investigation of school-related incidents. There may be times when deviations may occur based on the uniqueness of each circumstance.

## **2.0 Statement of Principles**

The guiding principles of this protocol are to:

- promote respect and civility in the school environment;
- respect fundamental rights pertaining to racial, cultural, religious, and other differences among students, teachers, and staff; and
- provide a balance between rights and responsibilities.
- Ensure adherence to *Human Rights Code* of Ontario

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.

## **3.0 Role and Mandate of Police Services**

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

- enforce the Criminal Code, the Youth Criminal Justice Act, and other federal, provincial, and municipal legislation and related regulations;
- perform the duties legislated under sec. 42 of the Police Services Act;
- assist victims of crime;
- conduct law enforcement and criminal investigations;
- protect public safety and prevent crime;
- assist in the development of young people's understanding of good citizenship;
- promote and foster a 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.

## **4.0 Responsibilities of School Boards**

- develop a Code of Conduct, as required under *Education Act* and Ontario Regulations
- develop crisis response protocols in conjunction with local police, fire, EMS, and community services;
- provide appropriate training and resources for staff relative to progressive discipline, bullying, school-wide behaviour plans, crisis response protocols, duty to report, and other prevention/intervention strategies as identified that support safe schools.

## **5.0 Role of Children's Aid Agencies**

Children's Aid Agencies play a vital role in the protection of children and youth at risk of abuse and/or neglect. They are the legal guardians of children and youth in their care. Given their belief in the need for safe, nurturing environments, and commitment to community partnerships that support children and youth, their profile as partners in this protocol has been appropriately enhanced.

## **6.0 Responsibilities of the Principal**

The role of the principal is to maintain, in accordance with the requirements of the relevant legislation and Board policies, a safe, orderly learning and working environment for students, staff and others lawfully on school property. As part of that role, the principal:

- acts *in loco parentis* to the students of the school;
- implements Board policy related to safe schools according to Board regulations and administrative procedures;
- communicates awareness of policies and procedures to staff, students, parents and school communities, taking into consideration the potential need for interpretive services;
- develops an effective consultation mechanism for soliciting input from staff, students, parents, and school councils in the development of local protocols;
- provide staff with opportunities for acquiring the skills necessary to promote safe school environments;
- ensures that prevention and intervention strategies are available;
- complies and ensures staff compliance with the requirements legislated under the Child and Family Services Act (e.g. "duty to report" – See Appendix II);
- complies with and ensures staff compliance with the requirements related to the duties of the principals and teachers under the Education Act and regulations;
- complies and ensures transportation providers are in compliance with current Education Act and regulations

## **7.0 Responsibilities of Board Employees**

Any serious student-to-student acts that are outlined as reason for suspension or expulsion under the Education Act must be reported to the school principal by board staff members or transportation providers. A written report in accordance with board procedures must be made to the school principal or designate when it is safe to do so, and no later than the end of the school day.

## **8.0 Occurrences Requiring Police And / Or CAS Contact**

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.

### Must Report to Police

It is strongly encouraged that principals initiate police contact for all criminal offences that have a connection to their school. Police will investigate these incidents in a timely fashion.

- physical assault causing bodily harm requiring treatment by a medical practitioner (rewording to align with current legislation);
- sexual assault, or any other behaviour of a sexual nature, including indecent acts;
- robbery;
- criminal harassment;
- weapons offences including trafficking or the threat to use; including replica guns;
- drug offences (e.g., possession, trafficking);
- alcohol offences (e.g., consuming, possessing, or providing to a minor);
- extortion;
- threats of death or bodily harm; (Consideration: does the person have the means to carry out the threat, and/or is the threat perceived to be real by the victim – let the police make the decision);
- hate and/or bias-motivated incidents;
- gang/group related incidents;
- bomb threats;
- acts of vandalism including graffiti or causing damage to school or board property or to property located on the premises of the pupil's school.

#### Must Report to CAS or Dilico

When there are concerns of a physical or sexual nature or neglect, remember there is a professional responsibility to report these suspicions to CAS or Dilico. Please refer to Appendix II (CFSA-Sec 72 (1) of this document. Suspicion, not proof, is what is required to initiate a report to the CAS.

#### May Report to Police

Discretion will be given to principals to contact police for the following offences:

- trespassing incidents;
- physical assault;
- bullying;
- theft;
- any other incidents where the principal and/or designate deems appropriate;
- child leaving school premises.

#### Other supports Police may provide include:

- assisting victims of crime;
- assisting in the development of young people's understanding of good citizenship;
- providing information on community issues; and
- working in partnership with other government and community based organizations to support positive youth development.

### **9.0 Information Sharing and Disclosure**

In general, information sharing and disclosure regarding students are governed simultaneously by the Education Act and the Municipal Freedom of Information and Protection of Privacy Act. Certain statutes, however, take precedence over the provisions of the aforementioned acts.

## Youth Criminal Justice Act

The Act includes provisions that deal with the disclosure, security, storage, and destruction of information pertaining to young persons.

### Summary

The YCJA allows police forces, courts, extrajudicial measures organizations, and the government to keep records about a Young Person who is dealt with under the Act. (Section 114-116)

The Act specifically sets out who may have access to records or receive the information contained in them, and the time periods during which access is allowed. (Section 119)

### General Rule

Information about a Young Person may not be disclosed if it would identify him/her as someone who has been dealt with under the Act. For that reason, ONLY those people who are authorized under the YCJA may have access to records or receive the information contained within them. (Section 118(1))

Police services will make every reasonable effort to inform schools of situations involving peace bonds or any other court order.

### Allowable Disclosure

Section 119(1) of the YCJA allows for the sharing of release conditions and/or probation terms with school officials as follows:

- If the school/school board, or a staff person is a “victim” of the offense, sub-section (d) allows information to be shared with a victim;
- If the youth is still attending school, sub-section (n)(ii) allows a record to be accessed by a person who is working for a department, agency or organization of a government in Canada, and who is engaged in the supervision or care of the young person;
- If the victim is a student at a school, but the accused is not, sub-section (l) would permit the school administrators to be told as persons acting as an advocate for a child, in the course of a duty under an act of the legislature (Education Act).

Section 125(6) of the YCJA allows a provincial director, youth worker, Crown, peace officer, or any other person engaged in providing services to Young Persons, to disclose to any professional or other person engaged in the supervision or care of a Young Person, including a representative of a school, school board, or any other educational or training institution, any information contained in court, police, or government records if it is necessary:

- to ensure the Young Persons compliance with an order by youth justice court or reintegration leave under Section 91;
- to ensure safety of staff, students, or other persons; and
- to facilitate rehabilitation of the Young Person.

Police may obtain other relevant information from schools (e.g., Ontario Student Record or student attendance record) only by:

- subpoena;
- search warrant.

### Child and Family Services Act

The Children's Aid Society of the District of Thunder Bay  
Dilico Anishnabek Family Care

Any school professional, who, in the course of his/her duties with respect to a child, has reasonable grounds to suspect that a child has been abused or is at risk of being abused or neglected, has a legal obligation under the Child and Family Services Act to immediately report his/her suspicion directly to the CAS or Dilico. The duty to report is an ongoing obligation. If a school professional has made a previous report about a child, and has additional reasonable grounds to suspect that a child is or may be in need of protection, then the school professional must make a further report to the CAS or Dilico (Sec. 72(1) Child and Family Services Act).

The school professional who has the reasonable grounds to suspect that a child is or may be in need of protection must make the report directly to the CAS or Dilico. The school professional must not rely on anyone else to report on his or her behalf (Sec. 72(3) Child and Family Services Act).

This requirement overrides the provisions of any other provincial statute that may prohibit disclosure. (See Appendix II for the specific wording of Sec. 72(3) Child and Family Services Act.)

## **10.0 School Reporting Procedures**

- When a principal or designate has reason to believe that a student 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.
- 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., incidents involving serious bodily harm), any school staff member will contact the police immediately, and advise the principal at first opportunity.

### Telephone Numbers

Police Service	Emergency Situations:	Non-Emergency Situations:
	911	
	911	
	911	

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

### When Making Police Contact

When informing the police that a violent incident has occurred, the following information should be considered:

- name and date of birth 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.

### **11.0 Initial Police Contact**

#### The Responding Officer will:

- report to the principal or designate with proper identification;
- explain the purpose of the visit;
- contact, or make arrangements with the principal or designate to contact 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 may, in accordance with the child's wishes, be present during the interview.

#### If the Principal is Under Investigation

- The responding police service will ensure that the Area Superintendent is notified as soon as possible.

#### 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 invited **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.

### **12.0 Investigating School Incidents**

All investigations should be undertaken in accordance with the local police service's criminal investigation management plan and, where required, with the Ontario Major Case Management Manual.

#### 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, Charter of Rights and Freedoms 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. Where appropriate, police will also advise those persons pursuant to the Criminal Code and Charter of Rights and Freedoms. These rights should also be clearly explained to the principal or designate.

Students Under 12 Years of Age – children under the age of twelve years cannot be charged under the Youth Criminal Justice Act, or the Criminal Code. 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 CAS or Dilico). 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 circumstance.

#### Responsibilities of Principal/Designate

- to investigate as necessary in order to establish the nature and extent of an alleged offence;
- to establish as part of the school-wide behaviour plan 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.

### Search and Seizure

School staff will not conduct personal searches of students.

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

- 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;
- the involved student and one other adult shall be present when a desk or locker is opened, or when a student is asked to display 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; and
- the principal shall document any search.

### Search of Persons

- where reasonable and probable grounds exist 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 or designate prior to conducting a search on school premises; but,
- 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 a school during school hours, to the extent possible, such an arrest will be made in a manner that 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 for persons under the age of 18 to advise them an arrest has been made; and
- 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).

### **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 the 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 counseling 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; and
- provide victim/witness assistance in accordance with their local Victim's Assistance Procedures.

The completion of victim impact statements shall not normally be considered the responsibility of school staff.

Under the Youth Criminal Justice Act, 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.

### **13.0 Police Interviews of Students**

#### Notification of Parents or Legal Guardian

##### (i) 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;
- will consult with the Children's Aid Society of the District of Thunder Bay or Dilico Anishinabek Family Care (i.e. when the investigation involved the suspected abuse or neglect at the student's home). Together an agreement will be made as to the timing and procedure for notifying the parent/legal guardian; and
- 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.

##### (ii) Principal or Designate Students under the Age of 18

- the principal will make every effort to inform the parent or legal guardian 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 where a 16 – 17 year old has withdrawn from parental support and guidance
- 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.

#### Interviews

It is recognized that the norm for interviews by police will be conducted outside the school. However:

- interviews may be conducted on school premises;
- interview procedures will vary depending on the circumstances and will be conducted at the discretion of the police;
- if police interviews are conducted on school premises during school hours, the principal/designate will cooperate with police to provide equipment, facilities, information, staff and logistical support as required; and
- the principal or designate will inform police of the need for specialized resources where a student is known to have a behavioural, cognitive, physical or learning disability.

#### **14.0 Investigations Involving Students with Special Needs**

In addition to the guidelines in Section 12, “*Police Interviews of Students*”, school personnel and police will consider the following when investigations involve a student known to have behavioural, intellectual, or physical exceptionalities, and/or difficulties in communicating; such as:

- every reasonable effort shall be made by the principal or designate and the investigating officer to determine whether the student being interviewed has any special needs which might prevent effective and meaningful communication throughout the interview process; and
- the principal or designate shall discuss strategies with the police officer as they pertain to the student’s communication in a relaxed environment.

#### **15.0 Occurrences Involving Children Under Age**

Police shall refer to relevant police procedures/protocols such as the Child Abuse Protocol, and local police service policies.

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

#### **16.0 School Board Communication Strategy**

Support from the community is essential, and it can be garnered through regular and meaningful communication. Principals will communicate the protocol information to school councils, parents, staff and students on an annual basis and make it available for parents and students to review.

#### **17.0 Protocol Evaluation Process** (Note: May need to add CAS / Dilico if they are signatories)

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 Board and local police to revise this Protocol.

#### **18.0 Violence Prevention Programs**

A coordinated and multifaceted approach is required to prevent school violence. Police play an important role in the school community. Their involvement goes far beyond simply responding to incidents. Police must work in partnership with schools and other community agencies to administer programs in the area of prevention.

School staff are encouraged to contact their local police to discuss additional resources available through their Community Services Section.

#### **19.0 Physical Safety Issues**

When requested and available, police services will work in co-operation with local schools to assess the potential safety risks posed by current school practices or physical design of buildings/grounds. If such support is desired, schools may contact their local police service to make the appropriate arrangements.

## **20.0 Risk Assessment Services**

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.

## **21.0 Emergency and Crisis Response Plan**

Schools are expected to develop an Emergency and Crisis Response Plan in consultation with local police that is in keeping with school board policies and contains appropriate follow-up measures. A copy of this plan will be forwarded to local police.

Teachers, staff, parents, and students should be involved in the development and monitoring of this plan and the plan should be fully communicated to members of the school community and police services.

If possible and when requested by schools, police services shall work in co-operation with local schools to develop a plan.

## **22.0 Communication 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 school board officials in advance, where possible.

The contact persons for the school boards are:

*Contacts to be added at a later date*

## Definition of Terms

## APPENDIX I –

These definitions are provided as a general rule. 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.justicde.gc.ca/en/notice/index.html?redirect=%2Fen%2F>

**“Assault”**- is the physical or verbal threat or the intentional use of force on another person against his or her will

**“Bodily harm”**- refers to injury resulting from assault that is more than transient or trifling in nature

**“Bullying”** – Ministry and Board Definition: “Bullying is typically a form of repeated, persistent, and aggressive behavior directed to 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

**“Community policing”**- is a partnership with the community that focuses on responding to community safety public disorder problems, and repeat calls for service

**“Documentation”**- includes all writings, printed text, a book of account, receipts, recordings or note-taking, documents of all kind, whether handwritten, typed, computer generated, or electronically recorded

**“Drugs”**- are any illicit or non-medically prescribed drugs

**“Explosive substance”**- includes anything used to create an explosive device or capable of causing an explosion

**“Gang / group”**- is comprised of three or more persons who, while acting or congregating together, display a pattern of anti-social and/or delinquent behaviour which may result in violent activities. The members may associate with each other for mutual protection and/or profit. Gangs may be spontaneously organized or more formally established.

**“Harassment (criminal)”**- includes “stalking”, but generally consists of repeated conduct that is carried out over a period of time and which causes the victim to reasonably fear for his/her safety but does not necessarily result in physical injury

**“Parties to an offence”**- is anyone who actually commits an offence, anyone who does anything (or omits doing anything) to aid another in planning or committing an offence or anyone who abets (encourages) another in committing an offence

**“Peace bond”**- or recognizance, is a court order requiring the person to whom it is directed (defendant/accused) to keep the peace and be of good behaviour

**“Robbery”**- is theft or attempted theft with violence, or threat of violence, or with a weapon or imitation of a weapon

**“Sexual assault”**- an assault with sexual connotations

**“Theft”**- is the illegal or unauthorized removal of another person’s property without his/her consent

**“Threats / intimidation”**- are declarations or intentions to inflict injury or pain; is the use of threats or intimidation, mild or otherwise, to obtain anything from another person; is the use of verbal threats or physical acts to make someone fearful or compliant

**“Trespasser”**- is a person who is on (school) property without approval or permission

**“Trafficking”**- trading or dealing in illicit drugs

**“Vandalism (mischief)”**- is the willful or malicious damage, defacement, or destruction of (school board) buildings, grounds, equipment, or property as well as staff and student property

**“Weapon”**- anything used, designed to be used or intended for use in causing death or injury to any person; or anything used, designed to be used or intended for use for the purpose of threatening or intimidating any person and without restricting the generality of the foregoing, includes any firearm



Despite the provisions of any other Act, if a person, including a person who performs professional or official duties with respect to children, has reasonable grounds to suspect one of the following, the person shall forthwith report the suspicion and the information on which it is based to a society:

1. The child has suffered physical harm, inflicted by the person having charge of the child or caused by or resulting from that person's,
  - i) failure to adequately care for, provide for, supervise or protect the child, or
  - ii) pattern of neglect in caring for, providing for, supervising or protecting the child.
2. There is a risk that the child is likely to suffer physical harm inflicted by the person having charge of the child or caused by or resulting from that person's,
  - i) failure to adequately care for, provide for, supervise or protect the child, or
  - ii) pattern of neglect in caring for, providing for, supervising or protecting the child.
3. The child has been sexually molested or sexually exploited, by the person having charge of the child or by another person where the person having charge of the child knows or should know of the possibility of sexual molestation or sexual exploitation and fails to protect the child.
4. There is a risk that the child is likely to be sexually molested or sexually exploited as described in paragraph 3.
5. The child requires medical treatment to cure, prevent or alleviate physical harm or suffering and the child's parent or the person having charge of the child does not provide, or refuses or is unavailable or unable to consent to, the treatment.
6. The child has suffered emotional harm, demonstrated by serious
  - i) anxiety
  - ii) depression
  - iii) withdrawal
  - iv) self-destructive or aggressive behaviour, or
  - v) delayed development,and there are reasonable grounds to believe that the emotional harm suffered by the child results from the actions, failure to act or pattern of neglect on the part of the child's parent or the person having charge of the child.
7. The child has suffered emotional harm of the kind described in subparagraph i, ii, iii, iv or v of paragraph 6 and the child's parent or the person having charge of the child does not provide, or refuses or is unavailable or unable to consent to, services or treatment to remedy or alleviate the harm.
8. There is a risk that the child is likely to suffer emotional harm of the kind described in subparagraph i, ii, iii, iv, or v of paragraph 6 resulting from the actions, failure to act or pattern of neglect on the part of the child's parent or the person having charge of the child.
9. There is a risk that the child is likely to suffer emotional harm of the kind described in subparagraph i, ii, iii, iv, or v of paragraph 6 and that the child's parent or the person

having charge of the child does not provide, or refuses or is unavailable or unable to consent to, services or treatment to prevent the harm.

10. The child suffers from a mental, emotional or developmental condition that, if not remedied, could seriously impair the child's development and the child's parent or the person having charge of the child does not provide, or refuses or is unavailable or unable to consent to, treatment to remedy or alleviate the condition.
11. The child has been abandoned; the child's parent has died or is unavailable to exercise his or her custodial rights over the child and has not made adequate provision for the child's care and custody, or the child is in a residential placement and the parent refuses or is unable or unwilling to resume the child's care and custody.
12. The child is less than 12 years old and has killed or seriously injured another person or caused serious damage to another person's property, services or treatment are necessary to prevent a recurrence and the child's parent or the person having charge of the child does not provide, or refuses or is unavailable or unable to consent to, those services or treatment.
13. The child is less than 12 years old and has on more than one occasion injured another person or caused loss or damage to another person's property, with the encouragement of the person having charge of the child or because of that person's failure or inability to supervise the child adequately.

**Ongoing duty to report**

- [\(2\)](#) A person who has additional reasonable grounds to suspect one of the matters set out in subsection (1) shall make a further report under subsection (1) even if he or she has made previous reports with respect to the same child.

**Person must report directly**

- [\(3\)](#) A person who has a duty to report a matter under subsection (1) or (2) shall make the report directly to the society and shall not rely on any other person to report on his or her behalf.