

POLICY	PHYSICAL ASSAULT OR INTIMIDATION OF BOARD EMPLOYEES (GBGB)
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Related documents	Organizational Guide GBGB

1. PREAMBLE

A safe and accepting learning environment is essential for student achievement and well-being. Everyone – staff, students, teachers, parents, and community members – has a role to play in promoting a positive school climate and making schools safe and accepting.

The New Frontiers School Board (NFSB) recognizes the right of all employees to conduct their work in a safe and secure environment, free from physical threat or assault by students or non-students¹. These rights exist within educational settings whose mission, as governed by the *Education Act*, is to provide preventative, corrective, and protective measures to students who may demonstrate behavioural and/or developmental challenges. This policy applies to those circumstances of intentional physical assault or intimidation of an NFSB employee that cannot be addressed by school actions, revisions to a student’s Individualized Education Plan (IEP), and/or Policy JK (*Student Discipline*).

2. PURPOSE

This policy establishes that:

- An inquiry process (see Organizational Guide GBGB) will be put in place which may involve the convening of an Inquiry Committee.
- A request for an inquiry hearing is submitted in writing to the Director General and/or their delegate and signed by the school principal or centre director so that it may be reviewed; it must include the employee’s written report of the incident as well.

3. SCOPE

This policy applies to any individual, as determined by the NFSB, who has been physically assaulted or intimidated as a direct result of performing their duties.

4. LEGAL ACTION

- 4.1. Should an employee who has been physically assaulted or intimidated by a student or a non-student be faced with legal action as a consequence of this assault or intimidation, in conformity with the provisions of the Provincial and Local Agreements, the NFSB will assume the legal fees (limited to civil liability) of the injured employee.
- 4.2. Should an employee who has sustained injuries as a result of a physical assault, or their immediate family in the case of the employee's incapacity, decide to seek legal action against the assailant, in conformity with the provisions of the Provincial and Local Agreements, the legal fees will be advanced to the employee, with the understanding that these fees will be reimbursed should the employee obtain any compensation.
- 4.3. The attorney engaged, as a result of the application of preceding articles above, must be mutually agreed upon by the NFSB and the employee concerned, or their immediate family in the case of the employee's incapacity.
- 4.4. Under no circumstances shall Section 4.2 of this document take precedence over relevant sections of all employee collective agreements.
- 4.5. The employee (or their immediate family in the case of the employee's incapacity) referred to in Articles 4.1 and 4.2, will be informed that legal assistance must be requested from the NFSB in writing.

5. LEGAL BASIS (Excerpts from the Education Act)

Article 76, Rules and Measures	Article 242, Expulsion of a pupil
<p>“The governing board is responsible for approving the rules of conduct and the safety measures proposed by the principal. In addition to the elements the Minister may prescribe by regulation, the rules of conduct must specify:</p> <ol style="list-style-type: none"> (1) the attitudes and conduct that are required of students at all times; (2) the behaviours and verbal or other exchanges that are prohibited at all times, including during school transportation, regardless of the means used, including social media; and (3) the applicable disciplinary sanctions, according to the severity or repetitive nature of the prohibited act. <p>The rules of conduct and the safety measures must be presented to the students during a civics session held each year by the principal in collaboration with the school staff, and must be sent to the parents at the beginning of each school year.”</p>	<p>“A school service centre may, at the request of the principal and for just and sufficient cause, and after giving the student and his parents an opportunity to be heard, enrol him in another school or expel him from its schools; in the latter case, it shall inform the director of youth protection. The school service centre shall promptly decide on the principal’s request, at the latest within 10 days. A copy of the decision is sent to the regional student ombudsman in charge of accountability assigned to the region in which the school is located if it proves necessary to expel the student in order to put an end to acts of bullying or violence.”</p>

End.

¹ A non-student is defined as an individual, on the property of the New Frontiers School Board, who is deemed to be the instigator of any behaviour applicable to this policy. Please note that any non-student will be dealt with as a police matter and either a student or non-student will be prohibited from attending school during the investigation.