



## MANDATORY REPORTING OF SERIOUS INCIDENTS

Responsibility:	<i>Superintendent, Student Achievement &amp; Well-Being</i>
Legal References:	<i>Youth Criminal Justice Act; The Criminal Code of Canada Bill 157 – Keeping Our Kids Safe at School</i>
Related References:	<i>PPM 9 – Reporting of Children in Need of Protection; PPM 120 – Reporting Violent Incidents to the Ministry of Education; Police School Board Protocol; Protocol and Guidelines for Procedures and Joint Responsibilities When Working with Children and Youth in Care; Appendix A: Record of Reporting a Suspected Child in Need of Protection</i>
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### 1. Preamble

The following procedures provide guidelines and expectations regarding violence-free schools and non-tolerance of violence, the mandatory reporting of serious school related incidents to police, serious incidents occurring off school property, and parent/guardian involvement following a serious incident. It also provides expectations around the reporting of specific violent incidents to the Ministry of Education.

### 2. Policies of Violence-Free Schools and Non-Tolerance

2.1 A protocol exists between the Waterloo Region District School Board and Waterloo Region Police Services. The protocol provides specific expectations and procedures related to when schools will contact police and when the police will respond. The following information is provided as a summary of the protocol.

2.2 Occurrences requiring mandatory police involvement or response include:

- 2.2.1 All deaths;
- 2.2.2 Possessing a weapon, including possessing a firearm. All firearms, including replica firearms and imitation firearms are considered weapons. Using a weapon to cause or threaten bodily harm to a person;
- 2.2.3 Committing physical assault on another person that causes bodily harm requiring treatment by a medical practitioner;
- 2.2.4 Committing sexual assault;
- 2.2.5 Trafficking in weapons or in illegal drugs;
- 2.2.6 Committing robbery;
- 2.2.7 Giving alcohol to a minor
- 2.2.8 Criminal harassment;
- 2.2.9 Relationship-based violence;
- 2.2.10 Gang-related occurrences;
- 2.2.11 Extortion;
- 2.2.12 Possession of an illegal drug;

- 2.2.13 Uttering a threat to inflict serious bodily harm to another person including threats made on social networking sites or through instant messaging, text messaging, email and so on, etc.
- 2.3 The Waterloo Region District School Board and police agree that the following incidents may require police consultation &/or reporting: Police includes youth sergeant, school resource officer, or police dispatch.
- 2.3.1 Giving alcohol to a minor;
  - 2.3.2 Being under the influence of alcohol or illegal drugs;
  - 2.3.3 Trespassing incidents;
  - 2.3.4 Committing an act of vandalism that causes extensive damage to school property at the student's school or to property located on the premises of the student's school;

Definitions of the incidents listed in 2.2 and 2.3 can be found in the Police School Board Protocol.

### 3. **Mandatory Contact with Police and/or Family and Child Services**

- 3.1 If the alleged offence is included under section 2.2, police shall be contacted.
- 3.2 If the alleged offence is included under section 2.3:
- 3.2.1 Police may be contacted;
  - 3.2.2 The principal shall interview the alleged offender.
- 3.3 If the alleged offence is not included under sections 2.2 or 2.3:
- 3.3.1 The principal shall interview the alleged offender;
  - 3.3.2 The principal has discretion to contact police.
  - 3.3.3 If there is any doubt whether police involvement should take place, principals are required to consult with their respective superintendent and/or directly with a youth sergeant by calling the police at the following telephone numbers for non-emergency incidents:

**519-653-7000 or 519-570-3000**

Central Division (Kitchener) Youth Sergeant, Ext. 4431  
South Division (Kitchener) Youth Sergeant, Ext. 2236  
North Division (Waterloo) Youth Sergeant, Ext. 3331

The School Police Protocol (Section 11) should be reference for further clarification.

The police **do not** have the authority to charge children under the age of 12. However, mandatory reporting is still required for specific events, as per sections 2.2 and 2.3 of this procedure. Police may take reports, question students, and act as an intermediary with parents/guardians or other agencies such as Family and Children's Services.

If a school believes a child is in need of protection under Section 72 (1) of the *Child and Family Services Act*, police involvement may occur. In most cases, Family and Children's Services should be the first contact as per the protocol between Waterloo Region District School Board and Family and Children's Services. When this contact is not possible, the school should contact the Waterloo Regional Police Service.

As with any police involvement, there is a requirement on the school administration to notify the parent/guardian as soon as possible. In rare circumstances, the police may direct the administration not to contact the parent/guardian. The School Police Protocol should be referenced for further clarification.

### 4. **Serious Violent Incidents that Occur off School Property**

The Waterloo Region District School Board expects that Principals, Vice-Principals or Principal designates will respond to serious incidents that occur off school property that endanger the health and safety of students of the school or have a negative affect on school climate. In addition to appropriate consequences for the offending students (including suspension), the Principal, in the event of a serious incident-taking place off school property, has a duty to report such incidents to the police.

## **5. Parental/Guardian Involvement**

- 5.1 When school personnel are reporting a serious incident police will be contacted immediately. Efforts should be taken by school administration to work collaboratively with police (as outlined in the Police School Board Protocol), so that a potential criminal investigation is not jeopardized.
- 5.2 In accordance with section 26 of the *Youth Criminal Justice Act*, the police officer will notify the parent/guardian of a student who has been charged with, or arrested and detained for, a criminal offence. Police will do this whether or not the principal has already notified parents.
- 5.3 If a student who is being questioned is less than 18 years of age, the principal will consult with the investigating officer to determine whether the student is a witness, suspect, accused, or under arrest. The principal will advise all students being questioned by police that their parents/guardians/caregiver will be contacted and informed of the student's involvement in the incident. Whenever possible, attempts will be made by the principal to notify the parent prior to any interview by the police. Contacted parents will be notified of their child's involvement. Should a parent request that police not question their child, the principal will request that the student be questioned off school property.
- 5.4 If the student is eighteen years or older, the principal shall not contact the parents without the student's consent or request for such contact or if the student is incapable of providing consent.
- 5.5 If the student is a crown ward or ward of Family and Children's Services or if the student is in care under a Temporary/Voluntary Care Agreement in which the parent(s) remain the legal guardian, the CSW of Family and Children's Services has legal responsibility for the student and must be contacted.
- 5.6 There may be exceptional circumstances where the parents/guardians should not be contacted. This would apply in cases where the parent/guardian is the subject of the investigation or contacting them could jeopardize a criminal investigation or if contacting the parent/guardian could put the student at risk of harm. In such cases, it is the responsibility of the police to apprise the principal of the reasons why notification will not occur.
- 5.7 The School Police Protocol (Section 12) should be referenced for further clarification.

## **6. Mandatory Reporting of Violent Incidents to the Ministry of Education, Ontario**

All violent incidents that occur on school premises during school-run programs (which may result in suspension or expulsion or not) must be reported through OnSIS, whether the incident was committed by a student of the school or whether it was committed by any other person. The specific incidents which are required to be reported through OnSIS are:

- 6.1 Possessing a weapon, including possessing a firearm;
- 6.2 Physical assault causing bodily harm requiring medical attention;
- 6.3 Sexual assault;
- 6.4 Robbery;
- 6.5 Using a weapon to cause or to threaten bodily harm to another person;
- 6.6 Extortion;
- 6.7 Hate and/or bias-motivated occurrences.

Boards are required to report the total number of violent incidents on an annual basis to the Ministry of Education.