

Administrative Procedure 336

VIOLENCE AND STUDENT HARASSMENT

Background

The Division is committed to providing students with a safe and secure environment. Therefore, acts of violence, threats of acts of violence, intimidation, or harassment on or by any person will not be tolerated. The Division is committed to the concept of zero tolerance of violent behavior, i.e., there will be consequences for all acts of violence, including harassment.

The Division supports the provision of training for staff that includes:

- The means to recognize potentially violent situations;
- Procedures and practices to minimize or eliminate risks to students;
- The appropriate responses of staffs and students to incidents of violence, including harassment.

Definitions:

1. *Violence* means the attempted, threatened, or actual conduct of a person that causes or is likely to cause injury, and includes any threatening statement or behavior that gives a person reasonable cause to believe that he or she is at risk of injury within Division-operated facilities, on Division property, at any school-related activity or event and travelling to and from school. Violence, therefore, is any verbal or physical action taken which threatens or results in the inflicting of physical, emotional or psychological distress or bodily harm on a person.
2. A *weapon* is any object which is either designed or intended for use in threatening or inflicting body harm on a person.
3. *Personal harassment* is any behavior that has as its intent or effect to alarm, annoy or belittle a person.
4. *Sexual harassment* is any unwelcome behavior which is sexual in nature. It can include but is not limited to the following:
 - Unwanted physical contact;
 - Unwelcome remarks or compromising invitations;
 - Verbal abuse;
 - Display of suggestive pictures;
 - Leering, whistling, innuendoes, jokes or other behaviors or gestures of a sexual nature;
 - Demands for sexual favours.
5. *Zero tolerance* means zero *tolerance* of violent behavior. It means there will always be consequences for all acts of violence. It does not mean zero tolerance of the student who commits a violent act wherein one incident automatically means expulsion. It means that judgement and common sense will be applied to each situation.

Procedures

1. Staff at all levels shall respond firmly, decisively, and without delay to behavior which causes or threatens to cause harm to any student.
2. All staff members are responsible for all students and all students are responsible to all staff members with regard to the maintenance of a safe and secure environment.

3. It is important to note that while safety and security violations commonly revolve around student violence against other students, all staff members must be aware of two other dimensions of possible violations - student violence against teachers and teacher violence against students.
4. Staff are directed to take particular note of the most common safety and security violations faced by students:
 - 4.1 Bullying and threatening;
 - 4.2 Physical violence;
 - 4.3 Harassment and mistreatment;
 - 4.4 Vandalism, theft and extortion;
 - 4.5 Sexual abuse;
 - 4.6 Drug and alcohol offenses, and
 - 4.7 Possession of weapons.
5. School expectations concerning student conduct with respect to violence/harassment, and the possible consequences of serious or repeated misconduct, are to be communicated to students, parents and staff.
6. The onus is on the victim, student/staff witness, or parent/guardian to report incidents of violence as soon as is reasonably possible.
7. Reported cases of violence/harassment shall be investigated by the appropriate school-based or system administrator in keeping with the requirements of Division procedures. The investigative procedures shall include:
 - 7.1 A review of the complaint, interview of the complainant and, if possible, interview of the alleged perpetrator or perpetrators, as well as any witnesses, and determination of whether to proceed on a formal or informal basis,
 - 7.2 A decision by the school-based administrator in consultation with their superintendent to proceed with formal action would follow one or more of the following:
 - 7.2.1 School-based discipline procedures;
 - 7.2.2 Division policy and procedures on suspension and expulsion;
 - 7.2.3 The convening of a Board Student Discipline Committee hearing;
 - 7.2.4 Involvement of the police or other agencies.
8. As part of the investigation:
 - 8.1 The victim and the alleged perpetrator shall be requested to provide a statement;
 - 8.2 The victim and/or witness shall be made aware of their right to report the incident to the police;
 - 8.3 School principals are authorized to report incidents directly to the police;
 - 8.4 In case of students, the parent/guardian of both the complainant and perpetrator shall be advised of the reported incidents.
9. Written records of the incident shall be retained by the investigator.
10. Where possible, student victims and perpetrators shall be provided with counselling and support from system personnel.
11. Offenders may be asked to obtain external counselling.

Reference: Section 151-155, 75, *The Education Act, 1995*
The Occupational Health and Safety Act, (14)

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