



POLICY SECTION: SAFE SCHOOLS
SUB-SECTION:
POLICY NAME: VICTIMS RIGHTS
POLICY NO: SS.13

Date Approved: September 11, 2014 - Board	Review Cycle: September 2017 February 2024	Dates of Amendment: October 6, 2005—Board Meeting
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Cross Reference:

- ~~(1) Expulsion Policy S.S. 05~~
- (2) Suspension and Expulsion Policy S.S.01**
- (3) Fresh Start Policy S.S.12**
- (4) Access to School Premises, S.S.04
- ~~(5) Apprehension or Arrest of Pupils, S.18~~
- (6) Access to Pupils, S.15
- (7) Access to Pupil Information, S.16
- ~~(8) Police Investigation, V.P. 05~~
- (9) Suspected Child Abuse Reporting, S.17
- (10) ~~Trespass to Property, V.P. 11~~ **Trespass Policy S.S.14**
- (11) Regulation 474/00: Access to School Premises
- ~~(12) Education Act, Section 309~~
- (13) Policy/ Program Memorandum 145**
- (14) ~~Principal's Inquiry—Suspension & Expulsion, S.S.08~~
- ~~(15) Police/School Board Protocol~~

Attachment(s):

Purpose

This policy affirms the need for students to feel safe in their school community. The purpose of this policy is to outline the response of the principal in those circumstances where a victim has been harmed as a result of a serious incident, and the principal believes that the victim's safety - physical, emotional, or psychological - may be compromised by the continued presence of the individual(s) responsible for the harm.



POLICY SECTION: SAFE SCHOOLS
SUB-SECTION:
POLICY NAME: VICTIMS RIGHTS
POLICY NO: SS.13

Scope and Responsibility

This policy extends to all individuals of the TCDSB. The Director of Education, the Superintendent of Safe Schools, and school principals are responsible for this policy.

Alignment with MYSP:

Fostering Student Achievement and Well-Being
 Living Our Catholic Values

Financial Impact

~~Generally there is no significant financial impact on the TCDSB.~~

Legal Impact

~~The Education Act requires principals to promote a positive school climate where all individuals feel safe. When serious incidents occur resulting in harm – physical, emotional, psychological – to an individual, the principal is required to conduct an investigation and to take appropriate steps to re-establish safety.~~

Policy

In every Toronto Catholic District School Board setting and every Toronto Catholic District School Board sponsored activity, each actual or intended victim - as and when identified - who has suffered or may be reasonably expected to suffer intentionally inflicted harm, whether physical, mental or emotional, as a result of the action of one or more others, has the right:

- to ~~immediate~~ **immediately receive** required care and physical assistance,
- to emotional, spiritual and moral support, and
- to reasonable and adequate protection against future harm, to the extent required in the circumstances.



POLICY SECTION: SAFE SCHOOLS
SUB-SECTION:
POLICY NAME: VICTIMS RIGHTS
POLICY NO: SS.13

Regulations

1. An actual or intended victim is a person who suffers injury or hurt as a result of the intentionally inflicted or threatened harm caused or permitted by one or more other persons. Such harm can take many forms: actual or threatened assault, mental or emotional violence of any sort including harassment or bullying. Regardless of the form or the reasons underlying the harm caused, and regardless of the consequences imposed upon the person(s) who may have caused the harm, the victim is entitled to care, support and protection, ~~all~~ as is reasonably necessary in the circumstances.
2. As the first and immediate response when a student has suffered intentionally inflicted harm or is threatened due to the action of one or more others, the victim and the person(s) who may have caused the harm shall be separated, and any required care and medical and other attention to the victim shall be provided. Police may be contacted as deemed appropriate by the principal.
3. ~~The aforementioned contact (per Reg 2) shall be promptly followed by contact with the parent(s)/guardian(s) of the victim~~ **shall promptly be informed** of the nature of the activity that resulted in the harm, the nature of the harm, steps taken to protect the victim's safety, and the supports that will be provided ~~for~~ **to** the victim in response to the harm that resulted from the activity.
4. As to the student(s) who may have caused the harm, the principal shall **promptly** contact the parent(s)/guardian(s) to inform them of the nature of the activity that resulted in harm to the victim, ~~the nature of the harm to the victim,~~ the nature of any disciplinary measures taken in response to the activity, and the supports that will be provided ~~for~~ **to** the student in response to his/her ~~engagement~~ **participation in the activity** ~~participation in causing harm to the victim~~ **that caused the harm.**



POLICY SECTION: SAFE SCHOOLS
SUB-SECTION:
POLICY NAME: VICTIMS RIGHTS
POLICY NO: SS.13

5. Depending upon the circumstances, the principal should consider a consultation with the Supervisory Officer, ~~and/or the School Social Worker and/or Safe Schools Department.~~
6. In due course, the principal shall determine through an investigation that emphasizes confidentiality, whether the separation of the actual or intended victim and the student(s) who ~~may have~~ caused or intended to cause the harm should continue beyond the immediate aftermath of the incident. ~~or whether, without compromise to the interest of all students involved, the best interest of all may continue to be served through continued participation of the student perpetrator(s) as before the incident.~~ In making this judgement, the principal shall consider:
- a) ~~whether criminal charges have been laid against the student(s) who may have caused the harm;~~
whether the student and/or student's parent/legal guardian have agreed to an undertaking or conditions
 - b) whether **the undertaking or conditions [mentioned referred to in (a) above]** ~~there are bail or other court imposed conditions requiring~~ **require** distance separation between the actual or intended victim and the ~~other student(s)~~ **student(s) who inflicted harm or threatened the victim;**
 - c) whether and when the intellectual or emotional conditions of the actual or intended victim and the other student(s) can reasonably be expected to tolerate an end to the separation;
 - d) the nature, validity and suitability of any demands or requests made by the actual or intended victim and/or his/her parent(s)/ guardian(s);
 - e) the nature, validity and suitability of any demands or requests made by the student(s) who may have caused the harm, and/or his/her/their respective parent(s)/guardian(s);
 - f) the overall impact of the incident on school climate.



POLICY SECTION: SAFE SCHOOLS

SUB-SECTION:

POLICY NAME: VICTIMS RIGHTS

POLICY NO: SS.13

7. Whenever a choice must be made as to which of the actual or intended victim, or the student(s) who ~~may have caused~~ **or threatened to harm the victim** ~~the harm~~, must be transferred **to a new school, where circumstances dictate**, ~~generally (though not always)~~, it will be the student(s) who caused the harm who will be required to transfer to another school. This transfer is facilitated through the Fresh Start Process.
8. These regulations shall be applicable, with necessary variations, whenever the actual or intended victim is a member of the teaching or other staff of the Board.
9. Ultimately, subject to requirements of law and of other Board policies, the principal shall determine what is in the best interest of all students involved, both the actual or intended victim and the student(s) who ~~may have caused~~ the harm, balancing where necessary, the competing interests, to produce a fair and equitable result in harmony with Catholic traditions and values, ~~and~~ teaching and learning philosophy. The principal may consider facilitating a ~~Restorative Conflict~~ **Resolution Conference and** Mediation Circle (RCMC) provided that all parties are in agreement. Ultimately, the onus is on the principal to consider first and foremost the impact on the victim if the student(s) who may have caused the harm is allowed to remain in the school.

Definitions

School Climate

The learning environment and relationships found within a school and school community. A positive school climate exists when all members of the school community feel safe, included, and accepted, and actively promote positive behaviours and interactions.



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SUB-SECTION:

POLICY NAME: VICTIMS RIGHTS

POLICY NO: SS.13

Police/School Board Protocol

~~This protocol has been developed by the four publicly funded district school boards operating within the city of Toronto and Toronto Police Service with the clear purpose of supporting schools as safe, caring, inclusive and accepting places for learning and teaching. The Protocol clearly outlines the roles and responsibilities of school official and police officers in situations where the police are present at school for a school related incident or in other situations.~~

Fresh Start

~~A Fresh Start is generally defined as a non-voluntary or unusual movement of a student to a new school within the school year or at the end of a semester. A Fresh Start can be considered as a response to TCDSB Victim's Rights Policy (VP13), court conditions imposed by the Criminal Justice System for an incident for which the student was not expelled, or other special circumstances as approved by the superintendent of the student's school.~~

A Fresh Start is a non-disciplinary administrative transfer to a new school to preserve school safety. A Fresh Start may not be imposed as a form of discipline.

Fresh Starts can be imposed:

- a. in response to TCDSB Victims' Rights Policy (S.S.13);**
- b. to assist the student with an undertaking or conditions agreed to by the student and/or student's parent/legal guardian; or**
- c. in other circumstances to preserve school safety as approved by the superintendent of the student's school.**



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POLICY NO: SS.13

Restorative Conflict Resolution Conference and Mediation Circles (RCMC)

~~Resolution Conference and Mediation Circles is a practice based on community justice principles.~~ **A resolution conference brings together, in a safe and controlled environment, all those who have been affected by the incident in question. The participants in the circle determine how the harm caused by the actions of the youth student in conflict might be repaired. Acceptance of responsibility, another important part in this process, will enhance a sense of accountability not always found in a punitive response.**

~~It involves a face to face facilitated meeting with various participants. RCMC reduces the recidivism rate of youth(s) in conflict with the school or the community. It allows the complainant(s) to experience closure on the incident. RCMC also allows the school to have a more productive involvement in the post-incident occurrences, and the supporters of both the youth(s) and the complainant's) to hear exactly what happened and to be heard in the process.~~

Metrics

1. Annual Safe Schools Climate surveys administered to representative groups of TCDSB students.
2. Anonymous school climate surveys conducted with Parents and Staff at least every two years.
3. Safe Schools data **as reported in the Safe Schools Annual Report** : Reporting Forms – Part I, Progressive Discipline Incident Logs, – Suspensions/Expulsions/Fresh Start Transitions
4. ~~Consultations and data gathered from Safe and Accepting Schools Team Members, Student Leaders and School Resource Officers and/or Community School Liaison Officers.~~