

PROTECTIVE MEASURES IN SELF DEFENSE OR DEFENSE OF OTHERS

The School Board authorizes its employees to use protective measures in the defense of self or others (for example, intervening to stop students who are in a physical altercation). The use of protective measures by an MSD of Wayne Township employee shall be considered as a last alternative and shall be limited to those situations in which non-physical alternatives have been ineffective or were unlikely to be effective. A decision to use protective measures will be evaluated recognizing the exigent circumstances in which it is made.

This Policy and Rule run in concurrence with *Policy C550-R: Use of Restraint & Seclusion of Students*.

Use of Protective Measures in Self-Defense and Defense of Another Person

An employee may use protective measures, including physically separating individuals, to protect the employee, a student, or another person from the use of unlawful physical force or the threat of imminent use of unlawful physical force. The force used in this circumstance shall not exceed the force necessary to prevent or terminate the use of unlawful force by an aggressor.

An employee's use of force pursuant to this Policy and Rule shall be evaluated taking into account the severity of any harm threatened, and the information available to the employee at the time a decision as to the use of physical intervention was made.

Provocation

An employee or student who attempts to provoke or challenge another person to respond with physical intervention through language or conduct on District property or at a District activity may be subject to expulsion or suspension (if the person is a student), or reprimand, suspension, or termination (if the person is an employee).

A person other than an employee or student who attempts to provoke or challenge another person to respond with physical intervention through language or conduct on school property or at a school activity may be subject to:

1. criminal prosecution for the offense of Provocation as found at I.C. 35-42-2-3; and
2. exclusion from District property and activities wherever held, through the use of no trespass notice pursuant to I.C. 35-43-2-2 if the person comes on District property or the property where a school activity is being held.

Written Report of Use of Protective Measures

As soon as possible, but at least by the end of the school day in which an employee uses protective measures pursuant to this Policy and Rule, the employee shall submit a written report to the principal of the building in which the use of force occurred. The written report may be sent by e-mail and shall include:

1. the name and grade level of the student subjected to force;
2. the conduct rule violated by the student and the date, time, and location of the violation;
3. the date, time, and location of the use of force; and the names of all witnesses.

Decision of the Prosecuting Attorney

A decision to prosecute or not prosecute an alleged battery or other crime related to the use of physical intervention shall not constitute conclusive proof that this Policy or Rule has been violated or not violated.

Adopted: June 11, 2018