

SIMCOE COUNTY DISTRICT SCHOOL BOARD

**MEMORANDUM**

2013-2014: 285

TO: All Staff

FROM: John Legere  
Superintendent of Education

SUBJECT: **ADMINISTRATIVE PROCEDURES MEMORANDUM UPDATE**

Please be advised that APM A7100 Violent Incident Response Procedures has been revised and uploaded to the staff website.

APPENDIX A outlines the changes made to APM A7100.

To view the APM click on the link below:

June 18, 2014



**2013-2014: 285 – APPENDIX A – Pages A1 – A25**

APM A7100 Reporting Violent Incidents

**Date of Issue** May 2014

**Original Date of Issue** November 4, 1996

**Subject**

**REPORTING VIOLENT INCIDENTS**

**References**

*Education Act*, ~~Section 235~~ Section 306.(4)  
 Antiracism and Ethno-cultural Equity Policy  
 Ministry of Education Policy Program Memorandum No. 120,  
 Reporting Violent Incidents to the Ministry of Education  
 Board Policy 4250 Progressive Discipline and Promoting Positive  
 Student Behaviour  
 Board Policy 3031 Workplace Harassment  
 APM A1440 Physical Restraint Containment: Guidelines for  
 Responding to Injurious and Self-injurious Student Behaviour  
 APM A7620 Children in Need of Protection  
 APM 7635 Student Discipline Procedures  
 Police/School Board Protocol

**Contact**

School Services

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**1. General**

- 1.1 All schools in Simcoe County are required to report violent incidents.
- 1.2 Research shows that violence in schools can affect the social, psychological, and physical well-being of students.
- 1.3 Accurate data of violent incidents is required for policies and planning purposes.

**2. Violent Incident**

school-run programs are violent incident was committed any other person.

All violent incidents ~~that occur on school premises~~ during school-run programs are required to be reported ~~to the school board~~, whether the by a student of the school or whether it was committed by any other person.

The term violent incident is defined as the occurrence of any one of the following, or the occurrence of a combination of any of the following:

- 2.1.1 possession of weapons, including possessing a firearm
- 2.1.2 physical assault causing bodily harm requiring medical attention
- 2.1.3 sexual assault
  
- 2.1.4 using a weapon to cause or to threaten bodily harm to another person
- 2.1.4~~5~~ robbery
  
- 2.1.6 extortion
  
- 2.1.5~~7~~ any hate and /or biasmotivated occurrences

2.2 Although the categories in item 2.1 must be reported to the police, (mandatory notification in police/school board protocol) students and parents or guardians are free to seek police involvement in incidents of violence that fall outside these categories, if they decide that such involvement is appropriate.

2.3 Police officers visit our schools on many occasions for a variety of purposes and this protocol is intended to promote beneficial relationships among all parties. The procedures set out in the protocol are intended to encourage co-operation between the Simcoe County District School Board and the police, while protecting the rights of students, parents, and board employees.

2.5~~4~~ When a student is interviewed at school concerning a violation or potential violation of the law, the Board expects its employees to strive to ensure that the student is treated fairly and in accordance with the law.

2.6~~5~~ It is the preference of the Simcoe County District School Board that interviews of students relating to investigation of offenses not be conducted by law enforcement

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officers at school, when such interviews are not related to an action or incident that took place on school premises. However, when law enforcement officers are required to undertake such interviews of students on school premises, all board staff are expected to co-operate with the officers, **consistent with that section of the Police/School Board protocol.**

**3. Categories of Students by Age**

- 3.1 For students **under the age of 12**, each individual violent incident should be judged on its own merits. The decision to report to the police should be made locally.
- 3.2 Although persons under the age of 12 cannot be charged criminally, police may still be called to investigate alleged serious criminal offenses and to become involved in the communication that must occur with the parent(s), guardian(s) and other agencies.
- 3.3 Under the *Youth Criminal Justice Act*, a **young offender** may be any person 12 years of age up to and including 17 years of age who is charged with a criminal act.
- 3.4 Students who are **18 years of age or older**, are considered adults and fall within the provision of the *Criminal Code of Canada*.

**4. Protocol for Reporting Violent Incidents to the Police**

The Police/School Board protocol must be followed with respect to notifying the police if any of the aforementioned violent incidents occur:

The violent incident/s are to be reported ~~to the school board~~ using violent *Incident Form A7635 – 3* (found in APM 7635 Student Discipline Procedures).

Where there is reason to believe that a student may be in need of protection, the Children's Aid Society is required to be notified in accordance with APM A7620 Children in Need of Protection.

- 4.1 Principal or designate **shall contact the parent(s)** or guardian(s).
  - 4.1.1 In the case where a student is under 18, parent(s) or guardian(s) must be contacted immediately. If not available, another adult chosen by the student should be informed.
  - 4.1.2 In the case where a student is 18 or older, permission must be gained from the adult student before contact of parent(s) or guardian(s) may be made.
  - 4.1.3 A call to the police may not be delayed due to the unavailability of parent or guardian or alternative adult, but contact is to be made as soon as possible after referral to police.
- 4.2 The principal or designate shall contact the police.

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At any time, the police may act in a consulting role to assist in the determination of an act of violence and appropriate action to be taken. With respect to students under the age of 12, at a minimum, discussion should occur with the police in violent incidents which involve sexual assault, possess a weapon, or where students seriously injure others or cause serious damage to others' property.

- 4.3 The principal or designate shall endeavour to ensure confidentiality of police involvement with student and/or parent(s) or guardian(s). Informal discussion may occur with concerned parties.
- 4.4 Where the student has a learning or communication disability, **and/or a mental health concern** or a first language other than English or French, the principal or designate will ensure that this fact is communicated to the investigating officer and that every measure is taken to assist the student to more clearly understand the process.

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## **5. Police Interviews of Students**

- 5.1 It is the responsibility of police to conduct interviews related to criminal investigations of incidents that involve students as alleged perpetrators, victims, or witnesses.

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The Police, in the course of an investigation, may need to interview students. If the school encounters an incident which necessitates the involvement of the police, the principal shall request the police attend at the school. The following procedure will be used when students are being interviewed.

- 5.1.1 If the police wish to interview a student on school property, the officers shall contact the principal of the school that the student is attending, to advise the school administration of the nature of the visit, and to request a meeting with the student.
  - 5.1.2 If the student who is being interviewed is under 18 years of age, the school will advise the student that his/her parents/guardians shall be contacted, by the school, prior to any interview with the police. At that time the parents/guardians shall be informed of the purpose of the police interview. The parents/guardians have the right to attend an interview of the student, provided the student agrees to their attendance (as per the Youth Criminal Justice Act).
  - 5.1.3 If the student who is being interviewed is 18 years of age or older and therefore considered an adult, or if the student who is being interviewed is 16 or 17 years of age and has withdrawn from parental control, the school shall not contact the parents/guardians without the permission of the student.
  - 5.1.4 If the parents/guardians refuse to grant permission for the student to be interviewed by the police, the school administrator will request that the Police conduct their investigation off school property.
  - 5.1.5 Once parent/guardian permission is granted, the school administrator shall provide the police with access to the student.
  - 5.1.6 If the student is a Crown ward or ward of the Children's Aid Society, the legal guardian is the Children's Aid Society and shall be contacted in the same way as a parent/guardian.
- 5.2 There may be times where the police will direct the school administrator **not** to contact the parents/guardians, for example:
- 5.2.1 The parents/guardians are the suspects of a crime about which the student is being interviewed and/or;
  - 5.2.2 Contacting the parents/guardians could interfere with the police investigation.
- 5.3 The school administrator will follow police direction in this regard and will document the name and badge number of the officer and the direction given.
- 5.3.1 If the parents/guardians of the student under 18 years of age do not wish to attend the school, or the school is unable to contact the parents/guardians within a reasonable amount of time, the principal shall be present during any interview of the student held at the school, provided the student agrees to their attendance.
  - 5.3.2 If an adult student (18 years of age or older, or a 16 or 17 year old student who has withdrawn from parental control) expresses the desire that he/she does not wish his/her parents/guardians contacted, the principal or vice-principal shall offer to be present during any interview of the student held at the school.

- ~~5.3.3 If a student expresses his/her right not to have the principal present, the school administrator will request the police to conduct their investigation off school property. The principal and the police will document the details.~~
- 5.3.4 It is the responsibility of the school to communicate to the police officer if any student has a learning disability or other exceptionality that may impede the student from expressing or understanding written/oral communication. The principal shall remain with the student during any interview held at the school. ~~Refer to section 14 of this protocol for further information.~~
- 5.3.5 A private room will be made available for such interviews to ensure confidentiality for students and/or parents/guardians.
- 5.3.6 If the student is not in attendance at school on that day, the school shall inform the police officer of the student's date of birth, address, phone number, and the parent's/guardian's home and business phone numbers on file, in accordance with section 32(g) of the Municipal Freedom of Information and Protection of Privacy Act, which is the authority for providing such personal information to law enforcement officials who are conducting an investigation of law enforcement proceedings. ~~Refer to section 8 of this protocol for further information.~~

**76. Record Keeping of Violent Incidents Leading to Suspension/Expulsion and of Reports to the Police**

- 76.1 The information relating to serious violent incidents leading to reports to the police and/or suspension or expulsion **must be maintained in the OSR on the VIOLENT INCIDENT FORM** (see FORM A7635-3).
- 76.2 The information related to suspension for violent behaviour **shall not be removed** from the OSR unless **three years** have passed during which no further suspensions for serious violent incidents have taken place.
- 76.3 The information relating to expulsion **shall be removed five years** after the date on which the school board expelled the student.
- 76.4 Where the student has not been suspended or expelled, the **VIOLENT INCIDENT FORM** shall **be removed after three years** if no further serious violent incident is reported to the police during that time.
- 76.5 If the student transfers to another school, the information in the OSR relating to the serious violent incident that led to suspension or expulsion, as well as to a report to the police, **will remain in the OSR** unless removed under Items 7.2, 7.3 or 7.4.

**87. Dealing with the Aftermath of an Incident**

- 87.1 Schools, with the assistance of the community, will develop short and long term strategies to follow up on violent occurrences.
- 87.2 These strategies will deal with the provision of programs and services designed to:
- 87.2.1 promote the security and healing of the victims;
  - 87.2.2 plan carefully the re-entry and rehabilitation of the perpetrators, including links with youth services (see APPENDIX A);
  - 87.2.3 support the ongoing education of the perpetrator;
  - 87.2.4 support the well-being and security of witnesses and the broad school community (i.e. by ensuring confidentiality);

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~~87.2.5~~ consider the underlying problems that may have contributed to the violent incident (i.e. abuse in the home, ongoing related activities, substance abuse, behavioural difficulties, sexism or racism).

87.2.6 facilitate the ongoing involvement of local and social agencies and the community to address the issues that may have contributed to the incident.

~~87.2.7~~ Section 23 of the *Education Act* provides that where **Where** a student is suspended for the maximum 20 day period or more than once during the school year, the school board must ensure that counselling opportunities are made available for the student and parent(s) or guardian(s) are made aware of community agencies which can support the student and the family.

**98. Review**

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- 98.1 Principals will ensure that this policy and set of procedures is reviewed with students, staff and school community on a yearly basis.
- 98.2 Although it is the responsibility of the police to inform students of their legal rights, it is important that staff also clearly understand the parameters.
- 98.3 Police presence in the schools will assist in developing effective relationships among schools, police and the greater community.

First Issued: November 4, 1996

Revised: **May, 2014**

**Issued under the authority of the Director of Education**

**9. Lengthy Suspension Program**

- 9.1 Where a pupil has been suspended, pending an investigation to determine whether to recommend an expulsion, the pupil will be assigned to a program for pupils subject to lengthy suspension (Lengthy Suspension Program or LSP). The principal or vice-principal shall communicate to the adult pupil or the pupil's parent(s)/guardian(s) the purpose and nature of the LSP.
- 9.2 A pupil cannot be compelled to participate in a LSP. Should the adult pupil or the parent(s)/guardian(s) choose not to have the pupil participate in an LSP, the pupil will be provided with school work consistent with the Ontario curriculum or that pupil's modified and/or alternative curriculum to be completed at home for the duration of his/her suspension. This school work will be available at the school for pick-up by the adult pupil's designate or the parent(s)/guardian(s) or a designate at regular intervals during the suspension period beginning the school day after the adult pupil or the parent(s)/guardian(s) refuses to participate in an LSP.
- 9.3 A Student Action Plan (SAP) will be developed for every pupil who agrees to participate in an LSP. Agreement or refusal to participate in a LSP or refusal may be communicated to the school orally by the adult pupil or the parent(s)/guardian(s). Where the pupil or his/her parent(s)/guardian(s) decline(s) the offer to participate in an LSP, the principal shall record the date and time of such refusal.
- 9.3.1 Planning Meeting for Pupils Subject to a Suspension Pending an Investigation to Determine Whether to Recommend an Expulsion.
- 9.3.2 The principal of the school or designate will hold a planning meeting for the purpose of developing the SAP for pupils who choose to participate in a LSP.
- 9.3.3 The adult pupil or the parent(s)/guardian(s) and pupil (where appropriate) as well as any appropriate teaching and support staff will be invited to participate in the planning meeting.
- 9.3.4 The planning meeting will be scheduled to occur within two (2) school days of the pupil or the parent(s)/guardian(s) informing the school that the pupil will participate in an LSP.
- 9.3.5 If the adult pupil or the parent(s)/guardian(s) are not available to participate in the planning meeting, the meeting will proceed in their absence and a copy of the SAP will be provided to them following the meeting.
- 9.3.6 During the planning meeting the principal or vice-principal shall review the issues to be addressed in the pupil's SAP.
- 9.4 Student Action Plan
- 9.4.1 For a pupil subject to suspension pending an investigation to determine whether to recommend an expulsion will be provided with both academic and non-academic supports, which will be identified in the pupil's SAP.
- 9.4.2 The SAP will be developed under the direction of the principal of the school with assistance, as appropriate, from the teacher of the lengthy suspension program, vice-principal of the school, guidance counselor, special education teacher, classroom teacher, CYW and/or social worker.

~~9.4.2.1 The principal will make every effort to complete the SAP within five (5) school days following the adult pupil or the parent(s)/guardian(s) informing the school that the pupil will participate in a LSP.~~

~~9.4.2.2 This timeline will be communicated to the adult pupil or the parent(s)/guardian(s) if they are unable to attend the planning meeting for the purpose of providing input.~~

~~9.4.2.3 Once completed, the SAP will be shared with the adult pupil or the parent(s)/guardian(s) and pupil and all necessary staff to facilitate implementation.~~

~~9.4.2.4 A copy of the SAP will be stored in the pupil's Ontario Student Record until such time as it is no longer conducive to the improvement of instruction of the pupil.~~

~~9.4.2.5 The SAP will identify:~~

~~9.4.2.5.1 the incident for which the pupil was suspended;~~

~~9.4.2.5.2 the progressive discipline steps taken prior to the suspension, if any;~~

~~9.4.2.5.3 any other progressive discipline measures imposed in addition to the suspension;~~

~~9.4.2.5.4 any other disciplinary issues regarding the pupil that have been identified by the school;~~

~~9.4.2.5.5 any learning needs or other needs that might have contributed to the underlying infraction resulting in discipline;~~

~~9.4.2.5.6 any program(s) or service(s) that might be provided to address these learning or other needs;~~

~~9.4.2.5.7 the academic program to be provided to the pupil during the suspension period and details regarding how that academic program will be accessed by the pupil;~~

~~9.4.2.5.8 where the pupil has an IEP, or disability related needs, information regarding how the accommodations/modifications of the pupil's academic program will be provided during the period of suspension;~~

~~9.4.2.5.9 the non-academic program and services to be provided to the pupil, during the suspension and details regarding how that non-academic program and those services will be accessed;~~

~~9.4.2.5.10 the measurable goals the pupil will be striving to achieve during the period of suspension.~~

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#### **10. ~~Re-entry Requirements Following an Expulsion~~**

~~10.1 A pupil who is subject to a Board expulsion is entitled to apply in writing for re-admission to a school of the Board once she/he has successfully completed a program for expelled pupils and has satisfied the objectives completion of the program, as determined by the person who provides the program. The Board shall re-admit the pupil and inform the pupil in writing of the re-admission.~~

~~10.2 A pupil who is subject to a school expulsion may apply in writing to the Board to be re-assigned to the school from which she/he was expelled.~~

~~10.2.1 The Board will consider whether re-attendance will have a negative impact on the school climate, including on any victims, where applicable.~~

~~10.2.2 The pupil will be required to demonstrate that they have learned from the incident and have sought counseling, where appropriate.~~

~~10.2.3 The pupil will be required to sign a Declaration of Performance form provided by the Board (APPENDIX L).~~

~~10.2.4 Following consideration of the principles of equity and inclusion, the Board, in its sole discretion, may determine that a different school than the one from which the pupil was expelled is a more appropriate placement for the pupil.~~

#### ~~10.3 Appeal of Board Decision to Expel~~

~~10.3.1 The adult pupil or the parent(s)/guardian(s) may appeal a Board decision to the Child and Family Services Review Board. The Child and Family Services Review Board is designated to hear and determine appeals of school board decisions to expel pupils.~~

~~10.3.2 An individual who appeals an expulsion may argue that his/her rights pursuant to the *Human Rights Code* have been infringed.~~

~~10.3.3 In addition, a separate right to apply to the Human Rights Tribunal of Ontario exists where an individual believes his/her rights pursuant to the *Human Rights Code* have been infringed.~~

~~10.3.4 The decision of the Child and Family Services Review Board is final.~~

### **11.0 Exclusion**

~~11.1 A pupil shall not be excluded from the school pursuant to section 265(1)(m) of the *Education Act* as a disciplinary measure, as an alternative to discipline.~~

~~11.2 An exclusion from the school pursuant to section 265(1)(m) of the *Education Act* shall only be effected in accordance with the *Education Act*, the Board's Exclusion Policy and Exclusion Procedures and consistent with the *Human Rights Code*.~~

~~11.3 A pupil is NOT excluded from a class or from the school pursuant to section 265(1)(m) of the *Education Act* in circumstances where the parent(s)/guardian(s) and the principal, in consultation with the superintendent, AGREE that, as an accommodation and in the best interests of the pupil, the pupil's educational program should be modified such that the pupil is not participating in one or more specific class(es) or is excused from attending school for part or all of the school day during a specific period of time and/or during a specific school event or series of school events.~~

~~11.4 A pupil is NOT excluded from a class pursuant to section 265(1)(m) of the *Education Act* by virtue of serving a detention or in-school suspension in another part of the school as part of progressive discipline that has been imposed by the principal or designate.~~

### **12. Monitoring**

~~12.1 Schools and their Safe Schools Teams have an important role in assisting with monitoring, review and improvement of the effectiveness of safe schools policies and procedures.~~

~~12.2 Every two years schools are required to address issues of bullying, gender based violence, homophobia, sexual, racial and disability related harassment and inappropriate sexual behaviour in their school improvement plans and to evaluate the effectiveness of safe schools policies, procedures and programs through the use of school climate surveys.~~

~~13. Climate surveys shall be conducted by the school every two years to provide parents, school staff and pupils with an opportunity to anonymously evaluate and communicate their perception of school safety. Climate surveys shall include questions about bullying, harassment related to immutable characteristics including those protected by the *Human Rights Code*, gender-based violence, and sexual assault. Where possible, climate surveys shall be made available to pupils with cognitive disabilities in a form that might provide them with an opportunity to identify their perception of their safety. Pupils with other special needs shall be accommodated in order to provide them with an opportunity to respond to the climate survey.~~

~~14. The results of climate surveys shall be shared with Safe School Teams in order to assist the Teams to build strategies in school improvement plans to improve the school climate deficits identified. Safe School Teams must include one non-teaching staff member and the chair of the team must be a staff member, and may be the principal or vice-principal.~~

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**DEFINITIONS****Possession of Weapons**

In general, "weapon" means anything used, designed to be used or intended for use in causing death or injury to any person or to threaten or intimidate any person. It can include replicas of firearms or other weapons or objects which can be used as weapons. In a school setting, any pellet pistol, starter's pistol, or imitation firearm is a weapon and will be dealt with as a reportable incident.

**Physical Assault Causing Bodily Harm Requiring Medical Attention**

According to the *Criminal Code*, "assault" is the intentional application of force (in any degree at all) to a person without that person's consent, directly or indirectly. "Bodily harm" refers to any hurt or injury that is more than "merely transient to trifling" in nature which interferes with the health or comfort of the person, and includes (but is not limited to) injuries that receive medical attention. Any cut that requires stitches or any broken bone or fracture should be considered bodily harm. Bodily harm could also include multiple minor injuries.

**Sexual Assault**

"Sexual assault" refers to any assault [the intentional application of force (in any degree at all) to a person without that person's consent, directly or indirectly] which is committed in "circumstances of a sexual nature such that the sexual integrity of the victim is violated" according to the *Criminal Code*. The part of the body touched, the nature of the contact, the words or gestures accompanying the act, and all other circumstances surrounding the conduct (including threats) which may or may not be accompanied by force, will be relevant.

Any sexual assault should be reported even if no injury occurs. The offence of sexual assault is one of general intent so that the issue is whether, notwithstanding the absence of a proven sexual intent, the touching was committed in circumstances of a sexual nature.

**Robbery**

"Robbery" refers to stealing with the use of violence or threat of violence, or assault with the intent to steal. It does not refer to a theft (in which the victim is not present, or in which violence or threat of violence is not used). It includes stealing while armed with a weapon (or imitation). Robbery can be described as theft with violence.

**Extortion**

"Extortion" refers to obtaining anything by using threats, accusations, or violence. An example of extortion is when a student is forced to pay a washroom "tax" to enter or when a student is forced to turn over lunch money upon threat of injury, etc.

**Harassment - Hate-Motivated Violence**

Under these offences, racism, sexism and/or sexual orientation are the causes of the violence. An assault or fight in which terms related to racism, sexism or sexual orientation bias are used may not fit into this category if the motivation or cause of the incident was not related to hate or discrimination. However, this does not preclude the incident being dealt with under the board's Anti-racism and Ethno-cultural Equity or Harassment policies.

The inciting of violence towards a person or property based solely upon the victim's race, religion, nationality, or sexual orientation, (such as hate literature) is also a criminal offence.

Hate-motivated violence is to be reported to the police whether or not an injury occurs. **(Refer to the board policies on Anti-racism and Ethno-cultural Equity and Harassment, Physical Assault Causing Bodily Harm.)**





**Violent Incident Form**

Name of student
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**A. Description of Violent Incident**

SAMPLE

**B. Police Contact**

1. Date of contact  	2. Date of police investigation at school  	3. Name of investigating officer(s)
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**C. School/Board Response**

1. <input type="checkbox"/> Suspension    2. <input type="checkbox"/> Expulsion    3. <input type="checkbox"/> _____	
Date of inclusion in OSR  	Principal's/designate's signature