

Kelsey School Division Box 4700 The Pas, MB R9A 1R4	Code: JGA
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FREEDOM FROM VIOLENCE

I. Introduction

1. All employees and all students, volunteers, and visitors within the Kelsey School Division have the right to work and learn in an environment supportive of their personal health, safety, and well-being.
2. All employees have the responsibility to take those actions deemed necessary to maintain an environment free from physical violence, verbal abuse, or the threat of physical assault. Teachers and administrators have the authority to maintain order and discipline in the school (PSA 96[c]).
3. Students have a responsibility to behave towards all school division employees and other students in a non-violent manner.
4. The School Division has a responsibility to:
 - a) ensure establishment of programs and supports to help employees and students practice preventative measures regarding violent behaviour,
 - b) ensure response to both the victim and the aggressor, and
 - c) ensure that each workplace establishes procedures for dealing with incidents as they occur.
5. The School Division recognizes that a violent incident may result in physical injury, personal loss, and/or long-term trauma to a student or employee. The School Division will provide the victims with information about the procedures for seeking restitution.

II. Process for Addressing Acts of Violence

1. Each act of alleged violence will be recorded on the Freedom From Violence Report form.
2. Any person may complete the "Freedom From Violence Report" available in the schools.
3. A copy of the report is to be filed at the school, and a copy forwarded to the Superintendent's office within 24 hours, if possible.
4. The response to an incident will be determined by the school administrator in accordance with the guidelines specified below:
 - a) Notification of parent(s) or guardian(s), as soon as possible.
 - b) Involvement of parent(s) or guardian(s) where appropriate, in dealing with the problem.
 - c) Consequences, where possible, that involve a learning experience for the offender.
 - d) Due process meaning a fair procedure, and rights to appeal.
 - e) Safety of students and staff.
 - f) System of appropriate progressive consequences, dependent upon the act of violence.
 - g) Notification of police when deemed necessary.
 - h) Involvement of agencies when deemed necessary.

5. The School Division shall provide a reasonable accommodation for students who have exceptional learning needs that affect their behavior, and when disciplining the student, take into consideration the student's ability to comply and the amount of support required. When a special needs student is involved, the Superintendent may be consulted.

III. Specific Incidents

A. POSSESSION, THREAT WITH, OR USE OF A WEAPON

1. Weapon means:
 - a) anything used, designed to be used, or intended for use in causing injury or death to any person;
 - b) anything used, designed to be used, or intended for use for the purpose of threatening or intimidating any person.
2. Possession of a weapon: A person has a weapon in their possession when they:
 - a) have it in their personal possession,
 - b) have it knowingly in the custody of another person, or
 - c) have it in any place, whether or not that place is subject to their control or is occupied by them, for the use or benefit of themselves or of another person.
3. Where one of two or more persons with the knowledge and consent of the rest has anything in their custody or possession, it shall be deemed to be in the custody and possession of each and all of them. A student who finds a weapon on the way to school or in the building and takes the weapon or reports it immediately to the principal shall not be considered in possession of a weapon.
4. Threat with or use of a weapon occurs when a person who has a weapon in their possession behaves and/or communicates in a manner which lead another person to believe that they intended to utilize the weapon to cause injury or death to that other person or someone else, regardless of whether the person actually uttered a threat to cause injury or death.
5. Examples of weapons that are not allowed on school property include, but are not restricted to: explosive devices, brass knuckles, switchblade knives, hunting knives, pocket jack-knives, slingshots, or other tools with sharp edges or points such as chisels, ice picks, screwdrivers, laser pens, pepper spray, or other chemicals. The decision of what is considered to be a weapon rests with the principal.

B. Consequences for Possession of a Weapon, Threat with or Use of any Weapon by a Student

1. The principal shall:
 - a) file a "Freedom from Violence Report".
 - b) take steps to ensure the safety of students and staff, (eg. evacuation of the building).
 - c) notify the R.C.M.P.

- d) suspend the student from school for up to five school days.
- e) recommend to the Superintendent that the student:
 - i) be suspended for a longer period.
 - ii) be expelled from the school or the Division.
 - iii) be reinstated under certain conditions, including referral to School Division support services or outside agencies.

2. Weapons on School Property

a) Possession:

Guns: A student guilty of bringing a gun to school shall automatically lose the right to attend school. The principal shall notify the police and consult with the Superintendent to arrange for a six-week suspension and possible expulsion.

Knives: When a student is found to be carrying a knife that could be regarded as a weapon, the principal shall confiscate the knife and notify the parent/guardian that it is being held at the school to be retrieved by the parent/guardian or that it has been turned over to the RCMP.

Other Weapons: When a student is found to be carrying other weapons, the principal shall confiscate the weapon and notify the parent/guardian.

Suspension for the balance of the day and possibly an additional day would be appropriate.

b) Threats:

If a gun, knife, or weapon is used by a student in a threat on another student or adult, the offending student shall be suspended immediately for a minimum of five days. The principal should consult with the Superintendent as to the possibility of an extension up to six weeks.

c) Attacks:

If a gun, knife, or other weapon is used by a student in an attack on another student or adult, the offending student shall be suspended immediately for a minimum of five days. The principal should consult with the Superintendent as to the possibility of an extension up to six weeks and expulsion. The police shall be notified.

3. A re-entry meeting involving the school, student, parents/guardians (if required), and other appropriate personnel/agencies as necessary, must be held for all students suspended for possession, threat with, or use of a weapon.

C. PHYSICAL VIOLENCE

1. Physical Violence is an attempt or threat, by an act or gesture to apply force in a reaction to anger and/or destruction.

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2. “Physical Assault” occurs when a person:
 - a) without the consent of another person, applies force intentionally to that other person, directly or indirectly.
 - b) attempts or threatens, by an act or gesture, to apply force to another person such that the other person has reason to believe that force may be applied.
3. Fighting occurs when students attempt to resolve disputes through physical force.

D. Consequences for Physical Violence, Assault, or Fighting Between Students in the Division

1. The principal shall file a “Freedom from Violence Report” and take one OR more of the following actions:
 - a) set up a conference involving the parent(s), student(s), and any involved staff member(s)
 - b) develop a Behavioural Performance Contract or a Behavioural Individual Education Plan process to address the safety concern
 - c) contact the R.C.M.P.
 - d) consider suspending the student(s) from the classroom OR the building for up to five days, in cases of a student fighting with another student.
 - e) suspend the student for five days from the school in cases of a student’s physically assaulting another student while under the jurisdiction of the school.
 - f) Recommend to the Superintendent that the student:
 - i) be suspended for a longer period;
 - ii) be considered for an alternative learning placement;
 - iii) be expelled from the school or the School Division;
 - iv) be reinstated under certain conditions, including referral to School Division support services or outside agencies.
2. A re-entry meeting involving the school, student, parents/guardians (if required), and other appropriate personnel/agencies as necessary, must be held for all students suspended for five days for physical violence.

E. Consequences for Physical Violence, Assault, Threats or Fighting by a Student on a Division Employee

1. The principal shall, where developmentally applicable for the student:
 - a) file a “Freedom from Violence Report”;
 - b) suspend the student for five days from school;
 - c) contact the R.C.M.P., if required.
 - d) recommend to the Superintendent that the following options be explored:
 - i) Suspension for a longer period.
 - ii) Placement in an alternative learning environment.
 - iii) Expulsion from the school or the School Division.
 - iv) Reinstatement under certain conditions, including referral to School Division support services or outside agencies.

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- e) facilitate a re-entry meeting for those students being re-admitted, involving the school, student, parents/guardians (if required), and other appropriate personnel/agencies as necessary, to develop a Behaviour Intervention Plan.
- 2. In cases of sexual assault or indecent exposure, Policy GBEA (Harassment) shall be followed.

F. VERBAL AND/OR EMOTIONAL ABUSE

- 1. Verbal or Emotional Abuse includes, but is not limited to, the following:
 - a) conduct or language which might reasonably be expected to cause insecurity, discomfort, offense, humiliation, or fear to a person or group of people;
 - b) conduct or language which demeans or insults a person or group of people including, but not limited to, on the basis of race, culture, religion, ethnicity, gender, sexual orientation, and/or physical or mental disability;
 - c) conduct or language which draws unnecessary or unwanted attention to a person or group of people including, but not limited to, on the basis of race, culture, religion, ethnicity, gender, sexual orientation, and/or physical or mental disability;
 - d) differential treatment of a person or group of people which is not reasonably justifiable, including but not limited to, on the basis of race, culture, religion, ethnicity, gender, sexual orientation, and/or physical or mental disability;
 - e) conduct or language which might reasonably be expected to induce a person or group of people to believe that family or friends and/or property will suffer physical harm.
 - f) cyber-bullying – the use of the Internet or other electronic communication technologies such as e-mail or text messages to support deliberate, repeated and hostile behaviour by an individual or group that is intended to harm someone else.
- 2. Verbal or Emotional Abuse includes, but is not limited to, abuse which occurs:
 - a) at school or on school property;
 - b) at school-related social, athletic, or educational functions, which can occur outside of school hours;
 - c) when using any electronic communication device;
 - d) in writing, whether or not such written communication is addressed specifically to a person or group of people or is intended for wider publication.

G. Consequences for Emotional or Verbal Abuse by a Student Against a Student or Adult in the School Division Using Internet Technology or Personal Technology Devices

- 1. The principal shall file a “Freedom from Violence Report” and take one OR more of the following actions:
 - a) Set up a conference involving the parent(s), student(s), and adult(s), if appropriate

- b) Develop a Behaviour Intervention Plan process to address the concern.
 - c) Contact the R.C.M.P.
 - d) Suspend for up to three days from school.
 - e) Suspend for up to five days from school.
 - f) Recommend to the Superintendent that the student:
 - i) be suspended for a longer period,
 - ii) be considered for an alternative learning placement,
 - iii) be expelled from the school or the Division,
 - iv) be reinstated under certain conditions, including referral to Divisional support services or outside agencies.
2. A re-entry meeting involving the school, student, parents/guardian (if required), and other appropriate personnel/agencies as necessary, must be held for all students suspended for five days for emotional or verbal abuse.

H. COMMUNICATION

- 1. Administrators shall establish a yearly process for sharing the “Freedom From Violence” policy with parents/guardians, students, teachers, all support staff, and volunteers to the school.
- 2. The school shall distribute a copy of the “Freedom From Violence” policy to all school parent councils.
- 3. The parent/guardian of the student being disciplined under the ‘Freedom from Violence’ policy must be contacted directly to be informed of the incident and the resulting consequences.
- 4. Where students from different schools are involved in an incident, the principal or designate shall communicate any information relating to the incident to the other principal(s) as soon as possible.
- 5. The principal or designate shall contact victims, parents/guardians, and involved staff member(s) to share information on an incident and its resolution.
- 6. School Division support staff and/or out-of-division agencies, where applicable, should be informed of incidents and their consequences.

I. TRESPASSERS

- 1. The Board will not tolerate the presence of persons who cannot justify their presence on school division property or in a school division building. The term ‘trespasser’ also applies to those students who have been duly suspended/expelled from the school division. The Board will expect its agents to take appropriate action including the possible laying of charges under the “Petty Trespass Act”, against those persons who refuse to cooperate.

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2. Schools shall develop plans for responding to potentially dangerous situations involving intruders. Schools should also develop education programs for their students and staff regarding the problems that unauthorized visitors pose, stressing the importance of immediate communication with school officials when unwanted visitors are present on school division property.

J. TERMINOLOGY

1. Suspension:

- a) Suspension is defined as a “temporary stopping of a student’s right to attend school classes by someone having been given the authority to do so”.
- b) Suspensions involve both in-school and out-of-school suspension and are part of the range of disciplinary measures available to teachers and principals in the maintenance of discipline, as mandated by the Public School Act [Section 48(4) and Regulations 468/88R: Section 33 (1&2)].
- c) Suspension from school is a serious consequence and is applied when other disciplinary measures have been found to be ineffective or when the student’s behaviour endangers fellow students, teachers, or school officials, or damages property. In all cases of suspension, the necessary documentation is forwarded to the School Division Superintendent.

2. Expulsion:

- a) Expulsion by the Board of Trustees is a serious consequence, occurring when it is determined that a student’s continued presence in the Kelsey Division schools is injurious to other students.
- b) Expulsion requires an official action by the Board of Trustees and is completed in accordance with the Public School Act, Section 48(4). An expulsion means that the student may not attend any school operated by Kelsey School Division, until such time as the Board of Trustees may remove the expulsion order.

3. Behaviour Intervention Plan

- a) Students who present a high level of behaviour that is disruptive, aggressive, and/or violent and which interfere with the learning environment of the classroom/school and present a safety concern for themselves and/or others may require a Behavioural Performance Contract and/or Behaviour Intervention Plan.
- b) The focus of a Behavioural Performance Contract and/or Behaviour Intervention Plan is on proactive strategies that enable the child to learn appropriate behaviours and skills. It provides a written commitment on the part of the student, parents, and staff as to the actions that will be taken to correct the student’s behaviour, as well as the consequences which will result if positive changes do not occur. For further information on the Student Disciplinary Process, refer to Policy JG.