

YORK CATHOLIC DISTRICT SCHOOL BOARD



SAFE SCHOOLS

STUDENT DISCIPLINE

RESOURCE DOCUMENT

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SAFE SCHOOLS STUDENT DISCIPLINE RESOURCE PROCEDURES

The Provincial Code of Conduct, the York Catholic 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), 141 (Programs for Long Term Suspension), 142 (Expulsion Programs), 144 (Bullying Prevention) and 145 (Progressive Discipline), together with the Board's discipline policies create expectations for behaviour for all persons on school property and outline strategies to be taken to address incidents, including imposing appropriate consequences for pupils.

These procedures outline the expectations for the process to be used by the York Catholic District School Board when imposing appropriate consequences for pupils.

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

The *Human Rights Code of Ontario* 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 *Human Rights Code of Ontario*.

Definitions:

The following definitions apply for the purposes of pupil discipline.

Administrator – includes a superintendent, principal or vice-principal with responsibility for the school in question.

Adult Pupil – is a pupil who is 18 years or older or 16, 17 and has removed him/herself from parental control.

Board Employees who Work with Pupils – is defined to include administrators, teachers, educational assistants, child and youth workers, social workers, psychologists, speech language pathologists and other professional and paraprofessional staff who have regular and direct duties with the Board's pupils.

Board Expulsion – is an expulsion from all schools of the Board.

Bullying – is typically a form of repeated, persistent, and aggressive behaviour 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 a context where there is a real or perceived power imbalance.

Daily Care – a person with daily care is an adult person (18 years or older) who is not the custodial parent/guardian of a pupil who is less than 18 years old, but is a person who cares for the pupil on a daily basis and is known by the school to provide daily care, for example a grandparent, aunt, uncle, older brother or sister.

Suspension/Expulsion 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 pupil to a greater degree in comparison to his or her peers as a result of factors related to grounds protected by the *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.

Harassment – includes 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 *Human Rights Code*.

Manifestation of a pupil's disability – is behaviour that results from a pupil's disability and that a pupil does not intend.

Parent/guardian – where there is a reference to involving or informing a parent/guardian it means the custodial parent or guardian of a minor child who is not an adult pupil.

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 *Human Rights Code of Ontario*, the *Human Rights Code* is deemed to be more important and the inferior law must be applied in a manner consistent with the *Human Rights Code* (unless there is an explicit exception contained within the other law for such a circumstance). The principle of primacy of the *Human Rights Code* also requires school board policies and procedures to be interpreted and applied in a manner consistent with the *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, pupils 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 neighborhood of the school.

School Expulsion – is an expulsion from the school of the Board that the pupil 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.

Superintendent Responsible for Safe Schools – means the supervisory officer delegated authority regarding procedural issues related to suspension appeals and expulsions.

Teacher-in-Charge – is a teacher delegated authority by the principal to undertake specified duties with respect to pupil 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 pupil 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.

A. PROGRESSIVE DISCIPLINE

Progressive discipline is a non-punitive, whole-school approach that uses a continuum of corrective and supportive interventions, supports and consequences to address inappropriate behaviour and to build upon strategies that promote positive behaviours. Consequences include learning opportunities for reinforcing positive behaviour and assisting pupils to make good choices.

Progressive discipline includes the use of early and ongoing intervention strategies and strategies to address inappropriate behaviour. Pupils' parent(s)/guardian(s) should be actively engaged in the progressive discipline approach.

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

Progressive discipline is most effective when dialogue between the school and home regarding pupil achievement, behaviour and expectations is open, courteous and focused on pupil success. It is an expectation of the Board that principals, vice principals and teachers in charge consult with parents prior to imposing any pupil specific progressive discipline preventative measures, positive behaviour management strategies or progressive discipline consequences.

Each school is required to develop and implement a school wide progressive discipline policy, consistent with the Board Student Discipline Policy and Student Discipline Procedures and the *Human Rights Code*.

Each school is also required to ensure that bullying prevention plans include: (1) awareness raising strategies (2) support strategies, including plans to protect victims; and (3) reporting requirements (please refer to the Bullying Prevention Policy and Procedures). 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 is to be implemented in a manner consistent with the principles of equity and inclusion.

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

Prevention Strategies

Board employees who work with pupils are expected to support pupils to achieve their potential. Prevention strategies include supporting pupils, student councils and/or school councils that wish to participate in pupil led alliances or other alliances and/or activities promoting healthy relationships.

Where a pupil has reported harassment, bullying or violence as a result of one or more immutable characteristics, including on any grounds protected by the *Human Rights Code*, or inappropriate sexual behaviour, that pupil shall be supported by the school with the provision of contact information about professional supports, such as community agencies, public health facilitates, and telecommunications forums, such as a help phone line or website, that the pupil may access directly for information, assistance and/or support in an effort to promote and/or develop healthy relationships.

In accordance with Policy Program Memorandum 149, schools shall be required by the Board to work with agencies and/or organizations in their community that have professional expertise with respect to issues of gender based violence, sexual assault, homophobia and inappropriate sexual behaviour. A

current list of community contacts will be created and maintained electronically by the Board and made available to all schools, staff and pupils on the Board's internet and intranet websites. A Protocol outlining the process for entering into a Memorandum of Understanding with an appropriate community agency and/or organization shall be made available to schools.

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.

The Board also expects principals/vice principals to review and amend, as appropriate, Individual Education Plans, Behaviour Management Plans and Safety Plans at regular intervals and following an incident to ensure that every pupil with disability related needs is receiving appropriate accommodation up to the point of undue hardship.

Other preventative practices include:

- Human Rights strategy pursuant to PPM 119
- Antibullying and violence prevention programs;
- Mentorship programs;
- Student success strategies;
- Character education;
- Citizenship development;
- Student leadership;
- Promoting healthy student relationships; and
- Promoting healthy lifestyles.

Consistent with Policy Program Memorandum 149, the Board will also ensure that parents of pupils are aware of the supports available for the linguistic, ethno cultural and disability related needs of pupils and their immediate families. Refer to the Parents and Students Section under Accessibility Committee on the Board website to find the support(s) available to those who require accessibility and/or accommodation.

Positive Practices

In order to promote and support appropriate and positive pupil behaviours that contribute to creating and sustaining safe, comforting and accepting learning and teaching environments that encourage and support pupils to reach their full potential, the Board supports the use of positive practices for: (1) prevention, and (2) positive behaviour management.

Positive behaviour management practices include:

- Program modifications or accommodations;
- Class placement;
- Positive encouragement and reinforcement;
- Individual, peer and group counseling;
- Conflict resolution / Dispute resolution;
- Mentorship programs;
- Promotion of healthy student relationships
- Sensitivity programs;
- Safety Plans;
- School, Board and community support programs; and
- Student success strategies.

The Board recognizes that, in some circumstances, positive practices might not be effective or sufficient to address inappropriate pupil behaviour. In such circumstances, the Board supports the use of progressive discipline consequences up to and including expulsion from all schools of the Board.

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

Early and Ongoing Intervention Strategies – Progressive Discipline Consequences

A teacher or the principal or vice principal designate, as appropriate, may utilize early and/or ongoing intervention strategies to prevent unsafe or inappropriate behaviours. These may include:

- Contact with pupil's parent(s)/guardian(s);
- Verbal reminders;
- Review of expectations;
- Written work assignment with a learning component;
- Volunteer service to the school community;
- Peer mentoring;
- Referral to counselling;
- Conflict mediation and resolution;
- Referral to counselling; and/or
- Consultation between two (2) or more of the parties.

In all cases where ongoing intervention strategies are used, the pupil's parent(s)/ guardian(s) should be consulted.

The teacher, principal or designate should keep a record for each pupil with whom intervention strategies are utilized. The record should include:

1. Name of the pupil;
2. Date of the incident or behaviour;
3. Nature of the incident or behaviour;
4. Progressive discipline approach used;
5. Outcome; and/or
6. Contact with the pupil's parent(s)/guardian(s) (unless the pupil is an adult pupil).

Addressing Inappropriate Behaviour

If a pupil has displayed inappropriate behaviour the principal or vice-principal may utilize a range of interventions, supports, and consequences that are (1) developmentally appropriate, and (2) include opportunities for pupils to focus on improving their 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, but is not limited to, one of the following infractions for which a suspension may be imposed:

1. Any act considered by the principal to be injurious to the moral tone of the school;
2. Any act considered by the principal to be injurious to the physical or mental wellbeing of any member of the school community; and
3. Any act considered by the principal to be contrary to the Board or school Code of Conduct.

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 may choose to use a progressive discipline strategy to address the infraction.

Interventions may include:

- Meeting with the pupil's parent(s)/guardian(s), pupil and principal;
- Referral to a community agency for anger management or substance abuse, counselling/intervention;
- Detentions;
- Withdrawal of privileges;
- Withdrawal from class;
- Restitution for damages;
- Restorative practices; and
- Transfer to another class or school.

In some cases, short-term suspension may also be considered a useful progressive discipline approach.

Factors to Consider Before Deciding to Utilize a Progressive Discipline Approach Consequence to Address Inappropriate Behaviour

Before applying any progressive discipline consequence, the principal/vice principal shall consider whether or not the progressive discipline consequence might have a disproportionate impact on a pupil protected by the *Human Rights Code*, including but not limited to race and disability, and/or exacerbate the pupil'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 consequence is being considered to address an inappropriate behaviour, the principal or vice principal must:

1. Consider the particular pupil and circumstances, including considering the mitigating or other factors;
2. Consider the nature and severity of the behaviour;
3. Consider the impact of the inappropriate behaviour on the school climate; and
4. Consult with the pupil's parent(s)/guardian (unless the pupil is an adult pupil).

Mitigating Factors

The mitigating factors to be considered by the principal before deciding whether to use a progressive discipline approach to address the inappropriate behaviour are:

1. Whether the pupil has the ability to control his or her behaviour;
2. Whether the pupil has the ability to understand the foreseeable consequences of his or her behaviour; and
3. Whether the pupil's continuing presence in the school does or does not create an unacceptable risk to the safety of any other individual at the school.

Other Factors to be considered

1. The pupil's academic, discipline and personal history;
2. Whether other progressive discipline has been attempted with the pupil, and if so, the progressive discipline approach(es) that has/have been attempted and any success or failure;
3. Whether the infraction for which the pupil might be disciplined was related to any harassment of the pupil 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;
4. The impact of the discipline on the pupil's prospects for further education;
5. The pupil's age;
6. Where the pupil has an IEP or disability related needs,
 - a) Whether the behaviour causing the incident was a manifestation of the pupil's disability;
 - b) Whether appropriate individualized accommodation has been provided to the point of

- undue hardship; and
- c) Whether a suspension is likely to result in aggravating or worsening the pupil's behaviour or conduct or whether a suspension is likely to result in a greater likelihood of further inappropriate conduct; and
7. Whether or not the pupil's continuing presence at the school creates an unacceptable risk to the safety of anyone in the school.

If the pupil'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.

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 *Human Rights Code*.

Record

The principal or designate should keep a record for each pupil with who progressive discipline approach (es) are utilized. The record should include:

1. Name of the pupil;
2. Date of the incident or behaviour;
3. Nature of the incident or behaviour;
4. Considerations taken into account;
5. Progressive discipline approach used;
6. Outcome; and
7. Contact with the pupil's parent(s)/guardian(s) (unless the pupil is an adult pupil).

B. RESPONDING TO INCIDENTS

The York Catholic District School Board is committed to supporting safe learning and teaching environments in which every pupil can reach his or her full potential. Appropriate action must consistently be taken by schools to address 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, socioeconomic status, disability and/or any other immutable characteristic or ground protected by the *Human Rights Code*, as well as any other 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.

Board employees who work directly with students must respond to any student behaviour that is likely to have a negative impact on the school climate, if in the employee's opinion, it is safe to do so. Such behaviour includes all inappropriate and disrespectful behaviour e.g. swearing, homophobic or racial slurs, sexist comments or jokes, graffiti), as well as those incidents that must be considered for suspension or expulsion. It is not necessary to report incidents to the principals that fall below the threshold for suspension or expulsion.

For incidents where suspension or expulsion would not be considered, but the board employee feels it is not safe to respond, they will be expected to inform the principal verbally as soon as possible

It is the expectation of the York Catholic District School Board that, provided that there is no immediate risk of physical harm to any individual, Board employees who work with pupils shall respond to any such inappropriate and disrespectful 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 pupils involved, other pupils,

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 pupils cannot leave unattended another pupil(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 pupil might exhibit or about which the employee might be aware. Responses may include one or more of:

- (1) Asking the pupil to stop the behaviour;
- (2) Identifying the behaviour as inappropriate and disrespectful;
- (3) Explaining the impact of the behaviour on others and the school climate;
- (4) Modeling appropriate communication;
- (5) Asking the pupil for a correction of their behaviour by restating or rephrasing their comments;
- (6) Asking the pupil to apologize for their behaviour;
- (7) Asking the pupil to promise not to repeat their behaviour;
- (8) Asking the pupil to explain why and how a different choice with respect to their behaviour would have been more appropriate and respectful; and
- (9) Where applicable, identifying the application of the *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. Unless the behaviour is such that it must be considered for suspension or expulsion, a response is sufficient – it is not required that these incidents be reported to the principal. For incidents where suspension or expulsion would not be considered, but the board employee(s) feels it is not safe to respond, the employee(s) will be expected to inform the principal verbally as soon as possible.

Where, in the opinion of the Board employee who works with pupils, 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/vice--principal/teacher-in-charge at the earliest convenient opportunity. The principal/vice-principal shall consider whether or not further discipline is appropriate in the circumstances.

C. REPORTING SUSPENSION & EXPULSION INFRACTIONS TO THE PRINCIPAL

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

1. Uttering a threat to inflict serious bodily harm on another person;
2. Possessing alcohol, illegal and/or restricted drugs;
3. Being under the influence of alcohol and or drugs;
4. Swearing at a teacher or at another person in a position of authority;
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;
6. Bullying;
7. Any act considered by the principal to be injurious to the moral tone of the school;
8. Any act considered by the principal to be injurious to the physical or mental wellbeing of members of the school community; or
9. Any act considered by the principal to be contrary to the Board or school Code of Conduct.

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

1. Possessing a weapon, including possessing a firearm or knife;
2. Using a weapon to cause or to threaten bodily harm to another person;
3. Committing physical assault on another person that causes bodily harm requiring treatment by a medical practitioner;
4. Committing sexual assault;
5. Trafficking in weapons, illegal or restricted drugs;
6. Committing robbery;
7. Giving alcohol to a minor;
8. An act considered by the principal to be significantly injurious to the moral tone of the school and/or to the physical or mental wellbeing of others;
9. A pattern of behaviour that is so inappropriate that the pupil's continued presence is injurious to the effective learning and/or working environment of others;
10. Activities engaged in by the pupil on or off school property that cause the pupil's continuing presence in the school to create an unacceptable risk to the physical or mental wellbeing of other person(s) in the school or Board;
11. Activities engaged in by the pupil 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;
12. The pupil 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; or
13. Any act considered by the principal to be a serious violation of the requirements for pupil behaviour and/or a serious breach of the Board or school Code of Conduct.
14. Where a pupil has no history of discipline or behaviour intervention, or no relevant history, a single act, incident or infraction considered by the principal to be a serious violation of the expectations of pupil behaviour and/or a serious breach of the Board or school Code of Conduct.

When a board employee or transportation provider becomes aware of an incident that must be considered for suspension or expulsion by the principal, the employee must report this to the principal and confirm their report in writing. Whether or not the behaviour leads to a suspension/expulsion is for the principal to determine, not the staff to weigh.

Ministry policy states that the employee must consider the safety of others and the urgency of the situation in reporting the incident, but in any case, must report it to the principal by the end of the school day. The report is to be confirmed in a timely manner using the Student Conduct Report-(Appendix 1)

Note that reporting does not replace conversations between the employee and the principal. The principal and employee are encouraged to talk about the incident regardless of action taken. The purpose of reporting incidents is to ensure that the principal/vice principal is aware of the behaviour. A teacher-in-charge who receives a Student Conduct Report shall provide it to an administrator at the earliest opportunity.

Once the Student Conduct Form is received, the principal/vice-principal will investigate, complete a Safe Schools Incident Reporting Form-Appendix 2 and assign a report number to the Form and acknowledge the receipt of the Form in writing by returning to the employee or transportation provider Safe Schools Incident Reporting Form – Part 2. On the Form the principal or vice-principal will identify whether or not action was taken. No information identifying pupils will be included on Form – Part 2.

When Form – Part 2 identifies that no action has been taken, the employee or transportation provider shall destroy their copy of Form – Part 2. The principal/vice-principal shall retain their copy of the Form – Part 1 and attach the Student Conduct Report, 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, in which case Form – Part 2 shall be retained until the proceeding is finally decided.

Where the Form – Part 2 indicates that action has been taken, the employee or transportation provider may destroy the Form – Part 2, but if they choose to retain it, it must be retained in a secure location for at least twelve (12) months.

In circumstances in which action is taken by the principal or vice-principal with respect to the alleged incident and pupil who has been disciplined, a copy of Form – Part 1 shall be filed in that pupil's Ontario Student Record (OSR) for at least the balance of the school year and for the following school year, unless the Form – 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 Form – Part 1 that could identify other pupils has been redacted (removed/blacked out) before it is filed in the OSR of the pupil who has been disciplined. When action is taken against more than one pupil, the Form – Part 1 shall be filed in each pupil's OSR, as above, with all identifying information about other pupils redacted.

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 Form – Part 1 shall only be filed in the victim's OSR, with the consent of the victim's parent/guardian if the victim is not an adult pupil. If the victim is an adult pupil, the victim's consent is required before Form – Part 1 is filed in his/her OSR.

If Form – 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 Form – 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 Form – Part 1 is retained but not filed in a pupil'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 Form – 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 Student Conduct Report and the Safe Schools Incident Reporting Form – Part 1 and the receipt and destruction of the Form – Part 2.

D. NOTIFICATION

Notifying the Parent/Guardian

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

The Education act states that the principal shall disclose,

- (a) the nature of the activity that resulted in harm to the pupil;
- (b) the nature of the harm to the pupil; and
- (c) The steps taken to protect the pupil's safety, including the nature of any disciplinary measures taken in response to the activity.

The principal **must** say that the pupil was suspended, if that is the progressive discipline that has been applied. It is not necessary for the principal to say for how many days the pupil was suspended.

The same is true for other forms of progressive discipline, in that details are not necessary, but the type of discipline must be explained.

The Education act states that the principal shall not disclose the name of or any other identifying or personal information about a student who was engaged in the activity that resulted in the harm.

The principal or vice principal may communicate to the victim's parent/guardian any school wide initiatives that have or will be implemented as a result of the incident and/or similar incidents. Where the pupil(s) disciplined shall no longer be attending the same school as the victim, this fact may be confirmed.

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 *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/guardian 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 parent/guardian. 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 parent/guardian in a form accessible to the parent/guardian.

The information about supports for the pupil provided to the parent/guardian shall be summarized in written form, which shall also include a copy of the contact information for the superintendent. A copy of the written summary, including a copy of any Safety Plan, shall be provided to the parent/guardian and the superintendent.

The principal or vice-principal shall also inform the parent/guardian that, if the parent/guardian is NOT satisfied with the measures being taken to protect and support the victim, the parent/guardian may contact the superintendent to request a review of the measures being taken by the school.

Not Notifying a Parent/Guardian

Where, in the opinion of principal/ vice-principal/teacher-in-charge, providing information to the victim's parent/guardian 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 pupil and does NOT consent to his/her parent/guardian being informed, the principal/vice-principal/teacher-in-charge shall not inform the victim's parent/guardian. A teacher-in-charge shall report to the Administration at the earliest opportunity the reason(s) why notification was not provided to the parent/guardian. The principal or vice-principal shall:

- (1) 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;
- (2) Document in the Student Information System why the parent/guardian was not notified;
- (3) Inform his/her superintendent that the parent/guardian was not informed and why;

- (4) Inform the teacher or other professional or paraprofessional staff person, if that individual informed the principal or vice-principal of the potential for harm, that the parent/guardian was not informed and why; and
- (5) Inform other staff working to support the pupil, as appropriate.

The principal or vice-principal shall inform the victim of the steps being taken by the school to protect the victim's safety. These measures might include a Safety Plan and the implementation of prevention strategies identified in this procedure. 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 *Human Rights Code*, or has been sexually assaulted, the principal or vice-principal shall provide the victim 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. Supports might include *Kids Help Phone* and the *Lesbian, Gay, Bisexual and Transgendered Youth Line*. A written list of community contacts shall be provided to the victim 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 pupil who has been disciplined shall no longer be attending the same school as the victim, this fact may be confirmed.

E. SUSPENSION OF PUPIL

Suspension Infractions

When a principal/vice-principal's investigation of an incident, which should include consultation with the adult pupil or the pupil's parent/guardian and pupil, determines that a pupil 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 pupil 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 the Police and School Response Protocol if the infraction the pupil 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 include:

1. Uttering a threat to inflict serious bodily harm on another person;
2. Possessing alcohol, illegal and/or restricted drugs;
3. Being under the influence of alcohol;
4. Swearing at a teacher or at another person in a position of authority;
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;
6. Bullying;
7. Any act considered by the principal to be injurious to the moral tone of the school;
8. Any act considered by the principal to be injurious to the physical or mental wellbeing of any member of the school community; or
9. Any act considered by the principal to be contrary to the Board or school Code of Conduct.

A pupil 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 pupils and/or pupils with disabilities.

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 pupil, where appropriate, and the pupil's parent(s)/guardian(s) (if the pupil is not an adult pupil) to identify whether any mitigating and/or other factors might apply in the circumstances.

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

Mitigating Factors

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

1. Whether the pupil has the ability to control his or her behaviour;
2. Whether the pupil has the ability to understand the foreseeable consequences of his or her behaviour; and
3. Whether the pupil'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 pupil 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 pupil. Other progressive discipline and/or other intervention may be considered by the principal or vice-principal in such circumstances. If the pupil poses an unacceptable risk to the safety of others in the school, the principal shall consult with his/her superintendent regarding appropriate accommodations and/or strategies that might be instituted to ensure safety of pupils, staff, and others in the school.

Other Factors to be Considered

Where the pupil 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 pupil:

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

Progressive Discipline

In reviewing whether progressive discipline approach (es) has /have been attempted with the pupil 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 following:

1. Whether the teacher, principal or vice-principal has utilized early and/or ongoing intervention strategies to prevent unsafe or inappropriate behaviours, such as:
 - Contact with the pupil's parent(s)/guardian(s);
 - Oral reminders;
 - Review of expectations;
 - Written work assignments with a learning component;
 - Assigning the pupil to volunteer services to the community;
 - Conflict mediation and resolution;
 - Peer mentoring;
 - Referral to counselling; and/or
 - Consultation between two (2) or more of the parties.

2. Whether the principal or designate has used a progressive discipline approach to address inappropriate behaviour for which a suspension could have been imposed, such as:
 - meeting(s) with the pupil's parent(s)/guardian(s), pupil, and principal;
 - referral of pupil to a community agency for anger management or substance abuse counselling;
 - detentions;
 - withdrawal of privileges;
 - withdrawal from class;
 - restitution for damages;
 - restorative practices; and/or
 - Transfer to another class or school.

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 pupil, the principal or vice-principal may consider whether alternative discipline other progressive discipline and/or other intervention is appropriate in the circumstances.

Consultation

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

1. Whether or not accommodation pursuant to the *Human Rights Code* has been considered, and where applicable, applied to the point of undue hardship;
2. The investigation undertaken;
3. The circumstances of the incident;
4. Whether or not one or more of the factors outlined above are applicable in the circumstances; and
5. The appropriate length of the suspension.

School Work

A pupil 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 pupil's designate or the pupil's parent/guardian or designate the day the pupil is suspended, if the pupil is suspended for one (1) school day. Where the pupil has been suspended for two (2) or more school days the principal or vice-principal shall ensure that the school work provided to the pupil will be available the day the pupil is suspended or the following school day.

In addition to receiving school work for the first five (5) school days of suspension, a pupil who is subject to a suspension of six (6) or more school days must be assigned to an alternative suspension program (ASP) for pupils subject to lengthy suspension. A pupil participating in an ASP is not considered to be engaging in school or school-related activities.

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 implement the following procedural steps:

1. Within 24 hours of the decision, the principal or vice-principal must make all reasonable efforts to orally inform the adult pupil or the pupil's parent/guardian of the suspension;
2. The principal or vice-principal must inform the pupil's teacher(s) of the suspension;
3. The principal or vice-principal in conjunction with the pupil's teacher(s) must organize school work to be provided for the pupil to be completed during the duration of the pupil's suspension;
4. The principal or vice-principal must provide written notice of the suspension to the pupil, the pupil's parent/guardian (unless the pupil is an adult pupil) and the superintendent;
5. The written notice of suspension will include:
 - a. The reason for suspension;
 - b. The duration of the suspension, including the pupil's date of return to school;
 - c. Information about the ASP the pupil is assigned to, where the pupil is suspended for six (6) or more school days;
 - d. Information about the right to appeal the suspension, including the relevant policies and guidelines and the contact information for the Superintendent Responsible for Student Discipline;
6. Every effort should be made to include the school work with the letter of suspension to the pupil and the pupil's parent/guardian (unless the pupil is an adult pupil) on the day the pupil is suspended if the letter is provided to the pupil to take home. If it is not possible to provide the letter because the pupil and/or his/her parent/guardian 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 pupil's designate or pupil's parent/guardian or designate to pickup from the school the following school day.
 - 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.
 - If notice is sent by fax or email, it is deemed to have been received the first school day after it was sent.

Where the incident is a serious violent incident, including a 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 Violent Incident Form in the pupil's Ontario Student Record.

Alternative Suspension Program (ASP)

Where a pupil has been suspended for six (6) or more school days the pupil will be provided with school work for the first five (5) school days or until the ASP commences, whichever is earlier. Where a pupil is subject to a lengthy suspension the pupil will be assigned to an ASP. The principal or vice-principal shall communicate to the adult pupil or parent/guardian the purpose and nature of the ASP.

A pupil cannot be compelled to participate in an ASP. Should the adult pupil or a pupil's parent/guardian choose not to have the pupil participate in an ASP, the pupil will continue to be provided with school work consistent with the Ontario curriculum or that pupil'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 pickup by the adult pupil's designate or the pupil's parent/guardian or designate at regular intervals during the suspension period. In circumstances where the school work is not picked up, the principal should contact the adult pupil or the pupil's parent/guardian to determine whether the school work will be picked up. The principal should record the follow-up and response.

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

Planning Meeting

The principal or vice-principal of the school or designate shall hold a planning meeting for the purpose of developing the SAP.

- The adult pupil or pupil's parent/guardian and the pupil as well as any appropriate teaching and support staff will be invited to participate in the planning meeting for the purpose of providing input.
- The planning meeting will be scheduled to occur within two (2) school days of the adult pupil or the pupil's parent/guardian informing the school that the pupil will participate in an ASP.
- If the adult pupil or the pupil's parent/guardian 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.
- During the planning meeting the principal or vice-principal shall review the issues to be addressed in the pupil's SAP.

Student Action Plan (SAP)

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

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

- The SAP shall be developed under the direction of the principal of the school with assistance, as appropriate, from the principal of alternative programs, vice-principal of the school, guidance counsellor, special education teacher, classroom teacher, CYW and/or social worker.
- The principal will make every effort to complete the SAP within five (5) school days following the adult pupil or the pupil's parent/guardian informing the school that the pupil will participate in an ASP.
- This timeline will be communicated to the adult pupil and/or the pupil's parent/guardian if they are unable to attend the planning meeting for the purpose of providing input.
- The principal must ensure that the pupil is provided with school work until the SAP is in place.
- Once completed, the SAP will be shared with the adult pupil, or the pupil's parent/guardian and the pupil and all necessary staff.
- A copy of the SAP will be stored in the pupil's Ontario Student Record until such time as it is no longer conducive to the improvement of instruction of the pupil.

The SAP will identify:

1. The incident for which the pupil was suspended;
2. Progressive discipline steps taken prior to the suspension, if any;
3. Other discipline measures imposed in addition to the suspension;
4. Other disciplinary issues regarding the pupil that have been identified by the school;
5. Learning or other needs that might have contributed to the underlying infraction resulting in discipline;
6. Program(s) or service(s) that may be provided to address those needs;
7. The academic program to be provided to the pupil during the suspension period and details regarding how that academic program will be accessed by the pupil;
8. Where the pupil has an IEP and/or disability related needs, information regarding how the accommodations/modifications of the pupil's academic program will be provided during the period of suspension;
9. The non-academic program and services to be provided to the pupil, 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 pupil will be striving to achieve during the period of suspension.

Suspension Appeal Process

The adult pupil or the pupil's parent/guardian may appeal a suspension.

All suspension appeals will be received by the Superintendent Responsible for Safe Schools.

- An appeal of a suspension does not stay the suspension.
- 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.
 - An individual who appeals a suspension may argue that his/her rights pursuant to the *Human Rights Code* have been infringed.
 - 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 *Human Rights Code* have been infringed.
- 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).

Upon receipt of written notice of the intention to appeal the suspension, the Superintendent Responsible for Safe Schools:

1. Will promptly advise the school principal of the appeal;
2. Will promptly advise the adult pupil or the pupil's parent/guardian that a review of the suspension will take place and invite the appellant to contact the Superintendent Responsible for Safe Schools to discuss any matter respecting the incident and/or appeal of the suspension;
3. Will review the suspension (reason, duration, any mitigating or other factors, whether or not the *Human Rights Code* should be or was appropriately applied);
4. May consult with the principal and superintendent regarding modification or expunging the suspension;
5. Will request a meeting with the adult pupil or the pupil's parent/guardian and the principal to narrow the issues and try to effect a settlement, and arrange a date for the appeal before the Suspension/Expulsion Committee;
6. Will, where a settlement is not effected, provide notice of the review decision to the adult pupil or pupil's parent/guardian.

Where the suspension is upheld on review and the adult pupil or pupil's parent/guardian chooses to continue with the appeal, the Superintendent 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 regarding of the incident, and the rationale for suspension and how the principles of equity and inclusion were applied prepared by the principal;
 - 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 Responsible for Safe Schools regarding the suspension review.
2. Inform the adult pupil or the pupil's parent/guardian 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 Suspension/Expulsion Committee.
3. Ensure that the item is placed on the Suspension/Expulsion Committee's agenda.

The parties in an appeal to the Suspension/Expulsion Committee shall be:

- The principal; and
- The adult pupil or the pupil's parent/guardian, if they appealed the decision.

Suspension Appeal before the Suspension/Expulsion Committee of the Board

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

1. 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.
2. The pupil will be asked to make a statement on his/her own behalf.
3. The superintendent for the school and/or the principal will make oral submissions on behalf of the administration, including a response to any issues raised in the appellant's submissions. The superintendent/principal may rely on the report prepared for the Suspension/Expulsion Committee.
4. The appellant may make further submissions addressing issues raised in the administration's presentation that were not previously addressed by the appellant.
5. The Suspension/Expulsion Committee may ask any party, or the pupil, where appropriate, questions of clarification.

Adult pupils or a pupil's parent/guardian 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 Suspension/Expulsion Committee may make such orders or give such directions at an appeal as it considers necessary for the maintenance of order at the appeal. Should any person disobey or fail to comply with any such order and/or direction, a trustee may call for the assistance of a police officer to enforce any such order or direction.

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 and the party is not entitled to any further notice of the proceedings.

The Suspension/Expulsion 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 pupil protected by the *Human Rights Code*, including but not limited to race and disability, and/or exacerbate the pupil's disadvantaged position in society and whether the decision to discipline and the discipline imposed was reasonable in the circumstances, and shall either:

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

The decision of the Suspension/Expulsion Committee is final. The decision shall be communicated to the appellant in writing.

Re-Entry

Following a suspension of six (6) or more school days, a re-entry meeting will be held with *appropriate* staff, the pupil, and the pupil's parent(s)/guardian(s), to provide positive and constructive redirection for the pupil. Where the pupil has participated in an ASP, the pupil's success in achieving the goals outlined in the SAP will be reviewed. As a condition of re-entry further programs and services maybe recommended at this time.

Transfer to another School

There are times when it may be necessary to transfer the disciplined pupil or victim to another school. Reasons for this include safety and/or for compliance with an Order of the Court or police restrictions. To the extent possible, the pupil 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 *Human Rights Code*.

When it has been determined that a pupil 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 to ensure a successful transition. The plan may include a recommendation for a CYW support and/or support from community agencies as well as the development of a Transitional Education Plan. Where the pupil has been subject to suspension, the Transition Plan shall be consistent with and coordinated with the Student Action Plan developed for suspension purposes.

The student and his or her parent/guardians shall attend a meeting with appropriate staff from both schools for the purpose of reviewing the Transition Plan, 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/guardian or pupil. Teaching and support staff of the receiving school who will be working with the pupil 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*.

F. EXPULSION OF PUPILS

Principals are required to suspend a pupil for up to 20 school days if the principal believes that the student has engaged in an activity for which the pupil might ultimately be expelled by the school board. This provides for the removal of the student from the school while allowing the principal to investigate the incident and decide whether to recommend to the board that the student be expelled.

The principal shall also contact the police as per the Police and School Response Protocol if the alleged infraction requires such contact. When in doubt, the principal shall consult with his or her superintendent.

Activities include:

1. Possessing a weapon, including possessing a firearm or knife;
2. Using a weapon to cause or to threaten bodily harm to another person;
3. Committing physical assault on another person that causes bodily harm requiring treatment by a medical practitioner;
4. Committing sexual assault;
5. Trafficking in weapons, illegal and/or restricted drugs;
6. Committing robbery;
7. Giving alcohol to a minor;
8. An act considered by the principal to be significantly injurious to the moral tone of the school and/or to the physical or mental wellbeing of others;
9. A pattern of behaviour that is so inappropriate that the pupil's continued presence is injurious to the effective learning and/or working environment of others;
10. Activities engaged in by the pupil on or off school property that cause the pupil's continuing presence in the school to create an unacceptable risk to the physical or mental wellbeing of other person(s) in the school or Board;
11. Activities engaged in by the pupil 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;
12. The pupil 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; or
13. Any act considered by the principal to be a serious violation of the requirements for pupil behaviour and/or a serious breach of the Board or school Code of Conduct; or
14. Where a pupil has no history of discipline or behaviour intervention, or no relevant history, a single act, incident or infraction considered by the principal to be a serious violation of the expectations of pupil behaviour and/or a serious breach of the Board or school Code of Conduct

Mitigating Factors and Other Factors

The Education act requires the principal to consider mitigating and other factors in determining the length of the suspension and in determining whether to recommend expulsion.

The principal will make every effort to consult with the pupil, where appropriate, and the pupil's parent/guardian, if the pupil is not an adult pupil, 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.

The mitigating factors to be considered by the principal in determining the length of the suspension and in determining whether to recommend expulsion are:

1. Whether the pupil has the ability to control his or her behaviour;
2. Whether the pupil has the ability to understand the foreseeable consequences of his or her behaviour; and
3. Whether the pupil's continuing presence in the school does or does not create an unacceptable risk to the safety of any other individual at the school.

Where the pupil 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 the suspension or the decision to recommend expulsion as a form of discipline for the pupil:

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

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*, the Board's Exclusion Policy and Exclusion Procedures and consistent with the *Human Rights Code*. A pupil shall not be excluded from the school pursuant to section 265(1) (m) of the *Education Act* as a disciplinary measure.

PPM 145 (page 4) states that if a principal does decide that it is necessary to exclude a student from the school, he or she is expected to notify the student's parents of the circumstances of the exclusion as soon as possible, and to inform them of their right to appeal under clause 265(1)(m).

Suspension Pending Recommendation for Expulsion

If the pupil is suspended pending an investigation to determine whether expulsion will be recommended, mitigating and other factors must be considered in determining the length of the suspension which can be for one (1) to (20) twenty school days.

The Education Act requires the principal to consider mitigating and other factors in determining the length of the suspension.

Procedural Steps When Imposing a Suspension That may Lead to an Expulsion

When imposing a suspension the principal is required to affect the following procedural steps:

1. Within 24 hours of the decision, the principal must make all reasonable efforts to orally inform the adult pupil or the pupil's parent/guardian of the suspension;
2. The principal must inform the pupil's teacher(s) of the suspension;
3. The principal must provide written notice of the suspension to the adult pupil or the pupil's

parent/guardian and pupil and the superintendent. The written notice of suspension will include:

- a) The reason for suspension;
 - b) The duration of the suspension;
 - c) Information about the program for suspended pupils the pupil is assigned to;
 - d) Information about the investigation the principal is conducting to determine whether to recommend expulsion;
 - e) A statement that there is no immediate right to appeal the suspension. Any appeal must wait until the principal decides whether to recommend an expulsion, and if the principal decides not to recommend an expulsion, a statement that the suspension may be appealed to the Suspension/Expulsion Committee, and if the principal decides to recommend an expulsion that the suspension may be addressed at the expulsion hearing.
4. Every effort should be made to include the school work with the letter of suspension to the pupil and the pupil's parent/guardian unless the pupil is an adult pupil on the day the pupil is suspended if the letter is provided to the pupil to take home. If it is not possible to provide the letter because the pupil and/or his/her parent/guardian 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 pupil's designate or the pupil's parent/guardian or designate to pickup from the school the following school day.
- 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.
 - If notice is sent by fax or email, it is deemed to have been received the first school day after it was sent.
5. 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 pupil's Ontario Student Record. (see the Board's Violent Incident Form)

Alternative Suspension Program (ASP) Leading to a Program for Expelled Pupils

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

A pupil cannot be compelled to participate in an ASP. Should the adult pupil or the pupil's parent/guardian choose not to have the pupil participate in an ASP, the pupil will be provided with school work consistent with the Ontario curriculum or that pupil'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 pickup by the adult pupil's designate or the pupil's parent/guardian or a designate at regular intervals during the suspension period beginning the school day after the adult pupil or the pupil's parent/guardian refuses to participate in an ASP.

A Student Action Plan will be developed for every pupil 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 pupil or the pupil's parent/guardian. Where the pupil or his/her parent/guardian declines the offer to participate in an ASP, the principal shall record the date and time of such refusal.

Planning Meeting

The principal or vice-principal of the school or designate shall hold a planning meeting for the purpose of developing the SAP.

- The adult pupil or pupil's parent/guardian and the pupil as well as any appropriate teaching and support staff will be invited to participate in the planning meeting for the purpose of providing input.
 - The planning meeting will be scheduled to occur within two (2) school days of the adult pupil or the pupil's parent/guardian informing the school that the pupil will participate in an ASP.
 - If the adult pupil or the pupil's parent/guardian 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.
- During the planning meeting the principal or vice-principal shall review the issues to be addressed in the pupil's SAP.

Student Action Plan

- The SAP will include both academic and non-academic supports.
- The SAP will be developed under the direction of the principal of the school with assistance, from the principal of alternative programs, guidance counsellor, special education teacher, classroom teacher, CYW and/or social worker.
- The SAP should be completed within five (5) school days following the adult pupil or the pupil's parent/guardian informing the school that the pupil will participate in an ASP.
- This timeline will be communicated to the adult pupil or the pupil's parent/guardian if they are unable to attend the planning.
- The completed SAP will be shared with the adult pupil or the pupil's parent/guardian and pupil and all necessary staff.
- A copy of the SAP will be stored in the pupil's Ontario Student Record until such time as it is no longer conducive to the improvement of instruction of the pupil.

The SAP shall identify;

1. The incident for which the pupil was suspended;
2. The progressive discipline steps taken prior to the suspension, if any;
3. Other progressive discipline measures imposed in addition to the suspension;
4. Other disciplinary issues regarding the pupil that have been identified by the school;
5. The learning needs or other needs that might have contributed to the underlying infraction;
6. Recommended program(s) or service(s) that address the pupils learning or other needs;
7. the academic program to be provided to the pupil during the suspension period and details regarding how that academic program will be accessed by the pupil;
8. Where the pupil has an IEP or disability related needs, information regarding how the accommodations/modifications of the pupil's academic program will be provided during the period of suspension;
9. The nonacademic program and services to be provided to the pupil, during the suspension and details regarding how that nonacademic program and those services will be accessed; and
10. The measurable goals the pupil will be striving to achieve during the period of suspension.

Principal's Investigation

The principal shall conduct an investigation promptly following the suspension of the pupil to determine whether to recommend to the Suspension/Expulsion Committee that the pupil be expelled. As part of the investigation, the principal will consult with the School Superintendent and/or Superintendent Responsible for Safe and Schools regarding any issues of process and/or timing for conducting the investigation as well as the substantive decision whether or not to recommend that the pupil be expelled.

Before referring a pupil to the Suspension/Expulsion Committee of the Board for expulsion, the principal shall consider whether or not the recommendation might have a disproportionate impact on a pupil protected by the *Human Rights Code*, including but not limited to race and disability, and/or exacerbate the pupil's disadvantaged position in society, and whether or not accommodation is required. Should the decision be made to refer the pupil to the Suspension/Expulsion Committee with a recommendation for expulsion, the pupil must be referred to and dealt with by the Suspension/Expulsion Committee within twenty (20) school days from the date of suspension (unless timelines are extended on consent).

Any police investigation will be conducted separately from the principal's inquiry.

As part of the investigation, the principal shall:

1. Make all reasonable efforts to speak with the adult pupil or the pupil's parent/guardian and the pupil;
2. Include interviews with witnesses who the principal determines can contribute relevant information to the investigation;
3. Make every reasonable effort to interview any witnesses suggested by the pupil, or the pupil's parent/guardian; and
4. Consider the mitigating and other factors when determining whether to recommend to the Suspension/Expulsion Committee that the pupil be expelled.
5. Consider whether or not the pupil is protected by the *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.

Mitigating Factors

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

1. Whether the pupil has the ability to control his or her behaviour;
2. Whether the pupil has the ability to understand the foreseeable consequences of his or her behaviour; and
3. Whether the pupil's continuing presence in the school does or does not create an unacceptable risk to the safety of any other individual at the school.

Other Factors to be Considered

Where the pupil is able to control his/her behaviour and/or is able to understand the foreseeable consequences of his/her behaviour, the principal will consider whether the following factors mitigate the length of a suspension and whether the pupil should be referred to the Suspension/Expulsion Committee on a recommendation for expulsion.

1. The pupil's academic, discipline and personal history;
2. Whether progressive discipline has been attempted with the pupil, and if so, the progressive discipline approach(es) that has/have been attempted and any success or failure;
3. Whether the infraction for which the pupil might be disciplined was related to any harassment of the pupil 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;
4. The impact of the discipline on the pupil's prospects for further education;
5. The pupil's age;
6. Where the pupil has an IEP or disability related needs,
 - a. Whether the behaviour causing the incident was a manifestation of the pupil's disability;
 - b. Whether appropriate individualized accommodation has been provided to the point of undue

- hardship; and
 - c. Whether a suspension is likely to result in aggravating or worsening the pupil's behaviour or conduct or whether a suspension is likely to result in a greater likelihood of further inappropriate conduct; and
7. Whether or not the pupil's continuing presence at the school creates an unacceptable risk to the safety of anyone in the school.

Progressive Discipline

In reviewing whether progressive discipline approach(es) has/have been attempted with the pupil, and if so, the progressive discipline approach(es) that has/have been attempted and any success or failure, the principal will consider the following:

1. Whether the teacher, principal or vice principal has utilized preventative strategies and positive practices.

Preventative practices include:

- Human Rights strategy pursuant to PPM 119
- Antibullying and violence prevention programs;
- Mentorship programs;
- Student success strategies;
- Character education;
- Citizenship development;
- Student leadership; and
- Promoting healthy student relationships; and
- Promoting healthy lifestyles.

Positive behaviour management practices include:

- Program modifications or accommodations;
- Class placement;
- Positive encouragement and reinforcement;
- Individual, peer and group counselling;
- Conflict resolution / Dispute resolution;
- Mentorship programs;
- Promotion of healthy student relationships
- Sensitivity programs;
- Safety Plans;
- School, Board and community support programs; and
- Student success strategies.

2. Whether the teacher, principal or vice-principal has utilized early and/or ongoing intervention strategies to prevent unsafe or inappropriate behaviours, such as:

- Contact with the pupil's parent(s)/guardian(s);
- Oral reminders;
- Review of expectations;
- Written work assignments with a learning component;
- Assigning the pupil to volunteer services to the community;
- Conflict mediation and resolution;
- Peer mentoring;
- Referral to counselling; and/or
- Consultation between two (2) or more of the parties.

3. Whether the principal or vice-principal has used a progressive discipline approach to address inappropriate behaviour for which a suspension could have been imposed, such as:
 - Meeting(s) with the pupil's parent(s)/guardian(s), pupil, and principal;
 - Referral of pupil to a community agency for anger management or substance abuse counselling;
 - Detentions;
 - Withdrawal of privileges;
 - Withdrawal from class;
 - Restitution for damages;
 - Restorative practices; and/or
 - Transfer to another class or school.

Consultation

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

Principal's Recommendations

1. 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 decides not to recommend to the Suspension/Expulsion Committee that the pupil be expelled, the principal must:

1. Consider whether alternative progressive discipline is appropriate in the circumstances;
2. Uphold the suspension and its duration; or
3. Uphold the suspension and shorten its duration and amend the record accordingly; or
4. Withdraw the suspension and expunge the record.

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

1. A statement of the principal's decision not to recommend expulsion to the Suspension/Expulsion Committee;
2. A statement indicating whether the suspension has been upheld, upheld and shortened, or withdrawn;
3. If the suspension has been upheld or upheld and shortened, information about the right to appeal the suspension to the Suspension/Expulsion Committee, including:
 - a) A copy of the Board policies and guidelines regarding suspension appeals;
 - b) Contact information for the Superintendent Responsible for Student Discipline;
 - c) 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
 - d) If the length of the suspension has been shortened, notice that the appeal from the shortened length of the suspension.

2. Decision to Recommend to the Board an Expulsion Hearing

If a principal, in consultation with the School Superintendent, determines that a referral for expulsion is warranted, the principal must refer the recommendation for expulsion to the Suspension/Expulsion

Committee to be *heard within twenty (20) school days from the date the principal suspended the pupil*, unless the parties to the expulsion hearing agree upon a later date.

For the purposes of the expulsion proceeding, the principal will:

1. Prepare a report to be submitted to the Suspension/Expulsion Committee and provide the report to the pupil and the pupil's parent(s)/guardian(s) (unless the pupil an adult pupil) prior to the hearing. The report will include:
 - a) a summary of the findings the principal made in the investigation,
 - b) an analysis of which, if any, mitigating or other factors or *Human Rights Code* related grounds might be applicable,
 - c) a recommendation of whether the expulsion should be from the school or from the Board, and
 - d) a recommendation regarding the type of school that would benefit the pupil if the pupil is subject to a school expulsion, or the type of program that might benefit the pupil if the pupil is subject to a Board expulsion,
2. Provide written notice of the expulsion hearing to the adult pupil or the pupil's parent/guardian and pupil. The notice shall include:
 - a) A statement that the pupil is being referred to the Suspension/Expulsion Committee to determine whether the pupil will be expelled for the activity that resulted in suspension;
 - b) A copy of the Board's guidelines and rules governing the hearing before the Suspension/Expulsion Committee;
 - c) A copy of the Board Code of Conduct and school Code of Conduct;
 - d) A copy of the suspension letter;
 - e) A statement that the pupil and/or his or her parent(s)/guardian(s) has the right to respond to the principal's reporting in writing;
 - f) Information about the procedures and possible outcomes of the expulsion hearing, including that:
 - I. if the Suspension/Expulsion Committee does not expel the pupil they will either confirm, confirm and shorten, or withdraw the suspension,
 - II. parties have the right to make submissions with respect to the suspension,
 - III. any decision with respect to the suspension is final and cannot be appealed,
 - IV. if the pupil is expelled from school, they will be assigned to another school,
 - V. if the pupil is expelled from the Board, they will be assigned to a program for expelled pupils,
 - VI. if the pupil is expelled there is a right of appeal to the Child and Family Services Review Board; and
 - g) The name and contact information for the Superintendent Responsible for Safe Schools.

The School Superintendent will:

1. Advise the Superintendent Responsible for Safe Schools and the Trustee(s) for the school involved of the general details of the incident, including actions taken or pending, and
2. Submit the Principal's Report for the Suspension/Expulsion Committee to the Superintendent Responsible for Safe Schools.

The Superintendent Responsible for Safe Schools or Designate will:

1. Offer to arrange a meeting with the adult pupil or the pupil's parent/guardian and pupil and the principal, as appropriate.
 - a. If a meeting is arranged, the Superintendent Responsible for Student Discipline will review the Suspension/Expulsion Committee process for expulsion hearings, as well as respond to any questions or concerns the pupil or the pupil's parent/guardian may have regarding the process or incident; and

- b. If a meeting is arranged, during the meeting the Superintendent Responsible for Student Discipline may assist to narrow the issues and identify agreed upon facts.
2. Prepare a package of documents for the Suspension/Expulsion Committee, which will include at least the following components:
 - a. a copy of the Principal's Report; and
 - b. A copy of the original suspension letter and the notice of expulsion sent to the adult pupil or pupil's parent/guardian.
3. Inform the adult pupil or the pupil's parent/guardian of the date and location of the expulsion hearing, will provide a copy of the Expulsion Hearing Rules, and a copy of the documentation to go to the Suspension/Expulsion Committee.
4. Ensure that the item is placed on the Suspension/Expulsion Committee agenda.

Hearing before the Suspension/Expulsion Committee

If the principal recommends expulsion, the Suspension/Expulsion Committee shall hold a hearing.

Parties before the Suspension/Expulsion Committee shall include:

- the principal, and
- The adult pupil or the pupil's parent(s)/guardian(s).

If a pupil is not a party, s/he has the right to be present at the expulsion hearing and to make submissions on his/her own behalf. The Suspension/Expulsion Committee may grant a person with daily care the authority to make submissions on behalf of the pupil. An adult pupil or pupil's parent/guardian may bring legal counsel, and advocate or support person with them to the expulsion hearing.

The hearing will be conducted in accordance with the Rules of the Suspension/Expulsion Committee and the Guideline for Expulsion Hearings:

1. The Suspension/Expulsion Committee shall consider oral and written submissions, if any, of all parties;
2. The Suspension/Expulsion Committee shall consider whether or not the *Human Rights Code* should be applied in the circumstances to mitigate the discipline, if any;
3. The Suspension/Expulsion 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;
4. The Suspension/Expulsion 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
5. Such other matters as the Suspension/Expulsion Committee considers appropriate.

In determining whether to impose an expulsion the Suspension/Expulsion Committee shall consider the following factors:

1. The mitigating and other factors:
 - a. Whether the pupil has the ability to control his or her behaviour;
 - b. Whether the pupil has the ability to understand the foreseeable consequences of his or her behaviour;
 - c. Whether the pupil's continuing presence in the school does or does not create an unacceptable risk to the safety of any other individual at the school;
 - d. The pupil's academic, discipline and personal history;
 - e. Whether progressive discipline has been attempted with the pupil, and if so, the progressive discipline approach(es) that has/have been attempted and any success or failure;
 - f. Whether the infraction for which the pupil might be disciplined was related to any harassment of

the pupil because of race, ethnic origin, religion, creed, disability, gender or gender identity, sexual orientation or any other immutable characteristic or to related harassment for any other reason;

- g. The impact of the discipline on the pupil's prospects for further education;
 - h. The pupil's age;
 - i. Where the pupil has an IEP or disability related needs,
 - i. Whether the behaviour causing the incident was a manifestation of the pupil's disability;
 - ii. Whether appropriate individualized accommodation has been provided to the point of undue hardship; and
 - iii. Whether an expulsion is likely to result in aggravating or worsening the pupil's behaviour or conduct or whether an expulsion is likely to result in a greater likelihood of further inappropriate conduct; and
 - j. Whether or not the pupil's continuing presence at the school creates an unacceptable risk to the safety of anyone in the school.
2. The application of the *Ontario Human Rights Code*.
 3. The submissions and views of the parties.
 4. Any written response to the principal's report provided before the completion of the hearing; and whether or not the expulsion might have a disproportionate impact on a pupil protected by the *Human Rights Code*, including but not limited to race and disability, and/or exacerbate the pupil's disadvantaged position in society, and whether or not accommodation is required in the circumstances.
 5. Such factors as the Suspension/Expulsion Committee considers appropriate.

Where there is a conflict in the evidence presented by the parties on the issue of whether the pupil committed the infraction, the Suspension/Expulsion Committee may request further evidence as set out in the Expulsion Hearing Rules, **subject to the requirement that the hearing take place within twenty (20) school days**, or the Suspension/Expulsion 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 pupil committed the infraction.

Recommendations of the Suspension/Expulsion Committee

1. No Expulsion

If the Suspension/Expulsion Committee determines not to expel the pupil, the committee shall take the submissions of the parties into account, including mitigating and other factors, in determining whether to:

1. Consider whether other progressive discipline is appropriate in the circumstances;
2. Uphold the suspension and its duration;
3. Uphold the suspension and shorten its duration and amend the record accordingly;
4. Quash the suspension and expunge the record such that no record of the suspension remains in the Ontario Student Record; or
5. Make such other orders as the Suspension/Expulsion Committee considers appropriate.

The Suspension/Expulsion 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 Suspension/Expulsion Committee's decision with respect to the suspension is final.

2. Expulsion

In the event the Suspension/Expulsion Committee decides to impose an expulsion on the pupil, the Suspension/Expulsion Committee must decide whether to impose a Board expulsion or a school

expulsion. In determining the type of the expulsion, the Suspension/Expulsion Committee shall consider the following factors:

1. The mitigating and other factors:
 - a. Whether the pupil has the ability to control his or her behaviour;
 - b. Whether the pupil has the ability to understand the foreseeable consequences of his or her behaviour;
 - c. Whether the pupil's continuing presence in the school does or does not create an unacceptable risk to the safety of any other individual at the school;
 - d. The pupil's academic, discipline and personal history;
 - e. Whether progressive discipline has been attempted with the pupil, and if so, the progressive discipline approach(es) that has/have been attempted and any success or failure;
 - f. Whether the infraction for which the pupil might be disciplined was related to any harassment of the pupil 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;
 - g. The impact of the discipline on the pupil's prospects for further education;
 - h. The pupil's age;
 - i. Where the pupil has an IEP or disability related needs,
 - i. Whether the behaviour causing the incident was a manifestation of the pupil's disability;
 - ii. Whether appropriate individualized accommodation has been provided to the point of undue hardship; and
 - iii. Whether a school or Board expulsion is likely to result in aggravating or worsening the pupil's behaviour or conduct or whether it is likely to result in a greater likelihood of further inappropriate conduct; and
 - j. Whether or not the pupil's continuing presence at the school creates an unacceptable risk to the safety of anyone in the school;
2. The application of the Ontario *Human Rights Code*;
3. All submissions and views of the parties;
4. Any written response to the principal's report provided before the completion of the hearing;
5. Whether or not the type of expulsion might have a disproportionate impact on a pupil protected by the *Human Rights Code*, including but not limited to race and disability, and/or exacerbate the pupil's disadvantaged position in society, and whether or not accommodation is required in the circumstances; and
6. Such other matters as the Suspension/Expulsion Committee considers appropriate.

Where the Suspension/Expulsion Committee decides to impose a **school expulsion**, then the Suspension/Expulsion Committee must assign the pupil to another school. The requirements of school transfers set out in these procedures shall apply.

Where the Suspension/Expulsion Committee decides to impose a **Board expulsion**, then the Suspension/Expulsion Committee must assign the pupil to a program for expelled pupils.

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

1. The reason for the expulsion;
2. A statement indicating whether the expulsion is a school expulsion or a Board expulsion;
3. Information about the school or program to which the pupil has been assigned; and
4. Information about the right to appeal the expulsion, including the steps to be taken.

Appeal of the Board Decision to Expel

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

- The Child and Family Services Review Board is designated to hear and determine appeals of school Board decisions to expel pupils.
 - An individual who appeals an expulsion may argue that his/her rights pursuant to the *Human Rights Code* have been infringed.
 - 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 *Human Rights Code* have been infringed.
- The decision of the Child and Family Services Review Board is final.

Re-Entry Following an Expulsion

School Expulsion

A pupil who is subject to a school expulsion may apply in writing to the Board to be re-assigned to the school from which s/he was expelled.

1. The Board will consider whether re-admittance will have a negative impact on the school climate, including on any victims.
2. The pupil will be required to demonstrate that they have learned from the incident and have sought counselling, where applicable.
3. The pupil will be required to sign a Declaration of Performance form provided by the Board.
4. Following consideration of the principles of equity and inclusion, the Board, in its sole discretion, may determine that a different school than the one from which the pupil was expelled is a more appropriate placement for the pupil.

Board Expulsion

A pupil who is subject to a Board expulsion is entitled to apply in writing for re-admission to a school of the Board. The pupil must demonstrate the successful completion of a program for expelled pupils and has satisfied the objectives required for completion of the program, as determined by the person who provides the program.

The Board shall re-admit the pupil and inform the pupil in writing of the re-admission as per the recommendation(s) of the Review Committee.

G. EXCLUSION

A pupil shall not be excluded from the school pursuant to section 265(1) (m) of the *Education Act*, 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*, the *Access to Schools and Board Premises* policy, and consistent with the *Human Rights Code*.

PPM 145 (page 4) states that if a principal does decide that it is necessary to exclude a student from the school, he or she is expected to notify the student's parents of the circumstances of the exclusion as soon as possible, and to inform them of their right to appeal under clause 265(1)(m).

A pupil 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/guardian and the principal, in consultation with the superintendent, AGREE that, as an accommodation and in the best interests of the pupil, the pupil's educational program should be modified such that the pupil 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 pupil 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 suspension in another part of the school as part of progressive discipline that has been imposed by the principal or designate.

H. MONITORING & 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 schools 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 pupils with an opportunity to anonymously evaluate and communicate their perception of school safety. Climate surveys shall include questions about bullying, harassment related to immutable characteristics including those protected by the *Human Rights Code*, gender based violence, and sexual assault. Where possible, climate surveys shall be made available to pupils with cognitive disabilities in a form that might provide them with an opportunity to identify their perception of their safety. Pupils 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 Safe 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.

I. DELEGATION OF AUTHORITY

Where practical and possible an administrator will be present on school property at all times during the school day.

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 *Human Rights Code* of Ontario.

Delegation of Authority to a Vice-Principal

Vice-principals may be delegated authority by the principal to receive oral and written reports of suspension and expulsion infractions from Board employees and transportation providers in accordance with this procedure, and to report infractions to the Police in accordance with the Police and School Response Protocol.

Vice-principals may be delegated authority by the principal to conduct an investigation and/or inquiry when an infraction has occurred requiring further information before further action can be taken.

A vice-principal may be delegated authority to consider and implement progressive discipline measures following the investigation of an incident, which has occurred on school property, or during a school activity or in circumstances having an impact on the school climate and 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 vice-principal may be delegated authority to impose a suspension of five (5) or fewer days in accordance with these procedures.

A vice-principal may be delegated authority to create and facilitate all aspects of the Student Action Plan process when a pupil has been suspended for five (5) or more days or when a pupil who is referred to the Suspension/Expulsion Committee of the Board for expulsion.

A vice-principal may be delegated authority to notify a parent/guardian of a pupil who has been the victim of an incident in accordance with the notification provisions outlined in these procedures, including an incident that might lead to a suspension or recommendation for expulsion. The vice-principal may communicate the supports being provided for the victim, such as a Safety Plan, as well as any other Board and community supports in accordance with these procedures. A vice-principal may be delegated authority to develop a victim's Safety Plan.

A vice-principal may be delegated authority to develop a Transition Plan for a pupil where a decision has been made by the superintendent in consultation with the principal and consistent with the *Human Rights Code* that the pupil must be transferred to another school in accordance with these procedures following an incident. The vice-principal may also be delegated responsibility for organizing and conducting the transfer meeting.

Authority delegated to the vice-principal shall be identified in writing in documentation identifying all of the vice-principal's responsibilities and duties within the school, and may include one or more of the following:

- (1) Receive reports about suspension and expulsion infractions from Board employees and transportation providers;
- (2) Contact police in accordance with the Police and School Response Protocol;
- (3) Conduct investigations and inquiries;
- (4) Consider and implement progressive discipline measures;
- (5) Impose suspensions of between one (1) and five (5) days;
- (6) Develop and implement Student Action Plans;
- (7) Notify a parent/guardian of a pupil who has been the victim of an incident;
- (8) Develop a Safety Plan;
- (9) Develop a Transition Plan; and
- (10) Organize and be responsible for a school transfer meeting.

The principal may delegate the performance of one or more of the above noted responsibilities to a vice-principal to be performed by the vice-principal despite the principal's presence in the school.

Despite authority to conduct investigations and inquiries, as noted above, where, in the vice-principal's opinion, the allegations might attract discipline requiring a suspension of five (5) or more days, the vice-principal shall consult with and/or receive direction from the principal or superintendent throughout the investigation process.

A vice-principal may not be delegated the power to impose a suspension of more than five (5) days or make the final decision with respect to recommending to the Board that a pupil be expelled.

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. Where the absence of the principal and vice-principal will exceed one (1) or more days, the School Superintendent shall be informed.

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 the Police and School Response 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 require 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 (1) or more days, the School 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 may result in suspension or suspension with 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. Where the absence of the principal and vice-principal will exceed one (1) or more days, the School Superintendent shall be informed.

In such circumstances, the teacher-in-charge may be delegated authority to provide information to the parent/guardian of the pupil (victim), who is NOT an adult pupil and where the teacher-in-charge is NOT of the opinion that informing the parent/guardian would put the pupil 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/guardian that an administrator will contact the parent/guardian to provide further information about the activity, 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/guardian of an adult pupil if that pupil consents to the disclosure of information.

A teacher-in-charge shall NOT be delegated authority to share with the parent/guardian 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 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 pupil.

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 *Human Rights Code*, s/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.

Written notice identifying the authority being delegated to the teacher-in-charge, the timeframe for the delegation of the authority and the resources available to the teacher in charge must be provided in the appropriate form.

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.



(on School Letterhead)

Memo

To (insert name of teacher-in charge)
Date (insert date)
From (insert name of administrator)
Re Delegation of Authority

You will be delegated authority as teacher-in-charge pursuant to section 300.1(1) (b), consistent with this memo on the dates set out below and initialled by me.

During the specified dates, the principal and vice-principal will be away from the school. (Where applicable) The principal can be reached by cell phone at (insert cell #), and the vice-principal may be reached by cell phone at (insert cell #). The superintendent of education/supervisory officer may be reached at (insert phone #).

The emergency superintendent of education/supervisory officer may be reached at (insert phone#) or, in the alternative, the principal of (insert name of school), (insert individual's name), may be reached at (insert phone #).

As part of the duties of teacher-in-charge, you are being delegated responsibility for the following:

(Incorporate points listed under progressive discipline procedures re: delegation to teacher-in-charge)

1. receiving reports from Board employees and transportation providers about serious incidents for which suspensions or a recommendation to expel might be made and communicating this information to an administrator at the earliest opportunity;
2. conducting an investigation to determine the nature of an incident to determine whether or not the incident is one for which a suspension or expulsion might be imposed;
3. reporting incidents for which a suspension or expulsion might be imposed to an administrator at the earliest opportunity;
4. providing information to a parent/guardian of a pupil about an incident causing the pupil harm, provided that the pupil is not an adult pupil and you are not of the opinion that reporting the information might put the pupil at risk of harm and not be in the pupil's best interest; and
5. implementing progressive discipline measures following the investigation of an incident that is unlikely to lead to suspension or expulsion as a consequence; and
6. contacting the police in an emergency;
7. Contacting the police in accordance with the Police and School Response Protocol.

(Consideration might be given to including duties that are not discipline related)

You must exercise your authority in accordance with the Education Act, Board policies and procedures, including the principles of equity set out in Ontario's Equity and Inclusive Education Strategy and the *Human Rights Code* of Ontario, which has primacy over the Education Act and the Board policies and procedures.

Your authority with respect to these matters shall cease upon the return to the school of an administrator.

Principal

DATE OF DELEGATION

Date	Principal Initials