



Victim's Rights

Date of Issue: June 2026
Reviewed/Revised:
Memo To: All Staff
From: Director of Education

ACCESSIBILITY:

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PURPOSE:

The purpose of this policy is to outline the responses of the school administrator in those circumstances where a student has been harmed as a result of a serious incident in alignment with section 310(1) [Education Act, R.S.O. 1990, c. E.2 | ontario.ca](#) and the principal believes that the victim's safety – physical, emotional or psychological – may be compromised by the continued presence of the individual(s) responsible for the harm.

In alignment with the WCDSB's mission, the procedure ensures that the "Duty of Care" extends beyond disciplinary action to encompass the holistic healing, spiritual support, and the continued protection of the person harmed.

REFERENCES:

- [Education Act, R.S.O. 1990, c. E.2 | ontario.ca](#)
- [Bullying Prevention and Intervention - APC034](#)
- [Human Trafficking - APH 036](#)
- [Code of Conduct - APC018](#)
- [School Police Protocol - APC013](#)
- [Student Sexual Assault Protocol - APC043](#)
- [Suspected "Child in Need of Protection" Reporting - APS020](#)
- [Violence Threat Risk Assessment and Intervention - APS044](#)
- [Suspension and Expulsion - APC012](#)
- [Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56 | ontario.ca](#)
- [Hate and Bias Motivated Incidents - APO030](#)
- [Homepage | Ontario Human Rights Commission](#)

FORMS:

- N/A.

REPORTS:

- N/A.

APPENDICES:

- N/A.



COMMENTS AND GUIDELINES:

In every Waterloo Catholic District School Board setting and every Waterloo Catholic District School Board sponsored activity, each actual or intended victim – as and when identified – who has suffered or may be reasonably expected to suffer intentionally inflicted harm, whether physical, mental or emotional, as a result of the action of one or more others, has the right:

- To immediately receive required care and physical assistance.
- To emotional, spiritual and moral support, and equitable access to educational continuity.
- To reasonable and adequate protection from future harm to the extent required by the circumstances and freedom from reprisal.

Definitions

School Climate

The learning environment and relationships found within a school and school community. A positive school climate exists when all members of the school community feel safe, accepted and a sense of belonging; and actively promote positive behaviours and interactions.

Safe Schools Transfer

Safe School Transfer is an administrative transfer to a new school to preserve individual and/or school safety.

Safe School Transfers can be imposed:

- a) In response to the WCDSB Victim's Rights AP;
- b) To assist the student with an undertaking on conditions agreed to by the student and/or student's parent/legal guardian; or conditions related to police conditions; or
- c) In other circumstances to preserve school safety as approved by the superintendent of the student's school

Regulations

1. An actual or intended victim is a person who suffers injury or hurt as a result of intentionally inflicted or threatened harm caused or permitted by one or more other persons. Consistent with Section 310(1) of the [Education Act, R.S.O. 1990, c. E.2 | ontario.ca](#), such harm can take many forms, including but not limited to:
 - actual or threatened assault
 - use of a weapon to threaten or cause bodily harm
 - sexual assault
 - human trafficking
 - mental or emotional violence of any sort, including harassment or bullying
 - bullying if the student has been suspended for engaging in bullying and their continued presence in the school creates an unacceptable risk to the safety to the victim
 - any activity listed that is motivated by bias, prejudice, or hate based on race, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, sexual orientation, gender identity, gender expression, or any other similar factor.

Regardless of the form or the reasons underlying the harm caused, and regardless of the consequences imposed upon the person(s) who may have caused the harm, the victim is entitled to care, support and protection, all as is reasonably necessary in the circumstances.

2. As the first and immediate response when a student has suffered intentionally inflicted harm or is threatened due to the action of one or more others, the victim and the person(s) who may have caused the harm shall be separated, and any required care and medical and other attention to the victim shall be provided. Police and/or Family and Children's Services may be contacted as deemed appropriate by the principal and in accordance with [School Police Protocol - APC013](#) and [Suspected "Child in Need of Protection" Reporting - APS020](#)
3. The parent(s)/ guardian(s) of the victim shall promptly be informed by the principal of the nature of the activity that resulted in the harm, the nature of the harm, steps taken to protect the victim's safety, and the supports that will be provided to the victim in response to the harm that resulted from the activity.

4. As to the student(s) who may have caused the harm, the principal shall promptly contact the parent(s)/ guardian(s) to inform them of the nature of the activity that resulted in harm to the victim, the nature of any disciplinary measures taken in response to the activity, and the supports that will be provided to the student in response to their participation in the activity that caused the harm. In the event the circumstances required a report to either Police and/or Family and Children's Services of the Waterloo Region, to prevent interfering with an investigation, the principal shall consult Police and/or Family and Children's Services about who will inform and the nature of the information to be provided. Refer to [Suspected "Child in Need of Protection" Reporting - APS020](#) and [School Police Protocol - APC013](#)
5. In all circumstances, the principal will consult with their Supervisory Officer.
6. In due course, the principal shall determine through an investigation that emphasizes confidentiality, whether the separation of the actual or intended victim and the students who caused or intended to cause the harm should continue beyond the immediate aftermath of the incident. In making this judgement, the principal shall consider:
 - a. Whether the student and/or student's parent/legal guardian have agreed to follow a police undertaking or conditions of release.
 - b. Whether the undertaking or conditions referred to in (a) above require separation between the actual or intended victim and the student(s) who inflicted harm or threatened the victim.
 - c. Whether the student(s) can reasonably be expected to tolerate an end to the separation.
 - d. The nature, validity and suitability of any demands or requests made by the actual or intended victim and/or his/her parent(s)/guardian(s).
 - e. The nature, validity and suitability of any demands or requests made by the student(s) who may have caused the harm and/or his/her respective parent(s)/guardian(s).
 - f. The overall impact of the incident on school climate.
7. Whenever a choice must be made as to which of the actual or intended victim, or the student(s) who caused or threatened to harm the victim must be transferred to a new school, where circumstances dictate, it will be the student(s) who caused the harm who will be required to transfer to another school. This transfer is facilitated through the Safe School Transfer.
8. Ultimately, subject to requirements of the law and other Board Policies, the principal shall determine what is in the best interest of all students involved, both the actual or intended victim and the student(s) who caused the harm, balancing where necessary, the competing interests, to produce a fair and equitable result in harmony with Catholic traditions and values, and teaching and learning philosophy. The principal may consider using strategies of restorative justice provided that all parties are in agreement. Ultimately the onus is on the principal to consider first and foremost the impact on the victim if the student(s) who caused the harm are allowed to remain in the school.
9. A Restorative Justice approach may bring together, in a safe and controlled environment, all those who have been affected by the incident in question. The goal of the process is for the participants to determine how the harm caused by the actions of the student(s) in conflict may be repaired. Acceptance of responsibility, another important part of the process, will enhance a sense of accountability not always found in a punitive approach.

Evaluation and Metrics

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

Safe Schools Climate surveys administered to representative groups of WCDSB students

1. Anonymous school climate surveys conducted with Parents and Staff at least every two years
2. Safe Schools data as reported in the Safe Schools Annual Report