



ADMINISTRATIVE GUIDELINE

Title: Safe Schools: Consultations and Definitions

Effective Date: July 13, 2001

Responsibility: Superintendent of
Program and Schools

1.0 CONSULTATIONS WITH SCHOOL COUNCILS and OTHER STAKEHOLDERS REGARDING SAFE SCHOOLS

The Board and its schools may choose from among a number of consultation formats when establishing or reviewing its policies and administrative guidelines for “Safe Schools”.

Among the optional formats are:

- Policy advisory and/or review committees
- Surveys of school councils, staff members and other stakeholders
- Surveys of students or consultations with student representatives
- Information sharing at School Council regional forums
- Input from the Board’s Safe Schools Committee
- Input from community members and staff members, including unions
- Input from administrators
- Input from the student trustee and student councils
- Sharing through electronic means such as the Board’s web site or e-mail
- Teleconferencing
- Trustee/administrator meetings with school councils
- Community consultations by trustees
- School council annual reports
- Regular school council meetings

2.0 SAFE SCHOOLS: DEFINITIONS/EXPLANATIONS OF TERMS

In all cases where there is dispute about the interpretation of words/terms in any of the Safe Schools documents, the final interpretation rests with the Principal who shall make the decision based on the specific context and the Principal’s best judgment.

2.1 Arrest

{Within the meaning of the Charter of Rights }

When a peace officer or other agent of the state assumes control over the movement of a person by a demand or direction which may have significant legal consequences. The seizure of a person and the taking of a person into custody.

2.2 Assault

{As defined in the Criminal Code of Canada}

- (1) A person commits an assault when
 - (a) without the consent of another person, he applies force intentionally to that other person, directly or indirectly;
 - (b) he attempts or threatens, by an act or a gesture, to apply force to another person, if he has, or causes that other person to believe on reasonable grounds that he has, present ability to effect his purpose; or
 - (c) while openly wearing or carrying a weapon or an imitation thereof, he accosts or impedes another person or begs.
- (2) This section applies to all forms of assault, including sexual assault, sexual assault with a weapon, threats to a third party or causing bodily harm and aggravated sexual assault.
- (3) For the purposes of this section, no consent is obtained where the complainant submits or does not resist by reason of
 - (a) the application of force to the complainant or to a person other than the complainant;
 - (b) threats or fear of the application of force to the complainant or to a person other than the complainant;
 - (c) fraud; or
 - (d) the exercise of authority.

2.3 As soon as possible

At the earliest possible time in the context of an investigation or review process with due regard for the safety and rights of those involved.

2.4 Bodily Harm

{As defined in the Criminal Code of Canada}

For the purposes of this section, “bodily harm” means any hurt or injury to the complainant that interferes with the health or comfort of the complainant and that is more than merely transient or trifling in nature.

2.5 Children’s Aid Society

For the purposes of the police protocol, shall also include any equivalent child protection agency.

2.6 Criminal Harassment

{As defined in the Criminal Code of Canada}

- (1) No person shall, without lawful authority and knowing that another person is harassed or recklessly as to whether the other person is harassed, engage in conduct referred to in subsection (2) that causes that other person reasonably, in all the circumstances, to fear for their safety or the safety of anyone known to them.
- (2) The conduct mentioned in subsection (1) consists of

- (a) repeatedly following from place to place the other person or anyone known to them;
- (b) repeatedly communicating with, either directly or indirectly, the other person or anyone known to them;
- (c) besetting or watching the dwelling-house, or place where the other person, or anyone known to them, resides, works, carries on business or happens to be; or
- (d) engaging in threatening conduct directed at the other person or any member of their family.

2.7 Extortion

{As defined in the Criminal Code of Canada}

- (1) Every one commits extortion who, without reasonable justification or excuse and with intent to obtain anything, by threats, accusations, menaces or violence induces or attempts to induce any person, whether or not he is the person threatened, accused or menaced or to whom violence is shown, to do anything or cause anything to be done.

2.8 Firearm

{As defined in the Criminal Code of Canada}

A barreled weapon from which any shot, bullet or other projectile can be discharged and that is capable of causing serious bodily injury or death to a person, and includes any frame or receiver of such a barreled weapon and anything that can be adapted for use as a firearm.

2.9 Forthwith

At the earliest possible time in the context of an investigation or review process with due regard for the safety and rights of those involved.

2.10 Freedom of Information and Protection of Privacy Act, 1989

An institution shall not disclose personal information in its custody or under its control except, (g) if disclosure is to an institution or a law enforcement agency in Canada to aid an investigation undertaken with a view to a law enforcement proceeding or from which a law enforcement proceeding is likely to result.

2.11 Hate/Bias Motivated Crime

{As defined in the Policing Standards Manual 2000}

A criminal occurrence committed against a person or property which is motivated by hate/bias or prejudice based on race, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, sexual orientation, or any other similar factor.

2.12 Mischief/Vandalism to Property

{As defined in the Criminal Code of Canada}

- (1) Every one commits mischief who willfully
 - (a) destroys or damages property;

- (b) renders property dangerous, useless, inoperative or ineffective;
- (c) obstructs, interrupts or interferes with the lawful use, enjoyment or operation of property; or
- (d) obstructs, interrupts or interferes with any person in the lawful use, enjoyment or operation of property.

2.13 Noxious Substances

Harmful materials inclusive of, but not limited to, legal and illegal drugs and products listed under Workplace Hazardous Materials Information System (WHMIS).

2.14 Perpetrator

A perpetrator is a person who commits a crime or an act that results in another person(s) being victimized.

2.15 Points of Contact

Refer to the specific directions for getting assistance or help in emergencies. The local school's "points of contact" will be outlined in the school's emergency plan.

2.16 Police Involvement

Follow-up after an incident.

2.17 Police Response

Intervention at an incident.

2.18 Position of Authority

The person in a position of authority includes persons designated by provincial legislation and Board policies, guidelines and procedures as well as those persons designated to assume responsibilities. In reference to code of conduct expectations that "all persons in positions of authority are treated with respect and dignity" this includes any employee of the Board and any person holding a public office.

2.19 Principal

School Principal or designate.

2.20 Requiring Medical Attention (As the result of a physical assault)

Refers to bodily harm that requires diagnosis and/or treatment by a health care professional. Such a serious physical assault would require that a violent incident form be generated.

2.21 School Official

Any person employed by the school board who has responsibilities or obligations under any law, policy or guideline to take action on behalf of, in respect of, others in the school or board.

2.22 Searches of Persons

School officials should not generally conduct searches of persons. However, unique or exigent circumstances may require this to be done. Therefore, for the purpose of school officials acting according to the police protocol, examination of a person's clothing or person that is necessary and minimally intrusive may be lawfully done in the best interests and safety of school staff, the student body and other persons. Guidance has been provided by the Supreme Court of Canada in the case of **R. v. M. (M.R.)**, [1998] 3 S.C.R., for a reasonable search of persons by a school official by enumerating the following factors to be considered. First, school officials are authorized under the Education Act to conduct searches of their students in appropriate circumstances without a warrant. Second, the search must be carried out in a reasonable manner with sensitivity and with minimal intrusion. Third, in order to determine whether the search was reasonable, all of the surrounding circumstances have to be considered. The school authority must have reasonable grounds to believe that there has been a breach of school regulations or code of discipline and that a search of a student would reveal evidence of that breach. The court noted that the school authorities would be in the best position to assess information given to them and relate it to the situation existing in their school. *Reasonable grounds for a search might include information received from one student considered to be credible, information received from more than one student, observations made by school officials, or any combination of these pieces of information which the school official considers to be credible in the context of the circumstances existing at the time.*

2.23 Sexual Assault

Sexual assault is an act committed, or threatened, in circumstances of a sexual nature such as to violate the sexual integrity of the victim.

2.24 Swearing

Swearing is the use of indecent or profane language, especially as an expletive or from anger. The Principal shall have final decision on what constitutes swearing in the context of the school community.

2.25 Uttering Threats

{As defined in the Criminal Code of Canada}

- (1) Every one commits an offence who, in any manner, knowingly utters, conveys or causes any person to receive a threat
 - (a) to cause death or bodily harm to any person
 - (b) to burn, destroy or damage real or personal property; or
 - (c) to kill, poison or injure an animal or bird that is the property of any person.

2.26 Victim

A person who is the recipient of physical, psychological or emotional harm or unfair treatment as a result of an event or circumstances or act of aggression or crime.

Secondary victims are those who witness acts of violence and/or believe they are at risk of being a victim as a result of the event or circumstances.

2.27 Weapon

{ As defined in the Criminal Code of Canada }

Any thing used, designed to be used or intended for use

- (a) in causing death or injury to persons whether designed for such a purpose or not, or
- (b) for the purpose of threatening or intimidating any person and, without restricting the generality of the foregoing, includes a firearm.

2.28 Weapons Offences

{ As defined in the Criminal Code of Canada }

- (1) Every person commits an offence who carries or possesses a weapon, an imitation of a weapon, a prohibited device or any ammunition or prohibited ammunition for a purpose dangerous to the public peace or for the purpose of committing an offence.