



**MOOSONEE DISTRICT  
SCHOOL AREA BOARD**

<b>ADMINISTRATIVE PROCEDURE HUMAN RESOURCES: NO. 470</b>	
Effective	May 3, 2016
Last Revised	August 20, 2023
Last Reviewed	August 20, 2023

**ASSAULTS ON / THREATS TO STAFF**

**PURPOSE**

The Moosonee District School Area Board strongly supports protective measures for students involved in assault cases, as set out in Administrative Procedure 323 Reporting Child Abuse, Administrative Procedure 382 Violence-Free School, and other procedures noted in the References at the end of this document.

The Board supports the same level of protection for the rights of all staff members and school volunteers working on behalf of the school with the knowledge and approval of the principal, who are assaulted or threatened with injury or bodily harm by a person during the performance of their duties.

**DEFINITIONS**

**Staff Member:** For the purposes of this administrative procedure, a staff member refers to Board employees and other persons involved in school programs and services with the knowledge and approval of the principal.

**Principal:** Any reference to the principal in this administrative procedure includes a reference to a designate in charge of the school in the absence of the principal.

**Assaults/Threats:** References to assaults and threats include any physical assault, intentional application of force to the person of another, physically threatening behaviour, or verbal threat of physical assault directed towards a staff member that occurs on Board property, at a school-sponsored event, or via electronic communication.

**Critical Injury:** A critical injury is an injury of a serious nature that:

- places life in jeopardy;
- produces unconsciousness;
- results in substantial loss of blood;
- involves the fracture of a leg or arm but not a finger or toe;
- involves the amputation of a leg, arm, hand, or foot but not a finger or toe;
- consists of burns to a major portion of the body; or
- causes the loss of sight in an eye.

[Regulation 834 Critical Injury Defined, under the Occupational Health and Safety Act]

**Mitigating and Other Factors:** Mitigating and other factors must be taken into account when discipline is being considered. These factors are described in Ontario Regulation 472/07 Behaviour, Discipline and Safety of Pupils. They are also described in Administrative Procedure 378 Student Discipline: Suspension, and Administrative Procedure 379 Student Discipline: Expulsion.

**PROCEDURES****1. Response to an Incident**

- 1.1 In the event of an assault on or threat to a staff member of Moosonee District School Area Board, the principal shall be informed immediately that an assault or threat has taken place. If the principal is unavailable, they shall be informed at the first opportunity after the incident.
- 1.2 The principal shall notify the Finance & HR Administrator and/or the Supervisory Officer immediately and provide information about the assault. The principal shall also inform the bargaining unit representative immediately that an assault has taken place.
- 1.3 If the assault causes bodily harm, the staff member or a colleague shall endeavour to ensure that medical attention is received and that the nature and the extent of the injury is verified.
- 1.4 If requested by the staff member or if the need is obvious, the injured person may be removed temporarily from assigned duties.
- 1.5 If the assault causes bodily harm, the principal shall call the police to investigate and will inform the staff member of the contact.
- 1.6 The staff member has the right to call the police and shall be informed of this option.
- 1.7 Any reports about the incident shall be provided to the police.

**2. Reporting the Incident**

- 2.1 If there has been an injury to the staff member, a Workplace Safety Insurance Board Report shall be filed within the required timelines.
  - 2.1.1 If a staff member has been critically injured or killed at the workplace, the principal must immediately notify an inspector at the nearest Ministry of Labour office, the Moosonee District School Area Board Health and Safety Committee, its representative, and the staff member's federation/union. This notice must be by telephone or other direct means. Within forty-eight (48) hours of the occurrence, the supervisory officer or designate shall send to a Regional Director of the Ministry of Labour a detailed written report of the circumstances of the occurrence. [Section 51(1) of the Occupational Health and Safety Act.]
  - 2.1.2 If the injury is not a critical injury, but the staff member is disabled from performing their usual work or requires medical attention, the principal must notify the Health and Safety Committee, the Health and Safety Committee representative, and the federation/union within four (4) days of the incident. This notice must be in writing and must contain any prescribed information and particulars. [Section 52(1) of the Occupational Health and Safety Act.]

**3. Further Actions**

- 3.1 The Board may request a medical certificate to determine the staff member's fitness to return to work.
- 3.2 The principal shall investigate and keep a written account of the events, times, and witnesses and the staff member shall be furnished with a copy of this report and any other reports.

- 3.3 The staff member or a colleague shall make a written account of the events, times, and witnesses for future reference.
- 3.4 These written accounts shall be addressed to the Finance & HR Administrator with copies for the Board's solicitors and the federation/union solicitors, and shall be marked "privileged". A report shall be filed with the Board solicitors by the Finance & HR Administrator that an assault has taken place.
- 3.5 The Finance & HR Administrator and/or Supervisory Officer shall meet with the staff member and the bargaining unit representative to discuss the advisability of pressing charges with Board support.
- 3.6 The Finance & HR Administrator will contact the Board's solicitor if legal services are required.

#### 4. **Assault by Student**

- 4.1 In all cases of assault by a student under the age of 18 years, the parents or guardians shall be informed as soon as possible by the school administration.
- 4.2 The principal shall advise the student that they may contact and have parents or guardians present during any interview by the principal.
- 4.3 If the alleged perpetrator of the assault remains on school premises, they shall be taken to a secure, supervised area of the school.
- 4.4 The principal shall exercise their authority under the Education Act, and having considered any mitigating or other factors that apply, may suspend the student immediately according to the terms of Part XIII of the Act and the Board's administrative procedures.
- 4.5 If, following the principal's investigation, the principal recommends to the Board that the student be expelled, the Board shall consider the matter according to the Education Act and Board Policy GOV-17 Appeals and Hearings Regarding Student Discipline.
- 4.6 If the student is once again admitted to the school, the principal will attempt to minimize direct daily contact between the staff member who was assaulted and the student, unless the staff member consents to that contact.

#### 5. **Support for the Staff Member**

- 5.1 The staff member shall be informed on an ongoing basis by the appropriate Board official of the current state of any legal proceedings relating to the assault.
- 5.2 The staff member shall be offered ongoing support and counselling through the principal, a colleague, or the Employee Assistance Program (EAP) as required or requested.

## REFERENCE DOCUMENTS

### **Legal:**

*Education Act, Part XIII Behaviour, Discipline and Safety*

Ontario Regulation 474/00 Access to School Premises

Ontario Regulation 472/07 Behaviour, Discipline and Safety of Pupils: Mitigating Factors PPM 120

Reporting Violent Incidents to the Ministry of Education, 2011

PPM 128 The Provincial Code of Conduct and School Board Codes of Conduct PPM

141 School Board Programs for Students on Long-term Suspension

PPM 142 School Board Programs for Expelled Students

*Ontario Human Rights Code Youth*

*Criminal Justice Act*

*Provincial Model for a Local Police/School Board Protocol, 2011 Occupational*

*Health and Safety Act 1990*

Regulation 834 under the *Occupational Health and Safety Act 1990*: Critical Injury Defined

### **Board:**

Board Policy GOV-08 Safe Schools

Board Policy GOV-09 Safe Schools: School Code of Conduct

Board Policy GOV-17 Appeals and Hearings Regarding Student Discipline

Board Policy GOV-18 Health and Safety: Working Environment

Board Policy GOV-21 Access to School Premises

Administrative Procedure 376 Progressive Discipline

Administrative Procedure 377 Student Discipline: Bullying

Administrative Procedure 378 Student Discipline: Suspension

Administrative Procedure 379 Student Discipline: Expulsion

Administrative Procedure 480 Progressive Discipline: Employees

Police/School Board Protocol

Moosonee Public School Code of Conduct Form

ADMIN 382-01 Violent Incident Form