



# HURON-PERTH CATHOLIC

District School Board

## Student Behaviour, Discipline and Safety

<b>Adopted:</b>	<b>May 23, 2023</b>	<b>Policy #:</b>	<b>P 2.1.5.</b>
<b>Revised:</b>		<b>Policy Category:</b>	<b>2.1. School Operations</b>

### **BELIEF STATEMENT:**

The Huron-Perth Catholic District School Board believes that Board policies addressing student behaviour, discipline and safety will demonstrate the gospel values of Jesus including love, reconciliation, hospitality, justice, peace, honesty, integrity and emphasize our belief that we are all created in the image and likeness of God. The Board believes that it is necessary to always exercise a preferential option for the poor and vulnerable in our community. The Board believes that extra care and consideration should be given to victims of violence, racism and inappropriate behaviours impacting marginalized individuals. The Board believes that this policy should reflect the mission and vision of the Board and the Ontario Catholic School Graduate Expectations (OCSGEs).

The Board believes that students shall:

- Respect the rights and dignity of others regardless of their differences;
- Respect the right of others to work in an environment of teaching and learning;
- Respect persons who are in a position of authority; and
- Show proper care for school property and the property of others.

The Board believes that schools should provide safe, inclusive, and accepting learning/ teaching environments in which every student can reach his or her full potential. This is a shared responsibility of all members of the community.

Progressive discipline is an approach that makes use of a continuum of prevention programs, interventions, supports, and consequences, building upon strategies that build skills for healthy relationships and promote positive behaviours.

The range of interventions, supports and consequences used by the Board and all schools must be clear and developmentally appropriate, and must include learning opportunities for students in order to reinforce positive behaviours and help students make good choices.

All inappropriate student behaviour, including bullying, shall be addressed.

In addressing inappropriate student behaviour, the Board believes that responses to behaviours must be developmentally appropriate, promote the range of interventions that are clear and

include learning opportunities for students in order to reinforce positive behaviours and help students make good choices.

The Board believes that bullying adversely affects a student's ability to learn and the school climate, including healthy relationships and schools should ensure that bullying will not be accepted on school property, at school-related activities,<sup>1</sup> on school buses, or in any other circumstances (e.g., online) where engaging in bullying will have a negative impact on the school climate. The Board promotes the prevention of bullying that maximizes student potential.

The Board believes that racism has no place in its schools and expects that the impact of racism on students be considered when imposing consequences for this type of behaviour.

The Board recognizes the significant impact that verbal abuse and/or hate-motivated speech or behaviour can have on an individual or individuals in a school.

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.

## **POLICY STATEMENT:**

### **1. Codes of Conduct and Equity Action Plans (Integration of Bullying Prevention and Intervention Plan)**

It is the policy of the Board:

- That, in consultation with the Equity, Diversity, Inclusion and Anti-Racism Committee, the Board shall develop a District Code of Conduct (Appendix A) and integrate bullying prevention and intervention<sub>2</sub> into the Equity Action Plan.
- Consistent with the district Equity Action Plan and the District Code of Conduct, each school shall develop a School Code of Conduct and integrate bullying prevention and intervention<sub>2</sub> into their local equity action plans.

### **2. Reporting and Responding to Inappropriate Student Behaviour**

It is the policy of the Board that:

- All employees and third-party service providers who come into direct contact with students on a regular basis, take seriously all allegations of any student behaviour that is likely to have a negative impact on school climate; for example, racism, harassment, gender-based violence, homophobia, sexual harassment, inappropriate sexual behaviour and bullying. Every employee and third-party service provider shall report the incident to the school Principal as soon as reasonably possible and, in the case of a Board employee, before the end of the day.
- Principals maintain proper order and discipline in schools. Students are responsible for their conduct and are expected to accept such discipline as would be exercised by a reasonable, kind, firm and judicious parent.

- Discipline is applied within a framework that shifts the focus from one that is solely punitive to one that is both corrective and supportive and that includes learning opportunities for reinforcing positive behaviour.<sup>1</sup>

### **3. Suspension of Students from School**

It is the policy of the Board that principals consider suspending a student\* if the student engaged in any of the following activities while at school or in other circumstances where engaging in the activity will have an impact on the school climate.<sup>1</sup>

- Uttering a threat to inflict serious bodily harm on another person;
- Possessing alcohol, narcotics or any other drug that is used for the purpose of intoxication (or unless the student is a medical cannabis user, cannabis);
- Being under the influence of alcohol, narcotics or any other drug that is used for the purpose of intoxication (or unless the student is a medical cannabis user, cannabis);
- Swearing at a teacher or at another person in a position of authority;
- Committing an act of vandalism that causes extensive damage to school property at the student's school or to property located on the premises of the student's school;
- Bullying;
- Any other activity that is an activity for which a principal may suspend a student under a policy of the board, being:
  - Committing physical assault (not requiring treatment by a a medical practitioner);
  - Inciting other students to act with physical violence upon another person;
  - Theft;
  - Use of tobacco or vaping;
  - Inappropriate use of electronic communications or media; and
  - An act considered by the school principal to be a breach of the Board or school code of conduct.

\*A student in Junior Kindergarten, Kindergarten or Grade 1, 2 or 3 shall not be suspended for engaging in activities described in Section 3 - Suspension of Students from School of this policy. A student in Junior Kindergarten, Kindergarten or Grade 1, 2 or 3 shall not be suspended for engaging in an activity described in Section 4 - Expulsion of Students from School of this policy unless the principal has conducted an investigation respecting the allegations.

### **4. Expulsion of Students from School**

It is the policy of the Board that Principals shall suspend a student\*, pending an investigation into possible expulsion, if they believe that the student has engaged in any of the following activities while at school, at a school-related activity or in other circumstances where engaging in the activity will have an impact on the school climate:

- Possessing a weapon including possessing a firearm;
- Using a weapon to cause or to threaten bodily harm to another person;
- Committing physical assault on another person that causes bodily harm requiring treatment by a medical practitioner;
- Committing sexual assault;

- Trafficking in weapons or in illegal drugs;
- Committing robbery;
- Giving alcohol, cannabis, narcotics or any other drug that is used for the purpose of intoxication to a minor;
- Bullying (if the student has been previously suspended for engaging in bullying and the student's continuing presence in the school creates an unacceptable risk to the safety of another person);
- Any act leading to a suspension (see Section 3.0) that is motivated by bias, prejudice, or hate; based on race, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, sexual orientation, gender identity, gender expression, or any other similar factor;
- The following other activities for which a principal must suspend a student and therefore conduct an investigation to determine whether to recommend to the board that the student be expelled:
  - Arson and fire-setting;
  - Activities engaged in by the student on or off school property that have caused extensive damage to the property of the Board or to goods that are/were on Board property; and
  - An act considered by the principal to be a serious breach of the Board's or school's code of conduct.

## **5. Programs for Suspended and Expelled Students**

It is the policy of the Board that a Student Action Plan (Appendix B) be developed in accordance with the procedures corresponding to this policy for students suspended for longer than 5 consecutive days and for expelled students. Upon returning to learning, a student participating in a Student Action Plan may be required to complete a Release of Information (Appendix C) to engage the necessary community supports.

## **6. Delegation of Authority**

It is the policy of the Board that the principal may delegate authority to vice-principals and teachers in the appropriate circumstances as outlined in the corresponding procedures of this Policy.

### **PROCEDURES:**

#### **1. District and School Codes of Conduct and Equity Action Plans (Integration of Bullying Prevention and Intervention Plan)**

##### **1.1. District Plans**

The Board shall establish a District Safe and Accepting Schools Committee that shall:

- Develop, in consultation with the Equity, Diversity, Inclusion and Anti-Racism Committee, a District Code of Conduct that is consistent with the Provincial Code of Conduct;
- Develop, implement and monitor an Equity Action Plan that integrates the Bullying Prevention and Intervention Plan<sub>2</sub> to address student behaviour, discipline and safety;

- Ensure that the Equity Action Plan includes programs and training at the district level that will address student behaviour, discipline and safety. Training is for all employees and contracted services who come into direct contact with students of a board on a regular basis in the normal course (for example bus operators and cafeteria services);
- Ensure that the Equity Action Plan promotes identification and intervention strategies to be used in schools to address student behaviour, discipline and safety;
- Ensure that the Equity Action Plans includes: strategies, education and training specifically addressing racism, bullying prevention and intervention strategies as well as programs, interventions and other supports for students who have been bullied, students who have witnessed incidents of bullying, and students who have engaged in bullying;
- Ensure that the Equity Action Plan addresses curricular and program links, as well as strategies that promote safe and accepting schools that are integrated within the Religion and Family Life Programs and the Ontario Curriculum.
- Review the Equity Action Plan and communicate the plan to all school Principals a minimum of every two years; and
- Communicate the Equity Action Plan to students, school staff, the Special Education Advisory Committee, the Catholic Parent Involvement Committee, Catholic School Advisory Councils, and school bus operators and drivers. The plan shall be available on Board and school websites.

## **1.2. School Plans**

Each school principal shall:

- Develop a local Code of Conduct that is consistent with the District Code of Conduct;
- Develop a set of school-wide progressive discipline strategies that is consistent with all related Board policies and procedures;
- Develop, implement and monitor their equity plans to address student behaviour, discipline and safety;
- Ensure that the equity plan includes programs and training that addresses racism and also promotes identification and intervention strategies that will address student behaviour, discipline and safety as well as other supports for students who have been bullied, students who have witnessed incidents of bullying, and students who have engaged in bullying;
- Review the equity plan and communicate the plan to students, school staff and the Catholic School Advisory Council. The plan shall be available on the school website; and
- Monitor, review, and evaluate the effectiveness of the plan every two years through the use of a School Climate Survey.

## **2. Reporting and Responding to Inappropriate Student Behaviour**

### **2.1. Reporting Requirements & Reporting Serious Student Incidents**

Where, in the opinion of the Board employee who works with students, the behaviour observed or heard might lead to suspension or suspension and a recommendation for expulsion, the employee shall report the behaviour orally to

the Principal or designate at the earliest opportunity and again in writing before the end of the day. The employee shall use the Safe Schools Incident Reporting Form (eBase).

When an incident is of a violent nature (possessing a weapon, including possessing a firearm, physical assault causing bodily harm requiring medical attention, sexual assault, robbery, using a weapon to cause or to threaten bodily harm to another person, extortion, hate and/or bias-motivated) the Principal shall note the incident on the Safe Schools Incident Reporting Form and file it in the student's Ontario School Record. The Principal shall complete the Violent Incident Report (Appendix D) form and file it in the student's Ontario School Record (e.g. electronic completion in eBase or other district approved format). The Principal shall consider a violent risk assessment for the student.

## **2.2. Principal's Response and Notice**

Principals shall respond, using the Safe Schools Incident Reporting Form (eBase), whenever an employee reports an incident using the Safe Schools Incident Reporting Form. The Principal shall communicate the results of the investigation to the staff who reported the incident.

The Principal is required to notify the parent(s)/guardian(s) of students who have been harmed as a result of a serious student incident. The following shall be disclosed:

- The nature of the activity that resulted in harm to the student;
- The nature of the harm to the student;
- The steps taken to protect the student's safety, including the nature of any disciplinary measures taken in response to the activity; and
- The supports that will be provided to the student in response to the harm that resulted from the activity.

The Principal is required to notify the parent(s)/guardian(s) of students who have engaged in serious student incidents of inappropriate behaviour. The following shall be disclosed:

- The nature of the activity that resulted in harm to the other student;
- The nature of the harm to the other student;
- The nature of any disciplinary measures taken in response to the activity; and
- The supports that will be provided to the student in response to his/her engagement in the activity.

A Principal shall not notify a parent(s)/guardian(s) of a student if, in the Principal's opinion, doing so would put a student at risk of harm from a parent/guardian of a student or if notification is not in the student's best interest. When the Principal has decided not to notify parent(s)/guardian(s), they must document the rationale for this decision and, where appropriate, shall notify both the teacher who reported the incident and the appropriate supervisory officer of this decision.

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*Serious student incidents* are activities for which suspension or expulsion must be considered, as set out in subsections 306(1) and 310(1) of the *Education Act*. (PPM 145)

Care should be exercised by the Principal to take a corrective approach to supporting victims of inappropriate student behaviour including care for the victim upon the return of individuals from suspension or expulsion from school.

### **2.3. Mitigating and Other Factors, Responses, and Progressive Discipline**

When addressing inappropriate behaviour, school staff are expected to consider the particular student and circumstances, including any mitigating and other factors, the nature and severity of the behaviour, and the impact on the school climate, including the impact on students or other individuals in the school community. If the Principal deems that a student's continuing presence in the school creates an unacceptable risk to the safety of others in the school, then a progressive discipline approach may not be appropriate.

The following mitigating and other factors shall be taken into account in the following circumstances: considering whether to impose a s. 306 suspension (and in determining its duration);

- Duration of s. 310 suspension pending possible expulsion;
- Whether to recommend expulsion;
- The discipline committee's decision whether to expel and if so, from one school or all, and,
- If the discipline committee does not expel, to determine what action to take regarding the suspension:

#### Mitigating Factors:

1. The student does not have the ability to control his or her behaviour.
2. The student does not have the ability to understand the foreseeable consequences of his or her behaviour.
3. The student's continuing presence in the school does not create an unacceptable risk to the safety of any person.

#### Other Factors:

1. The student's history.
2. Whether a progressive discipline approach has been used with the student.
3. Whether the activity for which the student may be or is being suspended or expelled was related to any harassment of the student because of his or her race, ethnic origin, religion, disability, gender or sexual orientation or to any other harassment.
4. How the suspension or expulsion would affect the student's ongoing education.
5. The age of the student.
6. In the case of a student for whom an individual education plan has been developed,
  - o Whether the behaviour was a manifestation of a disability identified in the student's individual education plan;
  - o Whether appropriate individualized accommodation has been provided; and

- Whether the suspension or expulsion is likely to result in an aggravation or worsening of the student's behaviour or conduct.

Responses to inappropriate student behaviour are not limited to and may include one or more of:

- Asking the student to stop the behaviour;
- Identifying the behaviour as inappropriate and disrespectful;
- Explaining the impact of the behaviour on others and the school climate;
- Modelling appropriate communication;
- Asking the student for a correction of their behaviour by restating or rephrasing their comments;
- Asking the student to apologize for his/her behaviour;
- Asking the student to not to repeat their behaviour;
- Asking the student what they will do instead of repeating the behaviour;
- Asking the student to explain why and how a different choice with respect to their behaviour would have been more appropriate and respectful; and
- Where applicable, identifying the application of the Human Rights Code.
- Contact with the student's parent(s)/guardian(s);
- Oral reminders;
- Review of expectations;
- Written work assignments with a learning component;
- Assigning the student to volunteer services to the community;
- Conflict mediation and resolution;
- Peer mentoring;
- Referral to counselling;
- Consultation meeting(s) with the student's parent(s)/guardian(s), the student and the Principal;
- Referral of student to a community agency for counseling;
- Detentions;
- Withdrawal of privileges;
- Temporary withdrawal from class;
- Restitution for damages; and/or
- Restorative practices.

When the Principal or Designate imposes progressive discipline, the Principal shall keep a record for each student with whom progressive discipline approach(es) are utilized. The record should include:

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

Care should be exercised by school staff to take a supportive approach to supporting victims of inappropriate student behaviour.

#### **2.4. Requirements of Employees to Respond**

Board employees shall respond to any student behaviour that is likely to have a negative impact on the school climate, including serious student incidents and all inappropriate or disrespectful behaviour (if in the employee's opinion, it is safe to do so).

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

A response by the staff to the incident shall not prevent or preclude the Principal from imposing appropriate progressive discipline, up to and including a recommendation for expulsion from all schools. Staff shall consider the impact of acts of racism on students when considering a response.

### **3. Suspension of Students from School**

A Principal shall consider suspension of students from school for all infractions set out in Board Policy (Section 3.0).

#### **3.1. Considerations Prior to Imposing a Suspension from School**

When considering suspending a student from school, the principal shall consider the particular student and circumstances, including the impact on the school climate and the impact on students or other individuals in the school community. The Principal shall consider whether a student's continuing presence in the school creates an unacceptable risk to the safety of others in the school; in this instance, a progressive discipline approach may not be appropriate.

The principal shall consider mitigating and other factors as well as the nature and severity of the behaviour when considering a suspension from school. In the appropriate circumstance, the principal shall consider the impact of acts of racism on students when considering a suspension from school (set out in Section 2.3).

#### **3.2. Imposing a Suspension from School**

Where a Principal has determined that it is appropriate in the circumstances to impose a suspension, the Principal is required to effect the following procedural steps:

- Within 24 hours of the decision, the Principal must make all reasonable efforts to orally inform the adult student or the student's parent(s)/guardian(s) of the suspension;
- The Principal must inform the student's teacher(s) of the suspension;
- The Principal shall endeavour to receive school work from the student's teacher(s) for the student to complete during the duration of the suspension;
- The Principal must provide written notice<sub>3</sub> of the suspension to the student, the student's parent(s)/guardian(s) (unless the student is an adult

student) and the Superintendent using district templates (Appendices E-H).

The written notice of suspension will include:

- The reason for suspension;
- The duration of the suspension, including the student's date of return to school;
- For suspensions 6 or more school days, include a statement and information about programs for suspended/expelled students and/or the Student Action Plan (Section 5.0).
- Information about the right to appeal the suspension and the contact information for the Director's Office.

If it is not possible to provide the letter because the student 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 student's designate or student's parent(s)/guardian(s) or designate to pick-up 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 e-mail, it is deemed to have been received the first school day after it was sent.

Every effort should be made to include the school work with the letter of suspension to the student and the student's parent(s)/guardian(s) (unless the student is an adult student) on the day the student is suspended if the letter is provided to the student to take home.

Extra care and consideration should be exercised by the principal and school staff for providing a supportive approach towards victims when students return from suspension or expulsion from school.

### **3.3. Suspensions of Five or More Consecutive Days**

The Principal shall consult with the Superintendent of Education before imposing a suspension of five (5) consecutive days or more regarding:

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

The Principal shall follow the procedural steps set out in Section 3.2 Imposing a Suspension from School.

### **3.4. Return to Learning from Suspension from School**

A student returning to school from suspension shall meet with the Principal or designate prior to returning to class. Care and consideration shall be given to fellow students or staff that have been directly affected by the behaviour of the student returning to school from suspension.

### **3.5. Appealing a Decision to Suspend**

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

A person who intends to appeal a suspension must give written notice<sub>3</sub> of his/her intention to appeal the suspension within ten (10) school days of the commencement of the suspension. The notice to appeal shall include the grounds for the appeal. All suspension appeals are to be sent to the Director of Education. The suspension must be served even when an appeal is submitted.

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<sub>3</sub> of the intention to appeal the suspension, the Director of Education or designate will review the appeal and:

- Promptly advise the school Principal of the appeal;
- Invite the parent(s)/guardian(s) or adult to contact the Superintendent of Education responsible for discipline to discuss any matter respecting the incident and/or appeal of the suspension;
- Request a meeting with the adult student or the student's parent(s)/guardian(s) and the Principal to narrow the issues and try to effect a settlement; and
- Where a settlement is not affected, provide written notice<sub>3</sub> of the suspension review decision to the adult student or student's parent(s)/guardian(s).

Where the suspension is upheld on review and the adult student or student's parent(s)/guardian(s) chooses to continue with the appeal, the Director of Education or designate will:

- A. Arrange a date for the appeal before the Student Discipline Committee and coordinate the preparation of a written report for the Board. This report will contain at least the following components:
  - A report prepared by the Principal regarding the incident, the rationale for suspension and how the principles of equity and inclusion were applied;
  - A copy of the original suspension letter;
  - A copy of the letter requesting the suspension appeal; and
  - A copy of the correspondence with respect to the decision of the Director of Education or designate regarding the suspension review;

- B. Provide written notice<sub>3</sub> to the adult student or the student's parent(s)/guardian(s) of the date of the appeal to the Student Discipline Committee;
- C. Provide information to the adult student or the student's parent(s)/guardian(s) regarding the process for the appeal, a copy of the Student Behaviour, Discipline and Safety Policy, and a copy of the documentation that will go to the Student Discipline Committee; and
- D. Ensure that the item is placed on the Student Discipline Committee's agenda.

The parties in an appeal to the Student Discipline Committee shall be: the committee's members, the Principal, the school Superintendent and the adult student or the student's parent(s)/guardian(s).

Suspension appeals will be heard orally, in camera, by the Student Discipline Committee (of whose members are Trustees). The Student Discipline Committee may grant a person who has daily care authority to make submissions on behalf of the student. An adult student or student's parent(s)/guardian(s) may bring/be represented by legal counsel or attend with an advocate/agent or the support of a community member. Legal counsel for the Principal and/or the Board may be present at the appeal if the parent(s)/guardian(s) is represented by legal counsel or an agent.

The suspension appeal proceedings are ordered as follows:

- The parent(s)/guardian(s) and/or the person with daily care authority will proceed first by making oral submissions and/or providing written submissions regarding the reason for the appeal and the result desired;
- The student who is not a party but is present will be asked if they wish to make a statement on his/her own behalf;
- The Superintendent of Education 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 parent(s)/guardian(s)' submissions. The Superintendent/Principal may rely on the report prepared for the Student Discipline Committee;
- The parent(s)/guardian(s) may make further submissions addressing issues raised in the administration's presentation that were not previously addressed by the parent(s)/guardian(s);
- The Student Discipline Committee may ask any party, questions of clarification; and
- The Student Discipline Committee may make such orders or give such directions at an appeal as it considers necessary for the maintenance of order at the appeal. 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 timelines, the appeal may proceed in the absence of the party and the party is not entitled to any further notice of the proceedings.

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

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

The decision of the Student Discipline Committee is final. The decision shall be communicated to the parent(s)/guardian(s) in writing.

#### **4. Expulsion of Students from School**

A Principal shall suspend a student from school, pending an investigation to determine whether to recommend to the Student Discipline Committee that the student be expelled, for all infractions set out in Board Policy (Section 4.0). When considering whether or not to recommend to the Student Discipline Committee that the student be expelled (and the duration of the suspension pending the investigation), the Principal shall consider mitigating and other factors as set out in this policy.

##### **4.1. Initial Steps**

In addition to following the procedures set out in Section 3.0 regarding suspending students from school, the Principal shall:

- Undertake an investigation to determine whether to recommend to the Student Discipline Committee that the student be expelled.
- Assign the student to an Alternative Suspension Program.
- Ensure that a statement is included in the written notification to parent(s)/guardian(s) that there is no immediate right to appeal the suspension.

##### **4.2. Investigation**

As part of the investigation, the Principal will:

- Make all reasonable efforts to speak with the adult student or the student's parent(s)/guardian(s) and the student;
- Include interviews with witnesses who the Principal determines can contribute relevant information to the investigation; and
- Any police investigation will be conducted separately from the Principal's inquiry.

The Principal will consult with the School Superintendent of Education regarding the decision of whether or not to recommend that the student be expelled.

##### **4.3. Decision Not to Recommend Expulsion**

If the Principal decides not to recommend to the Student Discipline Committee that the student be expelled, the Principal must:

- Confirm the suspension and its duration;
- Confirm the suspension but shorten its duration and amend the record accordingly; or
- Withdraw the suspension and expunge the record.

If the Principal has decided not to recommend an expulsion of the student, the Principal will provide written notice<sub>3</sub> of this decision to the adult student or the student's parent(s)/guardian(s) and student. The notice shall include:

- A statement that the student will not be subject to an expulsion hearing for the activity that resulted in the suspension; and
- A statement indicating whether the suspension has been upheld, upheld and shortened, or withdrawn.

If the suspension has been upheld in duration or upheld and shortened, the following information about the right to appeal the suspension to the Student Discipline Committee shall be included with the written notice<sub>3</sub> of the decision:

- A. A copy of the Board's Student Behaviour, Discipline and Safety Policy, and information regarding suspension appeals;
- B. Contact information for the Superintendent to which notice of appeal must be given; and
- C. A statement that written notice<sub>3</sub> 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.

#### **4.4. Decision to Recommend Expulsion to the Student Discipline Committee**

If a Principal, in consultation with the School Superintendent of Education, determines that a recommendation for expulsion is warranted, the Principal must refer the recommendation for expulsion to the Student Discipline Committee to be heard within twenty (20) school days from the date the Principal suspended the student unless the parties to the expulsion hearing agree upon a later date. The Superintendent will inform the other members of the Student Discipline Committee.

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

Prepare a report to be submitted to the Student Discipline Committee and provide the report to the student and the student's parent(s)/guardian(s) (unless the student is an adult student or 16 or 17 years old and withdrawn from parental control) 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 student if the student is subject to a school expulsion, or the type of program that might benefit the student if the student is subject to a Board expulsion.

#### **4.5. Expulsion Hearing of the Student Discipline Committee**

The Principal shall inquire with the Director of Education or designate as to the date and location of the hearing and provide written notice<sup>3</sup> of the expulsion hearing to the adult student or the student's parent(s)/guardian(s) and student.

The notice shall include:

- A statement that the student is being referred to the Student Discipline Committee to determine whether the student will be expelled for the activity that resulted in suspension;
- A statement that the student and/or his or her parent(s)/guardian(s) has the right to respond to the Principal's report in writing;
- Detailed information about the procedures and possible outcomes of the expulsion hearing, including that:
  - If the Student Discipline Committee does not expel the student they will either confirm, confirm and shorten, or withdraw the suspension;
  - Parent(s)/guardian(s) or legal counsel have the right to make a presentation or submissions with respect to the suspension;
  - Any decision with respect to the suspension is final and cannot be appealed;
  - If the student is expelled from the school, they will be assigned to another school;
  - If the student is expelled from the Board, they will be assigned to a program for expelled students; and
  - If the student is expelled, there is a right of appeal to the Child and Family Review Board.

The Director of Education or designate shall act as a resource to the Student Discipline Committee and shall:

- Advise the Student Discipline Committee and shall prepare a package of documents for the Student Discipline Committee, which will include at least the following components:
  - A copy of the Principal's report; and
  - A copy of the notice of expulsion sent to the adult student or student's parent(s)/guardian(s);
- Submit the Principal's report to the School Superintendent of Education;
- Ensure that the item is placed on the Student Discipline Committee agenda for the date and time set out on the notice to the adult student or the student's parent(s)/guardian(s) and coordinate the attendance of the Trustees; and

- Confirm with the adult student or the student's parent(s)/guardian(s) the date and location of the expulsion hearing, and provide information regarding the hearing process.

The Director of Education or designate may arrange a meeting with the adult student or the student's parent(s)/guardian(s) and student and the Principal as appropriate. If a meeting is arranged, the Director of Education or designate will:

- Review the Student Discipline Committee process for expulsion hearings, as well as respond to any questions or concerns the student or the student's parent(s)/guardian(s) may have regarding the process or incident;
- Assist to narrow the issues and identify agreed upon facts.

If the Principal recommends expulsion, the Student Discipline Committee shall hold a hearing and the parties before the Student Discipline Committee will be: the Principal and the adult student or the student's parent(s)/guardian(s). If a student is not a party, s/he has the right to be present at the expulsion hearing and to make the submissions on his/her own behalf. The Student Discipline Committee may grant a person with daily care authority to make submissions on behalf of the student. An adult student or student's parent(s)/guardian(s) may bring legal counsel, an advocate or support person with them to the expulsion hearing. The Principal may bring legal counsel to the expulsion hearing.

At the expulsion hearing, the Student Discipline Committee shall consider:

- Oral and written submissions, if any, of all parties;
- Whether or not the Human Rights Code should be applied in the circumstances to mitigate the discipline if any;
- 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;
- The views of all parties with respect to whether, if an expulsion is not imposed, the suspension should be confirmed, shortened or withdrawn;
- All other matters as the Student Discipline Committee considers appropriate;
- The mitigating and other factors;
- Whether or not the expulsion might have a disproportionate impact on a student protected by the Human Rights Code, including but not limited to race and disability, and/or exacerbate the student's disadvantaged position in society, and whether or not accommodation is required in the circumstances.

#### **4.6. Decision Not to Expel**

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

- Confirm the suspension and its duration;

- Confirm the suspension but shorten its duration and amend the record accordingly; or
- Quash the suspension and order that the record be expunged.

The Student Discipline Committee shall give written notice<sub>3</sub> to all parties of the decision not to impose an expulsion and the decision with respect to the suspension. The Student Discipline Committee's decision with respect to the suspension is final.

#### **4.7. Decision to Expel**

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

- The mitigating and other factors;
- Whether a school or Board expulsion is likely to result in aggravating or worsening the student's behaviour or conduct or whether it is likely to result in a greater likelihood of further inappropriate conduct;
- Whether or not the student's continuing presence at the school creates an unacceptable risk to the safety of anyone in the school;
- The application of the Ontario Human Rights Code;
- All submissions and views of the parties, including their views whether the student should be expelled from their school only or from all Board schools;
- Any written response to the Principal's report provided before the completion of the hearing;
- Whether or not the type of expulsion might have a disproportionate impact on a student protected by the Human Rights Code, including but not limited to race and disability, and/or exacerbate the student's disadvantaged position in society, and whether or not accommodation is required in the circumstances; and
- Such other matters as the Student Discipline Committee considers appropriate.

Where the Student Discipline Committee decides to impose a school expulsion, then the Student Discipline Committee must assign the student to another school.

The Student Discipline Committee must promptly provide written notice<sub>3</sub> of the decision to expel the student to all parties. The written notice<sub>3</sub> shall include:

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

Upon reaching a decision to expel a student, the Director of Education shall present a report of the decision to the Board of Trustees at the next Regular Board Meeting (In-Camera).

Once the Principal has received notice that a student has been expelled, s/he must create a Student Action Plan (SAP) for suspended and expelled students. The Superintendent of Education shall assign a person to adjudicate the successful completion of a student's SAP.

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

A student who is subject to a Board expulsion is entitled to apply in writing for re-admission to a school of the Board once s/he has successfully completed a program for expelled students or has satisfied the objectives required for completion of the program, as determined by the person who provides the program.

When the school's Superintendent of Education receives notice from the expelled student's SAP adjudicator that the student has successfully satisfied the objectives required for completion of the program, the school's Superintendent of Education shall, upon written application by the student, re-admit the student to a school of the Board and inform the student in writing of the re-admission.

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

#### **4.8. Appeal of the Decision to Expel**

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

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

### **5. Programs for Suspended or Expelled Students**

A Student Action Plan (SAP) shall be developed for every student that has been suspended for more than five (5) consecutive school days who makes a commitment to attend the program for suspended students. The SAP has two components: 1) an academic component; and, 2) a non-academic component, and shall address discipline and safety.

Students who have been suspended for more than five (5) consecutive school days but fewer than eleven (11) consecutive school days shall be offered academic supports and may be offered non-academic supports. A student who has been suspended for eleven (11) or more consecutive school days or has been expelled from school shall be

provided with both academic and non-academic supports, which shall be identified in the student's SAP.

The Principals will actively encourage suspended students to participate in the program for suspended or expelled students. Where the adult student or student's parent(s)/guardian(s) declines the offer to participate in the SAP, the Principal shall record the date and time of such refusal. Should the adult student or a student's parent(s)/guardian(s) choose not to have the student participate in the program, the student will continue to be provided with school work to be completed at home for the duration of his/her suspension. This school work will be available at the school for pick-up by the adult student's designate or the student's parent(s)/guardian(s) or designate at regular intervals during the suspension period. In circumstances where the school work is not picked up, the Principal should contact the adult student or the student's parent(s)/guardian(s) to determine whether the school work will be picked up. The Principal should record the follow-up and response.

The SAP must be implemented as soon as possible following notification from the adult student or the student's parent(s)/guardian(s) that the student will participate in the SAP. The Principal must ensure that the student is provided with school work until the SAP is in place.

The SAP shall be developed under the direction of the Principal. The Principal shall hold a planning meeting that must include school and Board staff and the student. Where possible, the student's parent(s)/guardian(s) should attend. Once completed, the SAP will be shared with the adult student, or the student's parent(s)/guardian(s) and the student and all necessary staff to facilitate implementation. In developing the SAP, the Principal should consider what types of support, if any, the student may require during the suspension and upon his or her return to school. In developing the SAP, the Principal shall consider continuing any supports that may have been in place for the student prior to the suspension. In the case of students with Special Education needs, the Principal shall provide appropriate support consistent with the student's IEP.

The SAP shall identify:

- Objectives of the SAP;
- The academic needs of the student;
- Risk factors and protective factors for the student; and
- Types of supports that the student may need to continue his/her learning.

Following a suspension of six (6) or more school days, a re-entry meeting will be held with appropriate staff, the student, and the student's parent(s)/guardian(s) if possible, to facilitate the student's transition back to school. The results of the student's SAP may be reviewed at the re-entry meeting.

## **6. Delegation of Authority**

Whenever possible, the Board will attempt to have an administrator present on school property.

A Principal may delegate authority for discipline matters to a Vice-Principal or teacher-in-charge in accordance with the Board's procedures. A delegation of authority to a teacher-in-charge will only come into effect if there are no administrators present on

school property. Those who are delegated authority for discipline matters must respect and implement their duties and decisions as required by the Education Act, Board policies and procedures and the Human Rights Code of Ontario.

### **6.1. 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 student has been suspended for five (5) or more days or when a student who is referred to the Student Discipline Committee of the Board for expulsion.

A Vice-Principal may be delegated authority to notify a parent/guardian of a student 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 safety plan for an individual.

A Vice-Principal may be delegated authority to coordinate a transition meeting for a student where a decision has been made by the Superintendent in consultation with the Principal that the student must be transferred to another school.

Authority delegated to the Vice-Principal may include one or more of the following:

- Receive reports about suspension and expulsion infractions from Board employees and transportation providers;
- Contact the police in accordance with Board protocols;
- Conduct investigations and inquiries;

- Consider and implement progressive discipline measures;
- Impose suspensions of between one (1) and five (5) days;
- Develop and implement Student Action Plans;
- Notify a parent/guardian of a student who has been the victim of an incident;
- Develop a safety plan; and
- 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.

## **6.2. Delegation of Authority to Teacher-In-Charge**

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

A teacher-in-charge may be delegated authority to contact the police in an emergency or in the event of an incident requiring police involvement in accordance with Board protocols.

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

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

In such circumstances, the teacher-in-charge may be delegated authority to provide information to the parent/guardian of a student, who is not an adult student and where the teacher-in-charge is not of the opinion that informing the parent/guardian would put the student at risk of harm, about the fact that harm has been caused and the nature of the harm that has occurred. The

teacher-in-charge shall also inform the parent/guardian that, at the earliest opportunity, an administrator will contact the parent/guardian to provide further information about the activity causing harm and the steps that will be taken to support the victim and ensure the victim's safety. The teacher-in-charge may inform a parent/guardian of an adult student if that student consents to the disclosure of information.

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

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

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

If at any time the teacher-in-charge is uncertain or uncomfortable about the duties that have been delegated and/or the possible application of the 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 school Superintendent.

Written notice<sup>3</sup> 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.

When a teacher-in-charge has been identified to assume duties for a particular time frame, 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.

## **DEFINITIONS:**

**Bullying** - For the purposes of policies on bullying prevention and intervention, school boards must use the definition of bullying footnote 10[10] , given in subsection 1(1) of the Education Act. The definition of bullying includes cyber-bullying, as such, all requirements identified under the *Education Act* and under this policy/program memorandum related to bullying also apply to cyber-bullying.

The Education Act defines "bullying" as aggressive and typically repeated behaviour by a pupil where, (a) the behaviour is intended by the pupil to have the effect of, or the pupil ought to know that the behaviour would be likely to have the effect of, (i) causing harm, fear or distress to another individual, including physical, psychological, social or academic harm, harm to the individual's reputation or harm to the individual's property, or (ii) creating a negative environment at a school for another individual, and (b) the behaviour occurs in a context where there is a real

or perceived power imbalance between the pupil and the individual based on factors such as size, strength, age, intelligence, peer group power, economic status, social status, religion, ethnic origin, sexual orientation, family circumstances, gender, gender identity, gender expression, race, disability or the receipt of special education; (“intimidation”).

Bullying (1.0.0.1) For the purposes of the definition of “bullying” in subsection (1), behaviour includes the use of any physical, verbal, electronic, written or other means.

**Cyber-bullying** - Cyber-bullying (1.0.0.2) For the purposes of the definition of “bullying” in subsection (1), bullying includes bullying by electronic means (commonly known as cyber-bullying), including, (a) creating a web page or a blog in which the creator assumes the identity of another person; (b) impersonating another person as the author of content or messages posted on the internet; and (c) communicating material electronically to more than one individual or posting material on a website that may be accessed by one or more individuals.

**Hate or bias-motivated behaviours** - Incidents (e.g., involving statements, words, gestures) motivated by hatred or bias towards an identifiable group (i.e., a group distinguished by colour, race, religion, gender, sexual orientation, or ethnic origin) that are publicly communicated and that are willfully intended to promote or incite bias or hatred against such a group.” ( Provincial Model for a Police/School Board Protocol 2015 (excerpt) p. 28).

## REFERENCES:

- Principal must establish (on a balance of probabilities) that the activities negatively impact the school climate.
- Bullying Prevention and Intervention Plans are a statutory requirement under the Education Act Part XIII 303.3 (1).
- Copies of all written notices in this policy shall be included in the student’s Ontario Student Record and to the appropriate supervisory officer.
- The Education Act
- P/PM 128 The Provincial Code of Conduct and School Board Codes of Conduct
- P/PM 141 School Board Programs for Students on Long-Term Suspension
- P/PM 142 School Board Programs for Expelled Students
- P/PM 144 Bullying Prevention and Intervention
- P/PM 145 Progressive Discipline and Promoting Positive Student Behaviour
- P/PM 119 Developing and Implementing Equity and Inclusive Education Policies in Ontario Schools
- P/PM 149 Protocol for Partnerships with External Agencies
- Appendix A - HPCDSB Code of Conduct
- Appendix B - Student Action Plan (SAP)
- Appendix C - Release of Information
- Appendix D - Violent Incident Report
- Appendix E - Suspension 1-5 Days
- Appendix F - Suspension of More Than 5 Days
- Appendix G - Suspension Pending Possible Recommendation for Expulsion
- Appendix H - Decision Letter Not To Recommend Expulsion
- Appendix I - Events Flowchart Related to Suspension
- Appendix J - Student Action Plan (SAP) Completion Form

## RESOURCES, APPENDICES AND FORMS:

- N/A