



POLICY SECTION: SAFE SCHOOLS

SUB-SECTION:

POLICY NAME: VICTIMS RIGHTS

POLICY NO: S.S.13

Date Approved: October 6, 2005 – Board	Date of Next Review: March 2024	Dates of Amendments: September 11, 2014 – Board March, 2019
Cross References: (1) Suspension and Expulsion Policy S.S.01 (2) Fresh Start Policy S.S.12 (3) Access to School Premises, S.S.04 (4) Access to Pupils, S.15 (5) Access to Pupil Information, S.16 (6) Suspected Child Abuse Reporting, S.17 (7) Trespass Policy S.S.14 (8) Regulation 474/00: Access to School Premises		
Appendix		

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.

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



POLICY SECTION: SAFE SCHOOLS

SUB-SECTION:

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POLICY NO: S.S.13

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 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.

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 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



POLICY SECTION: SAFE SCHOOLS

SUB-SECTION:

POLICY NAME: VICTIMS RIGHTS

POLICY NO: S.S.13

harm, steps taken to protect the victim's safety, and the supports that will be provided 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 any disciplinary measures taken in response to the activity, and the supports that will be provided to the student in response to his/her participation in the activity that caused the harm.
5. Depending upon the circumstances, the principal should consider a consultation with the Supervisory Officer.
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 caused or intended to cause the harm should continue beyond the immediate aftermath of the incident. In making this judgement, the principal shall consider:
 - a) 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 require separation between the actual or intended victim and the 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);



POLICY SECTION: SAFE SCHOOLS

SUB-SECTION:

POLICY NAME: VICTIMS RIGHTS

POLICY NO: S.S.13

- 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.
7. Whenever a choice must be made as to which of the actual or intended victim, or the student(s) who caused or threatened to harm the victim must be transferred to a new school, where circumstances dictate, 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) caused the harm, balancing where necessary, the competing interests, to produce a fair and equitable result in harmony with Catholic traditions and values, teaching and learning philosophy. The principal may consider facilitating a 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.



POLICY SECTION: SAFE SCHOOLS

SUB-SECTION:

POLICY NAME: VICTIMS RIGHTS

POLICY NO: S.S.13

Fresh Start

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.

Resolution Conference and Mediation Circles (RCMC)

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 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.

Evaluation and Metrics:

The effectiveness of the policy will be determined by measuring the following:

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