

CONSEQUENCES OF INAPPROPRIATE STUDENT BEHAVIOUR

School *Codes of Conduct* shall set out consequences that are consistent with *The Education Act* and the York Catholic District School Board Safe School policies for Suspension and Expulsions. Mitigating factors as stated in *The Education Act* shall be considered.

When students breach the code of conduct, consequences will be consistent with progressive discipline techniques. These consequences can consist of a range from loss of privileges through to expulsion from the school or all York Catholic District School Board schools. The most serious consequences--suspension and expulsion—are reserved for incidents of serious misconduct.

MITIGATING FACTORS

The following mitigating factors shall be taken into account.

- (a) The pupil does not have the ability to control his or her behaviour;
- (b) The pupil does not have the ability to understand the foreseeable consequences of his or her behaviour;
- (c) The pupil's continuing presence in the school does not create an unacceptable risk to the safety of any person.

The following other factors shall be taken into account if they would mitigate seriousness of the activity for which the pupil may be or is suspended or expelled:

- (a) The pupil's history;
- (b) Whether a progressive discipline approach has been used with the pupil;
- (c) Whether the activity for which the pupil may be or is being suspended or expelled was related to any harassment of the pupil because of his or her race, ethnic origin, religion, disability, gender or sexual orientation, or to any other harassment;
- (d) How the suspension or expulsion would affect the pupil's ongoing education;
- (e) The age of the pupil;
- (f) When an Individual Education Plan has been developed for the pupil;
- (i) Whether the behaviour was a manifestation of a disability identified in the pupil's IEP;
- (ii) Whether appropriate individualized accommodation has been provided;
- (iii) Whether the suspension or expulsion is likely to result in an aggravation or worsening of the pupil's behaviour or conduct.

The following charts are used by Principals when considering consequences for the inappropriate behaviour of students. The term *shall*, as used in the legislation, means *must*. When the term *may* is used, it is important to note that if, through the *balance of probability*, a criminal act that impacts on the climate of the school took place, the Principal must inform the York Regional Police. Prior to using this chart, a principal will conduct an investigation and consider mitigating factors and other factors and document the process that is used.

Activities for which a Principal Shall Consider a Suspension <i>Education Act, Part XIII, subsection 306(1)</i>		Principal May Issue Suspension	Notify Police	
			May	Shall
1	Uttering a threat to inflict serious bodily harm on another person	1 - 20 Days		X
2	Possessing alcohol or illegal drugs	1 - 20 Days	X	
3	Being under the influence of alcohol	1 - 20 Days	X	
4	Swearing at a teacher or at another person in a position of authority	1 - 20 Days	NA	NA
5	Committing an act of vandalism that causes extensive damage to school property at the pupil's school or to property located on the premises of the pupil's school	1 - 20 Days		X
6	Bullying	1 - 20 Days	X	
7	Any activity that is an activity for which a principal may suspend a pupil under a policy of the board	1 - 20 Days	X	

Activities for which a Principal May Suspend a Pupil - Board Policy <i>Education Act, Part XIII, clause 306(1)7</i>		Principal May Issue Suspension	Notify Police	
			May	Shall
1	Persistent opposition to authority	1 - 20 Days	X	
2	Habitual neglect of duty	1 - 20 Days	NA	
3	Wilful destruction of school property; vandalism causing damage to school or Board property or property located on school or Board premises	1 - 20 Days	X	
4	Use of profane or improper language	1 - 20 Days	NA	
5	Use of tobacco	1 - 20 Days	X	
6	Theft	1 - 20 Days	X	
7	Aid/incite harmful behaviour	1 - 20 Days	X	
8	Physical assault	1 - 20 Days	X	
9	Being under the influence of illegal drugs	1 - 20 Days	X	
10	Sexual harassment	1 - 20 Days	X	
11	Racial harassment	1 - 20 Days	X	
12	Fighting	1 - 20 Days	X	
13	Possession or misuse of any harmful substances	1 - 20 Days	X	
14	Hate-motivated violence	1 - 20 Days	X	
15	Extortion	1 - 20 Days		X
16	Distribution of hate material	1 - 20 Days	X	
17	Inappropriate use of electronic communications/media	1 - 20 Days	X	
18	Other*	1 - 20 Days	X	

* Other is defined as any conduct injurious to the moral tone of the school or to the physical or mental well-being of others. Any such activity leading to suspension must be specifically detailed.

SUSPENSION PENDING POSSIBLE EXPULSION Principal shall issue a suspension pending possible expulsion <i>Education Act, Part XIII, clause 310</i> <u>Note: Principal must conduct an investigation within 5 school days. Following the investigation, the principal must impose a suspension or refer to the Board for a Hearing</u>		Principal Must Issue Suspension	Notify Police	
			May	Shall
1	Possessing a weapon, including a firearm	1 - 20 Days		X
2	Using a weapon to cause or to threaten bodily harm to another person	1 - 20 Days		X
3	Committing physical assault on another person that causes bodily harm requiring treatment by a medical practitioner	1 - 20 Days		X
4	Committing sexual assault	1 - 20 Days		X
5	Trafficking in weapons or in illegal drugs	1 - 20 Days		X
6	Committing robbery	1 - 20 Days		X
7	Giving alcohol to a minor**	1 - 20 Days		X

** Minor as defined in The Education Act - under 18 years of age

SUSPENSION PENDING POSSIBLE EXPULSION - Board Policy <i>Education Act, Part XIII, clause 310(1) 8</i> <u>Note: Principal must conduct an investigation within 5 school days. Following the investigation, the principal must impose a suspension or refer to the Board for a Hearing</u>		Principal Must Issue Suspension	Notify Police	
			May	Shall
1	Possession of explosive substance	1 - 20 Days		X
2	Serious or repeated misconduct	1 - 20 Days		X
3	Refractory conduct	1 - 20 Days	X	
4	Other*	1 - 20 Days	X	

*Other is defined as any conduct injurious to the moral tone of the school or to the physical or mental well-being of others. Any such activity leading to suspension must be specifically detailed.

Under clause *306(1) 7* of *The Education Act*, a pupil may be suspended if he or she engages in an activity that is an activity for which a principal may suspend a pupil under a policy of the board.

LENGTH OF SUSPENSIONS

A principal may suspend a pupil for a minimum of 1 school day and a maximum of twenty school days. **All suspensions may be appealed.**

APPEAL OF SUSPENSIONS

If a pupil is suspended, the parents/guardians may request an appeal in writing to the Superintendent of Safe Schools within 10 school days from the start of the suspension. A pupil, if an adult or 16/17 years old and under the care of parents/guardians may also exercise this right to appeal. The superintendent may contact the parties to the appeal and the principal, to discuss the details of the possible appeal hearing. The request to appeal must state the rationale for consideration.

SUSPENSION PENDING EXPULSION

If the principal believes that an infraction of the Code of Conduct has occurred, the pupil is immediately suspended pending expulsion. The principal notifies the parents/guardians, and then conducts an investigation.

At the end of the investigation, the principal completes a report with a decision to:

- confirm the suspension
- confirm the suspension but shorten its duration
- quash and expunge the record
- recommend to the tribunal of trustees that a school expulsion *or* board expulsion be invoked

The Board may not impose an expulsion if **20** school days have lapsed since the initial suspension pending expulsion unless all parties agree.

DEFINITIONS

Bullying – is typically a form of repeated, persistent and aggressive behaviour that is directed at an individual or individuals that is intended to cause (or should be known to cause) fear and distress and/or harm to another person's body, feelings, self-esteem, or reputation. Bullying occurs in the context where there is a real or perceived power imbalance.

Explosive Substance – includes anything used to create an explosive device or is capable of causing an explosion.

Extortion – using threats, accusations or violence or threats of violence to induce any person to do anything or cause anything to be done.

Firearm – any barreled weapon from which any shot, bullet or other projectile can be discharged and that is capable to causing serious bodily injury or death to a person.

Harassment – harassment is often, but not always, persistent, ongoing conduct or communication in any form, of attitudes, beliefs, or actions towards an individual or group, which might reasonably be known to be unwelcome. A single act or expression can constitute harassment, for example, if it is a serious violation. Harassment may be either subtle or blunt.

Hate Material – includes literature, leaflets, posters, graffiti distributed (or sent by electronic means) to incite violence or hatred against an identifiable group and/or their property. The incitement of hatred or bias-motivated incidents against an identifiable group may include persons distinguished by their race, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, sexual orientation or other similar factor.

Inappropriate Use of Electronic Communications/Media – the intentional use of an electronic device or communication medium, such as, but not limited to, all features of a phone, a cell phone, digital camera, blackberry, e-mails, school hotlines, Web-based communication sites and print material, such as flyers, school newspapers and brochures, that negatively impact on the well-being of another person and/or the learning environment in accordance with the definition of Harassment (as set out above).

Physical Assault – the intentional application of force directly or indirectly in any degree at all, to a person without the person's consent.

Physical Assault Causing Bodily Harm – physical assault is the intentional application of force (in any degree at all) to a person without that person's consent. Bodily harm refers to any hurt or injury that is more than merely transient or trifling in nature, which interferes with the health or comfort of the person, and includes (but is not limited to) injuries that receive medical attention. Any cut that requires stitches or any broken or fractured bone should be considered a serious injury. Serious injury could also include multiple minor injuries.

Possession of a Weapon – means anything used, designed to be used or intended for use in causing death or injury to any person, or to threaten or intimidate any person. It can include objects, which can be used as weapons. Objects such as a pen, or a screwdriver, if displayed to threaten or intimidate, become weapons under this definition. Weapon includes a firearm and any device that is designed or intended to exactly resemble or to resemble with near precision, a firearm.

Racial Harassment – means engaging in a course of vexatious comment or conduct pertaining to a person’s race which is known, or is reasonably known, to be offensive, inappropriate, intimidating, hostile and unwelcome. Race refers to a group of people of common ancestry, distinguished from others by physical characteristics, such as colour of skin, shape of eyes, hair texture or facial features. The term is also used, at present, to designate social categories into which societies divide people according to such characteristics.

Replica Firearm – is any device that is designed or intended to exactly resemble or to resemble with near precision, a firearm.

Robbery – a robbery occurs where a person uses violence or threats of violence to steal money or other property from a victim.

Sexual Assault – a sexual assault occurs where a person, without consent, intentionally applies force to another person in circumstances of a sexual nature such as to violate the sexual integrity of the victim.

Sexual Harassment – sexual harassment occurs when a person receives unwelcome sexual attention from another person, whose comments or conduct is known or should reasonably be known to be offensive, inappropriate, intimidating, hostile and unwelcome. It also includes an environment in which sexist or homophobic jokes and materials are allowed.

Threat to Inflict Serious Bodily Harm – a threat to cause death or serious bodily harm to a person. The term “threat”, as used here, does not apply to situations in which no real threat was intended.

Trafficking in Drugs and/or Harmful Substances – means to sell, administer, transfer, transport, send or deliver any harmful substance, illicit drug or narcotic as set out in the *Controlled Drugs and Substances Act*.