



Lester B. Pearson
School Board

Commission scolaire
Lester-B.-Pearson

MANUAL OF POLICIES, PROCEDURES AND BY-LAWS

SAFE SCHOOL POLICY

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SAFE SCHOOL POLICY

The Lester B. Pearson School Board believes and is committed to the Canadian Constitution and Charter of Rights and Freedoms and in particular Chapter 1.1 Section 10 which states:

“(Discrimination forbidden) Every person has a right to full and equal recognition and exercise of his human rights and freedoms, without distinction, exclusion or preference based on race, colour, sex, pregnancy, sexual orientation, civil status, age except as provided by law, religion, political convictions, language, ethnic or national origin, social condition, a handicap or the use of any means to palliate a handicap.”

And to the Quebec Charter of Human Rights and Freedoms (RSQ, Chapter 12, and in particular Section 1 which states:

“(Right to life) Every being has a right to life, and to personal security, inviolability and freedom.”

VISION STATEMENT

We, the members of the Lester B. Pearson School Board community comprising students, parents, teachers, professionals, support staff, administrators and commissioners, value:

- A respect for self, for each other, for our diversity and for our environment.
- Striving for excellence by maximizing the potential of each individual and by promoting a commitment to lifelong learning.
- The fostering of responsible citizenship, cooperation and a strong sense of community.
- The importance of a caring, nurturing and safe environment that is responsive to the needs of all.
- An atmosphere of openness, honesty, integrity and accountability.

POLICY

The Lester B. Pearson School Board believes that everyone in our community is entitled to a safe, secure and respectful environment free from all forms of harassment and violent behaviour.

Such an environment will be maintained by:

- Promoting a clear awareness and understanding of all forms of harassment.
- Acting upon complaints promptly, fairly and judiciously in accordance with established procedures and with *due confidentiality*¹ for all parties concerned.
- Acting upon incidents of violence and possession of weapons promptly, fairly and judiciously in accordance with the established procedures and the law.
- Promoting a healthy and drug free environment.
- Developing programs of education and sensitization for use throughout the board.
- Establishing complementary policies and procedures which enhance the safety and security of the community.

The Lester B. Pearson School Board also believes that the Board, its administrators, staff, parents and *students*² have a responsibility to ensure that these rights are upheld. The Safe School Policy governs the Youth sector, Adult sector and Vocational sector together with all members of the Lester B. Pearson School Board community while they are involved in activities under the jurisdiction of the school board.

DEFINITIONS AND PROCEDURES

The accompanying definitions and procedures for dealing with violations of this Policy fall into the following specific areas:

- Harassment
- Violent behaviour (including possession of weapons)

¹ *due confidentiality*: adequate measures to ensure the privacy of the individuals involved

² *students*: any adult or minor registered in a school or centre

- Drugs
- Emergency procedures
- First Aid
- AIDS
- Medication in schools

These are appended to the policy.

Nothing in these procedures shall be interpreted in a manner inhibiting an administrator's use of his/her best judgement and discretion consistent with providing a safe learning environment.

This policy does not absolve individuals from carrying out their professional and legal obligations.

PROCEDURES RELATING TO HARASSMENT

Definition of Harassment

Harassment may occur:

- Youth³ to youth
- Youth to adult
- Adult to youth
- Adult to adult

Generally, harassment consists of repeated acts. However, a single action may also be considered to be harassment.

Harassment includes:

- a) any action, intentional or not, including action of a sexual nature, directed at an individual or group by another individual or group who knows or ought to know that his/her action is unwanted;
- b) any implied or explicit bribe, and/or threat of reprisal;
- c) any behaviour, verbal or physical, which creates an intimidating or hostile atmosphere,

³ Youth: student who is a minor, under 18 years of age

- d) any action, intentional or not, that demeans an individual or group;
- e) any perceived threat to or abuse of personal property.

Harassment, which in some cases may be described as bullying, can be psychological or physical and may include, but is not limited to such unacceptable behaviour as:

- a) unwelcome leering or staring;
- b) unwelcome racial slurs, epithets, threats, verbal abuse, derogatory comments or degrading descriptions;
- c) unwelcome communication including that about an individual's body, attire, racial origin, or overly personal comments;
- d) unwelcome invasion of an individual's privacy;
- e) unwelcome jokes, stories, drawings, pictures or gestures;
- f) the spreading of malicious rumors;
- g) suggestions or demands for payment accompanied by implied or explicit threats (taxing);
- h) cornering or blocking normal movements;
- i) misuse of power or position;
- j) stalking.

PROCEDURES

Reporting an Incident of Harassment

Each complaint of harassment will be investigated promptly in a way that respects the privacy of all parties concerned, to the extent permitted by the law and to the extent practical and appropriate under the circumstances. The director, administrator, teacher or counselor (as appropriate) will meet with the parties involved.

All are encouraged and expected to discuss incidents of harassment involving themselves or others with another person such as a teacher, counselor, administrator or Director. In the case of incidents involving employees, the Department of Human Resources may be consulted. A complainant who is an employee may choose to approach the situation with the assistance of a Union or Association representative.

The complainant has the following options:

- a) To proceed to an *informal resolution*⁴;
- b) To proceed directly to *formal recourse*⁵;
- c) To take no further action under these procedures;
- d) To pursue any other course of action available under law or under the collective agreement.

The choice is a personal decision made by the individual being harassed. A student may seek guidance as to which avenue to pursue.

When the complaint involves sexual harassment of a minor by an adult, the Department of Youth Protection is alerted and the formal recourse shall be followed. An adult with *firsthand knowledge*⁶ of an incident of sexual harassment of a minor is responsible for alerting the Department of Youth Protection. However, it is strongly recommended that the principal or centre director be informed.

In cases where the accused or victim is an adult, complaints may be made to external sources such as the Human Rights commission or the employee's Union or Association.

RESOLUTION

Informal Resolution *

The aim of an Informal Resolution is to arrive at a solution which is mutually satisfactory to all parties.

During any meeting related to this process, the complainant and the accused will each have the right to have an advocate present, such as a friend, parent or other adult. The person accused is entitled to the same fairness and consideration as is afforded the complainant.

**As with all decisions, students or their parents on their behalf have the right to avail themselves of the Board's Appeal Process (Ref. Procedure 1.1, Request for Reconsideration of a Decision, March 13, 2000)*

⁴ *informal resolution: a manner of addressing a complaint without following a formal set of procedures*

⁵ *formal recourse: a formal, documented set of procedures aimed at resolving a complaint*

⁶ *firsthand knowledge: "reasonable grounds for believing"*

The complainant will be advised of optional routes, time lines and consequences. Depending on the nature of the incident, appropriate action may include:

1. A recommendation to the complainant to express orally, or in writing, his/her concern about the incident to the other party, and a request that the behaviour cease.
2. A recommendation that the complainant keep a record of the incident(s), including dates, times locations or possible witnesses.
3. Mediation between the two parties. *Peer mediation*⁷ is suggested where possible.
4. A recommendation to proceed to formal recourse.

Where actions 1, 2, and/or 3 are followed, there will be a timely follow-up meeting(s) to determine whether the situation has been resolved or whether the complainant should move on to the formal reporting stage. If there has been a failure to resolve through mediation, the mediator may recommend to the complainant to seek *formal recourse*.

FORMAL RECOURSE WHERE THE ACCUSED IS NOT AN EMPLOYEE*

Formal complaints are to be put in writing, signed by the complainant and forwarded to the Principal of the school, the Centre Director or the appropriate Sector or other Director. In the case of the complainant being an employee, the written complaint may, exceptionally, be submitted directly to the Director of Human Resources. In the case of a student (minor) being either the complainant or the accused, the parent (s) or guardian (s) will be informed.

During any meetings related to this process the complainant and the accused will each have the right to have an advocate present, such as a friend, parent or other adult. The person accused is entitled to the same fairness and consideration as is afforded the complainant.

Once the written complaint has been received, the administrator will carry out an investigation as expeditiously as possible. If it is determined that harassment has occurred, the appropriate action will be taken.

The administration will assure that appropriate support is provided for both the complainant and the accused.

**As with all decisions, students or their parents on their behalf have the right to avail themselves of the Board's Appeal Process (Ref. Procedure 1.1, Request for Reconsideration of a Decision, March 13, 2000)*

⁷ *peer mediation: student to student intervention to reconcile a conflict*

Report:

Following the investigation, a written report will be placed in a confidential school/centre file and a confidential copy sent to the appropriate Director. Information should also be provided to the complainant and accused on a case-by-case basis.

FORMAL RECOURSE WHERE THE ACCUSED IS AN EMPLOYEE

The complainant should go first to the immediate superior of the accused (School Principal, Centre Director, Sector or other Director, etc.) who will inform the Director of Human Resources of the complaint. Exceptionally, the complainant may go directly to the Director of Human Resources .

In all cases, the Director of Human Resources shall be involved. The Director of Human Resources will keep the Director General informed of the investigation and outcome. In the case of a student (minor) being the complainant, the parent(s) or guardian(s) will be informed.

During any meeting related to this process the complainant and the accused will each have the right to have an advocate present, such as a friend, parent or other adult. The person accused is entitled to the same fairness and consideration as is afforded the complainant.

The complainant will be asked to submit a confidential written statement describing the incident. If the complainant is unable to submit a written statement, the Director of Human Resources or the person to whom the complaint is submitted will prepare a written record of the incident as reported by the complainant. Subsequently, the complainant will be requested to initial and date the written record to indicate that it accurately reflects the incident. It is understood that if disciplinary measures have to be taken at a later date this confidential statement may have to be utilized.

1. Within two (2) working days of receiving the complaint, or within a reasonable extension of time thereafter for good cause, the Director of Human Resources, or designate (preferably the immediate superior of the accused) will meet **individually** with each party involved, to determine the most appropriate intervention
2. If the Director of Human Resources, in collaboration with the immediate superior of the accused, decides an investigation is necessary, he/she shall:
 - a) advise the accused in writing of the nature of the allegations and inform the employee of his/her rights;

- b) advise the accused of the investigation;
 - c) make a recommendation based on the investigation.
3. Based on these recommendations, the Director of Human Resources will initiate action, which is consistent with policies, collective agreements and practice relating to employee discipline, and may include formal disciplinary measures.
 4. Appeals by either party must be made in writing to the Director General and/or the Chairman of the Board within ten (10) working days after the said action has been taken.
 5. In the event that the appeal is not deemed satisfactory, the complainant (if the complainant is also an employee) or the accused may refer to the grievance procedures under the collective agreement.
 6. Appropriate disciplinary action will be taken in the event of malicious complaints.
 7. The Director of Human Resources shall assure that appropriate support services are provided for both the complainant and the accused. Where the complainant is a student, these services may be provided through the school.
 8. Following the investigation a written report will be placed in an appropriate confidential file.

DISCIPLINARY ACTION FOR STUDENTS

Any student who engages in harassment of anyone in the school/centre setting will be subject to a disciplinary action.

All disciplinary actions must be fair, equitable, and consistent with the general aims and goals of education. Whenever possible, the disciplinary action should allow for effective learning. When the complainant agrees, a victim impact statement may be used. As part of the total teaching/learning process, the action should promote the development of integrity, accountability, personal ethics and self-management.

Examples of disciplinary and/or corrective actions may include, but are not limited to:

- an apology
- restitution
- community service
- peer mediation
- conflict resolution

- anger management
- parental involvement
- police involvement
- probation
- mandatory participation in educational activities related to harassment
- a project or presentation to others on any aspect of harassment
- suspension, transfer or *expulsion*⁸
- a combination of any of the above
- any other appropriate action the administrator deems necessary, including counseling and mediation.

PROCEDURES RELATING TO VIOLENT BEHAVIOUR AND POSSESSION OF WEAPONS

IF THE SAFETY AND SECURITY OF THE STUDENTS AND STAFF ARE PERCEIVED TO BE AT RISK, THE POLICE SHALL BE CALLED IMMEDIATELY. THE DEPARTMENT OF YOUTH PROTECTION SHALL BE INVOLVED AS REQUIRED.

DEFINITION

Weapons

A weapon in this case may be defined as any object used with the intent of causing bodily harm.

Prohibited or Restricted Weapons

Prohibited or restricted weapons are those that are unlawful to possess according to the Criminal Code, Article 84(1)

Non-Prohibited Weapons

A non-prohibited weapon is essentially any object that may be used as a weapon. Examples of non-prohibited weapons that would not be allowed include kitchen knives, hunting knives, jackknives, slingshots, or tools with sharp edges or points that are not required for the individual person's educational curriculum. The decision as to whether or not an implement is a weapon rests with the school principal.

⁸ *expulsion: a formal resolution of council which removes a student's right to attend schools or centres within the jurisdiction of the school board*

PROCEDURES FOR STUDENTS

Weapons

1. Students found in possession of a firearm or explosive, including a pellet gun, will be recommended for expulsion and the police will be involved. Possession of a replica of a firearm may, at the discretion of the school principal, be subject to the same sanctions.
2. Students who use any weapon, prohibited or non-prohibited, or a replica thereof in an *assault*⁹, or use any weapon or replica of a weapon in a threatening manner towards another person will be recommended for expulsion and the police will be involved.
3. Students found in possession of a prohibited weapon, other than a firearm or explosive, on the first occasion, will be suspended for fifteen (15) school days and the police shall be involved. Expulsion may be recommended.
4. Students found in possession of a non-prohibited weapon, on the first occasion, will be suspended for ten (10) school days.
5. Students who threaten the use of any weapon, prohibited or non-prohibited, against other persons or with the intent of disrupting school activities will be suspended for fifteen (15) school days and the police shall be involved.
6. Students who threaten the use of any weapon, prohibited or non-prohibited, against other persons will be suspended for ten (10) school days and the police may be involved.
7. Students found in possession of any weapon or who threaten the use of any weapon, on the second occasion, will be recommended for expulsion. If the weapon is prohibited the police will be involved.

Reports:

Following the incident, the Principal or Centre Director will ensure that a written report is placed in a confidential school file and a confidential copy is sent to the appropriate Director.

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⁹ *assault: a physical attack*

PROCEDURES FOR NON-EMPLOYEES

Should a non-employee in a school or centre be found in possession of a prohibited or non-prohibited weapon, the school Principal or Centre Director shall proceed as follows:

1. If the safety and security of the students and staff are perceived to be at risk the police will immediately be called.
2. If the situation is non-threatening, the individual should be asked to immediately leave the building. If the weapon is prohibited, the police shall be notified.

The school Principal or Centre Director, in conjunction with the appropriate Director may take any other sanctions deemed appropriate.

Reports:

Following the incident, the Principal or Centre Director will ensure that a written report is placed in a confidential school file and a confidential copy is sent to the appropriate Director.

PROCEDURES FOR EMPLOYEES

Should an employee be found in possession of a prohibited or non-prohibited weapon, in every case, he/she will face formal disciplinary measures. The school Principal or Centre Director shall proceed as follows:

1. If the safety and security of the students and staff are placed at risk, the police will be called immediately.
2. If the situation is non-threatening, the employee should be approached to turn over the weapon. If the weapon is prohibited, the police shall be notified.
3. If the employee does not comply but is non-threatening, he/she may be approached and asked to immediately leave the school premises.

Reports:

Following the incident, the Principal or Centre Director will ensure that a written report is placed in a confidential school file and a confidential copy is sent to the appropriate Director.

VIOLENT BEHAVIOUR

Procedures for Students

1. Students who fight, assault or verbally abuse other persons may be suspended. The length of the suspension will depend on the severity of the incident and the degree of involvement of the individual student. The police may be involved.
2. Where the abuse is deemed to constitute an attack by two or more students on another, whether provoked or unprovoked, the police may be involved and the length of suspension will be five (5) school days.
3. Students, who in the absence of mitigating circumstances, assault another person to the extent that serious bodily injury requiring medical intervention ensues, shall be recommended for expulsion and the police will be involved.
4. Where the offence involves any form of sexual harassment, the procedures outlined in the section of this Policy relating to harassment will be applied. The police may be involved and sanctions will be applied according to this Policy.

Reports:

Following the incident, the Principal or Centre Director will ensure that a written report is placed in a confidential school file and a confidential copy is sent to the appropriate Director.

PROCEDURES FOR EMPLOYEES AND NON-EMPLOYEES

Violent behaviour involving adults will not be tolerated and will be referred to the police for immediate intervention.

Reports:

Following the incident, the Principal or Centre Director will ensure that a written report is placed in a confidential school file and a confidential copy is sent to the appropriate Director.

- *** Notwithstanding the sanctions delineated in this policy, a student seeking re-entry to school following a *suspension*¹⁰ must provide evidence that he or she has taken steps to address and improve the situation. In the absence of such evidence, the administrator may decide to extend the suspension.

¹⁰ *suspension: the temporary termination of a student's right to attend school or class*

- *** Any situation related to providing a safe learning environment not covered in this or any other Board policy shall be left to the discretion of the administrator.

Nothing in this Policy and Procedures affects the right of the Council of Commissioners to expel a student for sufficient cause after due process.