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POLICY GBGB

PHYSICAL ASSAULT OR INTIMIDATION OF BOARD EMPLOYEES

The School Board recognizes the right of all employees to conduct their work in a safe and secure environment, free from physical threat or assault by students or non-students. These rights exist within educational settings whose mission, as governed by the *Education Act*, is to provide preventative, corrective and protective measures to students who may demonstrate behavioural and/or developmental challenges. The policy applies to those circumstances of intentional physical assault or intimidation of a Board employee that cannot be addressed by school actions and/or Policy JK.

Purpose

This policy establishes:

- The required steps for an inquiry process into an incident;
- Possible follow-up measures by the school/centre;
- Provisions for an Inquiry hearing;
- Guidelines for legal actions;
- Scope of the said policy.

1. Inquiry Process for an Incident Involving a Student

1.1. An inquiry committee will be convened in the case of circumstances of intentional and serious physical assault or intimidation of a Board employee, which cannot be addressed by school actions, revisions to the Individualized Education Plan (IEP) and/or Policy JK.

- The employee will report the incident verbally immediately to the school/centre administration, including antecedents, a description of the assault or intimidation and the effects and/or injury to the employee, followed by a written report within two working days.
- The student or non-student – (A non-student is defined as an individual, on the property of the New Frontiers School Board, who is deemed to be the instigator of any behaviour applicable to this policy.) Please note that any non-student will be dealt with as a police matter and either a student or non-student will be prohibited from attending school during the investigation;
- The school/centre administration will investigate the reported incident within 48 hours of receiving the written report, and notify the Director General or his/her delegate of the incident;
- A request to invoke Policy GBGB will be received and investigated without fail by the school principal or centre director;
- After the investigation the administrator, in consultation with the employee, will determine whether the school team could intervene in an intermediary fashion;
- School Board level actions may possibly be taken or a request made for a School Board Inquiry hearing;
- The Director General and/or his delegate will be informed of the decision in writing.

1.2. A request for an Inquiry hearing is submitted in writing to the Director General and/or his delegate and signed by the school principal or centre director so that it may be reviewed; it must include the employee's written report of the incident as well.

- Once a request for an Inquiry hearing is submitted, the student or non-student is suspended until the Inquiry hearing is convened and the parents/guardians or adult student will be informed in writing by the school/centre administration;
- The Director General or his/her delegate shall convene an Inquiry hearing within ten (10) working days and notify the parents/guardians or adult student of the time, date and location of the Inquiry hearing;
- The school/centre administrator will provide all pertinent information on the student or non-student to the Director General and/or his delegate 48 hours prior to the Inquiry hearing.

- 1.3. Membership to the Inquiry Committee shall be as follows:
 - A delegate of the Director General will serve as chairperson;
 - The school principal or centre director and a member of the school/centre administrative staff;
 - A member of the teaching staff appointed by School Council for the youth sector and the centre director for the adult sector in consultation with the union representative if the injured party is a teacher. In the event of the injured party belonging to some other employee group, the representative shall be appointed by the Union of the employee group in question;
 - A member of the school or centre governing board as appointed by the school principal or centre director and the governing board chairperson;
 - A commissioner as appointed by the chairperson of the Executive Committee;
 - Other individual(s) that the chairperson deems necessary to be present, example: school psychologist, social worker, guidance counselor, secretary general, etc;
 - A member of the SEPB576 who works directly with students, as appointed by the union.
 - A minimum of five individuals, including the first four indicated above, must be present in order to hold an Inquiry hearing.
 - The individual directly involved and affected by the incident shall be invited to speak to the inquiry board.
- 1.4. Any person requested by the Inquiry Committee to give information must receive a written notice stating the date, time and location of the hearing and that he/she may be accompanied by a person of his/her choice. In the case of students under 18 years of age called to give information, their parents will be notified prior to the student's or non-student's appearance before the Inquiry hearing and may choose to be present.
- 1.5. The Director General will file a semi-annual (January/June) report of Inquiry Committee proceedings to the Council of Commissioners.
- 1.6. In the case where further disciplinary action is recommended, the Inquiry Committee will immediately forward its recommendations to the Discipline Board in the case of a youth sector student or non-student or to the centre's Governing Board in the case of an adult sector student or non-student, which will respond to these recommendations as stipulated in policy.

2. Legal Action

- 2.1. Should an employee who has been physically assaulted or intimidated by a student or a non-student be faced with legal action as a consequence of this assault or intimidation, in conformity with the provisions of the Provincial and Local Agreements, the Board will assume the legal fees of the injured employee.
- 2.2. Should an employee who has sustained injuries as a result of a physical assault, or his/her immediate family in the case of the employee's incapacity, decides to seek legal action against the assailant, in conformity with the provisions of the Provincial and Local Agreements, the Board will assume his/her legal fees.
- 2.3. The attorney engaged as a result of the application of preceding Articles 2.1 and 2.2 must be mutually agreed upon by the Board and the employee concerned or the employee's immediate family in the case of the employee's incapacity.
- 2.4. Under no circumstances shall Section 2 of this document take precedence over relevant sections of all employee collective agreements.
- 2.5. The employee (or his/her immediate family in the case of the employee's incapacity) referred to in Articles 2.1 and 2.2, will be informed that he/she must request legal assistance from the Board in writing.
- 2.6. In the event that the Board supports an employee in taking legal action against a minor, then the Board must advise the Director of the Youth Protection Bureau in conformity with inherent laws.

3. Scope of Interpretation of this Policy

The provisions of the said policy are to be interpreted and applied to the immediate family of an employee, i.e., spouse, parent/guardian, children, brothers or sisters, or any other person determined by the School Board who may be physically assaulted or intimidated as a direct result of the employee or person having been involved in the performance of his/her duties.