



KENORA CATHOLIC DISTRICT SCHOOL BOARD

400 Personnel and Staff Relations Procedures

AP 404: Employee Assault

Respect for self and others is essential to eliminate violence as a method for problem solution. The Director of Education recognizes his/her obligation as delegated by the Kenora Catholic District School Board to protect employees in the course of their duties. Assaults, threats and/or intimidation will not be tolerated in the workplace and assistance and support will be provided to employees who find themselves subject to the same.

1. Definitions

For the purpose of this policy, the following definitions are applicable:

1.1 Assault

Assault is defined in the *Criminal Code of Canada* (including all forms thereof) and includes, but is not limited to the actual application of force and the threatened or attempted application of force.

1.2 Intimidation

1.2.1 Intimidation is defined in the *Criminal Code of Canada* and includes, but is not limited to compelling another person to do anything or preventing them from doing anything he/she has a lawful right to do.

1.2.2 Such actions may include, but are not limited to:

- using threats or violence
- persistent following or following in a disorderly manner
- hiding property owned by the person or hindering the person in the use of that property
- besetting or watching the place where the person works or resides
- blocking or obstructing the person's passage.

1.3 Workplace

Workplace is defined as locations, vehicles or any place where the business of the board is conducted.

2. Guidelines

- 2.1** The complainant is free to seek one or more methods of redress:
 - 2.1.1 file a complaint with the police
 - 2.1.2 invoke the procedures under this policy within a reasonable period of time following the assault/intimidation
 - 2.1.3 through OECTA (if the complainant is a member of the federation)
 - 2.1.4 through legal representative
- 2.2** Disciplinary action for assault/intimidation on an employee of the board by another employee of the board may take the form of one or more of the following depending upon individual circumstances:
 - 2.2.1 a written warning which states the consequences should there be a recurrence;
 - 2.2.2 a formal request that the respondent participate in appropriate counseling, medical or psychiatric treatment;
 - 2.2.3 a suspension with or without pay, if required;
 - 2.2.4 dismissal.
- 2.3.1** The principal/manager will be informed of the complaint and will inform the Director of Education.
- 2.3.2** A copy of any disciplinary action taken by the board as a result of an assault / intimidation complaint will be placed on that employee's personnel file.

3. Procedures

- 3.1** The school principal/designate or appropriate manager and staff shall respond immediately in a manner which minimizes the risk of injury to themselves and to others when any form of assault or intimidation occurs on an employee of the board in the workplace.
- 3.2** Where a physical assault takes place on an employee, the employee should, while ensuring to the extent possible, his/her own safety and the safety of the students or other employees of the board:

- 3.2.1 defend himself/herself using no more force than is necessary to prevent the assault or the repetition of it;
- 3.2.2 solicit the assistance of another staff member or adult present;
- 3.2.3 obtain immediate medical attention;
- 3.2.4 contact the police, if appropriate or if not already done so;
- 3.2.5 inform the principal/designate or appropriate manager.

3.3 Assault or Intimidation by a Student

- 3.3.1 In the event of an assault or intimidation by a student on an employee of the board it is the responsibility of the employee who is or has been subject to the same, to inform him/her principal/designate or appropriate manager.
- 3.3.2 When informed of an assault or intimidation the manager/designate will:
 - contact the principal;
 - inform the Director of Education
 - complete the incident report.
- 3.3.3 When informed of an assault or intimidation the principal will, as appropriate,
 - contact the police;
 - inform the Director of Education;
 - complete Form #57 – Violent Incident Report
 - carry out an investigation;
 - discipline the student as per board policies and procedures.

4. Subsequent to an Assault

- 4.1 It is the responsibility of the principal/manager, in consultation with the person assaulted or intimidated, to:
 - 4.1.1 identify witnesses and record such facts as are necessary;
 - 4.1.2 inform the Director of Education as soon as possible.
- 4.2 **Incident Report**
 - 4.2.1 The principal/manager, in consultation with the person assaulted or intimidated is to complete an incident report and send it to the Director of Education or designate for submission to the Workplace Safety and Insurance Board.
 - 4.2.2 This report will contain only the appropriate information necessary to satisfy the requirements of the Workplace Safety and Insurance board.

- 4.2.3 The report will be dated and signed by the principal/supervisor and the employee involved.
- 4.2.4 Copies of the written report will be filed:
 - with the employee;
 - with the Director of Education, and
 - where appropriate, in the school or department files.
- 4.3** It is the responsibility of the Director of Education to:
 - 4.3.1 ensure that the employee who has suffered the assault/intimidation is fully advised of the board's support and available assistance;
 - 4.3.2 obtain, where appropriate or necessary, legal advice for the employee who has suffered the assault/intimidation and for the board;
 - 4.3.3 take any disciplinary action on the perpetrator as deemed necessary up to and including termination of employment.
 - 4.3.4 discuss with the employee who has suffered the assault/intimidation, where appropriate, the feasibility of those steps necessary to avoid a repetition of an assault, if the assailant remains and/or is returned to school.

Form(s) associated with this procedure:

#57 – Violent Incident Report

Legal References:

Education Act S. 171(1) 3 Powers of Boards: Appoint and Remove Employees;
S. 277.15 (5) Discipline/Termination of Teachers
Guideline—Ontario Schools Code of Conduct
Criminal Code of Canada

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