

 Commission scolaire English-Montréal English Montreal School Board	
POLICY: Safe Physical and Cyber Environment	CODE: DG-27
Origin:	Community Services and Regional Office
Authority:	Resolution #12-11-28-13
Reference(s):	Refer to Legal Framework on pages 2&3

RATIONALE

The English Montreal School Board (EMSB) believes that every member of its community has the right to learn and work in a safe physical and cyber environment. The EMSB advocates a strong safety and prevention focus which includes student education and support, as well as professional development as per the Quebec Education Program (Q.E.P.) and the EMSB’s Strategic Plan. The EMSB does not tolerate any behaviour that jeopardizes the psychological, social, or physical well-being of members of its community.

POLICY STATEMENT

1. It is the responsibility of all EMSB employees, students and parents to maintain, by their actions and behaviours, a safe and positive learning and working environment based on cooperation, and mutual respect.
2. The EMSB does not condone violations related to, but not limited to, the Definitions as outlined in Appendix I.
3. The EMSB will actively investigate reports of violations of the Policy submitted in accordance with established procedures and will take appropriate action.
4. Consequences for non-compliance with the Policy will be in accordance with all applicable laws, EMSB policies, collective agreements, rules and Codes of Conduct of individual

schools and centres. In some cases, the consequences may include disciplinary measures and/or legal proceedings.

5. All individuals are expected to assume responsibility for their actions.
6. All EMSB stakeholders shall be expected to be familiar with the Policy and its Procedures.
 - a) Students: The Policy is incorporated in students' Code of Conduct printed in their agenda. The school/centre is responsible for disseminating this Code of Conduct to the student body.
 - b) Employees: A circular will be sent to all EMSB work locations, informing employees of the location of the Policy on the Board's website.
 - c) Parents: They will be notified during Standards and Procedure Meetings held at all schools at the beginning of the school year via the school / centre's website.

FIELD OF APPLICATION

The Policy will apply at all times to youth, adult and vocational education sector students, employees, non-employees, and all other members of the EMSB community. The Policy also applies to activities such as school-related transportation and learning and work-related events both on-site, off-site and in cyber-space, and in all other locations where members of the EMSB community are under the jurisdiction of the EMSB

LEGAL FRAMEWORK

All Canadian and Quebec laws, EMSB governance policies and bylaws, collective agreements and school/centre codes of conduct will be applied, more particularly but not limited to:

1. Quebec Education Act: Articles: 13, 18.1, 75.1, 75.2, 75.3, 76, 83.1, 96.7.1, 96.12, 96.13, 96.21, 96.27, 210.1, 214.1, 214.2, 242
2. Canadian Charter of Rights and Freedoms
3. Quebec Charter of Human Rights
4. Canadian Criminal Code
5. Youth Protection Act:
6. Act to Protect Persons With Regard to Activities Involving Firearms and Modifying the Act Respecting Safety in Sports (also called Anastasia's Law)
7. Frame of Reference and Entente on Police Presence in Educational Establishments

8. EMSB Governance By-Law No. 5: Delegation of Certain Functions and Powers to the Director General: Article 37
9. EMSB Governance By-Law No.6: Delegation of Certain Functions and Powers to the Principals and Vice-Principals of Schools /Centres : Article 6
10. I.C.T. Access and Appropriate Use Policy Number (Code: DG-25)
11. EMSB Suspected Child Abuse and Neglect Policy

 Commission scolaire English-Montréal English Montreal School Board	
PROCEDURE: Safe Physical and Cyber Environment	CODE: DG-27.P
Origin: Community Services and Regional Office Authority: Resolution #12-11-28-13	

PURPOSE

To provide procedures to be followed, in investigating, reporting and or resolving violations of the Safe Physical and Cyber Environment (Policy).

GENERAL PROCEDURES

All allegations of violations of the Policy, as a first step, will be investigated in a confidential manner by EMSB designated employees and will be dealt with as expeditiously as possible.

Recognition of the Need for Support Services

In applying the Procedures, the parties involved may need the assistance of support services. Some examples of such assistance are as follows:

1. The school administrator or department administrator carrying out an investigation may be assisted through advice and direction provided by an administrative superior or a School Board department staff member.
2. Students may be assisted by such professionals as psychologists, guidance counsellors, social workers, etc.
3. The school administrator may choose to contact an outside agency such as a law enforcement agency, Department of Youth Protection, the C.L.S.C., hospital, etc.

4. In cases of sexually-based violations of the Policy, it is recommended where possible, and taking into account any stated preference of the alleged victim, that at least one of the EMSB's representatives conducting an investigation be of the same gender as the alleged victim.

SPECIFIC PROCEDURES

Section A: Youth-to-Youth Violations of the Policy

Section B: Youth-to-Adult Violations of the Policy

Section C: Adult-to-Youth Violations of the Policy

Section D: Adult-to-Adult Violations of the Policy

Section A: Youth-to-Youth Violations of the Policy

When a youth-to-youth violation of the Policy occurs, the following procedures are to be followed:

1. The violation must be reported immediately to the school administrator who shall use his professional judgement to investigate and determine the course of action to be followed.
2. Once a violation has been reported to a school administrator, he must carry out an investigation.
 - If the individual who has reported the incident indicates that the situation has been resolved, then the school administrator must assure himself that all implicated parties are satisfied with the resolution.
 - If the individual who has reported the incident indicates that the situation has not been resolved, or if the school administrator is of the opinion that it is not resolved, then the school administrator shall carry out an investigation.
3. In carrying out the investigation, the school administrator shall meet separately and/or jointly with the parties involved in the alleged violation. There may be at least one (1) other representative of the EMSB present during such a meeting. Parents will be informed of the results of these meetings.
4. During the investigative meeting, if the student is a minor, the school administrator may request the presence of a parent or guardian.
5. The school administrator may inform his immediate superior and/or the director of a service or department concerned, regarding the violation and/or the results of the investigation.
6. The school administrator shall request that students involved in such violations not discuss the violation(s) with others unless specifically requested to do so by the school administrator.
7. The school administrator and or his¹ immediate superior may request that the reporting individual submit a confidential written statement of the violation and its circumstances. It is understood that if disciplinary measures have to be taken at a later date, this confidential statement may be utilized.

¹ For the remainder of this document, only the masculine form will be used.

8. If the individual refuses, or is unable to submit a confidential written statement of the violation, the school administrator may prepare a written record of the violation as reported by the individual. Subsequently, the individual may be requested to initial and date the written record to indicate that it accurately reflects the reported violation and its circumstances.
9. “When a police officer meets a particular student to obtain a statement in connection with an infraction, the agreement of the parents is then required.” (Frame of Reference for Police Presence in Educational Institutions, page 19)
10. Following the investigation, the school administrator and or his immediate superior and/or a representative from a service or department of the EMSB consulted in the investigation, will prepare a written report of the findings.
11. The school administrator and or his immediate superior will schedule a meeting with the individual(s) who reported and/or were involved in the violation to discuss the resolution.
12. If the resolution concerning a reported violation requires the disciplining of a student(s), then the EMSB will be guided by what is in the best interests of the student(s).
13. If the resolution of the reported violation requires the intervention of outside agencies, then the school administrator and or his immediate superior will initiate that process.

Section B: Youth-to-Adult Violations of the Policy

When a youth-to-adult violation of the Policy occurs, the following procedures are to be followed:

1. The violation should be reported immediately to the school administrator who shall use his professional judgement to determine the course of action to be followed.
2. In situations where the school administrator is directly implicated with a student, the reporting individual must contact his immediate superior.
3. Once a violation has been reported to a school administrator and or his immediate superior, he must carry out an investigation.
 - If the individual who has reported the incident indicates that the situation has been resolved, then the school administrator and or his immediate superior must assure himself that all implicated parties are satisfied with the resolution.
 - If the individual who has reported the incident indicates that the situation has not been resolved, or if the school administrator and or his immediate superior is of the opinion that it is not resolved, then the school administrator or his immediate superior shall carry out an investigation.
4. In carrying out the investigation, the school administrator and or his immediate superior shall meet separately and/or jointly with the parties involved in the alleged violation. There may be at least one (1) other representative of the EMSB present during such a meeting, even if the individual involved chooses to participate in such a meeting alone. In carrying out the investigation parents will be informed of the results of the meetings.
5. During the investigative meeting, if the student is a minor, the administrator and or his immediate superior may request the presence of a parent or guardian.
6. The school administrator, using his professional judgement, may inform his immediate superior, or the Deputy Director General, or Director General, and or the director of a service or department concerned, regarding the violation and the results of the investigation.
 - A school administrator may wish to contact his immediate superior at any time when following these procedures, and not wait until this step.
 - A violation involving EMSB employees should be brought to the attention of the Director of Human Resources by the investigating school administrator.

7. An employee may be accompanied by a member of his union or association.
8. A non-employee may be accompanied by someone of his choice.
9. The school administrator and or his immediate superior shall request that those involved in such violations not discuss the violation(s) with others unless specifically requested to do so by the school administrator.
10. The school administrator and or his immediate superior may request that the reporting individual submit a confidential written statement of the violation and its circumstances. It is understood that if disciplinary measures have to be taken at a later date, this confidential statement may be utilized.
11. If the individual refuses, or is unable to submit a confidential written statement of the violation, the school administrator may prepare a written record of the violation as reported by the individual. Subsequently, the individual may be requested to initial and date the written record to indicate that it accurately reflects the reported violation and its circumstances.
12. “When a police officer meets a particular student to obtain a statement in connection with an infraction, the agreement of the parents is then required.” (Frame of Reference for Police Presence in Educational Institutions, page 19)
13. Following the investigation, the school administrator and/or his immediate superior and /or a representative from a service or department of the EMSB consulted in the investigation, will prepare a written report of the findings.
14. The school administrator and or his immediate superior will schedule a meeting with the individual(s) who reported and/or were involved in the violation to discuss the resolution.
15. If the resolution concerning a reported violation requires the disciplining of a student(s), then the EMSB will be guided by what is in the best interests of the student(s).
16. If the resolution concerning a reported violation requires the disciplining or sanctioning of an employee, or an adult under the jurisdiction of the EMSB, or a non-employee connected to the EMSB, then the EMSB will be guided by the appropriate laws and bylaws as described in the Legal Framework of the Policy.
17. If the resolution of the reported violation requires the intervention of outside agencies, then the school administrator and or his immediate superior will initiate that process.

Section C: Adult-to-Youth Violations of the Policy

When an adult-to-youth violation of the Policy occurs, the following procedures are to be followed:

1. The violation should be reported immediately to the school administrator who shall use his professional judgement to determine the course of action to be followed.
2. In situations where the school administrator is directly implicated with a student, the reporting individual must contact his immediate superior.
3. Once a violation has been reported to a school administrator and or his immediate superior, he must carry out an investigation.
4. If the individual who has reported the incident indicates that the situation has been resolved, then the school administrator and or his immediate superior must assure himself that all implicated parties are satisfied with the resolution.
5. If the individual who has reported the incident indicates that the situation has not been resolved, or if the school administrator and or his immediate superior is of the opinion that it is not resolved, then the school administrator and or his immediate superior shall carry out an investigation.
 - In carrying out the investigation, the school administrator and or his immediate superior shall meet separately and/or jointly with the parties involved in the alleged violation. There may be at least one (1) other representative of the EMSB present during such a meeting, even if the individual involved chooses to participate in such a meeting alone. In carrying out the investigation parents will be informed of the results of the meetings.
 - During the investigative meeting, if the student is a minor, the school administrator and or his immediate superior may request the presence of a parent or guardian.
6. The school administrator, using his professional judgement, may inform his immediate superior, or the Deputy Director General, or Director General, and or the director of a service or department concerned, regarding the violation and the results of the investigation.
 - A school administrator may wish to contact his immediate superior at any time when following these procedures, and not wait until this step.

- A violation involving EMSB employees should be brought to the attention of the Director of Human Resources by the investigating school administrator.
7. In a formal investigation, a unionized employee may be accompanied by a member of his union or association.
 8. In a formal investigation, a non-employee may be accompanied by someone of his choice.
 9. The school administrator and or his immediate superior shall request that those involved in such violations not discuss the violation(s) with others unless specifically requested to do so by the school administrator.
 10. The school administrator and or his immediate superior may request that the reporting individual submit a confidential written statement of the violation and its circumstances. It is understood that if disciplinary measures have to be taken at a later date, this confidential statement may be utilized.
 11. If the individual refuses, or is unable to submit a confidential written statement of the violation, the school administrator may prepare a written record of the violation as reported by the individual. Subsequently, the individual may be requested to initial and date the written record to indicate that it accurately reflects the reported violation and its circumstances.
 12. When a police officer meets a particular student to obtain a statement in connection with an infraction, the agreement of the parents is then required. (Frame of Reference for Police Presence in Educational Institutions, page 19)
 13. Following the investigation, the school administrator and/or his immediate superior and /or a representative from a service or department of the EMSB consulted in the investigation, will prepare a written report of the findings.
 14. The school administrator and or his immediate superior will schedule a meeting with the individual(s) who reported and/or were involved in the violation to discuss the resolution.
 15. If the resolution concerning a reported violation requires the disciplining of a student(s), then the EMSB will be guided by what is in the best interests of the student(s).

16. If the resolution concerning a reported violation requires the disciplining or sanctioning of an employee, or an adult under the jurisdiction of the EMSB, or a non-employee connected to the EMSB, then the EMSB will be guided by the appropriate laws and bylaws as described in the Legal Framework of the Policy.
17. If the resolution of the reported violation requires the intervention of outside agencies, then the school administrator and or his immediate superior will initiate that process.

Section D: Adult-to-Adult Violations of the Policy

When an adult-to-adult violation of the Policy occurs, the following procedures are to be followed:

1. The individual(s) involved in a violation, or to whom a violation is reported, should report the violation immediately to their immediate superior.
 - EMSB Employees: Prior to reporting the violation to the administrator, an employee may wish to contact his association/union for advice. If the violation is between members of the same association/union, it is recommended that the individual(s) contact his/their association/union for advice in order that the problem may possibly be resolved at the association/union level.
 - Non-student adults and adult students under the jurisdiction of the EMSB should report the violation to the nearest administrator.
2. In situations where the administrator or immediate superior is directly implicated in the violation, the individual should contact his appropriate union or association president who shall discuss the problem with the Director of Human Resources. In such cases, the Director of Human Resources or a named delegate shall assume the responsibilities of the investigating administrator. If the Director of Human Resources is directly implicated, then the Director General or Deputy Director General shall assume the role normally performed by the Director of Human Resources.
3. A violation involving EMSB employees shall be brought to the attention of the Director of Human Resources by the investigating administrator.
4. Once a violation has been reported to an administrator, he must carry out an investigation of the same.
 - If the individual who has reported the violation indicates that the situation has been resolved, then the administrator must assure himself that indeed there has been a resolution to the problem.
 - If the individual who has reported the violation indicates that the situation has not been resolved, or if the administrator is of the opinion that it is not resolved, then the administrator shall carry out a detailed investigation.
5. In a formal investigation, an employee may be accompanied by a member of his union or association.

6. A non-employee may request that a representative acting as his advocate or critical friend be present during the investigative meeting.
7. In carrying out a formal investigation, the administrator shall meet separately and/or jointly with the parties involved in an alleged violation. There must always be at least one (1) representative of the EMSB present during a meeting, even if the person involved chooses to participate in such a meeting alone. It is understood that this person has the right to be accompanied by someone of his choice at such a meeting.
8. The administrator shall request that the individual submit a confidential written statement of the violation. It is understood that if disciplinary measures have to be taken at a later date, then this confidential statement may be utilized.
9. If the individual refuses or is unable to submit a confidential written statement of the violation, the administrator shall prepare a written report of the violation as reported by the individual. Subsequently, the individual will be requested to initial and date the written record to indicate that it accurately reflects the violation.
10. Administrators shall request that the adult(s) involved in such a violation not discuss it with others unless specifically requested to do so by the administrator.
11. Following the investigation, the administrator should prepare a written report of the findings.
12. The administrator shall next inform his immediate superior, the Director of Human Resources and when appropriate, the director of a service or department concerned, regarding the violation and the results of the investigation.
 - An administrator may wish to contact his immediate superior at any time in following these procedures, and not wait until this step.
13. The administrator shall normally schedule a follow-up meeting with the individual who reported the violation as well as those contacted during the investigation to discuss the resolution of the problem or lack of it.
14. If the problem is still unresolved, the administrator shall forward to the Director of Human Resources the written reports resulting from the investigation. The Director of Human Resources or the Director of Adult Education and Vocational Services (A.E.V.S.) shall discuss the violation with the Deputy Director General, the Director of A.E.V.S. or the Director General, and when appropriate, the director of a service department, to propose a course of action.

15. If the violation involving one or more employees is still unresolved, then the Director of Human Resources shall initiate discussions of a consultative nature with the union or association concerned.
16. It is the joint responsibility of the Director of Human Resources, the Deputy Director General, and the Director General to keep the Chairman of the Board informed of developments regarding any particular incident.
17. If the resolution concerning a reported violation requires the disciplining or sanctioning of an employee or an adult under the jurisdiction of the EMSB, or a non-employee connected to the EMSB, then the EMSB will be guided by the appropriate laws and bylaws as described in the Legal Framework of the Policy.
18. If the resolution of the reported violation requires the intervention of outside agencies, then the administrator and or his immediate superior and or Director of Human Resources will initiate that process.

APPENDIX I – DEFINITIONS

Term	Definition
Substance Abuse	The use of, the possession of, being under the influence of, or the selling/providing/distribution of any harmful substances, alcohol, tobacco, illicit drugs, off label use of products, chemicals, prescription drugs, or narcotics to students or adults who are under the jurisdiction of the EMSB Harmful substances, illicit drugs or narcotics are those listed in the <i>Canadian Controlled Drug and Substance Act</i>
Weapons	Anything used, designed to be used, or intended to be used to cause harm, injury or death to any person, to threaten or to intimidate any person, or to inflict damage to property in the physical or cyber environment of the EMSB
Violent Behaviour	Acts of intimidation, violence, or threats of violence, by students or adults in the physical or cyber environment. This includes but is not limited to: face-to-face bullying, cyber-bullying, threats with or without weapons, verbal abuse, assault of any kind, taxing, blackmail, arson, gang-related activity, sabotage, unsolicited sexual contact, stalking, harassment or discrimination – based on sexual, racial, ethnic, age, verbal, electronic, physical traits or appearance, personal beliefs, or gender based; robbery, vandalism, or any activity labelled as criminal under the Canadian Criminal Code.
Gambling	Activities of or facilitation of: games of chance, games of mixed chance and skills, betting, wagering, or any activity where a bank of money or money substitutes is kept; in any form in the physical or cyber environment.
Cyber-based activities and events	Any activities and or events in cyberspace that are considered unacceptable, inappropriate or in violation of any EMSB policy or procedure in the physical space. This includes but is not limited to cyber-bullying, vandalism and or the posting of graffiti on EMSB web sites or in social networking communities, hacking, libel or defamation, mockery, fraud,

	<p>identity theft, stalking, or any activity that seeks to harm, defame or interrupt the mission and or vision of the EMSB as practiced in cyberspace. The violation is based on the act, event or activity and not the technology used to access or act in cyberspace.</p>
<p>Quebec Education Act: Bullying</p>	<p>“(1.1) the word “bullying” means any repeated direct or indirect behaviour, comment, act or gesture, whether deliberate or not, including in cyberspace, which occurs in a context where there is a power imbalance between the persons concerned and which causes distress and injures, hurts, oppresses, intimidates or ostracizes;”;</p>
<p>Quebec Education Act: Violence</p>	<p>“(3) the word “violence” means any intentional demonstration of verbal, written, physical, psychological or sexual force which causes distress and injures, hurts or oppresses a person by attacking their psychological or physical integrity or well-being, or their rights or property.”</p>

APPENDIX II - INVESTIGATION REPORT



Commission scolaire English-Montréal
English Montreal School Board

Please complete this form within 3 working days after disclosure of an episode.

INFORMATION	
Name(s) and position of person (s) involved : _____ _____	
School/Centre/Department concerned: _____	
Date and time of episode _____	Date of disclosure: _____

MEETING (if need be)			
Date the meeting was requested:	Date of meeting:	Time of meeting:	Length of meeting:
People concerned:			
Present at the meeting:			

Appendix III - Other Documents

1. FILING A REPORT WITH THE D.Y.P. IS ALREADY PROTECTING A CHILD is available from the Student Services Department
2. Multi-sectoral Agreement: Concerning Children Who Are Victims Of Sexual Abuse Or Physical Ill-Treatment, Or Whose Physical Health Is Threatened By The Lack Of Appropriate Care. This document is available from the EMSB's Student Services Department.

Appendix IV - Contributors

This policy was developed over two years through research, discussion and collaboration involving the following people:

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A special thank you to: Kathy Danik, Executive Secretary, Region 3, and
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