

# **POLICE SCHOOL BOARD PROTOCOL**

**REGIONAL MUNICIPALITY OF WATERLOO**

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## **1: STATEMENT OF PRINCIPLES**

We believe that schools must be safe places for learning and teaching. A safe school environment promotes respect, responsibility, and civility. We have, therefore, developed a set of key principles to guide us in promoting these beliefs. The guiding principles, which are relevant to Waterloo Region and upon which the terms of the agreement are based, include the following:

1. Every human being has an inherent value and his/her self-esteem, personal dignity, and individual rights must be respected;
2. Respect and civility must be the standard in every school within the region;
3. Fundamental rights pertaining to ancestry, culture, ethnicity, gender, gender identity, language, physical ability, intellectual ability, race, religion, sex, sexual orientation, socio-economic status and other prohibited grounds of discrimination under the *Ontario Human Rights Code* among students, teachers, and staff must be protected and respected at all times by all within the community;
4. Every student, staff member, administrator, and member of the school community has a personal responsibility to ensure that the safety of all is protected, that fundamental rights are respected, and that civility is promoted in the school environment;
5. Students, staff, and all members of the school community must be protected from violent school related incidents during the regular school day, while on or off school property, and during school sponsored events;
6. Effective response with respect to violence prevention and violent incidents requires full co-operation and co-ordination between the Police and the District School Boards;
7. All reported incidents of violence should be thoroughly investigated;
8. The legal rights of students and staff will, at all times, be respected during investigations; and
9. Students and/or their parents/guardians are free to seek Police involvement in incidents that fall outside the categories covered in this protocol or in cases where the school does not involve the Police.

## **2: INTRODUCTION**

The Waterloo Catholic District School Board, the Waterloo Region District School Board, Conseil Scolaire Public De District Du Centre-Sud-Ouest, Conseil Scolaire De District Catholique Centre-Sud and the Waterloo Regional Police Service believe that students, staff, and members of the school community have the right to learn and to work in a safe and positive learning environment. Schools, working in partnership with the community and the Police, create a better and safer environment for learning. In joint co-operation, the partners have prepared this document which represents an agreement between the District School Boards and the Police to co-operate and communicate with each other in their dealing with students and Police-related investigations. This document represents the clarification of their respective roles and responsibilities and defines the need for maintaining open lines of communication. It is intended as a tool for the implementation of certain existing legal responsibilities but it is not intended to supplement those responsibilities. In addition, the Police

(Community and Corporate Services Inspector and Community Resources Director)/District School Boards liaison representatives (Administrators in Charge of Safe Schools) will monitor the implementation of the protocol and meet periodically thereafter to deal with any problems and issues that might arise.

The partners recognize their shared responsibility for the safety of students, staff, and members of the school community. The District School Boards have the responsibility for maintaining discipline in their schools and ensuring the safety of staff, students, and all members of the school community. Police play a vital role in supporting and enhancing the efforts of schools and their communities to be safer places in which to learn and to work. In addition to responding to and investigating school-related incidents and alleged criminal activity, Police are essential partners in the prevention of crime and violence.

Making our schools safer requires a comprehensive strategy among the partners that includes the following elements:

1. Opportunities to acquire the knowledge, skills, and attitudes necessary to maintain a school environment in which conflict and differences can be addressed in a manner characterized by respect and civility;
2. Intervention and support for those who are at risk of, or already engaged in, violent or antisocial behaviour; and
3. An effective response to incidents when they occur – one that respects the rights of victims and witnesses as well as those of the alleged perpetrators.

At the root of effective School-Police partnerships is a common understanding of each partner's roles and responsibilities as well as agreed upon procedures and decision-making authority. Providing the best possible education for students in a safe school community is a shared responsibility which requires a commitment to collaboration, cooperation, and effective communication.

The purpose of this protocol, therefore, is to:

1. Promote joint consultation and partnerships between School Boards and the Police service in maintaining a safe School environment;
2. Ensure that the obligations and requirements of both the education and law enforcement systems are met;
3. Encourage ongoing, adaptive, and responsive partnerships between Police and the School community;
4. Assist all the partners in providing for the greater safety and protection of students, teachers, staff, and volunteers in schools;
5. Facilitate appropriate sharing and disclosure of information; and
6. Ensure an equitable and consistent approach across a School Board's jurisdiction in the way Police and Schools respond to a school-related occurrence, one that respects the rights of victims and witnesses, as well as those of the alleged perpetrators.

### 3: ROLE AND MANDATE OF POLICE SERVICE

In cases of exigent circumstances, Police will assume primary responsibility as may be necessary to ensure school safety. The Waterloo Regional Police Service is committed to working with all of our School Boards to establish safe school environments and to support our youth through proactive programs and student/Police interaction. Specifically, Police roles and responsibilities include:

1. Engaging and working proactively in partnership with school officials to ensure the effectiveness of this protocol;
2. Protecting public safety and preventing crime;
3. Enforcing the *Youth Criminal Justice Act*, the *Criminal Code*, and other federal, provincial, and municipal legislation and related regulations;
4. Upholding the duties legislated under section 42 of the *Police Services Act*;
5. Assisting victims of crime;
6. Conducting Police and criminal investigations;
7. Assisting the development of young people's understanding of good citizenship;
8. Promoting and fostering the prevention and reduction of crime, both against and committed by young people;
9. Providing information on community safety issues;
10. Diverting young people away from crime and antisocial behaviour and
11. Working in partnership with other government and community-based organizations to support positive youth development.

#### **Relevant Legislation**

This protocol recognizes that all of our School Boards, school communities, and students are subject to the same Provincial and Federal Legislation as the community at large. It is important to note that Federal legislation, such as the Criminal Code of Canada, takes precedence over Provincial legislation, such as the *Education Act*. Relevant legislation includes:

1. *Access to School Premises Regulation 474/00*
2. *Canadian Charter of Rights and Freedoms*
3. *Child and Family Services Act*
4. *Controlled Drugs and Substances Act*
5. *Criminal Code of Canada*
6. *Education Act*
7. *Liquor Licence Act*
8. *The Police Services Act*
9. *Ontario Human Rights Code*
10. *Provincial Offences Act*
11. *Safe Schools Act*
12. *Smoke Free Ontario Act*
13. *Trespass to Property Act*
14. *Youth Criminal Justice Act ("YCJA")*
15. *Freedom of Information and Protection of Privacy Act (FIPPA)*

16. Municipal Freedom of Information and Protection of Privacy Act (MFIPPA); and
17. Personal Health Information Protection Act, 2004

## **School Resource Officer**

The School Resource Officer (SRO) is a Police officer who is a resource for students, parents, staff and adjoining businesses and neighbours. The SROs will promote a safe learning environment in schools and their neighbourhoods through Police education, mentoring and enforcement. The SROs on a day to day basis represent the WRPS in its efforts to fulfill its role and mandate as a Police service.

## **4: ROLE AND MANDATE OF SCHOOL BOARDS**

In cases of exigent circumstances, the Police will assume primary responsibility as may be necessary to ensure school safety. It is the responsibility of each School Board to ensure:

1. Compliance with the requirements related to the duties of Principals and teachers under the *Education Act* and regulations;
2. The Board's *Code of Conduct* is clearly explained to students and their families, including details such as the definition of the term weapon and the potential reach of school discipline with respect to behaviours taking place outside the school that have a negative impact on school climate;
3. It engages and works proactively in partnership with Police Officials to ensure the effectiveness of this protocol;
4. It complies with the requirements legislated under the *Child and Family Services Act*;
5. The roles and responsibilities of the Principal in conducting investigations of incidents for which suspension or expulsion must be considered under the *Education Act*, including the responsibility to take mitigating and other factors into account, as set out in the *Ontario Regulation 472/07*;
6. Principals and teachers respect the Board's code of conduct as required by the *Education Act*;
7. Resources (e.g. drug awareness, bullying prevention, etc.) are accessible to assist school staff in promoting a positive school environment with students and parents;
8. Policies on how to respond to crises, including a communications plan are developed;
9. Staff are provided with opportunities to acquire the skills necessary to promote safe, equitable and inclusive school environments;
10. An effective mechanism is developed for soliciting input from staff, students, parents, parent involvement committees (PICS), schools councils, and Special Education Advisory Committees (SEACS) in the development of local protocols and
11. Appropriate prevention and intervention strategies are available.

## 5: DEFINITIONS/EXPLANATION OF TERMS

The purpose of this glossary of definitions is to explain some of the terms that are used in the present document. The definitions provided here relate only to usages in the context of this document and cannot be attributed to usages in any other document. Although some of the definitions are based on language used in the *Criminal Code of Canada*, they are not to be taken as the official legal definitions set out in the code. For the actual legal definitions, please refer to the Code itself.

### **Assault (Level I)**

*Assault (Level I)* is the intentional application of force to a person without his or her consent or the attempt or the threat by act or gesture to apply force to another if the other believes one has the apparent, present ability to do so.

### **Assault Causing Bodily Harm (Level II)**

*Assault Causing Bodily Harm (Level II)* is an assault where the consequence is more than "transient and trifling" (e.g. laceration, fracture). Medical attention is required.

### **Aggravated Assault (Level III)**

*Aggravated Assault (Level III)* is an assault where the victim is wounded, maimed, disfigured or where his or her life is endangered.

### **Bullying**

*Bullying* is deliberate and repeated physical or verbal behaviour, by an individual or group, which is intended to harm and/or intimidate others.

### **Criminal Harassment**

*Criminal Harassment* occurs when; (1) a person repeatedly follows an individual from place to place or repeatedly communicates, directly or indirectly, by any means (including electronic means), with an individual, or watches the home or place of work of an individual, or engages in threatening conduct directed at a person or a member of that person's family; and (2) the victim of the criminal harassment is caused to reasonably, in the circumstances, fear for his or her safety.

### **Cyber Bullying**

*Cyber Bullying* involves the use of the internet information and communication technologies such as e-mail, cell phone, pager text messages, instant messaging (IM), defamatory personal Web sites, and defamatory online personal polling Web sites to support bullying.

### **Cyber Harassment**

*Cyber Harassment* is Criminal Harassment carried out by means of the internet information and communication technologies such as e-mail, cell phone, pager text messages, instant messaging (IM), defamatory personal Web sites, and defamatory online personal polling Web sites.

### **Emergency Situation**

*Emergency Situation* involves a very dangerous, urgent and fluid situation/crisis that threatens the safety and security of staff and/or students (e.g. – riot, abduction, unwanted person, impaired driver, Police investigation in close proximity, an individual on school property who is discharging, or threatening to discharge a firearm or using an alternate weapon with the intent or possibility of injuring others ...), or a disaster (gas leak, railway incident, flood ...).

### **Exigent Circumstances**

Urgent, pressing and/or emergency circumstances. Exigent circumstances usually exist when immediate action is required for the safety of the Police or others. Such circumstances may include a bomb threat, a person possession or using a weapon or a fire on school property. Exigent circumstances may also exist when the Principal or his/her designate are being investigated.

### **Expulsion**

The removal of a student from his or her school or from all schools of the board. Students expelled only from their school are assigned to another School of the Board. Students expelled from all Schools of the Board must be offered a program for expelled students. Activities for which expulsion must be considered are found in section 310(1) of the *Education Act*. An example is using a weapon to cause or to threaten bodily harm.

### **Extortion**

*Extortion* is the use of threats, intimidation, or violence toward a person to obtain something of value from another or to cause a person to do something.

### **Extra-Judicial Measures**

Measures used by Police to hold a young person accountable for his or her alleged criminal behaviour, in a timely manner, outside the formal youth justice system. The formal system would include charging the individual and going through the court process. Extra-judicial measures hold a youth accountable for his or her actions and provide sanctions outside of judicial proceedings. Some examples of sanctions include substance abuse counselling, volunteer, work, repair of or

compensation for damaged or stolen property, and a letter of apology.

### **Gang-related Occurrences**

Incidents involving a group, consisting of three or more persons, however organized, having as one of its main purposes the commission or facilitation of a criminal offence in which any or all of the members engage.

### **Hate/Bias-Motivated Crime**

*Hate/Bias-Motivated Crime* means a criminal offence committed against a person or property which is motivated by hate/bias or prejudice based on race, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, sexual orientation, or any other similar factor that are publicly communicated and that are wilfully intended to promote or incite bias or hatred against such a group.

### **Judicious Parent (In Loco Parentis)**

A teacher or administrator may be present during a Police interview, if parents/guardians do not wish to attend at the school (under 18 years of age), if the Principal is unable to contact parents/guardians in a reasonable amount of time or if the adult student (over 18 years of age) expresses the desire to not have parents/guardians present. In the capacity of judicious parent, the teacher or administrator may observe and provide silent support, ensuring the interview is done in an appropriate and professional manner and as a witness to the student's behaviour, manner, etc. The judicious parent will not take notes, ask questions or make comments.

### **Mitigating and other Factors**

Circumstances that must be considered by the Board and school administrators in situations involving suspension and/or expulsion of a student, as required by the *Education Act* and as set out in Ontario Regulation 472/07 (quoted below) are:

*Section 2: For the purposes of subsections 306 (2), 306 (4), 310 (3), 311.1 (4) and clauses 311.3 (7) (b) and 311.4 (2) (b) of the Act, the following mitigating factors shall be taken into account:*

- 1. The pupil does not have the ability to control his or her behaviour.*
- 2. The pupil does not have the ability to understand the foreseeable consequences of his or her behaviour.*
- 3. The pupil's continuing presence in the school does not create an unacceptable risk to the safety of any person.*

*Section 3: For the purposes of subsection 306 (2), 306 (4), 310 (3), 311.1 (4) and clauses 311.3 (7) (b) and 311.4 (2) (b) of the Act, the following other factors shall be taken into account if they would mitigate the seriousness of the activity for which the pupil may be or is being suspended or expelled:*

- 1. The pupil's history.*
- 2. Whether a progressive discipline approach has been used with the pupil.*
- 3. Whether the activity for which the pupil may be or is being suspended or expelled was related to any harassment of the pupil because of his or her race, ethnic origin, religion, disability, gender or sexual orientation or to any other harassment*
- 4. How the suspension or expulsion would affect the pupil's ongoing education.*
- 5. The age of the pupil.*
- 6. In the case of a pupil for whom an individual education plan has been developed.*
  - i. whether the behaviour was a manifestation of a disability identified in the pupil's individual education plan,*
  - ii. Whether appropriate individualized accommodation has been provided, and*
  - iii. whether the suspension or expulsion is likely to result in an aggravation or worsening of the pupil's behaviour or conduct.*

### **Negative Impact on School Climate**

A possible result of inappropriate activities or behaviours, whether those activities/behaviours occur inside or outside the school. Actions or behaviours that occur outside school may still have a negative impact on school climate. For example, cyberbullying often occurs outside school, but if it targets individual students and causes them to be afraid to come to school, it is having a negative impact on school climate.

### **Parent/Legal Guardian/Caregiver**

A person legally entrusted with the care of, and managing the property and rights of another person, usually a child/youth who is under the age of 18. This includes Children's Services Workers (CSWs) for children in care with F&CS and children in care under a Temporary/Voluntary Care Agreement in which the parent(s) remain the Legal Guardian, but the CSW has legal responsibility for said child. For the purposes of Part XIII of the Education Act, students who are 18 years of age or older, and students who are 16 or 17 years of age but have withdrawn from parental control are considered to be adults.

**Possession of Drugs**

Having a controlled substance (e.g. a drug or narcotic, as set out in the *Controlled Drugs and Substances Act*) in one's personal possession or in possession jointly with others, including knowingly in possession of an illegal drug elsewhere.

**Police**

*Police* is the Waterloo Regional Police Service and, depending upon the context includes Youth Sergeant, School Resource Officer, or Police dispatch.

**Principal**

*Principal* refers to the Principal, Vice-Principal, or designate responsible at the time for administering the protocol.

**Relationship-based Violence**

Any behaviour or action that is used to scare, harm, threaten, control, intimidate or injure another person within an intimate relationship. The behaviour or action can be physical, sexual or emotional, and it may comprise a single act of violence, regardless of the level of physical injury, or a number of acts forming a pattern of abuse through the use of assaultive and controlling behaviour.

**Robbery**

*Robbery* is theft with violence or a threat of violence or an assault with intent to steal (even if a theft is not completed).

**School Staff**

*School Staff* includes administrators, teachers, support staff, and any other individuals expressly authorized by the Boards.

**Sexual Assault**

*Sexual Assault* is defined as any type of unwanted sexual act done by one person to another person that violates the sexual integrity of the victim. The term refers to a range of behaviours that involve the use of force or control over the victim. In some cases, no overt physical force is used – instead the victim may be threatened with words or pressured into doing something he or she doesn't want to do.

**Suspension**

The removal of a student from his or her regularly scheduled classes and/or school and all school-related activities for a minimum of one school day to a maximum of twenty school days. Activities for which suspension must be considered are found in subsection 306(1) of the *Education Act*. An example is possession alcohol or illegal drugs.

**Theft (Stealing)**

*Theft* occurs when one person, who has no right to the property of another person, takes it.

**Threats**

*Threats* are statements made to a person to cause death, serious bodily harm, or damage to property, where the person threatened believes or has grounds to believe the threat may be carried out.

**Trafficking**

*Trafficking* involves assisting, in any manner, with distributing either illicit or non-medically prescribed drugs *as set out in the Controlled Drugs and Substances Act* or weapons.

**Under the Influence**

*Under the influence* is established when there is reason to believe there has been consumption of an intoxicating substance.

**Vandalism**

*Vandalism* involves wilful destruction of others' property (referred to as mischief in the *Criminal Code of Canada*).

**Weapon**

*Weapon* includes any article designed as a weapon or used or intended to be used for the purpose of threatening, intimidating, or injuring a person. All firearms, including replica firearms and imitation firearms are considered weapons.

**Young Person**

For purposes of this protocol, *Young Person* is any school-aged person.

For purposes of the *Youth Criminal Justice Act*, young person is aged 12 to 17 inclusive.

For purposes of the *Criminal Code*, *young person* indicates anyone under 18 years.

**6: OCCURRENCES REQUIRING MANDATORY POLICE INVOLVEMENT OR RESPONSE (Potentially Leading to Expulsion)**

School Principals **shall** contact Police for the following categories of incidents:

1. All deaths;
2. Possessing a weapon, including possessing a firearm;
3. Using a weapon to cause or threaten bodily harm to a person;
4. Committing physical assault on another person that causes bodily harm requiring treatment by a medical practitioner;
5. Committing sexual assault;

6. Trafficking in weapons or in illegal drugs;
7. Committing robbery;
8. Criminal harassment;
9. Relationship-based violence;
10. Hate and/or bias-motivated occurrences;
11. Gang-related occurrences;
12. Extortion;
13. Possessing an illegal drug and
14. 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.

**7: OCCURRENCES REQUIRING POTENTIAL POLICE INVOLVEMENT OR RESPONSE (Potentially Leading to Suspension)**

All School Boards and the Police agree that the following incidents **may** be included in the category of Police consultation and reporting:

1. Giving alcohol to a minor;
2. Being under the influence of alcohol or illegal drugs;
3. Trespassing incidents and
4. Committing an act of vandalism that causes extensive damage to school property at the pupil's school or to property located on the premises of the pupil's school.

School staff shall contact Police no matter what the age of the offending student in incidents that are considered mandatory Police reporting.

School staff can call Police for assistance with incidents not listed in the category of mandatory Police reporting. Some factors to be weighed or incidents to be considered can include, but are not limited to, the following:

1. The type of incident and whether adequate school interventions are available;
2. The degree of harm;
3. Previous occurrences;
4. Incidents that occur off school property which are school-related and could lead to incidents at school;
5. The age and personal history of the individual;
6. The attitude of the individual and his/her willingness to repair the harm;
7. Victim input and
8. Incidents involving a suspected breach of any federal, provincial legislation, or municipal by-law.

If there is any doubt whether Police involvement is required, school Principals should contact a Police Youth Sergeant at the appropriate Division (see section 9 herein). If the Youth Sergeant is not available the Patrol Staff Sergeant of the Division should be contacted for assistance. Principals should consider mitigating and other factors when deciding whether to call the Police in these discretionary situations. It is expected that all other school-related occurrences not specified in the protocol will be

dealt with by the Principal on a case-by-case basis, and that Police will be notified at the Principal's discretion.

For students with special education needs, School Boards should identify circumstances where a Police response is neither necessary nor appropriate. Refer to section 14 below for further information on dealing with students with special education needs.

## **Theft**

All School Boards and the Police recognize that school Principals have the autonomy to handle certain theft occurrences without involving the Police particularly if the property is of minimal value or it is recovered shortly after the theft undamaged. Should a decision be made to handle the occurrence internally, it is understood that the Principal shall always notify the parents of the victim, or the adult victim, of their right to report the matter to the Police.

The Police and the School Boards agree that when any one of the following criteria exists, theft occurrences will fall into the category of mandatory reporting:

1. The unrecovered property can be positively identified by way of a serial number or other markings and the value exceeds one hundred dollars;
2. The unrecovered property is likely to lead to a further criminal offence or has possibly already been used in a further criminal offence (i.e. stolen identification);
3. The suspect in the theft is at least 12 years of age and known to be involved in a previous school related theft and
4. The property is a bicycle or motor vehicle.

The absence of mandatory reporting conditions does not preclude the Principal from reporting a theft occurrence that they feel requires Police involvement.

## **Gang Activities**

All School Boards and the Police have a joint interest in wanting to identify gang-related activities to prevent initial formation of gangs or the continuation of gangs. Some indicators of gang membership are the use of certain graffiti or insignia, similar dress and/or hairstyle, bandanas, choice of colours, unique use of language, or hand signals. Individual schools and District School Boards have a role to play in creating an environment that deters gang formation and gang-related activities.

School staff should watch for and report to their Principal any early warning signs of a youth's involvement in a gang, such as dress and/or behaviour.

All School Boards will support Principals enforcing a dress code prohibiting the wearing of clothing or displaying of symbols that incite hatred or biases or identifies a student with gang involvement.

The Principals may bring concerns about a student's gang involvement to the attention of the student's parents/guardians by way of a personal letter and/or interview.

Depending on the nature and severity of the circumstances, an alternative placement for the student may be considered to remove the student from the influence of the gang.

The Police monitor gang-related activities and can assist schools facing these problems. It is understood that the Police will notify the Principal of a school when known gang activity is occurring on, or in relation to, their school property. Police discretion may be exercised.

Police and the School Boards will work together in sharing information and creating strategies to combat the development of gangs and gang activities in all Regional schools.

### **Trespassing/Access to School Premises**

Under the *Trespass to Property Act*, a School Board has all the rights of an "occupier" to maintain control over the school premises which would include the school building, playground, portables, and parking area.

Under the *Ontario Regulation 474/00 of the Education Act* ("Access to School Premises") a person is not permitted on school premises if his or her presence is detrimental to the safety or well-being of a person on the premises, in the judgement of the Principal, a Vice-Principal, or another person authorized by the Board to make such a determination. Further, a person is not permitted to remain on school premises if a policy of the Board requires the person to report his or her presence on the premises in a specified manner and the person fails to do so.

The Principal is responsible for posting signs at building entrances requiring that all visitors report to the office.

In the event a Principal or school staff member observes or becomes aware of a person who has entered or is entering the premises where entry is prohibited; is engaging in a prohibited activity; fails to leave the premises immediately after being directed to do so; is on school premises and it has previously been determined that their presence is detrimental to the safety or well-being of a person on the premises, they are to take the following action:

1. If possible and safe to do so, confront the person and identify themselves as an employee of the school;
2. If the person is not known, ask them to identify him/herself and the reason for his or her presence on school premises;
3. Verbally request the person to leave the premises;
4. Send the person a letter by registered mail to advise them that their presence on the school premises is unwelcome and charges may be laid if they return. The letter is to specify the applicable legislation (*Trespass to Property Act* /*Access to School Premises Regulation*) and

5. Notify the Police, if a person – once warned – has returned to the school premises, if there is a safety concern in dealing directly with the person, and/or if they feel that charges against the person are necessary to address the problem.

It is the responsibility of the Police to investigate breaches of the *Trespass to Property Act* and the *Access to School Premises Regulation* and lay a charge and/or arrest the accused where the grounds to support the charge and/or the arrest of the accused exist.

### **Arson/Pulling Fire Alarm**

All School Boards and Police recognize that identifying young persons at risk is community responsibility. The joint partnership with other agencies through Police involvement can provide a proactive approach to preventing youth from setting fires and protecting the interests of public safety. School staff should watch for and report to their Principal any youth that has been identified as setting fire(s) or responsible for a false fire alarm. The Principal shall contact Police no matter what the age of the offending student in incidents of arson or pulling fire alarms.

In such cases where the youth is identified at the fire scene or at a false alarm the Principal shall identify the student to the responding officer. In circumstances where the youth has been identified after the incident, the Principal shall contact a Police Youth Sergeant at the appropriate Division or designated School Resource Officer.

## **8: INFORMATION SHARING AND DISCLOSURE**

The parties recognize the need to comply with the obligations and rights under legislation pertaining to information sharing and disclosure. Where information is requested that is not provided pursuant and in accordance with the following statutes, such requests will be to the respective Divisional Commander or Principal as the case may be.

A number of different statutes deal with information sharing and disclosure. These include federal legislation (the *Criminal Code*, the *Youth Criminal Justice Act*) and provincial legislation (the *Municipal Freedom of Information and Protection of Privacy Act*, the *Education Act*, and the *Child and Family Services Act*). In situations where federal and provincial laws are in conflict with each other, the federal law takes precedence.

### **a) Youth Criminal Justice Act (YCJA)**

The YCJA sets out the procedural requirements for dealing with young persons charged with offences. (Refer to Part 6 (ss. 110 to 129) of the YCJA, “Publication, Records and Information”.)

In the event that a School Board is a victim of an offence or alleged offence committed by a young person, the Police may give access to the young person’s record relating to that matter under section 119(1) (d), if the Police feel it is necessary.

As well, a Police officer may disclose to any person any information regarding a young person that is necessary to be disclosed in the conduct of the investigation of an offence, up and until that investigation ends (pursuant to section 125(1)).

Finally, under section 125(6) the Police can provide information about a young person to a professional or other person engaged in the supervision or care of a young person, including the representative of any School Board or school or any other educational or training institution, where the disclosure is necessary:

1. To ensure compliance by the young person with an authorization pursuant to section 91 of the *YCJA* (reintegrated leave from a youth custody facility) or an order of the youth justice court (e.g., concerning bail, probation, community or conditional supervision);
2. To ensure the safety of staff, students, or other persons, as the case may be and in the discretion and opinion of the Police; or
3. To facilitate the rehabilitation of the young person.

Officers investigating a reported incident can supply authorized information directly to the Principal (or any other victim) as required and permitted by the *YCJA*.

Post incident inquiries should be made through the Divisional Youth Sergeant for the area in which the school is located. If the Youth Sergeant deems it necessary, the Principal may be directed to the Access to Information Office at Waterloo Regional Police Services Headquarters – 519 650-8514.

Pursuant to section 125(7) of the *Youth Criminal Justice Act*, the School Principal (or any other person), to whom information has been disclosed in relation to a young offender, shall:

1. Keep the information separate from any other record of the young person to whom the information relates;
2. Ensure that no person, not authorized by the *YCJA* has access to the information and
3. Destroy the information when the information is no longer required for the purpose which it was disclosed.

In accordance with this Act, it states under subsection 110 (1) that no person shall publish the name of the young person or any information that would identify the young person dealt with under the *YCJA*. Subsection 111(1) further states that no person shall publish the name of a child or youth person, or any other information related to a child or a youth person, if it would identify the child or youth person having been a victim of, or as having appeared as a witness in connection with, an offence committed or alleged to have been committed by a young person.

In accordance with subsection 118 no person shall be given access to a record and no information in the record shall be given to any person, where to do so would identify the young person as being dealt with under the *YCJA*.

Where children younger than 12 years of age have committed an offence requiring mandatory Police reporting and where there are issues of safety for the child and/or

potentially for a School Board or other outside agency, it may be possible to share information under the provisions of the *Police Services Act* and Regulations thereunder and/or the *Municipal Freedom of Information and Protection of Privacy Act*. Officers shall refer the issue to the relevant officer in charge of the Youth Bureau for a determination prior to disclosure of information.

#### **b) Child and Family Services Act**

School Board staff must act promptly for the protection of students in their care by reporting to Family and Children's Services whenever they encounter cases of suspected "*child in need of protection*." Such cases must be regarded as an emergency of the utmost priority and must be acted upon immediately. Under the *Child and Family Services Act*, it is the professional's duty to report to a children's aid society those children who are suspected to be in need of protection, "who has reasonable grounds to suspect that a child is or may be in need of protection" [under s. 72(1) of the Act]. This requirement overrides the provisions of any other provincial statute that may respect the vulnerabilities of children who may be in need of protection.

The Waterloo Catholic District School Board, the Waterloo Region District School Board, Conseil Scolaire Public De District Du Centre-Sud-Ouest, and Conseil scolaire de District Catholique Centre-Sud have developed Board protocols and guidelines in co-operation with Family and Children's Services of the Waterloo Region. Board staff has the responsibility to follow the guidelines and procedures described in their respective protocols.

#### **c) Criminal Code**

The Police can access a student's Ontario Student Record (OSR) by warrant or subpoena, or with the written consent of a parent/guardian or of the student, if the student is 18 years of age or older. In exigent circumstances, the Police can access a student's OSR without a warrant, under section 487.1.1 of the *Criminal Code*.

#### **d) Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)**

This legislation regulates the collection and disclosure of personal information that is not related to the *YJCA*. The School Board will provide the Police with information requested and required to aid an investigation undertaken with a view to a law enforcement proceeding. The Police will, to the extent possible given any on-going investigation, safety issues, etc., identify the purpose of the request.

Further information regarding the release of students' personal information can be found in the Office of the Information and Privacy Commissioner's *Guide to Ontario Legislation Covering the Release of Students' Personal Information*, at [www.ipc.on.ca/english/Resources/Discussion-Papers/Discussion-Papers-Summary/?id=495](http://www.ipc.on.ca/english/Resources/Discussion-Papers/Discussion-Papers-Summary/?id=495)

In order to facilitate a Police investigation, the Principal shall share with the investigating officer student personal information (including name, address, telephone number, parent/guardian name and contact information) regardless of whether the student is, or is not, present in the school at the time. And while the investigation is

on-going, the Principal will not divulge that the information has been shared to the student or anyone else unless required by law and permitted by the Police.

**e) Dangerous Incidents**

Where an incident occurs in the community that may affect the safety of the occupants of a school or schools, the Police and all the Boards' Communications Officers shall notify the others of the danger, as soon as possible. The following are the contact names and numbers (which shall be updated through written notice should changes occur):

**Communications Officers:**

Public School Board	519-570-0300 ext. 4137
Catholic School Board	519 -578-3660 ext. 2236
John Shewchuk: <a href="mailto:john.shewchuk@wcdsb.ca">john.shewchuk@wcdsb.ca</a>	

\*

Conseil Scolaire de District Catholique Centre-Sud	416-397-6564, poste 73130
Mikale-Andree Joly: <a href="mailto:mjoly@csdccc.edu.on.ca">mjoly@csdccc.edu.on.ca</a>	1-800-274-3764

\*

Conseil Scolaire de District Du Centre-Sud-Ouest	
Claire Francoeur: <a href="mailto:Francoeurc@csviamonde.ca">Francoeurc@csviamonde.ca</a>	416-465-5757

\*

Waterloo Regional Police Executive Officer/Inspector Communications Supervisor (After 4:00 p.m. and during weekends)	519-653-7700 ext. 8713 or 519-242-9307 (cell) 519-650-8500 ext. 8840
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**9: SCHOOL REPORTING PROCEDURES**

Principals have a responsibility to report to Police certain incidents of a violent or criminal nature, no matter the age of the student (*see Sections 6 and 7 for the list of incidents requiring reports to the Police*).

School staff, students, and parents are responsible to report to the Principal or his/her designate knowledge of any violent or dangerous situation affecting the peace, safety, and well being of the school community.

For non-emergency incidents, if there is any doubt whether Police involvement should take place, Principals are required to consult with his/her respective Superintendent and/or directly with the Police Community Resources Sergeant or Director for Elementary Schools by calling 519-653-7700 ext. 8862 or ext. 8855.

And/or with a Youth Sergeant for Secondary Schools by calling the following telephone numbers for non-emergency incidents (to determine the appropriate Police division for high schools, visit the following internet link:

<http://www.wrps.on.ca/community-connections/school-resource-officer.htm>:

519-653-7700 or 519-570-3000  
Central Division (Kitchener) Youth Sergeant ext. 4431  
South Division (Cambridge) Youth Sergeant ext. 2236  
North Division (Waterloo) Youth Sergeant ext. 3331

**In emergency situations or situations of imminent danger, school staff or students are to use the Emergency 911 number to contact Police.**

Reports of violent incidents leading to suspension or expulsion must be maintained in the Ontario Student Record (OSR).

If any School Board is a participant or party to an extrajudicial measure under the YCJA, the Police “YCJA Tracking” forms for school-related incidents shall be provided to the relevant Principals by a member of the Service. A consistent system will be put in place following consultation with Police and School Boards which will be consistent with the Act.

Members of the school community should note that reports to Police do not preclude the necessity and *"legal duty to report"* incidents pertaining to *"a student under the age of 16 years in need of protection."*

#### **10: INITIAL POLICE CONTACT**

In the case of a non-emergent investigation Police responding to a school shall:

1. Report to the Principal or designate, providing proper identification;
2. Explain the purpose of the visit, and plan with the Principal or designate on how to proceed;
3. Consider alternatives that limit the disruption to the school day;
4. Obtain information from the Principal or designate about the student (e.g., regarding accommodation needs or barriers to communication) before making contact with the student and
5. Contact, or make arrangements with the Principal or designate to contact, parents of students under the age of 18 (see section 12 (a) below).

Should the subject of the investigation be the Principal or designate, or other exigent circumstances exist, the Police are **not** required to follow the aforementioned. In the case of the Principal being the subject of an investigation, the respective School Board Superintendent is to be advised of the circumstances

All schools within all Boards are to follow their emergency crisis response procedures for communicating with Police.

In the event of an emergency involving an imminent threat to safety, all schools within all Boards, shall contact Police dispatch. In all other circumstances where the incident is not deemed to be an emergency, the Principal, or designate, shall contact the School Resource Officer. If the School Resource Officer is not available or if directed by the School Resource Officer, the Principal shall contact Police dispatch.

Where the school contacts the Police, the following will be determined:

1. The location of the threat;
2. An assessment of the level of threat and specifics of incident;
3. Where the Principal communicates that a lockdown is in progress, the level of safety necessary to end the lockdown;
4. The contact person's name at the school of the Principal or designate and the immediate contact phone number;
5. Establish a direct communication link, after initial contact, from administration to the Incident Commander and
6. Efforts will be made to contact the School Resource Officer to have them respond and liaise.

Where the Police contact the school, the following shall be provided by the Police:

1. The name and contact information for the Incident Commander or designate;
2. Specifics of the incident;
3. Any additional information that would be valuable to the administrator involved in the incident and
4. Any additional information to neighbouring schools possibly affected by the threat or incident.

Both parties will be involved in ongoing communication to make decisions and to debrief the details of the incident.

In situations that are **not** an emergency and there is no imminent danger, the Police officer(s) will go directly to the School's Main Office and speak with the Principal or designate.

**In emergency situations**, the School Principal or designated party will meet with Police at the main entrance door, or on the road in front of the school, to direct Police Officers or other emergency personnel to the location of the incident, subject to further information/guidance with respect to 'Lockdown', 'Hold and Secure' and 'Shelter in Place' procedure, refer to sections 22 and 23 and Schedule "A" – "Emergency Response" of this Protocol.

## **11: INVESTIGATING SCHOOL INCIDENTS**

In an investigation, the Police and the school staff will cooperate and consult with each other. The focus of the school staff and Police will be on the safety and well being of the students.

A Principal, or designate, has a duty to carry out an investigation to establish the nature and extent of an alleged offence. It is advisable to request students involved in an incident to provide a written statement on a form with a preamble such as: Please note that it is important that you provide information that is as detailed as possible. Tell what you saw, heard and said. It is essential that you tell the truth. Honesty is an expectation of our school community. When determined that there is reason to

believe an offence has been committed, Police may be notified. It is permissible to provide a Police officer with the students' original written statements once the administrator has made copies for his/her own investigation.

The Police, in the course of an investigation, may need to speak to students involved in an incident on or in relation to school property. The students may be potential witnesses, victims, suspects, or otherwise have knowledge of the incident being investigated. All Police investigations should be undertaken in accordance with the local Police service's *Criminal Investigation Management Plan* and, where required, with the *Ontario Major Case Management Manual*.

The Principal will inform Police of any logistical information about the school (e.g., the hours of the school day and class rotation schedules) that may be relevant to the investigation process. Police services will endeavour to work within these logistical considerations in order to minimize the disruption to the school.

In conducting investigations, Police will comply with all relevant legislation previously listed in this protocol and applicable Police procedures. When possible, Police will question and deal with students off school property (in particular, if the investigation is unrelated to school activity or was not committed on school property). If Police need to question or deal with a student on school property and it is not a case of fresh pursuit or an emergency, Police officers shall contact the Principal, advise the reasons for the visit, and request a meeting with the student. It is understood that officers may consult in person if it is more practical than by phone.

In an investigation, the Police and the school staff will cooperate, consult with each other, and share information to the extent permitted by law. The focus of the school staff and Police will be on the safety and well being of the students:

**1. If the alleged offence is included under section 6 or 7:**

Police **shall** be contacted.

*N.B. Please refer to sections 6 and 7.*

If an interview is already in progress and the discovery of evidence occurs to support an infraction set out in section 6 and/or section 7 or another infraction that could require a criminal investigation or result in criminal charges, the interview shall cease.

The Principal, *or designate*, **shall not continue** with the interview of the alleged offender until the Police have been notified and have had an opportunity to do so. The Police shall let the school officials know whether they intend to interview the alleged offender as soon as possible. Normally any determination of Police involvement including Police interviews, if any, shall occur within a maximum of ten school days following notification. Within ten school days the investigating officer will notify the school administration when the school investigation may begin. If circumstances are such that the Police will require more than ten days before school officials may begin their Principal's Deferred Investigation, the investigating officer shall contact the Youth Sergeant who shall then notify the

Superintendent of Safe Schools, or designate. The Superintendent of Safe Schools, or designate, will coordinate with school officials steps to be taken by school officials regarding the requirement to complete the school investigation within twenty days of the student's suspension as required by the *Education Act*.

N.B. Please refer to Section 12: POLICE INTERVIEW OF STUDENTS and

**2. If the alleged offence is not included under sections 6 & 7 herein:**

- a. the Principal shall interview the alleged offender; and
- b. the Principal has discretion to contact Police.

**Principal's Deferred Investigations**

**NOTE: When Police are called by the school to investigate a serious incident, a Principal's Deferred Investigation (as described below) situation is likely to occur.**

A Principal's Deferred Investigation occurs when the school and the Police are both conducting investigations relating to the same incident involving an alleged infraction according to the *Safe Schools Act* or *Criminal Code*. A Principal's Deferred Investigation begins when the Principal requests Police involvement in an incident where a criminal offence is believed to have been committed. As the case is now being treated as a criminal/Police matter, control of the criminal investigation rests with the Police for the 10 day period referred to above in section 11.I above.

During this 10 day period, the role of the Principal during a Principal's Deferred Investigation is limited to Police request for assistance in gathering and sharing information/evidence and may include:

- gathering of information/evidence from video surveillance, attendance records, class lists, parent contact information, and other information on record at the school
- sitting in on interviews conducted by the Police at the school (see section 12)

The role of the Police during a Principal's Deferred Investigation is to lead the investigation and share appropriate information about the case with the Principal for use in suspension/expulsion proceedings, as permitted by law. As the Principal may or may not be involved in any criminal investigation within the school or away from the school or may or may not be involved in the gathering of evidence pertaining to the criminal investigation within the school or away from the school, he/she relies on the investigation officer(s) to provide information related to student involvement. Any information obtained by the Principal from the Police with respect to any investigation shall be so recorded in the Principal's notes. Any questions as to what information may be shared should be directed to the applicable Youth Sergeant.

## Legal Rights/Detention and Arrest

It is recognized that if grounds exist for an arrest, any formal interview of the student beyond notification of rights and caution is better conducted at a Police facility and not on school premises. If a student is a suspect, accused and being charged, or under arrest, the Police have the legal right to question the student subject to the certain cautions and rights that must be given to the student by the Police officer under the *Youth Criminal Justice Act* and the *Criminal Code* of Canada, according to the age of the student.

**Young Persons:** It is the responsibility of the Police officer to inform the student about the nature of the charges, of his/her rights, specifically the right to talk with a lawyer, the right to talk with their parents/guardians or any other adult relative or adult who may be of assistance to them, the right to have the adult he or she talked to present during the interview by the Police, and to give the standard cautions (see sections 25 (right to counsel), 26 (parental notification upon arrest) of the *Youth Criminal Justice Act*) and the *Canadian Charter of Rights and Freedoms*.

**Adults:** It is the responsibility of the Police officer to inform the student about the nature of the charges, of his/her adult right to legal counsel and to give the standard cautions as per the *Canadian Charter of Rights and Freedoms*.

## Search and Seizure

Section 8 of the *Canadian Charter of Rights and Freedoms* states that "everyone has the right to be secure against unreasonable search and seizure." The Supreme Court of Canada in *R. v. M. (M.R.)* (1998) and the Ontario Court of Appeal in *R. v. J.M.G.* (1986) have stated that a Principal, who has reasonable grounds to do so, may conduct a search of a student or their possessions in carrying out his or her duties to maintain order and discipline in the school. However, the Supreme Court of Canada in *R. v. A.M.* (2008) also stated that the Police should not be involved or indirectly use the Principal's power of search (including the use of "sniffer dogs").

Although the following is a helpful guideline, the School Boards shall ensure that any search is within their power and not contrary to law, in the event case law changes or legislative amendments are made.

It is the responsibility of the Principal to advise students at the beginning of the school year that desks and lockers are considered school property and there is no expectation of privacy, therefore, a search of such property may be permissible by the school administration. In this case, the Principal is acting as an agent of the

Board and not as an agent of the Police. He or she, in maintaining proper order and discipline in the school and with reasonable grounds, may conduct a search of a student's possessions, desk, locker, motor vehicle or any other area where the student's possessions may be stored. It is recommended that searches be conducted with two school staff and, if possible, the student present.

The Supreme Court of Canada case *R. v. M. (M.R.)* (1998) highlights that "a more lenient and flexible approach should be taken to searches conducted by teachers and Principals than would apply to searches conducted by the Police." The Principal has a continuing responsibility for students even when Police are on school premises.

Accordingly, Principals should not defer to the Police in cases where a search is within the scope of their authority unless:

1. The items being searched for require specific Police handling expertise, or
2. They anticipate problems in carrying out the search and believe Police assistance will be needed.

Principals and other school officials shall not conduct frisk searches of students. However, that does not preclude them from requesting a student to empty pockets and remove outer layers of clothing (coats, hats, outer shirts) and remove shoes to reveal contraband or prohibited items. Removal of a discovered item should never cause a student to reveal undergarments. Such searches should be conducted in the presence of another staff member of the same gender as the student. Should a student refuse to cooperate with a search, the Police will be requested to attend for assistance.

If a search conducted by a Principal reveals evidence of, or the possibility of, a criminal offence, the search is to be well documented, evidence is to be secured and not handled unnecessarily and Police are to be contacted.

To further a criminal investigation, Police may have to execute a search warrant on school property. Should this occur, a Police officer involved in the search will notify the Principal prior to executing the search warrant. However, the Boards recognize that in exigent circumstances Police may be required to execute permitted common law search or a warrant without prior notice.

### **Illegal Drugs**

When suspected illegal drugs are discovered by School officials the Police shall be called immediately. While awaiting Police arrival, every reasonable effort shall be made to preserve the drugs in their discovered condition. Due to the toxicity of some drugs and the legal issue of continuity, all School officials should be trained in the safe handling and storage of the drugs. The School official who originally takes possession of the drugs shall endeavour to retain custody of the drugs until able to turn over to the Police.

N.B. The process shall include the security of the illegal substance in a locked compartment which shall be documented by the School official to ensure the

preservation and continuity of the exhibit. The source of the illicit drug shall be documented in a written statement and forwarded to a Police officer as soon as practicable.

All School officials shall be advised of their powers of search and seizure in the school environment pursuant to the *Education Act* and the Supreme Court of Canada ruling in *R. v. M.(M.R.)*, (see section 11.VI above).

### **Victim's Assistance**

The Boards and Police are committed to promoting the present and future safety and security of victimized persons. It is important that Police and the Principal be aware of the following procedures and responsibilities with respect to providing support for victims:

1. procedures consistent with the Ministry of Community Safety and Correction Services' Guideline VA-001 on victim's assistance;
2. roles and responsibilities of Police and school personnel, such as:
  - i) the obligation that the Principal inform the parents of victims who have been harmed as a result of an activity for which suspension or expulsion must be considered unless, in the Principal's opinion, doing so would put the victim at risk of harm from the parents (*Education Act*, section 300.3(1) and O.Reg. 472/07) and
  - ii) the requirement that all board employees who work with students are expected to support all students, including those who disclose or report such incidents, by providing them with contact information about professional supports (e.g. Public Health Units, Help phone lines and other Community Agencies);
3. notice to victims of the services available to them and other considerations, such as:
  - i) Waterloo Regional Police Service Victim Services Unit;
  - ii) Volunteer Victim Services Team (depending on time of day);
  - iii) Student support services of the local School Board
  - iv) Services offered by other municipal, community and social service agencies, including legal services;
  - v) Access to Information and
  - vi) Confidentiality of victim and witness identity (Section 111, YCJA).

## **12: POLICE INTERVIEW OF STUDENTS**

The Police have a responsibility to conduct interviews related to criminal investigations of incidents that involve students as suspects, victims, or witnesses. Police will conduct any interview in a manner that respects the dignity of the student

and minimizes disruption to the school when it is necessary to interview, search, or arrest a student at school during school hours.

When conducting an interview of a person or persons less than 18 years of age, suspected of committing a criminal offence, the Police have a responsibility to advise the person that a third party adult may be present.

When conducting an interview of an adult person or persons over the age of 18 years of age, suspected of committing a criminal offence section 32(g) of *MFIPPA* allows for disclosure to a law enforcement agency in Canada to aid an investigation undertaken with a view to a law enforcement proceeding or from which a law enforcement proceeding is likely to result and Section 42(g) of *FIPPA* allows for personal information may be collected by one institution from another institution where the disclosing institution has authority to disclose said section of the Act.

It is recognized that it is the preference of the School Boards that Police interview of students regarding offences that are unrelated to the school not be conducted on school premises. However, school staff will cooperate with Police officers if it is agreed that the interview or intervention must take place at school.

If the student is not in attendance at school when an incident is being investigated, the school shall inform the Police of the student's proper date of birth, address, phone number, and the parent's/guardian's home and business phone numbers. This notification is done in accordance with section 32(g) of the *Municipal Freedom of Information and the Protection of Privacy Act*, which is the authority for providing such personal information to law enforcement officials who are conducting an investigation of law enforcement proceedings.

The Police will ensure that Family and Children's Services is involved in the interview process when an interview involves a child who may be in need of protection.

#### **a) Notification of Parents/Legal Guardians/Caregivers**

In accordance with Section 26 of the *Youth Criminal Justice Act*, the Police officer will notify the parent/guardian/caregiver 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/guardians/caregiver.

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. Subject to the note below, 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. There will be occasions when it is beneficial to proceed with an interview without parents being successfully notified. This decision will be made in consultation between the Police and administrator; however, it is recognized there is nothing in law prohibiting the Police from conducting the interview (e.g. – a victim or witness wishes to speak with Police and to proceed with their interview at school).

Any complaints or questions of parents can be directed to the applicable Youth Sergeant. Contacted parents/guardians/caregiver 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.

If the student is eighteen years or older, the Principal shall not contact the parents/guardians unless the student consents to or requests such contact, or is incapable of providing consent.

If the student is sixteen or seventeen years old and has withdrawn from parental control, the Principal shall not contact the parents/guardians unless the student consents to or requests such contact, or is incapable of providing consent.

If the student is a crown ward or ward of Family and Children's Services, or in care under a Temporary/Voluntary Care Agreement in which the parent(s) remain the Legal Guardian, the Children's Services Worker (CSW) has the legal responsibility for the student and must be the first point of contact. In the event the student's CSW is unavailable, his/her supervisor is the next contact. Please reference *Protocol and Guidelines for Procedures and Joint Responsibilities When Working with Children and Youth In Care*.

**NOTE:** 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 contacting them could put the student at risk of harm from the parent/guardian. In such cases, it is the responsibility of the Police to apprise the Principal (or other appropriate School Board official) of the reasons why notification will not occur (unless such would jeopardize a criminal investigation or contacting them could put the student at risk of harm).

#### **b) Preparation for Interview**

It is the responsibility of the school to communicate to the Police if any student has a learning disability or other exceptionality that may impede the student from expressing or understanding written/oral communication. The Police will consider the needs of the student and arrange for professional assistance if required.

If circumstances allow, the interview should be conducted at the student's home or another location rather than at school, in view of stigma and the potential impact on the student. If the interview for whatever reason has to be conducted in the school, then a private room will be made available for Police interviewing to ensure confidentiality for students and/or parent/guardians/caregiver. Principals will arrange appropriate times for the interview and restrict the use of the public paging system in summoning students

#### **c) Conduct when Interviewing Suspect Students – “Judicious Parent”**

If the parents/guardians of a student less than 18 years of age do not wish to attend the school, the Principal is unable to contact the parents/guardians/caregiver within a

reasonable amount of time and/or an adult student (18 years or older) expresses that they do not want their parents/guardians contacted, the Principal or designate shall be present during any interview of the student held at the school provided the student agrees to their attendance.

A Principal or designate (e.g., teacher) who is present during a Police interview shall act as a “**judicious parent**” and not as a person of authority. It is advisable to state the following: “During this interview I will be functioning as a judicious parent and not as a person of authority. That means that I am here only to observe and provide silent support. As a judicious parent, I will not be allowed to ask questions, make comments or take notes. Any school discipline arising from these matters will be dealt with by another member of our staff.” The judicious parent is present to ensure that the interview is done in an appropriate and professional manner and is a witness to the student’s behaviour, manner, etc. Any issues arising from the interview shall be dealt with after the interview and through the proper channels.

After the interview the administrator may speak to the Police officer as a person of authority regarding issues of safety and next steps involving the student.

For a subsequent interview (School or Police related) with that student for the same incident where the Principal or designate must function as a person of authority, it is necessary for a different administrator to conduct the second interview. Therefore, it is strongly recommended that the parents be present during the initial Police interview or that the interview be conducted off school property without the need to employ a judicious parent. If a judicious parent is required, it is also recommended that it be someone who will not be deciding upon or directing any school discipline or investigation arising from the same matter.

Any requests for information arising out of an interview or requested disclosure shall be made through the Divisional Youth Sergeant for the area in which the school is located and, if necessary, the Police’s Access to Information Office.

Please note: the Principal or designate (or any school employee or administrator) may not view a video of an interview conducted at the Police station; nor may they be present during a Police interview at the Police station.

#### **d) Investigations Involving Students with Distinct Cultural and/or Ethnic Needs**

Police Services, School Boards and Schools need to build their capacity to serve an increasingly diverse community. To this end, all incidents requiring a report to Police (*see Sections 6 and 7*) should identify students from diverse cultural backgrounds which may impact on communication with the individual student and his/her parents/guardians. The intent of such identification is to create awareness for both Police and Schools to improve the interaction with students from distinct cultural and or ethnic origins. Teaching and/or support staff, under the direction of the Principal, may assist Police in conducting an investigation by ensuring the Police understand the cultural sensitivity associated with specific students and by assisting, where appropriate, with communication between the Police and the student.

**13: REPORTING OF CHILDREN SUSPECTED TO BE IN NEED OF PROTECTION**

The Waterloo Catholic District School Board, the Waterloo Region District School Board, in co-operation with the Family and Children Services of the Waterloo Region, Conseil Scolaire Public De District Du Centre-Sud-Ouest, and Conseil Scolaire de District Catholique Centre-Sud, have developed protocols and guidelines for their staff regarding the reporting of a child in need of protection. It is the responsibility of all School Board staff to be familiar with and follow the guidelines and procedures in the respective Board's protocol. A staff member's lack of familiarity with the reporting procedures and guidelines does not absolve or negate each individual's legal responsibility to report "*a child in need of protection*" or to incur the legal consequences associated with a failure to report a "*child in need of protection*."

**14: INVESTIGATIONS INVOLVING STUDENTS WITH SPECIAL EDUCATION NEEDS**

All dangerous or violent incidents requiring a report to Police (*see Sections 7 and 8*) apply to students with special education needs despite the fact that such students may qualify under the "*mitigating*" circumstances regulations for mandatory expulsions and suspensions within the Safe Schools regulations of the *Education Act*. Special education staff, under the direction of the Principal, may assist Police in conducting an investigation by ensuring that Police understand the limitations associated with a student's disability and by assisting, where appropriate, with communication between Police and the student.

In general, regular procedures for contacting a parent during an investigation should be followed for special education needs students. If, in the judgement of the Principal, a student's disability qualifies him/her under the mitigating circumstances regulations, the Principal may contact the parents/guardian or substitute decision maker of a student 18 years of age or older without his/her consent if the Principal believes that the contacting of the parent will assist the student. In exigent circumstances or when the Police suspect the parent may be implicated in the incident, the Police may direct the administration not to contact the parent/guardian.

Furthermore, additional considerations concerning investigations related to students known to have special education needs who have exceptionalities in any of the following categories: behaviour, communication, intellectual, physical or multiple include:

- the responsibility of the school to communicate to the Police that a student is known to have special education needs or communication difficulties;
- the requirement to accommodate the student, especially when interviewing is necessary. Every attempt should be made to provide specialized supports/resources, as needed, for the student during an investigation and
- the need to ensure that the student's parent is contacted as soon as possible, except in exigent circumstances or where the Police believe the parent may be implicated in the incident.

**15: OCCURRENCES INVOLVING CHILDREN UNDER AGE 12**

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 7 and 8 of the Police protocol. Police may take reports, question students, and act as an intermediary with parents/guardians or other agencies such as Family and Children's Services.

Where children under the age of 12 are involved, School Boards are expected to use their discretion in applying the rules outlined in sections 7 and 8 for reporting incidents to the Police. Early intervention for children involved in such incidents is essential, and involving Police and parents as early as possible may facilitate the provision of appropriate intervention and support. The Principal is required to conduct an investigation of an incident for the purpose of school discipline.

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 with Family and Children's Services, the Waterloo Catholic District School Board, and the Waterloo Region District School Board and Conseil Scolaire Public De District Du Centre-Sud-Ouest, and Conseil Scolaire de District Catholique Centre-Sud. 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 exigent circumstances or when the Police suspect the parent may be implicated in the incident or when the Police feel contacting the parent/guardian could put the student at risk of harm from said parent/guardian, the Police may direct the administration not to contact the parent/guardian

**16: SCHOOL BOARD COMMUNICATION STRATEGY**

It is the responsibility of each School Board to communicate this protocol. School administrators must be made aware of the protocol and the expectations it imposes on them. Key targets of the communication strategy are students and their families, who need to be aware of the range of situations in which Police may be called (including any criminal activity involving students that takes place away from school, if that activity has a negative impact on school climate). Communications materials should use plain language, be available in multiple languages and accessible formats, as appropriate.

School councils will be informed of the content and intent of the protocol. Input may be solicited from school councils in the review and evaluation of the protocol.

**17: PROTOCOL EVALUATION PROCESS (Internal)**

Each of the partners will conduct their own yearly review of the protocol in a manner defined by each partner. Should an issue or concern arise from these reviews, it is the responsibility of that partner to initiate the discussion with other partner(s) as soon as

possible if it needs to be addressed immediately or at the annual review set out in section 24.

## **18: NON-INCIDENT-RELATED POLICE INVOLVEMENT**

Police play an important role in the school community. Their involvement goes far beyond simply responding to incidents.

Police provide a visible and positive image for law enforcement. They serve as a confidential source of counselling to students concerning problems they face. They bring expertise into schools that will help young people make more positive choices in their lives. They also work to protect the school environment and to maintain an atmosphere where teachers feel safe to teach and students feel safe enough to learn.

The Waterloo Catholic District School Board, the Waterloo Region District School Board, Conseil Scolaire Public De District Du Centre-Sud-Ouest, and Conseil Scolaire de District Catholique Centre-Sud and the Waterloo Regional Police Service are committed to enhancing the relationship among the partners. Additional interaction between Police and individual schools will be determined in consultation with the Principal and the appropriate divisional Youth Sergeant.

### **Use of Paid Duty Police**

When schools are conducting special events they may contract the Waterloo Regional Police Service to have a Police officer attend the event for purposes of assisting in keeping the peace and protecting life and property at the event.

### **Physical Safety Issues**

It is possible that a District School Board may wish to seek the professional input of the Waterloo Regional Police Service regarding specific physical space concerns (Crime Prevention Through Environmental Design – CPTED). Call the Community Resources Branch at 519-570-3000 Ext.8855 or 8862 or 8863.

In all cases, final decisions about alterations rest with the School Board, as does the responsibility to carry out any desired work.

## **19: VIOLENCE PREVENTION PROGRAMS**

Staff and students, under the leadership of Principals and Vice-Principals, will design activities to promote a positive atmosphere and pride in the school, including the development of strategies to improve individual self-esteem and the encouragement of student participation in co-curricular activities. School staff and student representatives will encourage participation in activities that will promote an image of their school as having a safe environment.

Principals, in cooperation with students, staff, parents/guardians and the school council will develop a School Code of Conduct. Annually, in September, this School Code of Conduct will be distributed to students and parents/guardians.

Schools will promote learning environments that are safe, orderly, nurturing, positive and respectful. Such learning environments are to be peaceful and welcoming for all authorized individuals. Principals will encourage staff to be highly visible in the school and to engage in positive interactions with students, parents/guardians and the school community. The Police will continue to pursue proactive crime prevention through the School Liaison Program.

A coordinated and multifaceted approach is required to prevent school violence. Police work in partnership with schools and other community agencies to administer programs such as peer mediation, mentoring, drug awareness and education, conflict resolution, and Crime Stoppers. School Boards and Police services also partner to provide reciprocal training opportunities. This protocol, therefore, is one component of a broader partnership among schools and other essential community partners (including mental health care providers, health care professionals, and children's aid societies) in the area of prevention.

School Boards and Principals should develop, promote, and maintain strong partnerships with Police and seek to benefit from their support in the implementation of the school's violence-prevention policies, particularly where those policies pertain to addressing the risk factors associated with antisocial, gang-related, or criminal behaviour. In a closely cooperative relationship, Police may also offer support in a consulting role, to assist school personnel in determining appropriate action when dealing with violent behaviour and to explain the procedures for Police investigations.

Police work in partnership with schools and other community agencies to administer crime-prevention programs that focus on areas such as peer mediation, conflict resolution, referral to appropriate community resources (e.g., those providing counselling or mentoring services, drug awareness and education programs, or support for seeking employment or housing), and Crime Stoppers. Working from a crime-prevention perspective, Police can play an important role in the school community, which presents extensive opportunities for employing the strategy of "crime prevention through social development" (CPSD). CPSD involves preventing and reducing crime by identifying and addressing the risk factors associated with crime and victimization. Police use proactive measures that focus on the factors that precipitate the onset of criminal and antisocial behaviour. CPSD recognizes that the intersection of multiple and complex social, economic, health, and environmental factors may lead to criminality. CPSD involves long-term, sustainable, multi-agency, integrated actions that deal with the risk factors (e.g., mental health issues, certain types of behavioural issues, involvement in the criminal justice system, victimization/abuse) that can start a young person on the path to crime, and build protective factors (e.g., strong adult role models, enhanced self-esteem, effective personal coping skills and strategies) that may mitigate those risks.

Strategies that schools can use to help prevent violence include:

- helping students develop social skills, including conflict-resolution skills;
- proactively identifying students at risk and giving them extra support;
- using progressive discipline to teach and encourage appropriate behaviour in the school;

- viewing each student as an integral and contributing member of the school community;
- demonstrating, by example and leadership, that students' human rights are to be respected and
- encouraging students to return to the school community after involvement with the criminal justice system, and supporting them in the process.

Strategies that Police can use to help prevent violence in schools include:

- developing positive partnerships with all members of the school community, including parents;
- being visible within the school community;
- being a positive adult role model for students;
- establishing positive relationships with children and youth;
- making referrals based on the best interest of the students;
- helping to deliver educational sessions on crime and criminal justice issues;
- being part of an integrated, multi-agency team that can respond to children and youth at risk of conflict with the law;
- facilitating communication and cooperation with school officials, Youth Justice Probation Services, other Police officers, courts, and other social services and
- supporting students as they return to the school community after involvement with the criminal justice system.

In developing the protocol, School Boards and Police services should refer to, and ensure alignment with, related Ministry, Board, and Police policies on violence prevention.

The local Police School Board Protocol is one component of a broader partnership between Schools and other essential community partners, including mental health providers, health care professionals, and children's aid societies, that is dedicated to violence prevention in Ontario schools.

Each School Board will determine the additional programs it chooses to implement in its schools.

## **20. EMERGENCY AND CRISIS RESPONSE PLAN**

Emergency and Crisis Response Plans are developed by individual schools and are reviewed annually. These plans will be shared with the appropriate Divisional Youth Sergeant.

### **Emergency Response**

The parties recognize the need for a common understanding of each other's roles and responses should an event arise in which an individual is on school property who is discharging or threatening to discharge a firearm or is using an alternate weapon with the intent or possibility of injuring or killing others. As such, and in order to address

this scenario, the parties have agreed upon the attached Schedule “A” - “Emergency Response”.

### **School Board Lockdown Procedures (Shelter in Place, Hold and Secure, Lockdown – Terms and Review**

The School Boards and Police agree that the following will be the accepted terminology used and activated as stipulated depending upon the situation:

- (1) **Shelter in Place** – means keeping all occupants within the school to protect them from an external situation (e.g., chemical spill, blackout, explosion or extreme weather condition);
- (2) **Hold and Secure** – means securing a school due to an ongoing situation outside of the school and unrelated to the school during which the school continues to function normally, with the exterior doors locked until the situation near the school is resolved (e.g., bank robbery near the school) and
- (3) **Lockdown** – means securing a school due to a major incident or threat of violence within the school, or in relation to the school (i.e., students and school staff will report to areas that can be secured, doors will be locked, lights turned off and will stay away from windows and doors).

The School Board and the Police agree that the following effective practices will be advocated for addressing Lockdowns:

**Principal** – The Principal is responsible for overall planning; the final content of the plan; scheduling drills; inviting Police, fire, and emergency medical services (EMS) to participate in and be aware of planning and drills; training students; and the overall safety of staff and students. In an actual incident (not a drill), the Police are responsible for management of the threat and subsequent criminal investigation; however, the Principal shall provide full cooperation with Police.

**Staff** – School staff, and in particular administrators, have the overall responsibility for the training, safety, and well-being of students. Administrators during a violent incident have additional responsibilities in terms of working closely with Police.

**Students** – Students have a responsibility to be familiar with the plan and to respond quickly to the direction of staff during a crisis situation. Any student with information on or prior knowledge of an individual or a potential situation that may result in a violent incident must come forward with that information as soon as possible. This is also the case during an incident.

**Police** – Police are responsible for responding to and investigating violent incidents. During a violent incident, Police will assume command and control of the response and investigation but will liaise and work closely with school administration and other emergency services throughout the process.

**Parents/Guardians** – Parents and guardians must be informed of the existence of this plan and should reinforce with their children students’ responsibilities with respect to

following directions during a crisis and disclosing any information they may have prior to or during a crisis situation.

The Waterloo Regional Police Service will assist the School Boards in an annual review of their specific School Lockdown Procedures. A representative of the Police Service may assist with the debriefings, subsequent to a lockdown. This partnership will allow Police to understand some of the unique difficulties each school may face when dealing with this type of situation, and will give school personnel some insight into some of the requirements of the Police as they respond to a situation that would warrant a Lockdown.

To arrange for a Lockdown review for Elementary Schools please call the Community Resources Branch at 519-570-3000 ext. 8862 or 8855.

To arrange for a Lockdown review for Secondary Schools please call the applicable Youth Sergeant:

519-653-7700 or 519-570-3000  
Central Division (Kitchener) Youth Sergeant ext. 4431  
South Division (Cambridge) Youth Sergeant ext. 2236  
North Division (Waterloo) Youth Sergeant ext. 3331

A minimum of two lockdown drills must occur each school year.

### **School Threat And Risk Assessment**

The parties agree to work together to establish a Threat and Risk Assessment process.

In the interim, the decision whether a School Board believes it is necessary to conduct a threat assessment regarding a student is entirely within the discretion and control of the School Board. Where the student is or is likely to be the subject of a criminal investigation, the Waterloo Regional Police Service's involvement will be limited to only providing the information it believes necessary to address safety concerns. The Police **will not** be required to provide an opinion during the formal rating and assessment of the threat. The School Boards will cooperate and take necessary steps to avoid or limit the impact the threat assessment interviews may have on any criminal investigation. The School Boards must recognize that any information obtained or discovered by the Police may be compellable in a subsequent prosecution.

## **21: ANNUAL REVIEW OF THIS PROTOCOL**

The Waterloo Regional Police Service will meet annually near or immediately after the end of the school year with the School Boards to conduct a review of this protocol

**22: TRAINING**

The Waterloo Region Police Service and the School Boards, will provide joint training on an annual basis, delivered by representatives from the School Boards and Police Services.

**Signed, with authority to bind, and effective the date set out on the cover page to this Protocol by:**

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Linda Fabi  
Director of Education  
Waterloo Region District  
School Board

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Roger Lawler  
Director of Education  
Waterloo Catholic  
District  
School Board

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Matthew Torigian  
Chief  
Waterloo Regional Police  
Service

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Rejean Sirois  
Director of Education  
Conseil Scolaire de District  
Catholique  
Centre-Sud

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Gyslaine Hunter-Perrault  
Director of Education  
Conseil Scolaire de District  
Du  
Centre-Sud-Ouest

## SCHEDULE "A"

### EMERGENCY RESPONSE

NOW THEREFORE, in consideration of the covenants contained herein and other valuable consideration (the receipt of which is acknowledged by the parties to be sufficient and received), the parties agree as follows:

- 1) The School Boards will develop and implement a "*Lockdown Procedure*" (the "Procedure") (either a stand alone procedure or as part of a larger Emergency and Crisis Response Plan set in section 21 of the main Agreement) in accordance with the "Guidelines for Developing and Maintaining Lockdown Procedures for Elementary and Secondary Schools in Ontario".<sup>1</sup> The Procedure will differentiate between three levels of response to a school emergency:
  - i) **shelter in place** – means keeping all occupants within the school to protect them from an external situation (e.g., chemical spill, blackout, explosion or extreme weather condition);
  - ii) **hold and secure** – means securing a school due to an ongoing situation outside of the school and unrelated to the school during which the school continues to function normally, with the exterior doors locked until the situation near the school is resolved (e.g., bank robbery near the school); and
  - iii) **lockdown** – means securing a school due to a major incident or threat of violence within the school, or in relation to the school (i.e., students and school staff will report to areas that can be secured, doors will be locked, lights turned off and will stay away from windows and doors).
- 2) The parties will ensure their staff members are familiar with the three levels of response to school emergencies and will endeavor to use these terms when communicating with each other to ensure appropriate response from both parties.
- 3) The School Boards shall communicate through appropriate tools to parents/guardians of students and the students to ensure they are familiar with the general expectations and responses associated with the three levels of response to school emergencies.
- 4) The School Boards will ensure that an updated/current copy of their Procedure is provided to the Police. The Divisional Commander in charge of the area where the school(s) is/are located will ensure that the Procedures are circulated to the necessary individuals within the Police (including the Community Resources Director, Divisional Staff Sergeants, Special Response Unit, Youth Sergeant and Training).
- 5) The School Boards will provide the Police with updated/current floor plans for their schools and buildings (preferably in electronic format for training purposes and available on site if an emergency response incident is on-going and the Police so request). Floor plans will be colour-coded as follows: red – areas within the school that can not be locked

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<sup>1</sup> The guidelines were developed by the Lockdown Procedure Working Group; including representatives of the Ministry of Education, Ministry of Community and Correctional Services and from the Ontario Association of Chiefs of Police.

down safely; green – areas within the school that can be locked down safely and where staff and students are to proceed to safely lockdown; blue – school main office. The Police will keep and use the floor plans for emergency situations; ensuring electronic copies are available in the command vehicle and the Communications Branch.

- 6) The School Boards will provide two “**lockdown kits**” for each school. One kit will be available at each individual school and a second kit will be available at a secondary location as determined by the School Boards. The School Boards will provide updated/current lists to the Police of the secondary locations for each school. The lockdown kits will include: 5 master key sets (as few keys as possible), 5 copies of school floor plans and 5 copies of important phone numbers.
- 7) If the School Boards have **video surveillance** capability for all or part of the school, they will ensure that they have the ability to remotely disable it. If remote access is possible, that the Police will be given such access if an emergency situation is on-going and the Police so request. Access to video surveillance by the Police for other reasons shall only be provided if lawfully or judicially authorized.
- 8) The School Boards will conduct **mock exercises and/or drills** on their Procedure with staff and students so that they are familiar with the Procedure and their expected response, roles and responsibilities. The Police will make reasonable efforts to assist the School Boards in arranging and conducting mock exercises and/or drills.
- 9) All matters involving an emergency situation will be immediately reported to the Police via “**911**” and if it is safe to do so, to any Police officer within the school. Employees, students and security of the School Board will be instructed to seek safety in the first instance and otherwise follow the School Board’s Procedure.
- 10) Where possible, the School Boards will have **designated first contact person(s)** (i.e., a person or persons designated as first contact persons for the purpose of meeting the initial responding Police officer(s) and providing the lockdown kit, facility layout and other requested information in relation to an emergency situation). Where possible and safe to do so, the initial responding Police officer(s) will contact the designated first contact person(s) upon arrival; obtain all relevant information and the lockdown kit. The meeting with the designated first contact person(s) will occur in the safest location possible.
- 11) The parties acknowledge that this agreement is designed to assist both with their response to an emergency situation and, as such, further acknowledge that this agreement is for guidance only and creates no other binding or legal responsibilities or duties.