
PROGRESSIVE DISCIPLINE AND PROMOTING POSITIVE STUDENT BEHAVIOUR

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PROGRESSIVE DISCIPLINE AND PROMOTING POSITIVE STUDENT BEHAVIOUR

1) PURPOSE

The director of education has developed this administrative procedure to promote a safe learning and working environment in all schools of the district and to assist students in recognizing the behaviours required for good citizenship and well-being. This administrative procedure is intended to:

- a) Create schools in Hastings and Prince Edward District School Board that are safe, inclusive and accepting of all pupils;
- b) Encourage a positive school climate and prevent inappropriate behaviour, including bullying, sexual assault, gender-based violence and incidents based on homophobia, transphobia or biphobia;
- c) Address inappropriate pupil behaviour and promote early intervention;
- d) Provide support to pupils who are impacted by inappropriate behaviour of other pupils;
- e) Establish disciplinary approaches that promote positive behaviour and use measures that include appropriate consequences and supports for pupils to address inappropriate behaviour; and
- f) Provide pupils with a safe learning environment.

Progressive discipline uses a continuum of preventative measures, corrective and supportive interventions and responses to address inappropriate behaviour and to build upon strategies that promote positive behaviours.

Bias Free and Progressive discipline is built on a foundation of positive practices used to develop a safe school climate in which all students can reach their full potential and include but are not limited to:

- a) Anti-bullying, conflict resolution and violence prevention programs;
- b) Character development; and
- c) *Student* success strategies, citizenship development, student leadership, accommodations, modifications, peer and group counseling, restorative practices, mentor programs, positive reinforcement and healthy lifestyles initiatives.

When prevention and intervention strategies to promote positive behavior have not met with success, this procedure provides direction for the delivery of possible responses to be used by administrators. Principals or designates have a duty under the *Education Act* to maintain proper order and discipline in schools, and students are responsible to the principal or designate for their conduct. In the case of serious incidents, Principals or designates may find that bias free progressive discipline responses such as suspension or expulsion must be considered.

The *Provincial Code of Conduct*, the Hastings and Prince Edward District School Board Code of Conduct, the *Education Act*, *Ontario Regulation 472/07*, *Policy Program Memorandum (PPM) 128 (Provincial and School Board Codes of Conduct)*, *PPM 141 (Programs for Long Term Suspension)*, *PPM 142 (Expulsion Programs)*, *PPM 144 (Bullying Prevention and Intervention)* and *PPM 145 (Progressive Discipline and Promoting Positive Student Behaviour)*, create expectations for behaviour for all persons on school property and outline strategies to be taken to address incidents, including the delivery of responses for students to these incidents.

The process set out in this procedure shall be informed by and implemented in accordance with the principles of equity and inclusion articulated in *PPM 119 (Equity and Inclusive Education)*.

The *Ontario Human Rights Code* has primacy over provincial legislation and policies, as well as school board policies and procedures, such that the *Education Act, regulations, Ministry of Education Program Policy Memoranda*, and Board policies and procedures are subject to, and shall be interpreted and applied in accordance with the *Ontario Human Rights Code*.

2) DEFINITIONS

The following definitions apply for the purposes of student discipline.

Administrator: Includes a superintendent, Principal or Vice-principal with responsibility for the school in question.

Adult student: Is a student who is 18 years or older or 16 or 17 and is emancipated and has removed him/herself from parental control.

Board employees who work with students: Is defined to include administrators, teachers, educational assistants, child and youth workers, psychologists, speech language pathologists and other professional and para-professional staff who have regular and direct duties with the Board's students.

Board expulsion: Is an expulsion from all schools of the Board.

Bullying: Means aggressive and typically repeated behaviour by a pupil where the behaviour is intended by the pupil to have the effect of, or the pupil ought to know that the behaviour would be likely to have the effect of:

- Causing harm, fear or distress to another individual, including physical, psychological, social or academic harm, harm to the individual's reputation or harm to the individual's property;
- Creating a negative environment at a school for another individual; or
- The behaviour occurs in a context where there is a real or perceived power imbalance between the pupil and the individual based on factors such as size, strength, age, intelligence, peer group power, economic status, social status, religion, ethnic origin, sexual orientation, family circumstances, gender, gender identity, gender expression, race, disability or the receipt of special education ("intimidation").

Cyber bullying: Cyber bullying is using electronic means to intimidate, harm, exclude or ruin a reputation. Cyber bullying includes the use of e-mails and instant messaging, text or digital imaging sent on cell phones, web pages and web logs (blogs), chat rooms and discussion groups to spread rumours, images or hurtful comments.

Although cyber bullying usually occurs outside the school, it can negatively affect the learning environment and student safety in the school. Where there is evidence that a student who has been intimidated is impaired in his/her ability to progress in school, or that the cyber bullying affects school safety and security, the principal or designate will intervene as if the inappropriate behaviour was initiated in the school setting.

Discipline Committee: A committee of three (3) or more Trustees designated to determine suspension appeals and recommendations for expulsion.

Disproportionate impact: Is created when discipline impacts a student to a greater degree in comparison to his/her peers as a result of factors related to grounds protected by the *Ontario Human Rights Code*.

Emergency administrator: Is a superintendent or Principal identified by the Principal of the school, to which a teacher-in-charge is assigned, as the emergency contact should the administrators of the school not be available in emergency circumstances.

Expulsion: Board expulsion is an expulsion from all schools in the board. School expulsion is an expulsion from the school of the Board that the student was attending at the time of the incident.

Harassment: Is words, conduct or action that is directed at an individual and serves no legitimate purpose and which may include remarks, jokes, threats, name-calling, the display of material(s), touching or other

behaviour that an individual knows or ought to know insults, intimidates, offends, demeans, annoys, alarms or causes that individual emotional distress and may constitute discrimination when related to grounds protected by the *Ontario Human Rights Code*.

Manifestation of a student's disability: Is behaviour that results from a student's disability and that a student does not intend.

Minutes of Settlement: Are an alternative to an Expulsion Hearing. The superintendent or designate will coordinate and facilitate the Minutes of Settlement meeting with the potential parties.

Mitigating and other factors: Mitigating or other factors must be taken into account when discipline is being considered. These factors are described in *Ontario Regulation 472-07 – Behaviour Discipline and Safety*.

Parent(s)/guardian(s): Where there is a reference to involving or informing a parent(s)/guardian(s), it means the custodial parent or guardian of a minor child who is not an adult student.

Immutable characteristics: Are characteristics that an individual cannot change or that an individual cannot alter about themselves, such as height.

Impact on school climate: An incident or activity which has a negative impact on the school community.

Primacy of the code: In a circumstance in which there is a conflict between provincial law, such as the *Education Act, regulations, Policy Program Memoranda*, school board policies and procedures, and the *Ontario Human Rights Code*, the *Ontario Human Rights Code* is deemed to be more important and the inferior law must be applied in a manner consistent with the *Ontario Human Rights Code* (unless there is an explicit exception contained within the other law for such a circumstance). The principle of primacy of the *Ontario Human Rights Code* also requires school board policies and procedures to be interpreted and applied in a manner consistent with the *Ontario Human Rights Code*.

Racialized student: Is a student who may experience social inequities on the basis of race, colour, and/or ethnicity.

School climate: Is the sum total of all of the personal relationships within a school. A positive climate exists when all members of the school community feel safe, comfortable and accepted.

School community: The school community is composed of staff, students and parents of the school and feeder schools / family of schools, as well as the community of people and businesses that are served by or located in the greater neighbourhood of the school.

School expulsion: Is an expulsion from the school of the Board that the student was attending at the time of the incident.

Superintendent: Shall be consistent with and have the meaning attributed to Supervisory Officer in the *Education Act and regulations*.

Teacher-in-charge: Is a teacher delegated authority by the Principal to undertake specified duties with respect to student discipline in the absence of administration.

Undue hardship: Is the standard for the provision of accommodation, or point to which accommodation must be provided, for a specific student by the Board.

Weapon: Is any object or thing used to threaten or inflict harm on another person and includes, but is not limited to, knives, guns, replica guns and animals.

3) BIAS FREE PROGRESSIVE DISCIPLINE

Bias free progressive discipline is a non-punitive, whole-school approach that uses a continuum of preventative measures, corrective and supportive interventions and responses to address inappropriate behaviour and to build upon strategies that promote positive behaviours. Responses include learning opportunities for reinforcing positive behaviour and assisting students to make good choices thus supporting the student's and school community's well-being. The range of interventions and consequences used must be clear, developmentally appropriate and include opportunities for students to focus on improving their behaviour.

Prevention and early intervention are important for assisting students to achieve their potential and for maintaining a positive school environment and well-being. A positive school environment is effected through programs and activities that focus on building healthy relationships, character development, well-being, and civic responsibility, which encourage positive participation of the school community in the life of the school.

Progressive discipline is most effective when ongoing dialogue between the school and home regarding student achievement, well-being, behaviour and expectations is open, courteous and focused on student success. It is an expectation that Principals and Vice-principals will consult with *Ontario Human Rights Code* regarding progressive discipline preventative measures prior to imposing student specific progressive discipline preventative measures, positive behaviour management strategies or progressive discipline responses.

Each school is required to develop and implement a school-wide progressive discipline policy, consistent with Administrative Procedure 378: Progressive Discipline and Promoting Positive Student Behaviour and the *Ontario Human Rights Code*.

The teacher, principal or designate should select the most appropriate response to address the student's behaviour. Where a student has special education and/or disability related needs, the interventions, supports and consequences must be consistent with the expectations for the student, including those in the student's Individual Education Plan and/or Behaviour Management/Safety Plan.

Bias free progressive discipline includes the use of prevention strategies, early and ongoing intervention strategies and strategies to address inappropriate behaviour. Inappropriate behaviour includes any behaviour that disrupts the positive school climate and/or has a negative impact on the school community. Inappropriate behaviour may also include an infraction for which a suspension or expulsion may be imposed.

Students' *Ontario Human Rights Code* need to be actively engaged in the progressive discipline approach.

a) Prevention of Inappropriate Behaviour

Board employees who work with students are expected to support students to achieve their full potential. Prevention strategies include supporting students, student councils and/or school councils that wish to participate in student led initiatives and other initiatives or activities promoting well-being and healthy relationships.

Where a student has reported harassment, bullying or violence as a result of one or more immutable characteristics, including on any grounds protected by the *Ontario Human Rights Code*, or inappropriate sexual behaviour, that student shall be supported by the school personnel. This support may include developmentally appropriate contact information for professional supports such as: community agencies, public health facilitates, and telecommunications forums, such as a help-phone-lines or websites, that the student may access directly for information, assistance and/or support in an effort to promote and/or develop healthy relationships.

Schools shall provide public health units under the responsibility of the local officer of medical health the ability to deliver their mandated public health curriculum.

Principals/Vice-principals are expected to review and amend, as appropriate, Individual Education Plans and Safety Plans at regular intervals and following an incident to ensure that every student with disability related needs is receiving appropriate accommodation up to the point of undue hardship.

Other preventative practices include:

- i) Human Rights strategy pursuant to *PPM 119 (Equity and Inclusive Education)*;
- ii) Anti-bullying and violence prevention programs;
- iii) Mentorship programs;
- iv) Student success strategies;
- v) Character education;
- vi) Citizenship development;
- vii) Promoting mentally healthy classrooms;
- viii) Student leadership;
- ix) Promoting healthy student relationships; and
- x) Promoting well-being.

b) Positive Behaviour Management

Positive behaviour management practices include:

- i) Program modifications or accommodations;
- ii) Class placement;
- iii) Positive encouragement and reinforcement;
- iv) Individual, peer and group counselling;
- v) Conflict resolution / Dispute resolution;
- vi) Restorative Practices;
- vii) Mentorship programs;
- viii) Promotion of healthy student relationships;
- ix) Sensitivity programs;
- x) Behaviour Management/Safety Plans;
- xi) School, Board and community support programs; and
- xii) Student success strategies.

In some circumstances, positive practices might not be effective or sufficient to address inappropriate student behaviour. In such circumstances, the use of progressive discipline up to and including expulsion from all schools of the Board may be appropriate.

In circumstances where a student will receive a consequence for his/her behaviour, it is the expectation that the principle of progressive discipline, consistent with the *Ontario Human Rights Code*, *Ministry of Education* direction and *PPM 145 (Progressive Discipline)*, will be applied in the least restrictive manner to be effective, and so as not to add to the historical disadvantage of racialized students and/or students with disabilities.

c) Early and Ongoing Intervention Strategies

If a pupil has engaged in inappropriate behaviour and it is the first time that the pupil has engaged in such behaviour, the principal or designate will consider the use of a progressive discipline strategy to address the infraction. A teacher or the Principal or Vice-principal, as appropriate, may utilize early and/or ongoing intervention strategies to prevent unsafe or inappropriate behaviours. These may include:

- i) Contact with student's *Ontario Human Rights Code*;
- ii) Oral reminders;
- iii) Review of expectations in the School Code of Conduct;
- iv) Written work assignment addressing the behaviour, that has a learning component;
- v) Volunteer services to the school community;
- vi) Conflict mediation, consultation and resolution;
- vii) Peer mentoring;
- viii) Visual cues to the desired behaviour;
- ix) Clear examples of appropriate behaviour;
- x) Removal of distractions;
- xi) Referral to counselling; and/or
- xii) Restorative Practices.

In all cases where ongoing intervention strategies are used, the student's *Ontario Human Rights Code* need to be consulted.

d) Responses

Progressive discipline may also include a range of responses that focus on improving behaviour, such as one or more of the following:

- i) Meeting with the student's *Ontario Human Rights Code*, student and principal or designate;
- ii) Support with a referral to central support services of HPEDSB;
- iii) Support with a referral to a community agency for anger management or substance abuse, counselling/intervention;
- iv) Detentions;

- v) Withdrawal of privileges;
- vi) Withdrawal from class with planned alternative learning activities;
- vii) Restitution for damages;
- viii) Restorative practices; and
- ix) Transfer to another class or school, with appropriate support for a new start in the receiving school.

In some circumstances, suspension and expulsion from all schools of the Board may be appropriate progressive discipline consequences.

e) Factors to Consider Before Deciding to Utilize a Progressive Discipline Response to Address Inappropriate Behaviour

Before applying any progressive discipline response, the Principal/Vice-principal shall consider whether or not the response might have a disproportionate impact on a student protected by the *Ontario Human Rights Code*, including but not limited to race and disability, and/or exacerbate the student's disadvantaged position in society, and whether or not accommodation to the point of undue hardship is required.

In all cases where a progressive discipline response is being considered to address an inappropriate behaviour, the Principal or Vice-principal must:

- i) Consider the particular student and circumstances, including considering the mitigating or other factors;
- ii) Consider the nature and severity of the behaviour;
- iii) Consider the impact of the inappropriate behaviour on the school climate; and
- iv) Consult with the student's *Ontario Human Rights Code* (unless the student is an adult student).

f) Mitigating Factors

The mitigating factors to be considered by the principal or designate when using a progressive discipline approach to address the inappropriate behaviour are:

- i) Whether the student has the ability to control his or her behaviour;
- ii) Whether the student has the ability to understand the foreseeable consequences of his or her behaviour; and
- iii) Whether the student's continuing presence in the school does or does not create an unacceptable risk to the safety of any other individual at the school.

g) Other Factors to be Considered

- i) The student's academic, discipline and personal history;
- ii) Whether other progressive discipline has been attempted with the student, and if so, the progressive discipline approach(es) that has/have been attempted and any success or failure;
- iii) Whether the infraction for which the student might be disciplined was related to any harassment of the student because of race, colour, ethnic origin, place of origin, religion, creed, disability,

gender or gender identity, sexual orientation or harassment for any other reason related to an immutable characteristic;

- iv) The impact of the discipline on the student's prospects for further education;
- v) The student's age;
- vi) Where the student has an IEP or disability related needs;
- vii) Whether the behaviour causing the incident was a manifestation of the student's disability;
- viii) Whether appropriate individualized accommodation has been provided to the point of undue hardship;
- ix) Whether a suspension is likely to result in aggravating or worsening the student's behaviour or conduct or whether a suspension is likely to result in a greater likelihood of further inappropriate conduct;
- x) Whether or not the student's continuing presence at the school creates an unacceptable risk to the safety of anyone in the school;
- xi) If the student's continuing presence in the school creates an unacceptable risk to the safety of others in the school, then a progressive discipline approach may not be appropriate; and
- xii) Exclusion from the school pursuant to *section 265(1)(m) of the Education Act* is not acceptable for discipline purposes or as an alternative to discipline, and may only be effected following consultation with the superintendent and in accordance with the *Education Act* and consistent with the *Ontario Human Rights Code*.

h) Record

The Principal or Vice-principal should keep a record for each student with whom progressive discipline interventions or consequences are utilized. The record should include:

- i) Name of the student;
- ii) Date of the incident or behaviour;
- iii) Nature of the incident or behaviour;
- iv) Considerations taken into account;
- v) Progressive discipline approach used;
- vi) Outcome; and
- vii) Contact with the student's parent(s)/guardian(s) (unless the student is an adult student).

4) BULLYING PREVENTION AND INTERVENTION

Each school must have in place a safe and accepting schools team responsible for fostering a safe, inclusive and accepting school climate that should include at least one student and must include at least one parent, one teacher, one non-teaching staff member, one community partner and the Principal. An existing school committee (eg. the healthy school's committee) can assume this role. The chair of this team must be a staff member.

Each school is also required to ensure that bullying prevention plans include:

- a) awareness raising strategies;
- b) support strategies, including plans to protect and support victims; and
- c) reporting requirements.

In addition, teaching strategies should include a focus on developing healthy relationships by including bullying prevention throughout the curriculum, preventing homophobia, gender based violence, sexual harassment, inappropriate sexual behaviour, as well as promoting critical media literacy and safe internet use strategies, all of which are to be implemented in a manner consistent with the principles of equity and inclusion.

All bullying adversely affects well-being, healthy relationships, the school climate, and a school's ability to educate its students. It impacts negatively on students' ability to learn and well-being. Bullying will not be accepted on school property, at school-related activities, on school buses, or in any other circumstances where engaging in bullying will have a negative impact on the life of the school.

Providing students with an opportunity to learn and develop in a safe and respectful society is a shared responsibility in which the district and its schools play an important role. Schools that use bullying prevention and intervention strategies foster a positive learning and teaching environment that supports academic achievement for all students.

a) Bullying Prevention Strategies - Character Education

- i) Hastings and Prince Edward District School Board is committed to providing learning opportunities that promote social and emotional learning, as well as academic and physical growth. The board provides character education to support the development of safe and supportive school communities and to help students develop a foundation of good character.
- ii) Schools, parents and the broader community are engaged in character development initiatives. All members are expected to model the universal principles and attributes of character development which transcend socio-economic status, racial, ethno-cultural, linguistic, religious, gender, physical and intellectual ability and other demographic factors.
- iii) Good character is modeled, taught and practiced across the board's learning community. The board actively supports and recognizes programs and activities that contribute to character development.
- iv) System-wide character education provides a foundation of respect and positive behaviours upon which anti-bullying programs can build. Hastings and Prince Edward District School Board character attributes are described in Administrative Procedure 225: Character Development.

b) School-Wide Prevention Strategies

A positive school climate is essential to the prevention of bullying behaviour. A positive climate is developed when administrators and teachers:

- i) Promote the development of healthy and inclusive relationships among the staff and student body and with parents and the broader community;
- ii) Promote and provide support and training for the well-being of students and staff members;
- iii) Provide and support training for students and staff members that raises awareness of the impact of bullying;
- iv) Know and follow administrative procedures related to safe and caring schools;
- v) Reinforce bullying prevention messages through programs addressing discrimination based on such factors as age, race, sexual orientation, gender, faith, disability, ethnicity, and socio-economic disadvantage;

- vi) Post, communicate and enforce clear codes of student conduct;
- vii) Assess the school climate through school climate surveys;
- viii) Ensure that students are supervised in all areas of the school and on the school grounds, with particular attention being given to any areas where bullying has been identified as a problem in a particular school setting;
- ix) Find a variety of ways to acknowledge students for positive, inclusive behaviour and to support them in being positive leaders in their school community;
- x) Encourage parents to participate and become engaged in the life of the school and to volunteer to assist in school activities and projects; and
- xi) Involve school councils in the development of initiatives that support a positive and inclusive school climate and the ongoing implementation of programs to support this goal.

Parents and school staff can work together to support children to be a participant in a positive and inclusive school environment.

Administrators, teachers and all other staff must regularly reinforce the message that bullying will not be tolerated in the school and that everyone must work together to create a safe and positive learning environment.

c) Classroom Prevention Strategies

Teachers provide opportunities for students to talk about bullying and to define unacceptable behaviours. They involve students in establishing classroom rules against bullying and peer harassment. Teachers engage students in classroom activities and discussions related to bullying and violence, including awareness of the harm that they cause and strategies to reduce them. Teachers provide and regularly reinforce clear expectations for appropriate student behaviour.

Teachers provide integrated programs that support bullying prevention strategies. They focus on developing healthy relationships in classroom lessons and include books that deal with related issues in student reading materials.

Teachers ensure that students know what to do when they experience or observe a bullying confrontation. Knowing the process to follow gives the students confidence and a feeling of security.

d) Bullying Intervention Strategies - School-Wide Intervention Strategies

School administrators and teachers encourage students to make a confidential report if they are the victims of bullying or are aware of another victim or victims. Reporting methods are designed to minimize the possibility of reprisal. Details of incidents are carefully recorded and tracked. Such reports are investigated and resolved expeditiously, consistent with administrative procedures.

Parents who report bullying are given a receptive hearing, followed by investigation and resolution of the allegations.

Interventions are conducted in ways that are consistent with a bias free progressive discipline approach. The strategies will range from early and ongoing interventions to more intensive interventions in cases of persistent bullying, with possible referral to community or social service agencies.

Bullying is one of the infractions for which a principal or designate may consider suspension from

school. The principal or designate will take into account any mitigating or other factors which may apply.

e) Classroom Intervention Strategies

Teachers take immediate action when bullying is observed. Teachers let students know that they care and will not allow anyone to be mistreated. By taking immediate action in dealing with the bully, educators support both the victim and the witness or witnesses. Dealing with a bully does not necessarily mean confronting the bully in front of his or her peers. Teachers will usually confront the bully in private. Challenging a bully in front of his or her peers may actually enhance the bully's status and lead to further aggression.

Principals or their designate, will notify the parents of both victims and bullies when a confrontation occurs, and seek to resolve the problem quickly at school. They refer both victims and aggressors to counselling whenever appropriate.

Teachers provide protection and support for bullying victims whenever necessary, including creating a buddy system whereby students have a particular friend or older buddy on whom they can depend.

Teachers listen receptively to parents who report bullying and investigate reported circumstances so that immediate and appropriate action can be taken.

Teachers avoid attempts to mediate a threatening bullying situation alone if they are uncomfortable. They will inform the principal or designate, who will address the situation as appropriate, including contacting police services if deemed necessary.

f) Monitoring and Review

Schools and their Safe Schools Teams have an important role in assisting with monitoring, review and improvement of the effectiveness of safe schools policies and procedures.

Every two years, schools are required to address issues of bullying, gender based violence, homophobia, sexual, racial and disability related harassment and inappropriate sexual behaviour in their school improvement plans and to evaluate the effectiveness of safe school's policies, procedures and programs through the use of school climate surveys.

Climate surveys shall be conducted by the school every two years to provide parents, school staff and students with an opportunity to anonymously evaluate and communicate their perception of school safety.

Climate surveys will include questions about learning, feeling welcome and included, feeling safe at school and well-being. Where possible, climate surveys shall be made available to students with cognitive disabilities in a form that might provide them with an opportunity to identify their perception of their safety. Students with other special needs shall be accommodated in order to provide them with an opportunity to respond to the climate survey.

The results of climate surveys shall be shared with school teams in order to assist the teams to build strategies in school improvement plans to improve the school climate deficits identified. Safe School Teams must include one non-teaching staff member and the chair of the team must be a staff member, and may be the Principal or Vice-principal.

5) RESPONDING TO INCIDENTS

The Board is committed to supporting safe learning and teaching environments in which every student can reach his or her full potential. Appropriate action must consistently be taken by schools to address student behaviours that are contrary to provincial, Board and school Codes of Conduct, which includes, but is not

limited to, inappropriate sexual behaviour, gender-based violence, homophobia, and harassment on the basis of sex, gender identity, sexual orientation, race, colour, ethnicity, culture, citizenship, ancestry, origin, religion, creed, family status, socio-economic status, disability and/or any other immutable characteristic or ground protected by the *Ontario Human Rights Code*, as well as any other student behaviour, such as bullying, swearing, malicious gossip, name-calling, sexist, homophobic or racial slurs, comments, jokes or teasing and defamatory or discriminatory electronic communication and postings, graffiti and other behaviour that might cause a negative school climate.

It is the expectation of the Board that, provided that there is no immediate risk of physical harm to any individual, Board employees who work with students shall respond to any such inappropriate and disrespectful student behaviour as well as any other behaviour that causes a negative impact on school climate or for which a suspension or expulsion may be imposed, that they have observed or heard during the course of their duties or otherwise while on school property or during a school related event. Immediate risk to an individual includes the Board employee, the students involved, other students, other staff and members of the community who might be impacted as a result of the behaviour being exhibited or because the Board employee who works with students cannot leave unattended another student(s) in order to respond.

Responses shall be made in a timely, supportive and sensitive manner and made in an effort to stop and correct the behaviour in a manner that is developmentally appropriate and takes into consideration any special and/or disability related needs that the student might exhibit or about which the employee might be aware. Responses may include one or more of:

- a) Asking the student to stop the behaviour;
- b) Identifying the behaviour as inappropriate and disrespectful;
- c) Explaining the impact of the behaviour on others and the school climate;
- d) Modelling appropriate communication;
- e) Asking the student for a correction of the behaviour by restating or rephrasing their comments;
- f) Asking the student to apologize for the behaviour;
- g) Asking the student to promise not to repeat the behaviour;
- h) Asking the student to explain why and how a different choice with respect to the behaviour would have been more appropriate and respectful; and
- i) Where applicable, identifying the application of the *Ontario Human Rights Code*.

A response by the staff to the incident shall not prevent or preclude the Principal or Vice-principal from imposing appropriate progressive discipline, up to and including a recommendation for expulsion from all schools.

Where, in the opinion of the Board employee who works with students, the behaviour observed or heard might lead to suspension or suspension and a recommendation for expulsion, the employee must report the behaviour orally to the principal or designate at the earliest opportunity and again in writing before the end of the school day. The employee shall follow the procedures outlined for reporting incidents when reporting in writing. For all other behaviour, the employee will report the behaviour to the principal or designate at the earliest convenient opportunity. The Principal/Vice-principal shall consider whether or not further discipline is appropriate in the circumstances.

6) REPORTING SUSPENSION AND EXPULSION INFRACTIONS TO THE PRINCIPAL

The infractions for which a suspension may be imposed by the principal or designate include:

- a) Uttering a threat to inflict serious bodily harm on another person;
- b) Possessing alcohol, illegal and/or restricted drugs;
- c) Being under the influence of alcohol;
- d) Possessing cannabis (unless the pupil is a medical cannabis user);
- e) Giving cannabis to a minor;
- f) Being under the influence of cannabis (unless the pupil is a medical cannabis user);
- g) Swearing at a teacher or at another person in a position of authority;
- h) Committing an act of vandalism that causes extensive damage to school property at the student's school or to property located on the premises of the student's school;
- i) Bullying;
- j) Any act considered by the principal or designate to be injurious to the moral tone of the school;
- k) Any act considered by the principal or designate to be injurious to the physical or mental well-being of members of the school community; or
- l) Any act considered by the principal or designate to be contrary to the Board or school Code of Conduct.

The infractions for which a principal or designate may consider recommending to the Board that a student be expelled from the student's school or from all schools of the Board include:

- a) Possessing a weapon, including possessing a firearm or knife;
- b) Using a weapon to cause or to threaten bodily harm to another person;
- c) Committing physical assault on another person that causes bodily harm requiring treatment by a medical practitioner;
- d) Committing sexual assault;
- e) Trafficking in weapons, illegal or restricted drugs;
- f) Committing robbery;
- g) Giving alcohol or drugs to a minor;
- h) Bullying, where the student has been previously suspended for bullying and creates an unacceptable risk to the safety of another person;
- i) Hate-based infractions;
- j) An act considered by the principal or designate to be significantly injurious to the moral tone of the school and/or to the physical or mental well-being of others;

- k) A pattern of behaviour that is so inappropriate that the student's continued presence is injurious to the effective learning and/or working environment of others;
- l) Activities engaged in by the student on or off school property that cause the student's continuing presence in the school to create an unacceptable risk to the physical or mental well-being of other person(s) in the school or Board;
- m) Activities engaged in by the student on or off school property that have caused extensive damage to the property of the Board or to goods that are/were on Board property;
- n) The student has demonstrated through a pattern of behaviour that she/he has not prospered by the instruction available to him or her and that s/he is persistently resistant to making changes in behaviour which would enable him or her to prosper;
- o) Any act considered by the Principal or designate to be a serious violation of the requirements for student behaviour and/or a serious breach of the Board or school Code of Conduct; or
- p) Where a student has no history of discipline or behaviour intervention, or no relevant history, a single act, incident or infraction considered by the Principal or designate to be a serious violation of the expectations of student behaviour and/or a serious breach of the Board or school Code of Conduct.

When a board staff member or transportation provider becomes aware of any infractions for which a suspension may be imposed by the principal or designate or any infractions for which a principal or designate may consider recommending to the Board that a student be expelled, she/he must report the infraction and any details to the Principal or designate at the earliest, safe opportunity and no later than the end of the school day, or end of a transportation run, if reported by a transportation provider. Where two (2) or more board staff and/or transportation providers become aware of the same incident, each staff member and transportation provider shall make a report to the Principal or designate during the absence of administration.

The purpose of reporting incidents is to ensure that the Principal/Vice-principal is aware of the behaviour.

Wherever possible, it is expected that the employee or transportation provider will provide an oral report to the Principal or designate during the absence of administration at the earliest, safe opportunity.

A written report, Procedure Form 378-15 Safe Schools Student Incident Reporting – Part 1 must be submitted to the Principal or designate during the absence of administration, when it is safe to do so and no later than the end of the school day or the end of the transportation run, if reported by a transportation provider. A teacher-in-charge who receives the Procedure Form 378-15 Safer Schools Student Incident Reporting – Part 1, shall provide it to an administrator at the earliest opportunity.

The Principal must investigate all reports submitted by board employees, as outlined in *subsection 300.2(3) of the Education Act*. Once the investigation is complete, the Principal must communicate the results of the investigation to the teacher who made the report. If a board employee who is not a teacher made the report, the Principal will communicate the results of the investigation to that employee if the Principal considers it appropriate. Communication between the Principal and school staff about the investigation and the results of the investigation is a shared responsibility, and is an important factor in meeting student needs and fostering collaboration in the school.

The Principal must not disclose more personal information than is reasonably necessary for the purpose of communicating the results of the investigation, in accordance with *subsection 300.2(5) of the Education Act*. This information must be provided in a timely manner so that school staff can work with the Principal to best meet the needs of students, support a positive school climate, and help prevent future inappropriate behaviour from taking place.

In all cases, the Principal must provide the employee who reported the incident with written acknowledgement, using Procedure Form 378-15A: Safe Schools Student Incident Reporting – Part II. If no

further action is taken by the Principal, the Principal is not required to retain the report. Information that could identify the student(s) involved must not be part of the acknowledgement.

In circumstances in which action is taken by the Principal or Vice-principal with respect to the alleged incident and student who has been disciplined, a copy of Procedure Form 378-15: Safe Schools Student Incident Reporting – Part 1 shall be filed in that student's Ontario Student Record (OSR) for at least the balance of the school year and for the following school year, unless the Procedure Form 378-15: Safe Schools Student Incident Reporting – Part 1 is removed from the OSR in accordance with *s.266 of the Education Act*, or as the result of a suspension review, suspension appeal, expulsion appeal or settlement or final determination of an appeal / review / proceeding / action / claim / application. The Principal/Vice-principal shall ensure that all information contained in the Procedure Form 378-15: Safe Schools Student Incident Reporting – Part 1 that could identify other students has been redacted (removed/blacked-out) before it is filed in the OSR of the student who has been disciplined. When action is taken against more than one student, the Procedure Form 378-15: Safe Schools Student Incident Reporting – Part 1 shall be filed in each student's OSR, as above, with all identifying information about other students redacted. If action is taken, the report form and documentation of the progressive discipline action taken must be kept in the student's OSR for a minimum of one year. The Principal/Vice-principal shall retain the original copy of the Procedure Form 378-15: Safe Schools Student Incident Reporting - Part 1 for the balance of the school year, and the following school year, at which time it shall be destroyed unless the matter has become the subject of a proceeding, including an *Application to the Human Rights Tribunal of Ontario*.

Possible actions taken may include interventions on the progressive discipline continuum, e.g. – warning, contacting parent, removal of privileges and suspension. In circumstances where the victim has also demonstrated inappropriate behaviour during the same incident and the Principal or Vice-principal has responded to the victim's inappropriate behaviour with progressive discipline short of suspension, the Form – Part 1 should only be filed in the victim's OSR if the parents of the victim have been informed of the incident and the victim's behaviour and the progressive discipline measures that have been taken. Where the parents have not been informed by the Principal or Vice-principal of the victim's actions, a copy of the Form – Part 1 shall NOT be filed in the victim's OSR.

Where the victim has NOT demonstrated any inappropriate behaviour during the incident, the Procedure Form 378-15: Safe Schools Student Incident Reporting – Part 1 shall only be filed in the victim's OSR, with the consent of the victim's *Ontario Human Rights Code* if the victim is not an adult student. If the victim is an adult student, the victim's consent is required before Procedure Form 378-15: Safe Schools Student Incident Reporting – Part 1 is filed in his/her OSR.

If Procedure Form 378-15: Safe Schools Student Incident Reporting – Part 1 has been filed in the victim's OSR, it should be retained for the balance of the school year in which the incident occurred as well as the following school year, unless it is removed pursuant to *section 266 of the Education Act* or as a result of a suspension review, suspension appeal, expulsion appeal, or settlement or final determination of an appeal/review/proceeding/action/claim/application.

In circumstances where Procedure Form 378-15: Safe Schools Student Incident Reporting – Part 1 is destroyed, it must be destroyed in a manner that protects the privacy of all personal information that may be contained therein.

In circumstances where Procedure Form 378-15: Safe Schools Student Incident Reporting – Part 1 is retained but not filed in a student's OSR, it must be stored in a secure cabinet, and measures must be taken to ensure access is limited and that all personal information is protected as private. Where a proceeding has been undertaken or an application has been made to the *Human Rights Tribunal of Ontario*, the Procedure Form 378-15: Safe Schools Student Incident Reporting – Part 1 shall be retained until such proceeding or application has been finally resolved.

Each year the Principal shall review with all staff their duty to report as outlined above. This review shall include instructions regarding the completion of the Procedure Form 378-15: Safe Schools Student Incident Reporting – Part 1 and the receipt and destruction of the Procedure Form 378-15A: Safe Schools Student Incident Reporting – Part 2. (refer to Form 378-15A: Safe Schools Student Incident Reporting – Part II.)

7) NOTIFICATION

a) Notifying an *Ontario Human Rights Code*

If the Principal or designate of a school believes that a pupil of the school has been harmed as a result of an activity described in Section 6 above, the Principal or designate shall, as soon as reasonably possible, notify:

- i) the parent(s) or guardian(s) of the pupil who the Principal or designate believes has been harmed; and
- ii) the parent(s) or guardian(s) of any pupil of the school who the Principal or designate believes has engaged in the activity that resulted in the harm.

When notifying the *Ontario Human Rights Code* of the student who has engaged in the activity that resulted in harm, the Principal or Vice-principal shall identify the nature of the incident that caused the student harm, the nature of the harm caused and its impact to the degree known by the Principal or Vice-principal. The Principal or Vice-principal shall outline steps being taken by the school to address the student's behaviour. These measures may include prevention strategies identified in this procedure. The Principal or Vice-principal shall, as appropriate, recommend a referral for the student to receive counselling support.

Following an incident for which the Principal or Vice-principal shall be considering imposing a suspension or making a recommendation for expulsion or for which there is a consideration of a suspension of five(5) or fewer days, the Principal or Vice-principal shall provide information to the parent(s)/guardian(s) of the victim, unless in the opinion of the Principal or Vice-principal providing information to the victim's parent(s)/guardian(s) would put the victim at risk of harm and would not be in the victim's best interest, or the victim is an adult student. Where the victim is an adult student, the Principal or Vice-principal shall inform the parent(s)/guardian(s) only with the victim's consent.

When notifying the *Ontario Human Rights Code* of the student who has been the victim of an incident, the Principal or Vice-principal shall identify the nature of the incident that caused the student harm, the nature of the harm to the student and its impact on the student to the degree known by the Principal or Vice-principal. The Principal or Vice-principal shall outline steps being taken by the school to protect the student's safety. These measures might include the development of a Victim Support Plan (refer to Procedure Form 378-1: Student Support Plan) and/or prevention strategies identified in this procedure. The Principal or Vice-principal shall, as appropriate, recommend a referral for the student to receive counselling support.

In addition, where the victim has been harassed, bullied or suffered violence because of one or more immutable characteristics, including on any grounds protected by the *Ontario Human Rights Code*, or has been sexually assaulted, the Principal or Vice-principal shall share contact information about professional supports such as community agencies, public health facilities and telecommunications forums, such as a help-phone-line or website, that the victim and the victim's parent(s)/guardian(s) may access for information, assistance and support. A written list of community contacts will be made available to the victim and/or the victim's *Ontario Human Rights Code*. This list shall also be available on the Board's website. If the victim requires support for linguistic, ethno-cultural or disability related needs, information about community supports that are available shall also be shared with the victim and/or the victim's *Ontario Human Rights Code* in a form accessible to the *Ontario Human Rights Code*.

The Principal or Vice-principal may communicate to the victim's *Ontario Human Rights Code* any school wide initiatives or preventative progressive discipline measures that have been or will be implemented as a result of the incident and/or other similar incidents. The Principal or Vice-principal may communicate whether or not formal discipline was imposed on the student(s) disciplined. The Principal or Vice-principal shall NOT identify the names of the student(s) disciplined or confirm the identity of the student(s) disciplined nor shall the Principal or designate provide other personal information about the student(s) disciplined such that his/her personal identity might be determined

or confirmed. The Principal or Vice-principal shall NOT disclose the specific disciplinary measures that might have been imposed. Where the student(s) disciplined shall no longer be attending the same school as the victim, this fact may be confirmed.

The information about supports for the student provided to the *Ontario Human Rights Code* shall be summarized in written form, which shall also include a copy of the contact information for the appropriate school superintendent. A copy of the written summary, including a copy of any Victim Support Plan, shall be provided to the *Ontario Human Rights Code* and the superintendent.

The Principal or Vice-principal shall also inform the *Ontario Human Rights Code* that, if the *Ontario Human Rights Code* is NOT satisfied with the measures being taken to protect and support the victim, the parent(s)/guardian(s) may contact the appropriate school superintendent to request a review of the measures being taken by the school.

b) Not Notifying a Parent(s)/Guardian(s)

Where, in the opinion of the Principal / Vice-principal, providing information to the victim's *Ontario Human Rights Code* would put the victim at risk of harm, such that notification would not be in the victim's best interests, or where the victim is an adult student and does NOT consent to his/her *Ontario Human Rights Code* being informed, the Principal or designate shall not inform the victim's *Ontario Human Rights Code*. A teacher-in-charge shall report to the Administration at the earliest opportunity the reason(s) why notification was not provided to the *Ontario Human Rights Code*. The Principal or Vice-principal shall:

- i) Consider, as a result of the victim's disclosure, whether or not the victim is a child in need of protection and, if so, make a report to the Children's Aid Society, and if in doubt, the Principal or Vice-principal shall make a no-names call to CAS to inquire about the appropriateness of making a report;
- ii) Document in the Student Information System (Maplewood – discipline notes) why the parent(s)/guardian(s) was not notified;
- iii) Inform his/her superintendent that the parent(s)/guardian(s) was not informed and why;
- iv) Inform the teacher or other professional or para-professional staff person, if that individual informed the Principal or Vice-principal of the potential for harm, that the parent(s)/guardian(s) was not informed and why; and
- v) Inform other staff working to support the student, as appropriate.

The Principal or Vice-principal shall inform the victim of the steps being taken by the school to protect his or her safety. These measures may include a Victim Support Plan that may be developed with support from a Child and Youth Worker and/or support from the Safe Schools Team as well as the implementation of prevention strategies identified in this procedure. In addition, Where the victim has been harassed, bullied or suffered violence as a result of one or more immutable characteristics, including any grounds protected by the *Ontario Human Rights Code*, or has been sexually assaulted, the Principal or Vice-principal shall provide the victim and their parent(s) or guardian(s) with contact information about professional supports, such as community agencies, public health facilities and telecommunications forums, such as a help-phone-line or website, that the victim may access for information, assistance and support. A written list of community contacts shall be provided to the victim and their parent and the victim shall be informed that the list is available on the Board's website. Where the victim requires support for linguistic, ethno-cultural or disability related needs, information about community supports that are available shall also be shared with the victim in a form most accessible to the victim.

Where the student who has been disciplined shall no longer be attending the same school as the victim, this fact may be confirmed.

It is important that a student that has been victimized be monitored as the impact of the incident may not present itself immediately. Indicators such as attendance, academic achievement, mood, interactions, increase in discipline concerns, etc., should be addressed as they may be the result of the victimization and the student may need support.

8) SUSPENSION OF STUDENTS

a) Suspension Infractions

When a Principal/Vice-principal's investigation of an incident, which should include consultation with the adult student or the student's parent(s)/guardian(s) and student, determines that a student has committed one or more infractions outlined below on school property, during a school-related activity or event, and/or in circumstances where the infraction has an impact on the school climate, a Principal or Vice-principal (for infractions not attracting more than five (5) days suspension) shall consider whether that student should be suspended, taking into account any mitigating and other factors that might be applicable in the circumstances.

The Principal or Vice-principal will also contact the police consistent with Procedure 153: Emergency Response if the infraction the student is suspected of committing requires such contact. When in doubt, the Principal will consult with his or her superintendent. The infractions for which a suspension may be imposed by the Principal or designate include:

- i) Uttering a threat to inflict serious bodily harm on another person;
- ii) Possessing alcohol, illegal and/or restricted drugs;
- iii) Being under the influence of alcohol;
- iv) Possessing cannabis (unless the pupil is a medical cannabis user);
- v) Giving cannabis to a minor;
- vi) Being under the influence of cannabis (unless the pupil is a medical cannabis user);
- vii) Swearing at a teacher or at another person in a position of authority;
- viii) Committing an act of vandalism that causes extensive damage to school property at the student's school or to property located on the premises of the student's school;
- ix) Bullying;
- x) Any act considered by the Principal or designate to be injurious to the moral tone of the school;
- xi) Any act considered by the Principal or designate to be injurious to the physical or mental well-being of members of the school community; or
- xii) Any act considered by the Principal or designate to be contrary to the Board or school Code of Conduct.

A student may be suspended only once for any incident of an infraction and may be suspended for a minimum of one (1) school day and a maximum of twenty (20) school days. Suspensions should be applied in the least restrictive manner possible to be effective and so as not to add to the historical disadvantage of racialized students and/or students with disabilities.

b) Factors to Consider Before Deciding to Impose a Suspension

Before deciding whether to impose a suspension, or some other form of discipline, a Principal or Vice-principal (in case of suspension for five (5) or fewer days) will make every effort to consult with the student, where appropriate, and the student's parent(s)/guardian(s) (if the student is not an adult student) to identify whether any mitigating and/or other factors might apply in the circumstances.

Before applying any bias free progressive discipline intervention, including suspension, the Principal/Vice-principal shall consider whether or not the intervention might have a disproportionate impact on a student protected by the *Ontario Human Rights Code*, including but not limited to race and disability, and/or exacerbate the student's disadvantaged position in society, and whether or not accommodation to the point of undue hardship is required.

c) Mitigating Factors

The mitigating factors to be considered by the Principal or Vice-principal before deciding whether to impose a suspension are:

- i) Whether the student has the ability to control his or her behaviour;
- ii) Whether the student has the ability to understand the foreseeable consequences of his or her behaviour; and
- iii) Whether the student's continuing presence in the school does or does not create an unacceptable risk to the safety of any other individual at the school.

If a student does not have the ability to control his or her behaviour or does not understand the foreseeable consequences of his/her behaviour, the Principal or Vice-principal shall not suspend the student. Other progressive discipline and/or other intervention may be considered by the Principal or Vice-principal in such circumstances. If the student poses an unacceptable risk to the safety of others in the school, the Principal or designate shall consult with his/her superintendent regarding appropriate accommodations and/or strategies that might be instituted to ensure safety of students, staff, and others in the school.

d) Other Factors to be Considered

Where the student is able to control his/her behaviour and is able to understand the foreseeable consequences of his/her behaviour, the Principal or Vice-principal shall consider whether the following factors mitigate the length of a suspension or the decision to apply a suspension as a form of discipline for the student:

- i) The student's academic, discipline and personal history;
- ii) Whether progressive discipline has been attempted with the student, and if so, the progressive discipline approach(es) that has/have been attempted and any success or failure;
- iii) Whether the infraction for which the student might be disciplined was related to any harassment of the student because of race, ethnic origin, religion, creed, disability, gender or gender identity, sexual orientation or other immutable characteristic or harassment for any other reason;
- iv) The impact of the discipline on the student's prospects for further education;
- v) The student's age;
- vi) Where the student has an IEP or disability related needs;
- vii) Whether the behaviour causing the incident was a manifestation of the student's disability;
- viii) Whether appropriate individualized accommodation has been provided to the point of undue hardship;
- ix) Whether a suspension is likely to result in aggravating or worsening the student's or conduct or whether a suspension is likely to result in greater likelihood of further inappropriate conduct; and
- x) Whether or not the student's continuing presence at the school creates an unacceptable risk to the safety of anyone in the school.

e) Progressive Discipline

In reviewing whether a progressive discipline approach(es) has/have been attempted with the student, and if so, the progressive discipline approach(es) that has/have been attempted and any

success or failure, the Principal or Vice-principal shall consider the range of progressive discipline approaches (e.g., early and ongoing interventions, consequences).

f) Factors Mitigating Decision to Suspend

The mitigating and other factors, noted above, may be applied to mitigate the decision to suspend or may be applied mitigate the length of the suspension imposed. In circumstances where one or more of the factors above mitigate the decision to apply a suspension as a form of discipline for the student, the Principal or Vice-principal may consider whether other progressive discipline and/or other intervention is appropriate in the circumstances.

g) Consultation

Before imposing a suspension of eleven (11) or more school days, the Principal or designate shall consult with the superintendent regarding:

- i) Whether or not accommodation pursuant to the *Ontario Human Rights Code* has been considered, and where applicable, applied to the point of undue hardship;
- ii) The investigation undertaken;
- iii) The circumstances of the incident;
- iv) Whether or not one or more of the factors outlined above are applicable in the circumstances; and
- v) The appropriate length of the suspension.

h) School Work

A student who is subject to a suspension of five (5) or fewer school days must be provided with school work to complete at home while serving the suspension. The school work must be available to the adult student's designate or the student's parent(s)/guardian(s) or designate the day the student is suspended, if the student is suspended for one (1) school day. Where the student has been suspended for two (2) or more school days the Principal or Vice-principal shall ensure that the school work provided to the student will be available the day the student is suspended or the following school day.

In addition to receiving school work for the first five (5) school days of suspension, a student who is subject to a suspension of six (6) or more school days must be offered the opportunity to attend an Alternative Suspension Program (ASP) for students. A student participating in an ASP is not considered to be engaging in school or school-related activities.

i) Procedural Steps When Imposing a Suspension

Where a Principal (or Vice-principal in circumstances of a suspension for five (5) or fewer days) has determined that it is appropriate in the circumstances to impose a suspension, the Principal or Vice-principal is required to affect the following procedural steps:

- i) Within 24 hours of the decision, the Principal or Vice-principal must make all reasonable efforts to orally inform the adult student or the student's parent(s)/guardian(s) of the suspension;
- ii) The Principal or Vice-principal must inform the student's teacher(s) of the suspension;
- iii) The Principal or Vice-principal in conjunction with the student's teacher(s) must organize school work to be provided for the student to be completed during the duration of the student's suspension;

- iv) The Principal or Vice-principal must provide written notice of the suspension to the student, the student's parent(s)/guardian(s) (unless the student is an adult student) and the superintendent;
- v) The written notice of suspension will include:
 - (1) The reason for suspension;
 - (2) The duration of the suspension, including the student's date of return to school;
 - (3) Information about the ASP the student is assigned to, where the student is suspended for six (6) or more school days;
 - (4) Information about the right to appeal the suspension, including the relevant policies and guidelines and the contact information for the Superintendent of Education with safe schools responsibility;
 - (a) (refer to Procedure Form 378 -3: Notification of Suspension) Every effort should be made to include the school work with the letter of suspension to the student and the student's parent(s)/guardian(s) (unless the student is an adult student) on the day the student is suspended if the letter is provided to the student to take home. If it is not possible to provide the letter because the student and/or his/her parent(s)/guardian(s) is not available, the letter should be mailed, couriered, faxed or emailed to the home address that day and school work should be made available for the adult student's designate or student's parent(s)/guardian(s) or designate to pick-up from the school the following school day.
 - (b) If notice is sent by mail or courier, it will be deemed to have been received on the fifth school day after it was sent.
 - (c) If notice is sent by fax or e-mail, it is deemed to have been received the first school day after it was sent.
- vi) Where the incident is a serious violent incident, including a credible threat to inflict serious bodily harm or vandalism causing extensive damage to Board property or property located on Board property, consideration should be given to filling out and filing a Procedure Form 380-1: Violent Incident Report in the student's Ontario Student Record (Refer to Administrative Procedure 380: Dealing with Violent Incidents). If there is a credible threat to inflict harm to another, a Violence Threat Risk Assessment should be considered. (Refer to Procedure 385: Community Threat Assessment)

j) Alternative Suspension Program (ASP)

The Principal or Vice-principal shall communicate to the adult student or parent(s)/guardian(s) the purpose and nature of the ASP.

A student cannot be compelled to participate in an ASP. Should the adult student or a student's parent(s)/guardian(s) choose not to have the student participate in an ASP, the student will continue to be provided with school work consistent with the Ontario curriculum or that student's modified or alternative curriculum to be completed at home for the duration of his/her suspension. This school work will be available at the school for pick-up by the adult student's designate or the student's parent(s)/guardian(s) or designate at regular intervals during the suspension period. In circumstances where the school work is not picked up, the Principal or designate should contact the adult student or the student's parent(s)/guardian(s) to determine whether the school work will be picked up. The Principal or designate should record the follow-up and response.

A Student Action Plan (SAP) shall be developed for every student subject to a suspension of six (6) or more school days who agrees to participate in an ASP.

Agreement or refusal to participate in an ASP may be communicated to the school orally by the adult student or the student's parent(s)/guardian(s). Where the adult student or student's parent(s)/guardian(s) declines the offer to participate in an ASP, the Principal or Vice-principal shall record the date and time of such refusal.

k) Planning Meeting

For students' subject to a suspension of six (6) or more school days who choose to participate in an ASP, the Principal or Vice-principal of the school shall hold a planning meeting for the purpose of developing the Student Action Plan.

The adult student or student's parent(s)/guardian(s) and the student (where appropriate) as well as any appropriate teaching and support staff will be invited to participate in the planning meeting. The adult student or student's parent(s)/guardian(s) shall be invited for the purpose of providing input.

The planning meeting will be scheduled to occur within two (2) school days of the adult student or the student's parent(s)/guardian(s) informing the school that the student will participate in an ASP.

If the adult student or the student's parent(s)/guardian(s) is not available to participate in the planning meeting, the meeting will proceed in their absence and a copy of the SAP will be provided to them following the meeting.

During the planning meeting the Principal or Vice-principal shall review the issues to be addressed in the student's SAP.

l) Student Action Plan (SAP)

A student subject to suspension for eleven (11) or more school days shall be provided with both academic and non-academic supports, which shall be identified in the student's SAP. Students subject to a suspension of fewer than eleven (11) school days may be offered non-academic supports where such supports are appropriate and available.

- i) The SAP shall be developed under the direction of the Principal or designate of the school with assistance, as appropriate, Vice-principal of the school, guidance counsellor, special education teacher, classroom teacher, CYW and/or support from the Safe Schools Team.
- ii) The Principal or designate will make every effort to complete the SAP within five (5) school days.
- iii) This timeline will be communicated to the adult student and/or the student's parent(s)/guardian(s) if they are unable to attend the planning meeting for the purpose of providing input.
- iv) The Principal or designate must ensure that the student is provided with school work until the SAP is in place.
- v) Once completed, the SAP will be shared with the adult student, or the student's parent(s)/guardian(s) and the student and all necessary staff to facilitate implementation.
- vi) A copy of the SAP will be stored in the student's Ontario Student Record until such time as it is no longer conducive to the improvement of instruction of the student.
- vii) The SAP will identify:
 - (1) The incident for which the student was suspended;
 - (2) The progressive discipline steps taken prior to the suspension, if any;
 - (3) Any other discipline measures imposed in addition to the suspension;
 - (4) Any other disciplinary issues regarding the student that have been identified by the school;
 - (5) Any learning needs or other needs that might have contributed to the underlying infraction resulting in discipline;
 - (6) Any program(s) or service(s) that might be provided to address those learning or other needs;

- (7) The academic program to be provided to the student during the suspension period and details regarding how that academic program will be accessed by the student;
- (8) Where the student has an IEP and/or disability related needs, information regarding how the accommodations/modifications of the student's academic program will be provided during the period of suspension;
- (9) The non-academic program and services to be provided to the student, if applicable, during the suspension and details regarding how that non-academic program and those services will be accessed; and
- (10) The measurable goals the student will be striving to achieve during the period of suspension. (refer to Procedure Form 378-2: Student Action Plan)

m) Suspension Appeal Process

The adult student or the student's parent(s)/guardian(s) may appeal a suspension.

All suspension appeals will be received by the Superintendent of Education with safe schools responsibility.

- i) An appeal of a suspension does not stay the suspension.
- ii) A person who intends to appeal a suspension must give written notice of his/her intention to appeal the suspension within ten (10) school days of the commencement of the suspension.
 - (1) An individual who appeals a suspension may argue that his/her rights pursuant to the *Ontario Human Rights Code* have been infringed.
 - (2) In addition, a separate right to apply to the *Human Rights Tribunal of Ontario* exists where an individual believes his/her rights pursuant to the *Ontario Human Rights Code* have been infringed.
- iii) The board must hear and/or determine the appeal within fifteen (15) school days of receiving the notice of intention to appeal (unless the parties agree to an extension).
- iv) Upon receipt of written notice of the intention to appeal the suspension, the Superintendent of Education responsible for Safe Schools:
 - (1) Will promptly advise the school Principal or designate of the appeal;
 - (2) Will promptly advise the adult student or the student's parent(s)/guardian(s) that a review of the suspension will take place and invite the appellant to contact the Superintendent of Education responsible for Safe Schools to discuss any matter respecting the incident and/or appeal of the suspension; (refer to Procedure Form 378-4: Notification of Suspension Appeal)
 - (3) Will review the suspension (reason, duration, any mitigating or other factors, whether or not the *Ontario Human Rights Code* should be or was appropriately applied);
 - (4) May consult with the Principal or designate and school superintendent regarding modification or expunging the suspension;
 - (5) Will request a meeting with the adult student or the student's parent(s)/guardian(s) and the Principal or designate to narrow the issues and try to effect a settlement, and arrange a date for the appeal before the Discipline Committee;
 - (6) Where a settlement is not effected, provide notice of the review decision to the adult student or student's parent(s)/guardian(s). (refer to Procedure Form 378-5: Suspension Appeal Decision)
- v) Where the suspension is upheld on review and the adult student or student's parent(s)/guardian(s) chooses to continue with the appeal, the Superintendent of Education responsible for Safe Schools will:
 - (1) Coordinate the preparation of a written report for the Board. This report will contain at least the following components:
 - (a) A report prepared by the Principal or designate regarding the incident, the rationale for suspension and how the principles of equity and inclusion were applied;

- (b) A copy of the original suspension letter;
 - (c) A copy of the letter requesting the Suspension Appeal; and
 - (d) A copy of the correspondence with respect to the decision of the Superintendent of Education with safe schools responsibility regarding the suspension review.
- (2) Inform the adult student or the student's parent(s)/guardian(s) of the date of the Suspension Appeal, provide a guide to the process for the appeal, and a copy of the documentation that will go to the Student Discipline Committee. (refer to Procedure Form 378-6 Suspension Appeal - Principal's Report)
 - (3) Ensure that the item is placed on the Student Discipline Committee's agenda.
 - (4) The parties in an appeal to the Student Discipline Committee shall be:
 - (a) The Principal or designate; and
 - (b) The adult student or the student's parent(s)/guardian(s), if they appealed the decision.

n) Suspension Appeal before the Student Discipline Committee of the Board

Suspension appeals will be heard orally by the Student Discipline Committee of Trustees. The Student Discipline Committee may grant a person with daily care the authority to make submissions on behalf of the student. An adult student or student's parent(s)/guardian(s) may bring legal counsel, an advocate or support person with them to the appeal.

- i) The appellant and/or the person with daily care will proceed first by making oral submissions and/or providing written submissions regarding the reason for the appeal and the result desired.
- ii) The student will be asked to make a statement on his/her own behalf.
- iii) The superintendent for the school and/or the Principal or designate will make oral submissions on behalf of the administration, including a response to any issues raised in the appellant's submissions. The superintendent/Principal or designate may rely on the report prepared for the Student Discipline Committee.
- iv) The appellant may make further submissions addressing issues raised in the administration's presentation that were not previously addressed by the appellant.
- v) The Student Discipline Committee may ask any party, or the student, where appropriate, questions of clarification.

Adult students or a student's parent(s)/guardian(s) may be represented by legal counsel or attend with an advocate/agent or the support of a community member

Legal counsel for the Board may be present at the appeal if the appellant is represented by legal counsel or an agent.

The Student Discipline Committee may make such orders or give such directions at an appeal as it considers necessary for the maintenance of order at the appeal.

Where any party who has received proper notice of the location, date and time of the appeal fails to attend the appeal or comply with the necessary time lines, the appeal may proceed in the absence of the party.

The Student Discipline Committee will consider, based on the written and/or oral submissions of both parties, whether or not the consequence might have a disproportionate impact on a student protected by the *Ontario Human Rights Code*, including but not limited to race and disability, and/or exacerbate the student's disadvantaged position in society and whether the decision to discipline and the discipline imposed was reasonable in the circumstances, and shall either:

- Confirm the suspension and its duration;
- Confirm the suspension but shorten its duration and amend the record, as necessary;
- Quash the suspension and order that the record be expunged; or
- Make such other appropriate order.

The decision of the Student Discipline Committee is final. The decision shall be communicated to the appellant in writing. (refer to Procedure Form 378-7: Board Suspension Appeal Decision)

o) Re-Entry to School

Following a suspension of six (6) or more school days, a re-entry meeting will be held with school and board staff, the student, and the student's parent(s)/guardian(s) if possible, to provide positive and constructive redirection for the student. Where the student has participated in an ASP, the student's success in achieving the goals outlined in the SAP will be reviewed with the adult student or the student's parent(s)/guardian(s) and student. Further programs and services might be recommended by the Principal or designate for the purpose of achieving additional or greater success in meeting the goals outlined in the SAP.

p) Transfer to Another School

Following an incident at the school, it might be necessary to transfer to another school the student who has been disciplined or victim for safety reasons and/or for compliance with an Order of the Court or police restrictions. To the extent possible, the student who has been disciplined rather than the victim should be transferred.

The decision to transfer a student to another school shall only be made by a superintendent in consultation with the sending and receiving school Principals and shall be made only where it is consistent with the *Ontario Human Rights Code*.

When it has been determined that a student will be transferred to another school, the Principal or Vice-principal shall ensure that a Transition Plan is developed identifying any additional supports and resources required in the Principal's or designates opinion to ensure a successful transition, which might include where appropriate, referrals for Child and Youth Worker support and/or support from community agencies as well as the development of a transitional Individual Education Plan. Where the student has been subject to suspension, the Transition Plan shall be consistent with and coordinated with the Student Action Plan (SAP) developed for suspension purposes.

The Principal or Vice-principal of the sending school shall invite the adult student or parent(s)/guardian(s) and the student, where appropriate, to a meeting with representatives from both schools for the purpose of reviewing the Transition Plan, including the timeline for transition and the provision of school work prior to transition in circumstances where the student is not subject to an SAP and will not be attending school during the intervening period, to obtain any necessary consents for support services, and to respond to any questions or concerns identified by the receiving school and/or the parent(s)/guardian(s) or student. Teaching and support staff of the receiving school who will be working with the student once the student has transferred should be in attendance, where possible.

All individuals attending the meeting must be informed by the Principal or Vice-principal at the outset that the information shared during the meeting is personal information that must be kept confidential pursuant to the *Municipal Freedom of Information and Protection of Privacy Act and/or Education Act*.

9) EXPULSION OF STUDENTS

Subject to the Factors to Consider Before Deciding to Impose a Suspension below, reasonable grounds to believe that a student has committed one or more infractions outlined below on school property, during a school-related activity or event, and/or in circumstances where the infraction has an impact on the school climate, the Principal or designate shall suspend the student.

The Principal or designate shall also contact the police consistent with the Police and School Response Protocol if the infraction the student is suspected of committing requires such contact. The Principal or

designate shall consult with their superintendent who would then defer to the Superintendent with safe schools responsibility.

a) The enumerated activities are:

- i) Possessing a weapon, including possessing a firearm or knife;
- ii) Using a weapon to cause or to threaten bodily harm to another person;
- iii) Committing physical assault on another person that causes bodily harm requiring treatment by a medical practitioner;
- iv) Committing sexual assault;
- v) Trafficking in weapons, illegal and/or restricted drugs;
- vi) Committing robbery;
- vii) Giving alcohol or drugs to a minor;
- viii) Bullying, where the student has been previously suspended for bullying and creates an unacceptable risk to the safety of another person;
- ix) Hate-based infractions;
- x) An act considered by the Principal or designate to be significantly injurious to the moral tone of the school and/or to the physical or mental well-being of others;
- xi) A pattern of behaviour that is so inappropriate that the student's continued presence is injurious to the effective learning and/or working environment of others;
- xii) Activities engaged in by the student on or off school property that cause the student's continuing presence in the school to create an unacceptable risk to the physical or mental well-being of other person(s) in the school or Board;
- xiii) Activities engaged in by the student on or off school property that have caused extensive damage to the property of the Board or to goods that are/were on Board property;
- xiv) The student has demonstrated through a pattern of behaviour that s/he has not prospered by the instruction available to him or her and that s/he is persistently resistant to making changes in behaviour which would enable him or her to prosper;
- xv) Any act considered by the Principal or designate to be a serious violation of the requirements for student behaviour and/or a serious breach of the Board or school Code of Conduct;
- xvi) Where a student has no history of discipline or behaviour intervention, or any relevant history, a single act, incident or infraction considered by the Principal or designate to be a serious violation of the expectations of student behaviour and/or a serious breach of the Board or school Code of Conduct

b) Factors to Consider Before Deciding to Impose a Suspension

When deciding whether or not to impose a suspension pending a possible recommendation for expulsion, the Principal or designate will make every effort to consult with the student, where appropriate, and the student's parent(s)/guardian(s), if the student is not an adult student, to assist to identify whether any mitigating factors might apply in the circumstances. However, despite consultation, the identification of mitigating and other factors remains the responsibility of the Principal or designate.

c) Suspension Pending Recommendation for Expulsion

If the student is to be suspended pending an investigation, the student should be suspended for (20) twenty school days. If the student has been suspended pending an investigation to determine whether the student will be recommended for expulsion, the Principal or designate must offer the student a program for suspended students (ASP).

If the student has been suspended for twenty (20) school days, the Principal or designate must undertake an investigation to determine whether to recommend to the Discipline Committee that the student be expelled.

d) Procedural Steps When Imposing a Suspension

When imposing a suspension, the Principal or designate is required to affect the following procedural steps:

- i) Within 24 hours of the decision, the Principal or designate must make all reasonable efforts to orally inform the adult student or the student's parent(s)/guardian(s) of the suspension;
- ii) The Principal or designate must inform the student's teacher(s) of the suspension;
- iii) The Principal or designate must provide written notice of the suspension to the adult student or the student's parent(s)/guardian(s) and student and the superintendent. The written notice of suspension will include:
 - (1) The reason for suspension;
 - (2) The duration of the suspension;
 - (3) Information about the program for suspended students the student is assigned to;
 - (4) Information about the investigation the Principal or designate is conducting to determine whether to recommend expulsion; and
 - (5) A statement that there is no immediate right to appeal the suspension. Any appeal must wait until the Principal or designate decides whether to recommend an expulsion, and if the Principal or designate decides not to recommend an expulsion, a statement that the suspension may be appealed to the Discipline Committee, and if the Principal or designate decides to recommend an expulsion that the suspension may be addressed at the expulsion hearing. (refer to Form 378-8 Suspension Pending Investigation for Expulsion)

Every effort should be made to include the school work with the letter of suspension to the student and the student's parent(s)/guardian(s) (unless the student is an adult student) on the day the student is suspended if the letter is provided to the student to take home. If it is not possible to provide the letter because the student and/or his/her parent(s)/guardian(s) is not available, the letter should be mailed, couriered, faxed or emailed to the home address that day and school work should be made available for the adult student's designate or the student's parent(s)/guardian(s) or designate to pick-up from the school the following school day.

- i) If notice is sent by mail or courier, it will be deemed to have been received on the fifth school day after it was sent.
- ii) If notice is sent by fax or e-mail, it is deemed to have been received the first school day after it was sent.

Where the incident is a serious violent incident, such as possession of weapons, physical assault causing serious bodily harm, sexual assault, robbery, extortion or hate motivated violence, consideration should be given to filling out and filing a Violent Incident Form in the student's Ontario Student Record and completing a Level 1 Violence Threat Risk Assessment. (refer to Administrative Procedure 380: Dealing with Violent Incidents, Form 380-1)

e) Alternative Suspension Program (ASP)

Where a student has been suspended pending an investigation to determine whether to recommend an expulsion, the student will be offered an alternative program for student's subject to lengthy suspension (ASP). The Principal or Vice-principal shall communicate to the adult student or the student's parent(s)/guardian(s) the purpose and nature of the ASP.

A student cannot be compelled to participate in an ASP. Should the adult student or the student's parent(s)/guardian(s) choose not to have the student participate in an ASP, the student will be provided with school work consistent with the Ontario curriculum or that student's modified and/or alternative curriculum to be completed at home for the duration of his/her suspension. This school work will be available at the school for pick-up by the adult student's designate or the student's parent(s)/guardian(s) or a designate at regular intervals during the suspension period beginning the school day after the adult student or the student's parent(s)/guardian(s) refuses to participate in an ASP.

Agreement or refusal to participate in an ASP may be communicated to the school orally by the adult student or the student's parent(s)/guardian(s). Where the student or his/her parent(s)/guardian(s) declines the offer to participate in an ASP, the Principal or designate shall record the date and time of such refusal.

f) Student Action Plan Meeting

A student subject to suspension pending an investigation to determine whether to recommend an expulsion will be provided with both academic and non-academic supports whether or not they choose to participate in the Alternative Suspension Program, which will be identified in the student's Student Action Plan.

- i) The SAP will be developed under the direction of the principal or designate of the school with assistance, as appropriate, from the system lead with safe schools responsibilities, vice-principal of the school, guidance counsellor, special education teacher, classroom teacher, and CYW.
- ii) The Principal or designate will make every effort to meet with and complete the SAP within five (5) school days following the first day of the suspension with the student, parent(s)/guardian(s) or adult student
- iii) This timeline will be communicated to the adult student or the student's parent(s)/guardian(s) if they are unable to attend the planning meeting for the purpose of providing input.
- iv) Once completed, the SAP will be shared with the adult student or the student's parent(s)/guardian(s) and student and all necessary staff to facilitate implementation.
- v) A copy of the SAP will be stored in the student's Ontario Student Record until such time as it is no longer conducive to the improvement of instruction of the student.
- vi) The SAP will identify: (refer to Form 378-2 Student Action Plan)
 - (1) The incident for which the student was suspended;
 - (2) The progressive discipline steps taken prior to the suspension, if any;
 - (3) Any other progressive discipline measures imposed in addition to the suspension;
 - (4) Any other disciplinary issues regarding the student that have been identified by the school;
 - (5) Any learning needs or other needs that might have contributed to the underlying infraction resulting in discipline;
 - (6) Any program(s) or service(s) that might be provided to address those learning or other needs;
 - (7) The academic program to be provided to the student during the suspension period and details regarding how that academic program will be accessed by the student;

- (8) Where the student has an IEP or disability related needs, information regarding how the accommodations/modifications of the student's academic program will be provided during the period of suspension;
- (9) The non-academic program and services to be provided to the student, if applicable, during the suspension and details regarding how that non-academic program and those services will be accessed; and
- (10) The measurable goals the student will be striving to achieve during the period of suspension.

g) Principal's Investigation

The Principal or designate shall conduct an investigation promptly following the suspension of the student to determine whether to recommend to the Student Discipline Committee that the student be expelled. As part of the investigation, the Principal or designate will consult with their superintendent who will then defer to the Superintendent of Education with safe schools responsibility regarding any issues of process and/or timing for conducting the investigation, which must be completed at the earliest opportunity as well as the substantive decision whether or not to recommend that the student be expelled. Before referring a student to the Student Discipline Committee of the Board for expulsion, the administration shall consider whether or not the recommendation might have a disproportionate impact on a student protected by the *Ontario Human Rights Code*, including but not limited to race and disability, and/or exacerbate the student's disadvantaged position in society, and whether or not accommodation is required. Should the decision be made to refer the student to the Student Discipline Committee with a recommendation for expulsion, the matter must be resolved through Minutes of Settlement and presented to the Student Discipline Committee or heard by the Student Discipline Committee within (20) school days from the date of suspension (unless timelines are extended on consent).

Any police investigation or Violence Threat Risk Assessment will be conducted separately from the Principal's or designates inquiry.

As part of the investigation, the principal or designate shall:

- i) Make all reasonable efforts to speak with the adult student or the student's parent(s)/guardian(s) and the student;
- ii) Include interviews with witnesses who the principal or designate determines can contribute relevant information to the investigation;
- iii) Make every reasonable effort to interview any witnesses suggested by the student, or the student's parent(s)/guardian(s);
- iv) Consider the mitigating and other factors when determining whether to recommend to the Student Discipline Committee that the student be expelled; and
- v) Consider whether or not the student is protected by the *Ontario Human Rights Code*, including but not limited to race and disability, and/or is in a disadvantaged position in society, and evaluate the appropriateness of the accommodation if any was provided.

h) Mitigating Factors

The mitigating factors to be considered by the principal or designate before deciding whether to recommend an expulsion are:

- i) Whether the student has the ability to control his or her behaviour;
- ii) Whether the student has the ability to understand the foreseeable consequences of his or her behaviour;

- iii) Whether the student's continuing presence in the school does or does not create an unacceptable risk to the safety of any other individual at the school.
- iv) If a student does not have the ability to control his/her behaviour and does not understand the foreseeable consequences of his/her behaviour, the Principal or designate shall not suspend the student. Other progressive discipline and/or other intervention may be considered by the Principal or designate in such circumstances, consistent with the *Ontario Human Rights Code*.

If the student does not have the ability to control his/her behaviour and does not understand the foreseeable consequences of his/her behaviour, but poses an unacceptable risk to the safety of others in the school, the Principal or designate will consult with his/her superintendent regarding appropriate accommodations and/or strategies that might be instituted to ensure student and staff safety.

Exclusion from the school pursuant to section 265(1)(m) of the *Education Act* is not acceptable for discipline purposes or as an alternative to discipline, and may only be effected following consultation with the superintendent and in accordance with the *Education Act* and consistent with the *Ontario Human Rights Code*.

i) Other Factors to be considered

Where the student is able to control his/her behaviour and/or is able to understand the foreseeable consequences of his/her behaviour, the Principal or designate will consider whether the following factors mitigate the length of a suspension and whether the student should be referred to the Student Discipline Committee on a recommendation for expulsion.

- i) The student's academic, discipline and personal history;
- ii) Whether bias free progressive discipline has been attempted with the student, and if so, the progressive discipline approach(es) that has/have been attempted and any success or failure;
- iii) Whether the infraction for which the student might be disciplined was related to any harassment of the student because of race, ethnic origin, religion, creed, disability, gender or gender identity, sexual orientation or any other immutable characteristic or harassment for any other reason;
- iv) The impact of the discipline on the student's prospects for further education;
- v) The student's age;
- vi) Where the student has an IEP or disability related needs:
 - (1) Whether the behaviour causing the incident was a manifestation of the student's disability;
 - (2) Whether appropriate individualized accommodation has been provided to the point of undue hardship; and
 - (3) Whether a suspension is likely to result in aggravating or worsening the student's behaviour or conduct or whether a suspension is likely to result in a greater likelihood of further inappropriate conduct.
- vii) Whether or not the student's continuing presence at the school creates an unacceptable risk to the safety of anyone in the school.

j) Progressive Discipline

In reviewing whether a progressive discipline approach(es) has/have been attempted with the student, and if so, the progressive discipline approach(es) that has/have been attempted and any success or failure, the Principal or designate will consider the preventative strategies, positive practices, early and/ or ongoing interventions and consequences outlined on pages 6-10.

k) Consultation

Before making a decision the Principal or designate will make every effort to consult with the student and the student's parent(s)/guardian(s) (unless the student is an adult student).

Before making a decision to consider expulsion regarding a student with special education needs, the Principal or designate will consult with the Superintendent of Education, Student Services.

l) Decision Not to Recommend Expulsion

Following the investigation and consideration of the mitigating and other factors and the application of the Code, if the Principal or designate decides not to recommend to the Student Discipline Committee that the student be expelled, the Principal or designate must:

- i) Consider whether progressive discipline is appropriate in the circumstances;
- ii) Uphold the suspension and its duration;
- iii) Uphold the suspension and shorten its duration and amend the record accordingly; or withdraw the suspension and expunge the record.

If the Principal or designate has decided not to recommend an expulsion of the student, the Principal or designate will provide written notice of this decision to the adult student or the student's parent(s)/guardian(s) and student. The notice shall include:

- (1) A statement of the Principal's or designates decision not to recommend expulsion to the Student Discipline Committee;
 - (2) A statement indicating whether the suspension has been upheld, upheld and shortened, or withdrawn;
- iv) If the suspension has been upheld or upheld and shortened, information about the right to appeal the suspension to the Student Discipline Committee, including:
 - (1) A copy of the Board policies and guidelines regarding suspension appeals;
 - (2) Contact information for the Superintendent of Education with safe schools responsibility;
 - (3) A statement that written notice of an intention to appeal must be given within five (5) school days following receipt by the party of notice of the decision not to recommend expulsion; or
 - (4) If the length of the suspension has been shortened, notice that the appeal is of the shortened length of the suspension.
(refer to Form 378-11 Decision Not to Recommend Expulsion)

m) Recommendation to the Board for Expulsion /Written Notice that Expulsion Is Recommended

Where a Principal concludes his/her investigation and decides to recommend to the Board that the student be expelled, the Principal shall ensure that everyone entitled to receive written notice of the suspension also promptly receives written notice which contains the following:

- i) A statement that the student and/or parent(s)/guardian(s) will be offered the opportunity to participate in a Minutes of Settlement process or an expulsion hearing for the activity that resulted in the suspension;
- ii) Information about the Minutes of Settlement process and the expulsion hearing process including a copy of Policy13: Student Discipline Process;
- iii) A statement that the person has a right to respond, in writing, to the Principal's report in which the decision to recommend expulsion was made; and

The name and contact information of the Director of Education or designate whom the person may contact to discuss any matter relating to the Minutes of Settlement or expulsion hearing process

The written notice must be accompanied by the Principal's report, in which the decision to recommend expulsion was made.

For the purposes of the Minutes of Settlement or an expulsion hearing, the Principal or designate will:

- i) Prepare a report to be submitted to the Student Discipline Committee and provide the report to the student and the student's parent or guardian (unless the student is an adult student) prior to the hearing. The report will include;
 - (1) A summary of the findings the Principal or designate made in the investigation;
 - (2) An analysis of which, if any, mitigating or other factors or *Ontario Human Rights Code* related grounds might be applicable;
 - (3) A recommendation of whether the expulsion should be from the school or from the Board; and
 - (4) A recommendation regarding the type of school that would benefit the student if the student is subject to a school expulsion, or the type of program that might benefit the student if the student is subject to a Board expulsion.
- ii) Provide written notice of the expulsion recommendation to the adult student or the student's parent(s)/guardian(s) and student. The notice shall include:
 - (1) A statement that the student is being referred to the Student Discipline Committee to determine whether the student will be expelled for the activity that resulted in suspension;
 - (2) A copy of the Board's guidelines and rules governing the use of Minutes of Settlement or the hearing before the Student Discipline Committee;
 - (3) A copy of the Board Code of Conduct and school Code of Conduct;
 - (4) A copy of the suspension letter;
 - (5) A statement that the student and/or his or her parent(s)/guardian(s) has the right to respond to the Principal's or designates report in writing;
 - (6) Information about the procedures and possible outcomes of the Minutes of Settlement or expulsion hearing, including that:
 - (a) If the Discipline Committee does not expel the student they will either confirm, confirm and shorten, or withdraw the suspension;
 - (b) Parties have the right to make submissions with respect to the suspension;
 - (c) Any decision with respect to the suspension is final and cannot be appealed;
 - (d) If the student is expelled from the school, they will be assigned to another school;
 - (e) If the student is expelled from the Board, they will be assigned to a program for expelled students; and
 - (f) If the student is expelled there is a right of appeal to the Child and Family Services Review Board unless Minutes of Settlement have been reached.
 - (7) The name and contact information for the Superintendent of Education with safe schools responsibility. (refer to Form 378-9: Notice of Recommendation for Expulsion)

n) Party May Respond

A person who is entitled to receive written notice of an expulsion hearing or process for minutes of settlement and a copy of the Principal's report may respond in writing to the Principal and to the Board.

o) Parties to the Expulsion Hearing

The parties to the expulsion hearing are:

- i) the Principal who suspended the student and who recommended to the Board that the student be expelled;

- ii) the student (if the student is at least 18 years old or the student is 16 or 17 years old and has withdrawn from parental control);
- iii) the student's parent or guardian; and
- iv) the Supervisor as designated by the Director of Education and any other person as specified by Board policy.

p) Minutes of Settlement

Minutes of Settlement provide parents/guardians or students over the age of 18 with an alternative to attending an Expulsion Hearing. The Superintendent with safe schools responsibility or designate will coordinate and facilitate the Minutes of Settlement meeting with the potential parties.

Minutes of Settlement may only be used under the following conditions:

- i) The potential parties to a hearing agree to the use of Minutes of Settlement and are aware that attendance at an expulsion hearing is the alternative;
- ii) Lack of full agreement between the representatives of the board and the parent(s)/student will result in a hearing proceeding;
- iii) Agreement is reached within 15 school days of the start of the suspension and the Minutes of Settlement are signed by all parties present at Minutes of Settlement meeting;
- iv) All parties understand the terms of the Minutes of Settlement including the loss of right to appeal; and
- v) A disciplinary committee made up of a minimum of three (3) trustees will be presented with the Minutes of Settlement by a representative of the Board and will review the minutes of settlement for approval within 20 school days of the start of the suspension.

q) Parties to Minutes of Settlement

The parties to Minutes of Settlement may include:

- i) the Principal who suspended the student and who recommended to the Board that the student be expelled;
- ii) the student;
- iii) the student's parent(s) or guardian(s) unless the student is at least 18 years old or the student is 16 or 17 years old and has withdrawn from parental control; and
- iv) the Superintendent of Education with safe schools responsibility and/or designate as specified by Board policy.

r) Decision to be made by Committee

The Board may authorize a Student Discipline Committee hearing of at least three trustees of the Board, as designated by the Board and based on availability, to exercise and perform powers and duties on behalf of the Board to approve Minutes of Settlement or to hold an expulsion hearing.

The Committee will elect a Chair from among its members available for the hearing in question or to approve Minutes of settlement. Quorum of the Committee is three members. The Director of Education (or his/her designate) will act in an advisory role to the Committee on procedural matters during the

hearing and during the Committee's subsequent deliberations or during the process of approving Minutes of Settlement.

s) Submissions and Views of the Parties

At the hearing or to approve Minutes of Settlement, the Board or Committee must:

- i) consider the submissions of each party in whatever form the parties choose to deliver their submissions (oral, written or both);
- ii) solicit the views of all of the parties as to whether the student, if he/she is expelled, should be expelled from his/her school only or from all schools of the Board; and
- iii) solicit the views of all of the parties as to whether, if the student is not expelled, the Board or Committee should confirm the original decision to suspend, confirm the original decision to suspend but reduce its duration, or withdraw the suspension.

t) The Superintendent of Education will:

- i) Advise the Superintendent of Education with safe schools responsibility and the Trustee(s) for the school involved of the general details of the incident, including actions taken or pending;
- ii) Submit the Principal's Report for the Student Discipline Committee to the Superintendent of Education with safe schools responsibility; and
- iii) May arrange a meeting with the adult student or the student's parent(s)/guardian(s) and student and the Principal or designate, as appropriate.
 - (1) If a meeting is arranged, the Superintendent of Education with safe schools responsibility will review the Student Discipline Committee process for expulsion hearings, as well as respond to any questions or concerns the student or the student's parent(s)/guardian(s) may have regarding the process or incident; and
 - (2) If a meeting is arranged, during the meeting the Superintendent of Education with safe schools responsibility may assist to narrow the issues and identify agreed upon facts. (refer to Form 379-10 Expulsion Hearing- Principal's Report)

u) The Superintendent of Education with Safe schools responsibility:

- i) Will prepare a package of documents for the Student Discipline Committee or Minutes of Settlement, which will include at least the following components:
 - (1) a copy of the Principal's Report; and
 - (2) a copy of the original suspension letter and the notice of expulsion sent to the adult student or student's parent(s)/guardian(s).
- ii) Will inform the adult student or the student's parent(s)/guardian(s) of the date and location of the Minutes of Settlement meeting or expulsion hearing, will provide a copy of the Expulsion Hearing Rules, and a copy of the documentation to go to the Student Discipline Committee; and
- iii) Will ensure that the item is placed on the Student Discipline Committee agenda.

v) Hearing before the Student Discipline Committee

If the Principal or designate recommends expulsion, the Discipline Committee shall hold a hearing.

If Minutes of Settlement have been reached, the MOS will be presented to the Student Discipline Committee for consideration by Superintendent of Education with safe schools responsibility or designate.

If Minutes of Settlement have not been reached, parties before the Student Discipline Committee will be:

i) The Principal or designate; and

ii) The adult student or the student's parent(s)/guardian(s).

A student has the right to be present at the expulsion hearing and to make submissions on his/her own behalf. The Student Discipline Committee may grant a person with daily care the authority to make submissions on behalf of the student. An adult student or student's parent(s)/guardian(s) may bring legal counsel, and advocate or support person with them to the expulsion hearing.

The presentation of minutes of settlement or expulsion hearing will be conducted in accordance with the Rules of the Student Discipline Committee and Policy 13: Student Discipline Process.

i) The Student Discipline Committee shall consider oral and written submissions or Minutes of Settlement if applicable, if any, of all parties;

ii) The Student Discipline Committee shall consider whether or not the *Ontario Human Rights Code* should be applied in the circumstances to mitigate the discipline, if any;

iii) The Student Discipline Committee shall solicit and consider the views of all parties with respect to whether, if an expulsion is imposed, the expulsion should be a school expulsion or a Board expulsion;

iv) The Student Discipline Committee shall solicit and consider the views of all parties with respect to whether, if an expulsion is not imposed, the suspension should be confirmed, shortened or withdrawn; and

v) Such other matters as the Student Discipline Committee considers appropriate.

In determining whether to impose an expulsion the Student Discipline Committee shall consider the following factors:

i) The mitigating and other factors:

(1) Whether the student has the ability to control his or her behaviour;

(2) Whether the student has the ability to understand the foreseeable consequences of his/her behaviour;

(3) Whether the student's continuing presence in the school does or does not create an unacceptable risk to the safety of any other individual at the school;

(4) The student's academic, discipline and personal history;

(5) Whether progressive discipline has been attempted with the student, and if so, the progressive discipline approach(es) that has/have been attempted and any success or failure;

(6) Whether the infraction for which the student might be disciplined was related to any harassment of the student because of race, ethnic origin, religion, creed, disability, gender or gender identity, sexual orientation or any other immutable characteristic or harassment for any other reason;

(7) The impact of the discipline on the student's prospects for further education;

(8) The student's age;

(9) Where the student has an IEP or disability related needs:

(a) Whether the behaviour causing the incident was a manifestation of the student's disability;

(b) Whether appropriate individualized accommodation has been provided to the point of undue hardship; and

(c) Whether an expulsion is likely to result in aggravating or worsening the student's behaviour or conduct or whether an expulsion is likely to result in a greater likelihood of further inappropriate conduct.

- (10) Whether or not the student's continuing presence at the school creates an unacceptable risk to the safety of anyone in the school.
- ii) The application of the *Ontario Human Rights Code*.
 - iii) The submissions and views of the parties.
 - iv) Any written response to the Principal's or designates report provided before the completion of the hearing;
 - v) Whether or not the expulsion might have a disproportionate impact on a student protected by the *Ontario Human Rights Code*, including but not limited to race and disability, and/or exacerbate the student's disadvantaged position in society, and whether or not accommodation is required in the circumstances; and
 - vi) Such matters as the Student Discipline Committee considers appropriate.

Where there is a conflict in the evidence presented by the parties on the issue of whether the student committed the infraction, the Student Discipline Committee may request further evidence as set out in the Policy 13: Student Discipline Process, subject to the requirement that the hearing take place within twenty (20) school days, or the Student Discipline Committee may assess the evidence and determine whether, on a balance of probabilities, it has been established that it is more probable than not that the student committed the infraction.

w) No Expulsion

If the Student Discipline Committee decides not to expel the student, the Student Discipline Committee shall take the submissions of the parties into account, including mitigating and other factors, in determining whether to:

- a) Consider whether other progressive discipline is appropriate in the circumstances;
- b) Uphold the suspension and its duration;
- c) Uphold the suspension and shorten its duration and amend the record accordingly;
- d) Quash the suspension and expunge the record such that no record of the suspension remains in the Ontario Student Record; or
- e) Make such other orders as the Student Discipline Committee considers appropriate.

The Student Discipline Committee shall give written notice to all parties of the decision not to impose an expulsion and the decision with respect to the suspension.

The Student Discipline Committee's decision with respect to the suspension is final.

x) Expulsion

In the event the Student Discipline Committee decides to impose an expulsion on the student, the Student Discipline Committee must decide whether to impose a Board expulsion or a school expulsion. In determining the type of the expulsion, the Student Discipline Committee shall consider the following factors:

- i) The mitigating and other factors:
 - (1) Whether the student has the ability to control his/her behaviour;
 - (2) Whether the student has the ability to understand the foreseeable consequences of his or her behaviour;

- (3) Whether the student's continuing presence in the school does or does not create an unacceptable risk to the safety of any other individual at the school;
 - (4) The student's academic, discipline and personal history;
 - (5) Whether bias free progressive discipline has been attempted with the student, and if so, the progressive discipline approach(es) that has/have been attempted and any success or failure;
 - (6) Whether the infraction for which the student might be disciplined was related to any harassment of the student because of race, ethnic origin, religion, creed, disability, gender or gender identity, sexual orientation or any other immutable characteristic or harassment for any other reason;
 - (7) The impact of the discipline on the student's prospects for further education;
 - (8) The student's age;
 - (9) Where the student has an IEP or disability related needs:
 - (a) Whether the behaviour causing the incident was a manifestation of the student's disability;
 - (b) Whether appropriate individualized accommodation has been provided to the point of undue hardship; and
 - (c) Whether a school or Board expulsion is likely to result in aggravating or worsening the student's behaviour or conduct or whether it is likely to result in a greater likelihood of further inappropriate conduct; and
 - (10) Whether or not the student's continuing presence at the school creates an unacceptable risk to the safety of anyone in the school;
- ii) The application of the *Ontario Human Rights Code*;
 - iii) All submissions and views of the parties;
 - iv) Any written response to the Principal's or designates report provided before the completion of the hearing;
 - v) Whether or not the type of expulsion might have a disproportionate impact on a student protected by the *Ontario Human Rights Code*, including but not limited to race and disability, and/or exacerbate the student's disadvantaged position in society, and whether or not accommodation is required in the circumstances; and
 - vi) Such other matters as the Student Discipline Committee considers appropriate.

Where the Student Discipline Committee decides to impose a school expulsion, then the Student Discipline Committee must assign the student to another school. The requirements of school transfers set out in these procedures shall apply.

Where the Student Discipline Committee decides to impose a Board expulsion, then the Student Discipline Committee must assign the student to a program for expelled students.

The Student Discipline Committee must promptly provide written notice of the decision to expel the student to all parties, and the student, if he or she was not a party. The written notice shall include:

- i) The reason for the expulsion;
- ii) A statement indicating whether the expulsion is a school expulsion or a Board expulsion;
- iii) Information about the school or program to which the student has been assigned;
- iv) Information regarding requirements for re-entry; and
- v) Information about the right to appeal the expulsion, including the steps to be taken.
(refer to Form 378-13 Board Decision – Expulsion)

Once the System Lead with safe school responsibilities has received notice that a student has been expelled, the Safe School's team will create a support plan in a manner consistent with the Board's policy and procedures for programs for expelled students.

An expelled student is a student of the Board, even where s/he attends a program for expelled students at another school board, unless s/he does not attend the program or registers at another school board.

y) Re-entry Requirements Following an Expulsion

A student who is subject to a Board expulsion is entitled to apply in writing for re-admission to a school of the Board once s/he has successfully completed a program for expelled students and has satisfied the requirements for completion of the program, as determined by the person who provides the program. The Director shall re-admit the student and the student and guardian will be informed in writing of the re-admission.

A student who is subject to a school expulsion may apply in writing to the Director of Education to be re-assigned to the school from which they were expelled.

- i) The Director will consider whether re-attendance will have a negative impact on the school climate, including on any victims, where applicable;
- ii) The student will be required to demonstrate that they have learned from the incident and have sought counselling, where appropriate; and
- iii) Following consideration of the principles of equity and inclusion, the Director, in his/her sole discretion, may determine that a different school than the one from which the student was expelled is a more appropriate placement for the student.

z) Appeal of Board Decision to Expel

The agreement in the Process of Minutes of Settlement is final and not open to appeal as in determining the Minutes of Settlement, the parties have had an active voice in its development.

The adult student or the student's parent(s)/guardian(s) may appeal a Board decision to expel the student to the *Child and Family Services Review Board*.

The *Child and Family Services Review Board* are designated to hear and determine appeals of school Board decisions to expel students.

- i) An individual who appeals an expulsion may argue that his/her rights pursuant to the *Ontario Human Rights Code* have been infringed.
- ii) In addition, a separate right to apply to the *Human Rights Tribunal of Ontario* exists where an individual believes his/her rights pursuant to the *Ontario Human Rights Code* have been infringed.

The decision of the *Child and Family Services Review Board* is final.

10) EXCLUSION

A student shall not be excluded from the school pursuant to *section 265(1)(m) of the Education Act* as a disciplinary measure, as an alternative to discipline.

An exclusion from the school pursuant to *section 265(1)(m) of the Education Act* shall only be effected in accordance with the *Education Act* and consistent with the *Ontario Human Rights Code*. A student is NOT excluded from a class or from the school pursuant to *section 265(1)(m) of the Education Act* in

circumstances where the parent(s)/guardian(s) and the Principal or designate, in consultation with the superintendent, AGREE that, as an accommodation and in the best interests of the student, the student's educational program should be modified such that the student is not participating in one or more specific class(es) or is excused from attending school for part or all of the school day during a specific period of time and/or during a specific school event or series of school events. A student is NOT excluded from a class pursuant to *section 265(1)(m) of the Education Act* by virtue of serving a detention or in-school withdrawal in another part of the school as part of progressive discipline that has been imposed by the Principal or designate.

11) DELEGATION OF AUTHORITY

Whenever possible, an administrator will be present on school property.

A Principal may delegate authority for discipline matters to a Vice-principal or teacher-in-charge in accordance with the Board's procedures. A delegation of authority to a teacher-in-charge will only come into effect if there are no administrators present on school property. Those who are delegated authority for discipline matters must respect and implement their duties and decisions as required by the *Education Act*, Board policies and procedures and the *Ontario Human Rights Code*.

a) Delegation of Authority to a Vice-principal

Delegation may include all authority of the Principal under *Part XIII of the Education Act* except the final decision regarding a recommendation to the board to expel a student. Vice-principals may be delegated the authority to suspend a student for less than six school days.

b) Delegation of Authority to Teacher-In-Charge

A teacher-in-charge may be delegated authority by the Principal to receive reports about suspension and expulsion infractions from Board employees and transportation providers, in which case, the teacher-in-charge shall at the earliest opportunity inform the Principal or Vice-principal and when the absence of the Principal and Vice-principal might be for one or more days, the superintendent.

A teacher-in-charge may be delegated authority to contact the police in an emergency or in the event of an incident requiring police involvement in accordance with Procedure 393: Police Protocol.

A teacher-in-charge may be delegated authority by the Principal to conduct an investigation when an infraction has occurred requiring further information before action can be taken. When it appears that the incident might attract discipline in the form of suspension or expulsion, the teacher-in-charge shall NOT proceed to investigate, but shall at the earliest opportunity provide the Principal or Vice-principal, and in the absence of the Principal and Vice-principal for one or more days, the superintendent, with a detailed written and oral account of the steps taken and information determined up to that point.

All incidents on school property occurring during a school related activity or having an impact on school climate that might result in suspension or suspension and a recommendation for expulsion shall be reported by the teacher-in-charge to the Principal, or the Vice-principal in the Principal's absence, at the earliest opportunity, and in the absence of the Principal and Vice-principal for one or more days.

In such circumstances, the teacher-in-charge may be delegated authority to provide information to the parent(s)/guardian(s) of a student, who is NOT an adult student and where the teacher-in-charge is NOT of the opinion that informing the parent(s)/guardian(s) would put the student at risk of harm, about the fact that harm has been caused and the nature of the harm that has occurred. The teacher-in-charge shall also inform the parent(s)/guardian(s) that, at the earliest opportunity, an administrator will contact the parent(s)/guardian(s) to provide further information about the activity causing harm and the steps that will be taken to support the victim and ensure the victim's safety. The teacher-in-charge may inform a parent(s)/guardian(s) of an adult student if that student consents to the disclosure of information.

A teacher-in-charge shall NOT be delegated authority to share with the parent(s)/guardian(s) of a victim the name of the suspected perpetrators and/or the discipline measures that might be taken by the school to address the infraction.

The teacher-in-charge may be delegated authority to consider and implement progressive discipline measures following the investigation of an incident, which has occurred on school property, during a school activity, or in circumstances having an impact on the school climate, that by its nature does not require the Principal to consider imposing a suspension and does not require the Principal to consider imposing a suspension pending an inquiry for the purposes of recommending an expulsion.

A teacher-in-charge shall not be delegated authority to suspend a student.

If at any time the teacher-in-charge is uncertain or uncomfortable about the duties that have been delegated and/or the possible application of the *Ontario Human Rights Code*, she/he should take immediate steps to contact an administrator. In emergency circumstances, where an administrator is not available, the teacher-in-charge shall contact the emergency administrator who has been identified as a resource.

When a teacher-in-charge has been identified to assume duties for a particular timeframe, communication by internal electronic mail shall be provided to all staff members of the school, who are anticipated to be in attendance during the particular timeframe, identifying the name of the teacher-in-charge and the timeframe for the administration's absence.

Legal References

- *Education Act, Part XIII – Behaviour, Discipline and Safety*
- *Municipal Freedom and Protection of Privacy Act*
- *Ontario Human Rights Code*
- *Ontario Regulation 472/07 Behaviour, Discipline and Safety of Pupils*
- *PPM No. 119 Equity and Inclusive Education*
- *PPM No. 128 Provincial Code of Conduct and School Board Codes of Conduct*
- *PPM No. 141 Expulsion Programs*
- *PPM No. 142 School Board Programs for Expelled Students*
- *PPM No. 144 Bullying Prevention and Intervention*
- *PPM No. 145 Progressive Discipline and Promoting Positive Student Behaviour*

District References - [District references/resources can be found on line](#)

- Board Policy No. 13 - Appeals and Hearings Regarding Student Discipline
- Administrative Procedure 153 – Emergency Response
- Administrative Procedure 163 – Contracting External Agencies for the Provision of Regulated Social and Health Services for Students with Special Needs
- Administrative Procedure 225 – Character Development
- Administrative Procedure 378: Progressive Discipline and Promoting Positive Student Behaviour– Forms:
 - Form 378-1 Student Support Plan
 - Form 378-2 Student Action Plan (SAP)
 - Form 378-3 Notification of Suspension
 - Form 378-4 Notification of Suspension Review
 - Form 378-5 Suspension Appeal Decision
 - Form 378-6 Suspension Appeal – Principal's Report
 - Form 378-7 Board Suspension Appeal Decision
 - Form 378-8 Suspension Pending Investigation for Expulsion
 - Form 378-9 Notice of Recommendation for Expulsion
 - Form 378-10 Expulsion Hearing – Principal's Report
 - Form 378-11 Decision Not to Recommend Expulsion
 - Form 378-12 Board Decision Expulsion (Minutes of Settlement)
 - Form 378-13 Board Decision – Expulsion
 - Form 378-14 Board Decision – No Expulsion
 - Form 378-15 Safe Schools Student Incident Reporting – Part 1
 - Form 378-15A Safe Schools Student Incident Reporting – Part II
- Administrative Procedure 379 – Safety Plans: Management Process for Risk of Injury Behaviours
- Administrative Procedure 380 – Form 380-1 Violent Incident Report
- Administrative Procedure 385 – Community Threat Assessment
- Administrative Procedure 393 – Police Protocol

Resources

- Bullying Prevention and Intervention
- Code of Conduct
- Community Threat Assessment Protocol
- Progressive Discipline and Promoting Positive Student Behaviour
- Suspension and Expulsion: What parents need to know
- Supporting Bias Free Discipline in Schools: A Resource Guide for School and System Leaders