



Durham Catholic District School Board

"The Board"

## Administrative Procedure

Title: <b>Student Discipline</b>	Procedure #: <b>AP611-1</b>
Administrative Area:	Student Conduct and Safety
Policy Reference:	Student Discipline (PO611)
Date Approved:	May 13, 2013
Dates of Amendment:	May 8, 2017; November 5, 2018 (Interim)

### 1.0 **Purpose**

The purpose of this Administrative Procedure is to provide a framework for the implementation of Student Discipline Policy (PO611), the Code of Conduct Policy (PO610) and the Code of Conduct Administrative Procedure (AP610-1). The application of this procedure will help to ensure all students have a safe and caring school environment in order to maximize their learning.

### 2.0 **Definitions**

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

**Adult Pupil** – a pupil at least 18 years old, or a pupil who is 16 or 17 years old who has withdrawn from parental control.

**Alternative Suspension Program (ASP)** – a provincially mandated program for a pupil who has been suspended for six (6) or more days.

**Assault** – a person who directly or indirectly applies force intentionally to another person, or who attempts or threatens to do so.

**Assault Causing Bodily Harm** – the intentional application of force resulting in an injury requiring medical attention, but not including instances where medical attention is sought solely on a cautionary basis.

**Board Employee** – any person employed by the Durham Catholic District School Board on a temporary, part-time or full-time basis.

**Board Employees Who Work with Pupils** – administrators, teachers, educational assistants, and other professional and para-professional staff who have regular and direct duties with the Board's pupils.

## 2.0 **Definitions (cont'd)**

**Bullying** – aggressive and typically repeated behaviour by a pupil where:

- the behaviour is intended by the pupil to have the effect of, or the pupil ought to know that the behaviour would be likely to have the effect of:
  - causing harm, fear or distress to another individual, including physical, psychological, social or academic harm, harm to the individual's reputation or harm to the individual's property; or
  - creating a negative environment at a school for another individual, and
- 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.
- bullying behaviour includes the use of any physical, verbal, electronic, written or other means.
- bullying by electronic means (commonly known as cyber-bullying) includes:
  - creating a web page or a blog in which the creator assumes the identity of another person;
  - impersonating another person as the author of content or messages posted on the Internet; and
  - communicating material electronically to more than one individual or posting material on the website that may be accessed by one or more individuals.

**Child** – according to the *Youth Criminal Justice Act* a child is defined as a person who is, or in the absence of evidence to the contrary, appears to be less than twelve years old. Under the *Child and Youth Family Services Act (CYFSA)*, a “child in need of protection” is defined as any person under the age of 18. Consideration should be given in each situation as to which definition applies.

**Child Abuse** – an act or omission resulting in or reasonably leading an individual to believe a child is at risk of being a “child in need of protection” as defined in the CFSA.

**Child and Family Services Review Board (CFSRB)** – the Child and Family Services Review Board is the body empowered to hear appeals of Expulsions imposed by a District School Board as per the Education Act and Regulations.

**Consent to Order** – the form of Expulsion Hearing that follows from a Minutes of Settlement agreed to by parties involved in an Expulsion hearing. The Consent to Order replaces the formal Expulsion Hearing upon the agreement of both parties.

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## 2.0 Definitions (cont'd)

**Criminal Harassment** – conduct whereby: (1) a person repeatedly follows an individual from place to place or repeatedly communicates, directly or indirectly, by any means (including electronic means), with an individual, or watches the home or place of work of an individual, or engages in threatening conduct directed at a person or member of that person's family; and (2) the victim of the criminal harassment is caused to reasonably, in the circumstances, fear for his or her safety.

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

**Delegation of Authority of a Teacher** – a teacher delegated authority by the principal to undertake specified duties with respect to school safety and pupil discipline in the absence of administration.

**Discipline Committee** – a committee of three or more trustees designated to determine suspension appeals and recommendations for expulsion.

**Disproportionate Impact** – the result 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 Ontario Human Rights Code.

**Expulsion** – the removal of a student from his/her school or from all schools of the Board and related school activities, for a period of at least 21 days.

**Extortion** – the use of threats, intimidation or violence towards a person to obtain something of value from that person or someone else, or to cause that person or someone else to do something.

**Gang – related occurrences** – incidents involving a group, consisting of three or more persons, however organized, having as one of its main purposes the commission or facilitation of a criminal offence in which any or all of the members engage.

**Harassment** – engaging in a course of vexatious comments or conduct that is known or ought reasonably been known to be unwelcome.

**Hate and/or Bias-Motivated Occurrences** – 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.

**Human Trafficking** – the recruitment, transportation or harbouring of persons for the purpose of exploitation (typically in the sex industry or for forced labour). Traffickers use various methods to maintain control over their victims, including force, sexual assault, threats of violence and physical or emotional abuse.

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

**Medical Cannabis User** – a person who is authorized to possess cannabis for the person's own medical purposes in accordance with federal law.

## 2.0 **Definitions (cont'd)**

**Minutes of Settlement** – the parties with respect to an expulsion recommendation (Administrator, Parent or Adult Student), can enter into Minutes of Settlement where they are in agreement with respect to the recommendation for an expulsion, and there-by waive their rights to a full hearing.

**Mitigating and Other Factors** – circumstances that must be considered by the board and school administrators in situations involving suspension and/or expulsion of a student, as required by the *Education Act* and as set out in Ontario Regulation 472/07.

### **(a) Mitigating Factors**

- i) The pupil does not have the ability to control his or her behaviour.
- ii) The pupil does not have the ability to understand the foreseeable consequences of his or her behaviour.

### **(b) Other Factors**

- i) The pupil's history.
- ii) Whether a progressive discipline approach has been used with the pupil.
- iii) Whether the activity for which the pupil may be or is being suspended or expelled was related to any harassment of the pupil because of his or her race, ethnic origin, religion, disability, gender or sexual orientation or to any other harassment.
- iv) How the suspension or expulsion would affect the pupil's ongoing education.
- v) The age of the pupil.
- vi) In the case of a pupil for whom an individual education plan has been developed:
  - i. Whether the behaviour was a manifestation of a disability identified in the pupil's individual education plan;
  - ii. Whether appropriate individualized accommodation has been provided, and
  - iii. Whether the suspension or expulsion is likely to result in an aggravation or worsening of the pupil's behaviour or conduct.

**Negative impact on school climate** – a possible result of inappropriate activities or behaviours, whether those activities/behaviours occur inside or outside the school. Actions or behaviours that occur outside school may still have a negative impact on school climate.

**Ontario Human Rights Code (OHRC)** – The OHRC recognizes the importance of creating a climate of understanding and respect for the dignity of each person, so that each person can contribute fully to the development and well-being of the Community and Province. The Code guarantees the right to equal treatment in Education, without discrimination on the grounds of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, marital status, family status, disability.

**Parent/Legal Guardian** – a person legally entrusted with the care of, and managing the property and rights of, another person, usually a child/youth who is under the age of 18. Students who are 18 years of age or older, and students who are 16 or 17 years of age but have withdrawn from parental control, are considered to be adults.

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## 2.0 **Definitions (cont'd)**

**Police Involvement** – the course of action determined to be appropriate by the police for the investigation of an incident to which they have been called, including any follow-up and proactive measures.

**Principal Designate** – Vice-Principal or teacher who has been delegated authority to whom authority and responsibility has been delegated by the school principal.

**Program for Expelled Students** – the provincially mandated program for those students who are expelled from all the schools of the Board.

**Progressive Discipline** – a whole school approach that utilizes a continuum of interventions, supports and consequences to address inappropriate student behaviour and to build upon strategies that promote positive behaviours. Progressive discipline may include, but is not limited to, consultation; school community service; withdrawal of privileges; withdrawal from class; detention; restitution for damages; peer mediation; restorative practice; suspension; and/or expulsion.

**Restorative Practices** – the belief that people are happier, more cooperative and productive and more likely to make positive changes to their behaviour when those in position of authority do things with them rather than to them or for them.

**Robbery** – the use of violence or threats of violence to steal money or other property from a victim.

**School Activity** – any Board or school sponsored activity, including but not limited to field trips, bus trips, sporting activities and after school events.

**School Climate** – 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 and accepted.

**School Community** – the school community is composed of staff, pupils and parents of the school, and associate schools, as well as the community of people and businesses that are served by or located in the greater neighbourhood of the school.

**School Premises** – school buildings and grounds including parking lots and playing fields.

**Sexual Assault** – any type of unwanted sexual act done by one person to another that violates the sexual integrity of the victim. The term refers to a range of behaviours that involve the use of force or control over the victim. In some cases, no overt physical force is used – instead, the victim may be threatened with words or pressured into doing something he or she doesn't want to do.

**Sexual Harassment** – comments or actions based on sex, sexual orientation, gender identity or gender expression that are unwelcome or should be known to be unwelcome.

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## 2.0 **Definitions (cont'd)**

**Student Action Plan (SAP)** – an outline of the goals, objectives and learning expectations for every student on a long-term suspension or expulsion from the Board, who make a commitment to attend the Board program.

**Superintendent of Safe Schools** – the supervisory officer delegated authority regarding procedural issues related to suspension appeals and expulsions hearings.

**Suspension** – the removal of a student from his or her school and all school-related activities for a minimum of one school day to a maximum of twenty school days.

**Threats** – any statement, act or communication by any means, including electronic, of an intent to cause harm, whether physical or emotional, to any person or thing, in circumstances where the person threatened believes or has grounds to believe the threat may be carried out.

**Trafficking** – assisting in any manner with the distribution of a controlled drug or substance, as set out in the *Controlled Drugs and Substances Act*, or with the distribution of weapons.

**Trespass** – the attending at or presence on a private premise without permission of a person in authority having care and control of the premises or engaging in a prohibited activity thereon (e.g., posting a “No Skateboarding” sign means that those skateboarding on that location are trespassing and can be removed).

**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.

**Vandalism** – the defacing, damaging or destruction of property.

**Weapon** – any article designed as a weapon or used or intended to be used for the purpose of threatening, intimidating, or injuring a person. All firearms, including replica firearms and imitation firearms, are always considered weapons.

## 3.0 **Procedures**

### 3.1 **Progressive Discipline Continuum**

Progressive Discipline is a whole school approach that involves all members of the school community and uses a continuum of prevention programs, interventions, supports and consequences to promote and support positive behaviours and address inappropriate behaviour. When inappropriate behaviour occurs, disciplinary measures are applied. The Progressive Discipline Continuum includes creating a positive school and classroom climate, early, ongoing and collaborative intervention, Suspension or Expulsion, restoration and reconciliation are both corrective and supportive and not simply punitive.

**3.0 Procedures (cont'd)**

Schools are required to develop and implement a school-wide progressive discipline plan consistent with the Student Discipline Policy (PO611), this administrative procedure and the Ontario Human Rights Code. Plans should utilize a range of interventions, supports and consequences that are developmentally appropriate and include learning opportunities for reinforcing and fostering positive behaviour and supporting students in making good choices.

Progressive discipline is most effective when communication between the school and home is open, courteous and focused on student success. Principals, vice-principals and teachers who have been delegated authority are expected to engage and collaborate with parents in the progressive discipline approach being used with their children.

Where a student has special education needs, the interventions, supports and consequences must be consistent with the expectations outlined in the student's Individual Education Plan, (e.g., Behaviour goals) and Safety Plan.

**3.1.1 Creating a positive school and classroom climate**

3.1.1.1 Catholic School Communities strive to create positive school and classroom climates by promoting the dignity and worth of all members of the school community. All members of the school community demonstrate accountability and responsibility for their thoughts, words and deeds. Opportunities for contemplation, reconciliation and forgiveness are created when harm has been done to a member of the school community.

3.1.1.1.1 Strategies for creating positive school climate may include, but are not limited to:

- 3.1.1.1.1.1 fostering a safe and accepting school environment by establishing rules and routines that can be implemented by all members;
- 3.1.1.1.1.2 regularly reviewing and explaining the School Code of Conduct to the students;
- 3.1.1.1.1.3 engaging all parents/guardians in the school community;
- 3.1.1.1.1.4 focusing on a restorative mindset;
- 3.1.1.1.1.5 implementing school improvement goals to address all aspects of the well-being strategy:
  - 3.1.1.1.1.5.1 Safe and Accepting Schools;
  - 3.1.1.1.1.5.2 Equity and Inclusive Education;
  - 3.1.1.1.1.5.3 Positive Mental Health;
  - 3.1.1.1.1.5.4 Healthy Schools;

**3.0 Procedures (cont'd)**

3.1.1.1.1.6 ongoing communication with parents/guardians.

3.1.1.1.2 Strategies for creating a positive classroom climate may include, but are not limited to:

3.1.1.1.2.1 fostering a safe and accepting environment;

3.1.1.1.2.2 utilizing a restorative mindset;

3.1.1.1.2.3 co-constructing, communicating and reinforcing classroom and school expectations;

3.1.1.1.2.4 recognizing and celebrating the accomplishments of all students;

3.1.1.1.2.5 focusing on developing relationships;

3.1.1.1.2.6 implementing proactive management of stress behaviours;

3.1.1.1.2.7 using community/restorative circles;

3.1.1.1.2.8 ongoing communication with parents/guardians.

3.1.2 Early, ongoing and collaborative intervention

3.1.2.1 Progressive Discipline includes the use of early and ongoing prevention and intervention strategies to address inappropriate behaviour and maintain a positive school environment. Intervention strategies should provide students with the necessary supports to address inappropriate behaviour. Parents/Guardians should be actively engaged in developing and implementing the prevention and intervention strategies.

3.1.2.1.1 Early, ongoing and collaborative intervention strategies may include, but are not limited to:

3.1.2.1.1.1 using positive reinforcement and encouragement;

3.1.2.1.1.2 collecting and analyzing data to determine the function of the behaviour;

3.1.2.1.1.3 making program modifications or accommodations;

3.1.2.1.1.4 development and on-going review of IEP by school team;

3.1.2.1.1.5 development and on-going review of alternate expectations to address lagging skills in behaviour;

3.1.2.1.1.6 reviewing of Code of Conduct and/or classroom expectations;

3.1.2.1.1.7 using verbal and non-verbal reminders;

3.1.2.1.1.8 meeting with student;

3.1.2.1.1.9 loss of privilege;

3.1.2.1.1.10 providing reflection sheet;

3.1.2.1.1.11 initiating or reviewing Behaviour Contracts;



**3.0 Procedures (cont'd)**

- 3.1.2.1.1.12 phoning parent/guardian;
- 3.1.2.1.1.13 meeting with parent/guardian;
- 3.1.2.1.1.14 using restorative questions;
- 3.1.2.1.1.15 referrals to support staff or Student Services;
- 3.1.2.1.1.16 initiating restitution or detention;
- 3.1.2.1.1.17 consulting with Administration;

**3.1.3 Suspension or Expulsion**

- 3.1.3.1 The Education Act gives the principal the sole responsibility to suspend or expel a student based on the list of infractions in the Student Discipline Policy (PO611) and the Code of Conduct Policy (PO610). The principal must consider the mitigating and other factors as listed in the Safe Schools Act prior to making the decision to suspend or expel a student. Decisions regarding appropriate discipline should be unique to each student. Based on the individual factors, and mitigating other factors associated with each student, the principal must decide on the appropriate consequences and supports for each student.

**3.1.4 Restoration and Reconciliation**

- 3.1.4.1 Restoration and Reconciliation are key components of our Catholic beliefs and are an integral part of our approach to Progressive Discipline. Restoration and Reconciliation can and should occur during all stages of Progressive Discipline.
  - 3.1.4.1 Restoration and Reconciliation strategies may include, but are not limited to:
    - 3.1.4.1.1 holding team planning for future success;
    - 3.1.4.1.2 providing re-entry meetings with student and parents/guardians;
    - 3.1.4.1.3 using restorative circle and/or conference;
    - 3.1.4.1.4 providing support for victim and offender.

**3.1.5 Understanding of Behaviours that are a Manifestation of Specific Diagnosed Medical or Neurological Developmental Disorders**

- 3.1.5.1 Some students with special education needs have medical/neurological/developmental disorders that can have manifestation behaviour(s) that is/are a direct result (manifestation) of a diagnosed and existing medical, neuropsychological, neurological, or developmental condition (i.e., a condition that is not learned and cannot be “unlearned”). The specific manifestation behaviour may be identified in a professional assessment. Such behaviours may create safety concerns within the school environment.

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**3.0 Procedures (cont'd)**

3.1.5.2 Responding to the behaviour as a purposeful violation of the Code of Conduct and applying consequences in isolation from the behaviour management strategies in a student's IEP and Safety Plan may be considered a violation of the student's legal right to accommodation which would be mitigated from that of a neuro-typical developed student. It may also result in an unnecessary increase in the risk of injury behaviour.

3.1.5.3 All staff should make themselves aware of the behaviours associated with common disorders (e.g., Attention Deficit Hyperactivity Disorder, Tourette's Syndrome) and/or the behaviours associated with the diagnosed disorders of the students they work with or come in contact with on a regular basis in order to fully understand the behaviours as a manifestation of the disability or disorder.

3.1.5.4 These behaviours must not be responded to as deliberate, intentional or purposeful violations of the Code of Conduct. Rather, these behaviours must be documented, and school interventions must be incorporated into the student's IEP and Safety Plan. Not every student who demonstrates behaviours that present a risk of injury to self and others will have a diagnosis. It is important that the school responds to these behaviours by collecting data, analyzing the data (e.g., doing a Functional Behaviour Analysis) and developing an IEP and a Safety Plan.

**3.1.6 Progressive Discipline Consequences**

3.1.6.1 When early, ongoing and collaborative intervention strategies are not effective or sufficient in addressing inappropriate student behaviour, the Board supports the use of progressive discipline consequences up to and including expulsion from all schools of the Board.

3.1.6.2 In all cases where a progressive discipline consequence is being considered to address an inappropriate behaviour the principal or vice- principal must:

3.1.6.2.1 consider the individual student and circumstances;

3.1.6.2.2 consider mitigating and other factors (see Section 3.3);

3.1.6.2.3 consider the nature and severity of the behaviour;

3.1.6.2.4 consider the impact of the inappropriate behaviour on the school climate; and

3.1.6.2.5 consider whether or not the progressive discipline consequence might have a disproportionate impact on a student when considering the Ontario Human Rights Code

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- 3.1.6.3 When a progressive discipline consequence is used, parents should be informed and/or consulted and the teacher, principal or vice principal should keep a record for each pupil. The record should include:
    - 3.1.6.3.1 name of the student;
    - 3.1.6.3.2 date of the incident or behaviour;
    - 3.1.6.3.3 nature of the incident or behaviour;
    - 3.1.6.3.4 progressive discipline approach used;
    - 3.1.6.3.5 outcome; and/or
    - 3.1.6.3.6 any contact with parent/guardian unless the student is an adult pupil.
  - 3.1.6.4 Consequences may include:
    - 3.1.6.4.1 meeting with parent(s)/guardian(s), student and principal
    - 3.1.6.4.2 detentions;
    - 3.1.6.4.3 withdrawal of privileges;
    - 3.1.6.4.4 withdrawal from class;
    - 3.1.6.4.5 restitution for damages;
    - 3.1.6.4.6 suspension; and/or expulsion from school or all schools of the Board.
- 3.2 Responding to Safe Schools Incidents by Employees Who Work with Students
- 3.2.1 Schools must consistently take the appropriate action to address behaviours that are contrary to provincial, Board and school Codes of Conduct. In order to ensure a consistent school-level application of Progressive Discipline consequences, the principal shall review each year with all staff members their duty to report breaches to the school Code of Conduct. This review shall include instructions regarding the process for reporting of incidents both in person and by using the Safe Schools Incident Reporting tool on MyDCDSB.
  - 3.2.2 Provided that there is no immediate risk of physical harm to the employee, Board employees who work with students are expected to:
    - 3.2.2.1 respond to any inappropriate or disrespectful behaviour;
    - 3.2.2.2 respond to any behaviour that could have a negative impact on school climate;
    - 3.2.2.3 respond to any behaviour for which a suspension or expulsion may be imposed. This includes any behaviour that an employee may have observed or heard during the course of his/her duties, while on school property or during a school related event.
  - 3.2.3 Staff response should be timely and supportive in an effort to stop and correct the behaviour in a manner that is developmentally appropriate and takes into consideration any special and/or disability related needs that the student might exhibit or about which the employee might be aware. Responses may include one or more of:

- 3.2.3.1 asking the student to stop the behaviour;
- 3.2.3.2 identifying the behaviour as inappropriate and disrespectful;
- 3.2.3.3 explaining the impact of the behaviour on others and the school climate;
- 3.2.3.4 modelling appropriate communication;
- 3.2.3.5 asking the student to correct his/her behaviour by restating or rephrasing the appropriate response;
- 3.2.3.6 asking the student to acknowledge his/her behaviour as being inappropriate; and
- 3.2.3.7 asking the student to explain why and how a different choice or decisions would have been more appropriate and respectful;

3.2.4 A response by a staff member to the incident shall not prevent or preclude the principal or vice-principal from imposing appropriate consequences up to and including a recommendation for expulsion from all schools.

### 3.3 Mitigating Factors and Other Factors

3.3.1 Before issuing any progressive discipline consequence, including suspensions and expulsions, principals must take into account the following mitigating and other factors when making their decisions.

#### 3.3.1.1 Mitigating Factors

- 3.3.1.1.1 whether the student has the ability to control his or her behaviour;
- 3.3.1.1.2 whether the student has the ability to understand the foreseeable consequences of his or her behaviour; and
- 3.3.1.1.3 whether the student's continuing presence in the school does or does not create an unacceptable risk to the safety of any other individual at the school.

#### 3.3.2 Other Factors to be Considered

- 3.3.2.1 the student's academic, discipline and personal history;
- 3.3.2.2 whether other progressive discipline has been attempted with the student, and if so, the progressive discipline approach(es) that has/have been attempted and any success or failure;
- 3.3.2.3 whether the infraction for which the student might be disciplined was related to any harassment of the student because of race, colour, ethnic origin, place of origin, religion, creed, disability, gender, or gender identity sexual orientation or harassment for any other reason related to an immutable characteristic;
- 3.3.2.4 the impact of the discipline on the student's prospects for further education;
- 3.3.2.5 the student's age;
- 3.3.2.6 where the student has an IEP or disability related needs:

- 3.3.2.6.1 whether the behaviour causing the incident was a manifestation of the student's disability;
- 3.3.2.6.2 whether appropriate individualized accommodation has been provided to the point of undue hardship; and
- 3.3.2.6.3 whether a suspension is likely to result in aggravating or worsening the student's behaviour or conduct or whether a suspension is likely to result in a greater likelihood of further inappropriate conduct; and
- 3.3.2.6.4 whether or not the student's continuing presence at the school creates an unacceptable risk to the safety of anyone in the school.

### 3.4 Suspension of Pupil

#### 3.4.1 Suspension Infractions

- 3.4.1.1 When a principal's/vice-principal's investigation of an incident determines that a student has committed one or more of the following infractions 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 shall consider whether that student should be suspended.
- 3.4.1.2 The infractions for which a suspension may be imposed by the principal include:
  - 3.4.1.1.1 uttering a threat to inflict serious bodily harm on another person;
  - 3.4.1.1.2 possessing alcohol, illegal drugs or cannabis (unless the pupil is a medical cannabis user);
  - 3.4.1.1.3 Being under the influence of alcohol, illegal drugs, or cannabis (unless the pupil is a medical cannabis user);
  - 3.4.1.1.4 swearing at a teacher or at another person in a position of authority;
  - 3.4.1.1.5 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;
  - 3.4.1.1.6 bullying;
  - 3.4.1.1.7 uttering a racial slur or comment;
  - 3.4.1.1.8 sexual slurs or harassment;
  - 3.4.1.1.9 disrespect towards or desecration of the religious dimension of the school;

3.4.1.1.9 Possession and/or use of tobacco products;

3.4.1.1.10 Conduct deemed unacceptable, e.g.:

3.4.1.1.10.1 Fighting/Violence;

3.4.1.1.10.2 Use of profane or improper language;

3.4.1.1.10.3 Persistent opposition to authority;

3.4.1.1.10.4 Persistent tardiness and/or truancy including “skipping” classes;

3.4.1.1.10.5 Theft;

3.4.1.1.10.6 Inappropriate use of Social Media;

3.4.1.1.10.7 Any act considered by the principal to be contrary to the Board or School Code of Conduct.

3.4.1.3 A student may be suspended only once for any incident of an infraction, and may be suspended for a minimum of one (1) school day and a maximum of twenty (20) school days.

### 3.4.2 Factors to Consider Before Imposing a Suspension

3.4.2.1 A principal will make every effort to consult with the student, where appropriate, and the student’s parent(s)/guardian(s) (if the student is not an adult student) to identify whether any mitigating and/or other factors might apply in the circumstances (See Section 3.3 Mitigating and Other Factors). These factors may be applied to mitigate the decision to suspend or may be applied to mitigate the length of the suspension imposed. If a student does not have the ability to control his or her behaviour or does not understand the foreseeable consequences of his/her behaviour, the principal or vice-principal shall not suspend the student.

3.4.2.2 In circumstances where one or more of the factors mitigate the decision to apply a suspension as a form of discipline for the student, the principal or vice principal may consider whether other progressive discipline interventions or consequences are appropriate.

3.4.2.3 The principal or vice principal must consider whether progressive discipline approaches have been attempted and/or used successfully in the past.

3.4.2.4 The principal/vice-principal shall consider whether or not the suspension might have a disproportionate impact on a student when considering the Ontario Human Rights Code.

3.4.2.5 If the student 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 students, staff, and others in the school.

3.4.2.6 For suspensions that exceed eleven (11) or more school days, —

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the principal must consult with the Superintendent of Education regarding:

- 3.4.2.6.1 whether mitigating or other factors were considered;
- 3.4.2.6.2 the investigation undertaken;
- 3.4.2.6.3 the circumstances of the incident; and
- 3.4.2.6.4 the appropriate length of the suspension.

### 3.4.3 Reporting Suspension and Expulsion Infractions to the Principal by Board staff

3.4.3.1 When any Board employee or transportation provider becomes aware of any infractions for which a suspension may be imposed by the principal or any infractions for which a principal may consider recommending to the Board that a student be expelled, he/she must verbally report the infraction and any details to the principal/vice-principal/teacher who has been delegated authority at the earliest, safest opportunity. If a report is to be made by a transportation provider, it should be reported at the end of the transportation run.

3.4.3.2 The incident must also be reported electronically using the Safe Schools Incident Reporting on-line tool available on the landing page of MyDCDSB as soon as possible.

3.4.3.3 Where two or more board staff and/or transportation providers become aware of the same incident, each staff member and transportation provider must make a report to the principal/vice-principal/teacher who has been delegated authority.

3.4.3.4 A teacher who has been delegated authority receives an oral or written report of an incident he/she should make the administrator aware at the earliest opportunity.

3.4.3.5 Once the report is generated, a report number will be assigned and the principal will respond using the online reporting system to acknowledge the receipt of the report in writing. The report will indicate whether or not action was taken.

#### 3.4.3.5.1 When No Action is Taken

3.4.3.5.1.1 It is recommended that the employee does not print the electronic copy of the report. If printed, the employee or transportation provider shall destroy the Principal acknowledgement in a manner that protects the privacy of all personal information that may be contained therein.

**3.0 Procedures (cont'd)**

3.4.3.5.1.2 The principal/vice-principal shall retain the report for the balance of the school year, and the following school year, at which time it shall be destroyed unless required for an ongoing proceeding including an application to the Human Rights Tribunal of Ontario.

**3.4.3.5.2 Where Action is Taken**

3.4.3.5.2.1 It is recommended that the employee does not print the electronic copy of the report. If printed, the employee may destroy the Principal acknowledgement. If retained reports must be held in a secure location for no more than twelve months.

3.4.3.6 A copy of the report shall be filed in that student's Ontario Student Record (OSR) for at least the balance of the school year and for the following school year, unless

3.4.3.6.1 it is removed from the OSR in accordance with s.266 of the Education Act, or

3.4.3.6.2 as a result of a suspension review, suspension appeal, expulsion appeal, or settlement or final determination of an appeal/review/proceeding/action/claim/application.

3.4.3.7 The principal/vice-principal shall ensure that all information that could identify other students has been redacted before it is filed in the OSR. When action is taken against more than one student, the report shall be filed in each student's OSR, as above.

**3.5 Steps When Imposing a Suspension**

3.5.1 When a principal or vice-principal has determined that a suspension is an appropriate consequence, the following steps must be followed:

3.5.1.1 Step 1: The principal or vice-principal should contact the police, if the infraction the student is suspected of committing requires it according to the Police/ School Board Protocol. When in doubt, the principal should consult with his or her Superintendent.

3.5.1.2 Step 2: Within 24 hours of the decision, the principal or vice-principal must make all reasonable efforts to verbally inform the parent/guardian or the adult student of the suspension.



**3.0 Procedures (cont'd)**

- 3.5.1.3 Step 3: The principal or vice-principal must inform the student's teacher(s) of the suspension.
- 3.5.1.4 Step 4a: For suspensions of 1 to 5 days: The principal or vice-principal, in conjunction with the student's teacher(s), must organize school work to be provided for the student to be completed at home during the duration of the suspension. The work should be available to the adult student's designate or the student's parent/guardian or designate, the day the student is suspended or the following day.
- 3.5.1.5 Step 4b: For suspensions of 6 to 20 days: In addition to receiving school work for the first five (5) school days of suspension, the student must be assigned to the Alternative Suspension Program (ASP). A pupil participating in an ASP is not considered to be engaging in school or school-related activities. The principal or vice principal shall explain the ASP to the parents/guardians or adult student at the time of the suspension.
- 3.5.1.6 Step 5: Every effort should be made to give the suspension letter (and the student's school work) to the parent or student if an adult, at the time of the suspension. If this is not possible, the letter should be mailed, couriered, faxed or emailed to the home address that day.
  - 3.5.1.6.1 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.
  - 3.5.1.6.2 If notice is sent by fax or email, it is deemed to have been received the first school day after it was sent.
  - 3.5.1.6.3 Written notice of the suspension is also provided to the Family of Schools Superintendent and the Superintendent of Safe Schools.
- 3.5.1.7 Step 6: The written notice of suspension will include:
  - 3.5.1.7.1 the reason for suspension;
  - 3.5.1.7.2 the duration of the suspension, including the student's date of return to school;
  - 3.5.1.7.3 information about the ability to pick up school work;
  - 3.5.1.7.4 information about the Alternative Suspension Program for suspensions for six (6) or more school days;
  - 3.5.1.7.5 information about the right to appeal the suspension, including the relevant policies and guidelines, and the contact information for the Director of Education, to whom notice of the appeal must be given;

**3.0 Procedures (cont'd)**

3.5.1.7.6 refer to Appendix 1 and 2 for appropriate letters

**3.5.2 Alternative Suspension Program (ASP)**

3.5.2.1 An Alternative Suspension Program must be available for a pupil who has been suspended for six (6) or more school days.

3.5.2.2 Agreement or refusal to participate in an ASP may be communicated to the school verbally by the adult student or the student's parent/guardian. Where the adult student or the student's parent/guardian declines the offer for participation in an ASP, the principal or vice-principal shall record the date and time of such refusal. The principal or vice principal of the Alternative Suspension Program will also contact the parents/guardian or adult student to explain the program and will record the date and time if the program is refused.

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

**3.5.3 Student Action Plan (SAP)**

3.5.3.1 A Student Action Plan shall be developed for every student who receives a suspension of six (6) or more school days and who agrees to participate in the Alternative Suspension Program (ASP).

3.5.3.2 The principal or vice-principal of the school shall hold a planning meeting for the purpose of developing the Student Action Plan (SAP) for a student who has been suspended for 6 to 10 days who has agreed to participate in the ASP.

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

**3.0 Procedures (cont'd)**

- 3.5.3.2.2 The planning meeting will be scheduled to occur within two (2) school days of the adult student or the parent/guardian informing the school that the student will participate in an Alternative Suspension Program.
- 3.5.3.2.3 If the adult student and/or the parent/guardian are not available to participate in the planning meeting, the meeting will proceed in their absence and a copy of the Student Action Plan (SAP) will be provided to them following the meeting.
- 3.5.3.2.4 During the planning meeting the principal shall review the issues to be addressed in the pupil's Student Action Plan (SAP).
- 3.5.3.3 A student subject to suspension for eleven (11) or more school days shall be provided with both academic and non-academic supports, which shall be identified in the student's SAP. Students subject to a suspension of fewer than eleven (11) school days may be offered non-academic supports where such supports are appropriate and available.
  - 3.5.3.3.1 The SAP shall be developed under the direction of the principal of the school with assistance, as appropriate, from the principal of alternative suspension program, vice-principal of the school, guidance counselor, program support teacher, classroom teacher and/or student services staff (e.g., CYC, social worker, psychological services).
  - 3.5.3.3.2 The principal will make every effort to complete the SAP within five (5) school days of being informed that the student will participate in an ASP. This timeline will be communicated to the adult student and/or the parent/guardian if they are unable to attend the planning meeting for the purpose of providing input.
  - 3.5.3.3.3 The principal must ensure that the student is provided with school work until the SAP is in place.
  - 3.5.3.3.4 Once completed, the SAP will be shared with the adult student, or the student's parent/guardian and the student and all necessary staff to facilitate implementation.

**3.0 Procedures (cont'd)**

- 3.5.3.3.5 A copy of the SAP will be stored in the student's Ontario Student Record until such time as it is no longer conducive to the improvement of instruction of the student.
- 3.5.3.3.6 The SAP will identify:
  - 3.5.3.3.6.1 the incident for which the student was suspended;
  - 3.5.3.3.6.2 the progressive discipline steps taken prior to the suspension, if any;
  - 3.5.3.3.6.3 any other discipline measures imposed in addition to the suspension;
  - 3.5.3.3.6.4 any other disciplinary issues regarding the student that have been identified by the school;
  - 3.5.3.3.6.5 any learning needs or other needs that might have contributed to the underlying infraction resulting in discipline;
  - 3.5.3.3.6.6 any program(s) or service(s) that might be provided to address those learning or other needs;
  - 3.5.3.3.6.6 the academic program to be provided to the student during the suspension period and details regarding how that academic program will be accessed by the student;
  - 3.5.3.3.6.7 where the student has an IEP and or disability related needs, information regarding how the accommodations/modifications of the student's academic program will be provided during the period of suspension;
  - 3.5.3.3.6.8 the non-academic program and services to be provided to the student, if applicable, during the suspension and details regarding how that non-academic program and those services will be accessed; and
  - 3.5.3.3.6.9 the measurable goals the student will be striving to achieve during the period of suspension.

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**3.0 Procedures (cont'd)****3.5.4 Notification of the Parent/Guardian of the Victim****3.5.4.1 Decision to Notify the Parent/Guardian of the Victim**

3.5.4.1.1 Following an incident for which the principal will be considering imposing a suspension or making a recommendation for expulsion, he/she 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. Where the victim is an adult student, the principal or vice-principal shall inform the parent/guardian only with the victim's consent.

3.5.4.1.2 When notifying the parent/guardian of the student who has been the victim of an incident, the principal or vice-principal shall identify:

3.5.4.1.2.1 the nature of the incident that caused the student harm;

3.5.4.1.2.2 the nature of the harm to the student;

3.5.4.1.2.3 its impact on the student to the degree known by the principal or vice-principal;

3.5.4.1.2.4 the steps being taken by the school to protect the student's safety including any disciplinary measures taken in response to the activity and supports being provided.

3.5.4.1.3 In addition, where the victim has been harassed, bullied or suffered violence because of one or more immutable characteristics, including on any grounds protected by the Ontario Human Rights Code, or has been sexually assaulted, the principal or vice-principal shall share contact information about professional supports available in the Board and in the community in a form accessible to the parent/guardian. A written list of community contacts will be made available to the victim and/or the victim's parent/guardian.

**3.0 Procedures (cont'd)**

3.5.4.1.4 The principal or vice-principal may communicate to the victim and the victim's parent/guardian:

3.5.4.1.4.1 any school-wide initiatives or preventative measures that have been or will be implemented as a result of the incident and/or other similar incidents;

3.5.4.1.4.2 confirmation that the student(s) disciplined will no longer be attending the same school as the victim, if this is the case.

3.5.4.1.5 The Principal or Vice-Principal Shall Not:

3.5.4.1.5.1 identify the names of the student(s) disciplined or confirm the identity of the student(s) disciplined;

3.5.4.5.2 provide other personal information about the student(s) disciplined such that his/her personal identity might be determined or confirmed;

3.5.4.5.3 disclose the specific disciplinary measures that might have been imposed.

3.5.4.1.6 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 Family of Schools Superintendent to request a review of the measures being taken by the school.

3.5.4.2 Decision to Not Notify the Parent/Guardian

3.5.4.2.1 Where, in the opinion of principal/vice-principal, providing information to a student's parent/guardian would put the student at risk of harm, such that notification would not be in the student's best interests, or where the student is an adult student and does not consent to his/her parent/guardian being informed, the principal/vice-principal shall not inform the student's parent/guardian.

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**3.0 Procedures (cont'd)****3.5.4.2.2 The principal or vice-principal shall:**

- 3.5.4.2.2.1 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 an anonymous consultation call to CAS to inquire about the appropriateness of making a report;
- 3.5.4.2.2.2 document why the parent/guardian was not notified;
- 3.5.4.2.2.3 inform his/her superintendent that the parent/guardian was not informed and why;
- 3.5.4.2.2.4 inform the teacher or whichever individual informed the principal or vice-principal of the potential for harm, that the parent/guardian was not informed and why; and
- 3.5.4.2.2.5 inform other staff working to support the student, as appropriate.

**3.6 Suspension Appeal Process****3.6.1 Suspension Appeal Request**

3.6.1.1 Where a student's parent/guardian or the adult student disagrees with the decision of the principal to suspend the student, the adult student or parent/guardian may appeal a suspension. All suspension appeals will be received by the Director of Education.

3.6.1.1.1 An appeal of a suspension does not stay the suspension.

3.6.1.1.2 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.

3.6.1.1.3 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).

**3.0 Procedures (cont'd)**

- 3.6.1.1.4 Upon receipt of written notice of the intention to appeal the suspension, the Director of Education will direct the Superintendent of Safe Schools to:
- 3.6.1.1.4.1 promptly advise the principal of the appeal;
  - 3.6.1.1.4.2 promptly advise the adult student or the parent/guardian that a review of the suspension will take place and invite the appellant to contact the Family of Schools Superintendent to discuss any matter respecting the incident and/or appeal of the suspension (see Appendix 4);
  - 3.6.1.1.4.3 ensure the Family of Schools Superintendent reviews the suspension (reason, duration, any mitigating or other factors and whether or not the Ontario Human Rights Code should be or was appropriately applied); he/she may consult with the principal regarding modification or expunging the suspension;
  - 3.6.1.1.4.4 consult and possibly request a meeting with the adult student or the parent/guardian and the principal to narrow the issues and try to effect a settlement;
  - 3.6.1.1.4.5 will, where a settlement is not effected, provide notice of the review decision (see Appendix 5) to the adult student or parent/guardian;
  - 3.6.1.1.4.6 and arrange a date for the appeal before the Discipline Committee.

**3.6.2 Suspension Appeal Meeting**

- 3.6.2.1 Where the suspension is upheld on review, and the adult student or the student's parent/guardian chooses to continue with the appeal, the Superintendent of Safe Schools will:
- 3.6.2.1.1 coordinate the preparation of a written report for the Discipline Committee. This report must contain:
  - 3.6.2.1.2 a report from the principal regarding the incident, the rationale for suspension and how mitigating and other factors were considered;
  - 3.6.2.1.3 a copy of the original suspension letter;
  - 3.6.2.1.4 a copy of the letter requesting the Suspension Appeal;
  - 3.6.2.1.5 a copy of the correspondence with respect to the decision of the Family of Schools Superintendent regarding the suspension review;



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**3.0 Procedures (cont'd)**

- 3.6.2.1.6 any material necessary for the Discipline Committee to review during the Appeal (e.g., witness statements).
  - 3.6.2.1.7 inform the adult student or the parent/guardian of the date of the Suspension Appeal, provide a guide to the process for the appeal, and a copy of the written report that will go to the Discipline Committee. (See Appendix 7.)
- 3.6.3 Suspension Appeal Before the Discipline Committee of the Board
- 3.6.3.1 The parties in an appeal to the Discipline Committee shall be the principal and the adult student or the parent/guardian, if they appealed the decision.
  - 3.6.3.2 Suspension appeals will be heard orally, *in camera*, by the Discipline Committee of Trustees. The 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/guardian may bring legal counsel, an advocate or support person with them to the appeal provided they have advised the Superintendent of Safe Schools 5 school days in advance.
  - 3.6.3.3 Legal counsel for the Board may be present at the appeal if the appellant is represented by legal counsel or an agent.
  - 3.6.3.4 The 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.
  - 3.6.3.5 Where the appellant, 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 Discipline Committee will wait 30 minutes before dismissing the appeal.
- 3.6.4 Procedure During a Suspension Appeal
- 3.6.4.1 The appellant and/or 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.
  - 3.6.4.2 The student, if present, will be asked to make a statement on his/her own behalf.

**3.0 Procedures (cont'd)**

- 3.6.4.3 The Principal and/or Superintendent of Education for the school will make verbal submissions on behalf of the administration, including a response to any issues raised in the appellant's submissions. The Principal/Superintendent may rely on the report prepared for the Discipline Committee.
- 3.6.4.4 The appellant may make further submissions addressing issues raised in the administration's presentation that were not previously addressed by the appellant.
- 3.6.4.5 The Discipline Committee may ask any party, or the student, where appropriate, questions of clarification.
- 3.6.4.6 The Discipline Committee will retire to caucus to make their decision. The Discipline Committee will consider, based on the written and/or verbal submissions of both parties, whether or not the consequence might have a disproportionate impact on a student when considering the Ontario Human Rights Code and whether the decision to discipline and the discipline imposed was reasonable in the circumstances.
- 3.6.4.7 The Discipline Committee will decide to either:
  - 3.6.4.7.1 confirm the suspension and its duration; or
  - 3.6.4.7.2 confirm the suspension but shorten its duration, and amend the record, as necessary; or
  - 3.6.4.7.3 quash the suspension and order that the record be expunged; or
  - 3.6.4.7.4 make such other appropriate order.
- 3.6.4.8 The decision shall be communicated to the appellant in writing. The decision of the Discipline Committee is final.

**3.7 Re-Entry Following a Suspension****3.7.1 Re-Entry Meeting**

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

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**3.0 Procedures (cont'd)****3.7.2 Transfer to Another School**

- 3.7.2.1 Following an incident at the school, it might be necessary to transfer to another school the student who has been disciplined or victim for safety reasons and/or for compliance with an Order of the Court or police restrictions. To the extent possible, the student who has been disciplined rather than the victim, should be transferred.
- 3.7.2.2 The decision to transfer a student to another school shall only be made by a superintendent in consultation with the sending and receiving school principals and shall be made only where it is consistent with the Ontario Human Rights Code.
- 3.7.2.3 When it has been determined that a student will be transferred to another school, the principal or vice-principal shall ensure that a Transition Plan is developed identifying any additional supports and resources required in the principal/ designate's opinion to ensure a successful transition. These might include referrals for Social Work support, Child & Youth Counsellor (CYC) support and/or support from community agencies as well as the development of a transitional Individual Education Plan. Where the student has been subject to suspension, the Transition Plan shall be consistent with and coordinated with the Student Action Plan (SAP) developed for suspension purposes.
- 3.7.2.4 The principal or vice-principal of the sending school shall invite the adult student or parent/guardian and the student, where appropriate, to a meeting with representatives from both schools for the purpose of reviewing the Transition Plan. This meeting should include the timeline for transition and the provision of school work prior to transition in circumstances where the student is not subject to an SAP and will not be attending school during the intervening period. During the meeting, the principal should obtain any necessary consents for support services, and respond to any questions or concerns identified by the receiving school and/or the parent/guardian or student.
- 3.7.2.5 Teaching and support staff of the receiving school who will be working with the student once the student has transferred should be in attendance, where possible.
- 3.7.2.6 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.

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**3.0 Procedures (cont'd)****3.8 Expulsion of Pupils****3.8.1 Expulsion Infractions**

3.8.1.1 When a principal's investigation of an incident determines that he/she has reasonable grounds to believe that a student has committed one or more of the following infractions on school property, during a school-related activity or event, and/or in circumstances where the infraction has an impact on the school climate, the principal must consider whether or not to consider an expulsion as the appropriate consequence.

3.8.1.2 The infractions for which an expulsion must be considered are:

3.8.1.2.1 Possessing a weapon, including possessing a firearm or knife;

3.8.1.1.2 Using a weapon to cause or to threaten bodily harm to another person;

3.8.1.1.3 Bullying, if, the pupil has previously been suspended for engaging in bullying, and the pupil's continuing presence in the school creates an unacceptable risk to the safety of another person;

3.8.1.1.4 Committing physical assault on another person that causes bodily harm requiring treatment by a medical practitioner;

3.8.1.1.5 Committing sexual assault;

3.8.1.1.6 Trafficking in weapons or restricted or illegal drugs;

3.8.1.1.7 Committing robbery;

3.8.1.1.8 Giving alcohol to a minor;

3.8.1.1.9 Giving cannabis to a minor;

3.8.1.1.10 Any activity listed in the Code of Conduct for which a suspension must be considered 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;

3.8.1.1.11 Engaging in activities or patterns of behaviour on or off school property that cause the pupil's presence in the school to create an unacceptable risk to the physical or mental well-being of other person(s) in the school or in the Board;

3.8.1.1.12 Engaging in activities 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;

3.8.1.1.13 Conduct deemed unacceptable:

3.8.1.2.14 Any act considered by the Principal and Family of Schools Superintendent to be a serious violation of the Board or school Code of Conduct.

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**3.0 Procedures (cont'd)**

- 3.8.2 Factors to Consider Before Deciding to Impose a Suspension Leading to a Possible Expulsion
- 3.8.2.1 When deciding whether or not to impose a suspension pending a possible recommendation for expulsion, the principal will make every effort to consult with the student, where appropriate, and the student's parent/guardian, if the student is not an adult student, 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 (see Section 3.2 Mitigating and Other Factors).
- 3.8.2.2 If a student does not have the ability to control his/her behaviour and does not understand the foreseeable consequences of his/her behaviour, the principal shall not suspend the student. Other progressive discipline and/or other intervention may be considered by the principal in such circumstances.
- 3.8.2.3 The principal shall consider whether or not the 20 day suspension or expulsion might have a disproportionate impact on the student when considering the Ontario Human Rights Code.
- 3.8.2.4 If the student does not have the ability to control his/her behaviour and does not understand the foreseeable consequences of his/her behaviour, but poses an unacceptable risk to the safety of others in the school, the principal will consult with his/her Superintendent regarding appropriate accommodations and/or strategies that might be instituted to ensure student and staff safety.
- 3.8.2.5 Where the student is able to control his/her behaviour and is able to understand the foreseeable consequences of his/her behaviour, the principal or vice-principal shall consider whether the other factors mitigate the length of a suspension, the decision to apply a suspension as a form of discipline for the student, or the decision to expel from the school or all schools of the Board.

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**3.0 Procedures (cont'd)****3.9 Procedural Steps When Imposing a Twenty Day Suspension Pending an Investigation to Determine if an Expulsion is Warranted****3.9.1 Step 1**

3.9.1.1 The principal shall contact the police, consistent with the Local Police/School Board Protocol, if the infraction the student is suspected of committing requires such contact. The principal shall consult with his or her Family of Schools Superintendent. Any police investigation will be conducted separately from the principal's inquiry.

3.9.1.2.1 As part of the school investigation, the principal shall:

3.9.1.2.1 make all reasonable efforts to speak with the adult student or the parent/guardian and student;

3.9.1.2.2 conduct interviews with witnesses who the principal determines can contribute relevant information to the investigation;

3.9.1.2.3 make all reasonable effort to interview any witnesses suggested by the student, or the parent/guardian; and

3.9.1.2.4 consider the mitigating and other factors (see Section 3.2) and protections of the Ontario Human Rights Code when determining whether to recommend to the Discipline Committee that the student be expelled.

3.9.1.2.5 consider whether Progressive Discipline has been attempted with student.

**3.9.2 Step 2**

3.9.2.1 Within 24 hours of the decision, the principal must make all reasonable efforts to verbally inform the adult student or the parent/guardian of the twenty day suspension pending recommendation for an expulsion.

**3.9.3 Step 3**

3.9.3.1 The principal must provide written notice of the suspension to the adult student or the parent/guardian and student and the Superintendent of Education and the Superintendent of Safe Schools (see Appendix 10). The written notice of suspension will include:

3.9.3.1.1 the reason for suspension;

3.9.3.1.2 the duration of the suspension;

3.9.3.1.3 information about the Alternative Suspension Program that the student is assigned to;

**3.0 Procedures (cont'd)**

3.9.3.1.4 information about the investigation the principal is conducting to determine whether to recommend expulsion; and

3.9.3.1.5 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, that the suspension may be appealed to the Discipline Committee, and if the principal decides to recommend an expulsion, the infraction leading to suspension may be addressed at the expulsion hearing.

3.9.4 Step 4

3.9.4.1 The principal must inform the student's teacher(s) of the suspension.

3.9.5 Step 5

3.9.5.1 Every effort should be made to give the suspension letter and the student's school work to the parent on the day the student is suspended or the following day. If it is not possible, the letter should be mailed, couriered, faxed or emailed to the home address that day, and school work should be made available for the adult student's designate or the student's parent(s)/guardian(s) or designate to pick up from the school the following school day:

3.9.5.1.1 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.

3.9.5.1.2 If notice is sent by fax or e-mail, it is deemed to have been received the first school day after it was sent.

3.9.6 Step 6

3.9.6.1 Where a student has been suspended, pending an investigation to determine whether to recommend an expulsion, the student will be assigned to the Alternative Suspension Program. The principal or vice-principal shall communicate to the adult pupil or the student's parent/ guardian the purpose and nature of the Alternative Suspension Program (ASP) (see Section 3.5.2).

**3.0 Procedures (cont'd)****3.9.7 Step 7**

3.9.7.1 For student's subject to a suspension pending an investigation to determine whether to recommend an expulsion, who choose to participate in an ASP, the principal of the school or designate will hold a planning meeting for the purpose of developing the Student Action Plan (SAP), which will provide both academic and non-academic supports (see Section 3.5.3).

**3.9.8 Step 8**

3.9.8.1 Where the incident is one of serious violence, such as possession of weapons, physical assault causing serious bodily harm, sexual assault, robbery, extortion or hate motivated violence, the principal must indicate it as such in the Student Incident Module and by completing a Violent Incident Form (see Appendix 2) to be placed in the student's Ontario Student Record.

**3.9.9 Step 9**

3.9.9.1 The principal must immediately begin an investigation following the suspension of the student to determine whether to recommend that the student be expelled. As part of the investigation, the principal will consult with the Superintendent of Education and/or Superintendent of Safe Schools regarding any issues of process and/or timing for conducting the investigation, which must be completed at the earliest opportunity as well as the substantive decision whether or not to recommend that the student be expelled. As part of the investigation the principal must determine whether the teacher(s), principal or vice principal has utilized prevention and ongoing intervention strategies to prevent unsafe or inappropriate behaviour. The principal must also review whether progressive discipline consequences have been used effectively in the past.

**3.9.10 Step 10**

3.9.10.1 Before referring a student to the Discipline Committee of the Board for expulsion, the administration shall consider whether or not the recommendation might have a disproportionate impact on a student in consideration of the Ontario Human Rights Code.

**3.9.11 Step 11**

3.9.11.1 The decision regarding the recommendation for an expulsion must be communicated to the parent or adult student between Day 6 and Day 10 of the 20 day suspension.



**3.0 Procedures (cont'd)****3.10 Decision Not to Recommend Expulsion**

3.10.1 Following the investigation and consideration of the mitigating and other factors and the application of the Ontario Human Rights Code, if the principal decides not to recommend to the Discipline Committee that the pupil be expelled, the principal must:

3.10.1.1 consider whether progressive discipline is appropriate in the circumstances;

3.10.1.2 uphold the suspension and its duration; or

3.10.1.3 uphold the suspension and shorten its duration and amend the record accordingly; or

3.10.1.4 withdraw the suspension and expunge the record

3.10.1.5 provide written notice of this decision to the adult student or the parent/guardian and student (see Appendix 11-13). The notice shall include:

3.10.1.5.1 a statement of the principal's decision not to recommend expulsion to the Discipline Committee;

3.10.1.5.2 a statement indicating whether the suspension has been upheld, upheld and shortened, or withdrawn;

3.10.1.5.3 if the suspension has been upheld or upheld and shortened, information about the right to appeal the suspension to the Discipline Committee, including:

3.10.1.5.3.1 a copy of the Board policies and guidelines regarding suspension appeals;

3.10.1.5.3.2 contact information for the Superintendent of Safe Schools;

3.10.1.5.3.3 a statement that written notice of an intention to appeal must be given within five (5) school days following receipt by the party of notice of the decision not to recommend expulsion; or

3.10.1.5.3.4 if the length of the suspension has been shortened, and the parent/guardian or adult student wishes to proceed with an appeal, the notice identifies the shortened length of the suspension.

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**3.0 Procedures (cont'd)****3.11 Decision to Recommend Expulsion**

3.11.1 If a principal, in consultation with the Superintendent of Education, determines that a referral for expulsion is warranted, the principal must refer the recommendation for expulsion to the Discipline 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.

**3.12 Expulsion Preparation**

3.12.1 Step 1: The Family of Schools Superintendent shall advise the Superintendent of Safe Schools of the general details of the incident, including actions taken or pending.

3.12.2 Step 2: The principal will prepare the Principal's Report which includes:

3.12.2.1.1 a summary of the investigation that took place;

3.12.2.1.2 a summary of the findings the principal made in the investigation;

3.12.2.1.3 an analysis of which, if any, mitigating or other factors or Human Rights Code related grounds might be applicable;

3.12.2.1.4 a recommendation of whether the expulsion should be from the school or from the Board; and

3.12.2.1.5 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.

3.12.3 Step 3: The principal will submit the Principal's Report to his/her Family of Schools Superintendent for review. The Family of Schools Superintendent will submit two copies of the report (one redacted copy and the original copy) to the Superintendent of Safe Schools. The principal will also submit any evidence that will be relied upon during the expulsion hearing including witness statements, victim statements, OSR review, and the vice principal report. The Superintendent of Safe Schools will provide the redacted copy to the student's parent/guardian or the student if the student is an adult or 16 or 17 of age and has withdrawn from parental control.

**3.0 Procedures (cont'd)**

3.12.4 Step 4: The Director of Education will provide written notice of the expulsion hearing to the adult student or the student's parent/guardian. The notice shall include:

- 3.12.4.1 a statement that the student is being referred to the Discipline Committee to determine whether the student will be expelled for the activity that resulted in suspension;
- 3.12.4.2 a copy of the Board's guidelines and rules governing the hearing before the Discipline Committee;
- 3.12.4.3 excerpts from Board policy, and reference to the Board website which includes the Board Code of Conduct and school Code of Conduct;
- 3.12.4.4 a copy of the suspension letter;
- 3.12.4.5 a statement that the student and/or his or her parent/guardian has the right to respond to the principal's report in writing;
- 3.12.4.6 information about the procedures and possible outcomes of the expulsion hearing, including that:
  - 3.12.4.6.1 if the Discipline Committee does not expel the student they will either confirm, confirm and shorten, or withdraw the suspension;
  - 3.12.4.6.2 parties have the right to make submissions with respect to the suspension;
  - 3.12.4.6.3 any decision with respect to the suspension is final and cannot be appealed;
  - 3.12.4.6.4 if the student is expelled from the school, they will be assigned to another school;
  - 3.12.4.6.5 if the student is expelled from the Board, they will be assigned to a program for expelled students;
  - 3.12.4.6.6 if the student is expelled there is a right of appeal to the Child and Family Services Review Board.
- 3.12.4.7 The name and contact information for the Superintendent of Safe Schools.
- 3.12.4.8 The date, time and location of the Expulsion Hearing.

3.12.5 Step 5: The Superintendent of Safe Schools will contact the adult student or the parent/guardian to:

- 3.12.5.1 review the Discipline Committee process for expulsion hearings, as well as respond to any questions or concerns the student or the parent/guardian may have regarding the process or incident; and
- 3.12.5.2 if a meeting is arranged, during the meeting the Superintendent of Safe Schools may assist to narrow the issues and identify agreed upon facts.
- 3.12.5.3 discuss, where appropriate the potential for Minutes of Settlement and Consent to Order Hearing instead of an Expulsion Hearing.

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**3.0 Procedures (cont'd)**

3.12.5.4 Confirm the date and time of the Expulsion Hearing or the Minutes of Settlement meeting.

3.12.6 Step 6

3.12.6.1 The Superintendent of Safe Schools will prepare an Expulsion package for the Discipline Committee, which will include at least the following components:

3.12.6.1.1 a copy of the Principal's Report and any items listed in step 2 (3.12.2)

3.12.6.1.2 a copy of the original suspension letter and the Notice of Expulsion sent to the adult student or the student's parent(s)/guardian(s).

3.12.7 Step 7: The Superintendent of Safe Schools will provide a copy of the Expulsion Hearing Rules, and a redacted copy of the Expulsion package that the Discipline Committee will receive.

3.12.8 Step 8: The Superintendent of Safe Schools will ensure that the item is placed on the Discipline Committee Agenda.

3.13 Minutes of Settlement and Consent to Order

3.13.1 The Parent/Guardian or adult student may agree to waive their rights to a full hearing and present Minutes of Settlement on the expulsion recommendation for consideration by the Committee. Parties who agree to proceed by Minutes of Settlement must consent to a hearing during the 20 school days the student is suspended.

3.13.2 The Principal/Family of Schools Superintendent will attend the Consent to Order hearing to provide information to the Committee regarding the incident and proposed Minutes of Settlement. The Parent is entitled to attend the Consent to Order hearing to make submissions to the Committee regarding the proposed Minutes of Settlement.

3.13.3 After hearing the submissions of the parties in attendance, the Committee may impose the expulsion requested by the parties as outlined in the Minutes of Settlement or refer the expulsion recommendation for a full hearing on the merits.

3.14 Expulsion Hearing

3.14.1 An Expulsion Hearing is held by the Discipline Committee and includes:

3.14.1.1 the principal; and

3.14.1.2 the adult student or the student's parent/guardian.

**3.0 Procedures (cont'd)**

3.14.2 If a student is not a party, he/she has the right to be present at the expulsion hearing and to make submissions on his/her own behalf. The Discipline Committee may grant a person with daily care, authority to make submissions on behalf of the pupil. An adult student or student's parent/guardian may bring legal counsel, an advocate or a support person with them to the expulsion hearing as long as they have notified the Superintendent of Safe Schools in advance of the hearing.

3.14.3 The hearing will be conducted in accordance with the Rules of the Discipline Committee and the Guideline for Expulsion Hearings, including:

3.14.3.1 The Discipline Committee shall consider any verbal and written submissions provided before the completion of the hearing, of all parties;

3.14.3.2 The Discipline Committee shall consider all mitigating and other factors (see section 3.2)

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

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

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

3.14.3.6 Such other matters as the Discipline Committee considers appropriate.

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

**3.15 Decision Not to Impose an Expulsion**

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

3.15.1.1 Consider if other progressive discipline consequences are appropriate in the circumstances;

3.15.1.1.1 Uphold the suspension and its duration;

3.15.1.1.2 Uphold the suspension and shorten its duration and amend the record accordingly;

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**3.0 Procedures (cont'd)**

3.15.1.1.3 Quash the suspension and expunge the record such that no record of the suspension remains in the Ontario Student Record; or

3.15.1.1.4 Make such other orders as the Discipline Committee considers appropriate.

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

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

**3.16 Decision to Impose an Expulsion**

3.16.1 Should the Discipline Committee decide to impose an expulsion on the student, the Discipline Committee must decide whether to impose an expulsion from all schools of the Board or a school expulsion. In determining the type of the expulsion, the Discipline Committee shall consider all mitigating and other factors (see section 3.3).

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

3.16.3.1 The reason for the expulsion;

3.16.3.2 A statement indicating whether the expulsion is a school expulsion or a Board expulsion;

3.16.3.3 Information about the school or program to which the student has been assigned; and

3.16.3.4 Information about the right to appeal the expulsion, including the steps to be taken.

3.16.3 Where the Discipline Committee decides to impose a **Board expulsion**, the Discipline Committee must assign the student to a program for expelled pupils.

3.16.4 Once the principal of the Alternative Suspension Program has received notice that a student has been expelled, he/she must create a SAP in a manner consistent with the Board's policy and procedures for programs for expelled pupils.

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

3.16.6 Where the Discipline Committee decides to impose a School Expulsion, the Superintendent of Safe Schools will work with the Family of Schools Superintendent to find an appropriate school placement.

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**3.0 Procedures (cont'd)****3.17 Appeal of Board Decision to Expel**

3.17.1 The adult student or the parent/guardian may appeal a Board decision to expel 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 students. The decision of the Child and Services Review Board is final.

**3.18 Re-entry Requirements Following an Expulsion**

3.18.1 A student who is subject to a Board expulsion is entitled to apply in writing to the Superintendent of Safe Schools for readmission to a school of the Board once he/she has successfully completed a program for expelled students and has satisfied the objectives required for completion of the program, as determined by the Principal of Father Donald MacLellan Secondary School, who provides the program.

3.18.2 The Board shall readmit the pupil and inform the student in writing of the readmission.

3.18.3 A student who is subject to a school expulsion may apply in writing to the Board to be reassigned to the school from which he/she was expelled.

3.18.3.1 The Board will consider whether re-attendance will have a negative impact on the school climate, including on any victims, where applicable;

3.18.3.2 The student will be required to demonstrate that they have learned from the incident and have sought counseling, where appropriate;

3.18.3.3 The student will be required to sign a Declaration of Performance form provided by the Board (Appendix 15).

3.18.3.4 The Board, in its sole discretion, may determine that a different school than the one from which the student was expelled is a more appropriate placement for the student.

**3.19 Exclusion**

3.19.1 A student shall not be excluded from the school pursuant to section 265(1)(m) of the Education Act as a disciplinary measure, or as an alternative to discipline. An exclusion from the school pursuant to section 265(1)(m) of the Education Act shall only be effected in accordance with the Education Act, and the applicable Board policies and procedures consistent with the Ontario Human Rights Code.

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**3.0 Procedures (cont'd)**

3.19.2 A student is not excluded from a class or from the school pursuant to section 265(1)(m) of the Education Act in circumstances:

3.19.2.1 where the parent/guardian and the principal, in consultation with the superintendent, agree that, as an accommodation and in the best interests of the student, the student's educational program should be modified such that the student is not participating in one or more specific class(es) or is excused from attending school for part or all of the school day during a specific period of time and/or during a specific school event or series of school events.

3.19.2.2 by virtue of serving a detention as part of progressive discipline that has been imposed by the principal or designate.

**3.20 Monitoring and Review**

3.20.1 Every two years, schools are required to:

3.20.1.1 address issues of bullying, gender based violence, sexual, racial and disability related harassment and inappropriate sexual behaviour in their school improvement plans and evaluate the effectiveness of safe schools policies, procedures and programs through the use of school climate surveys.

3.20.1.2 provide school climate surveys to parents, school staff and students that allow them to anonymously evaluate and communicate their perception of school safety as well as the effectiveness of safe schools policies, procedures and programs. Where possible, climate surveys shall be made available and adapted to students with special needs so that they have the opportunity to participate as well.

3.20.1.3 develop Safe School Teams that include one non-teaching staff member. The chair of the team must be a staff member, and may be the principal or vice-principal.

3.20.1.4 share the results of climate surveys with Safe School Teams in order to develop strategies in school improvement plans to improve the school climate deficits identified.



## 4.0 **Sources**

- Ontario Human Rights Code
- Education Act
- Safe and Accepting Schools Act, 2012
- Local Police/School Board Protocol, 2016
- PPM 119 – Developing and Implementing Equity and Inclusive Education Policies in Ontario Schools
- PPM120 – Reporting Violent Incidents to the Ministry of Education
- PPM128 – The Provincial Code of Conduct and School Board Code of Conduct
- PPM141 – School Board Programs for Students on Long-term Suspension
- PPM142 – School Board Programs for Students Expelled
- PPM144 – Bullying Prevention and Intervention Policy
- PPM145 – Progressive Discipline and Promoting Positive Student Behaviour Policy

## 5.0 **Related Policies and Administrative Procedures**

- Student Discipline Policy (PO611)
- Code of Conduct Policy (PO610)
- Code of Conduct Administrative Procedure (AP610-1)
- Bullying Prevention and Intervention Policy (PO612)
- Bullying Prevention and Intervention Administrative Procedure (AP612-1)
- Equity and Inclusive Education Administrative Procedure (AP216-1)

## 6.0 **Related Appendices**

- Appendix 1 – Suspension Letter (1-5 Days)
- Appendix 2 – Suspension Letter (6-20 Days)
- Appendix 3 – Violent Incident Form
- Appendix 4 – Notice of Suspension Review
- Appendix 5 – Suspension Review Decision
- Appendix 6 – Suspension Appeal Withdrawal
- Appendix 7 – Notice of Suspension Appeal
- Appendix 8 – Suspension Appeal Decision
- Appendix 9 – Suspension Appeal Decision of the Discipline Committee
- Appendix 10 – Twenty Day Suspension Pending Possible Recommendation for Expulsion
- Appendix 11 – Decision Letter Not to Recommend Expulsion – 20 Day Suspension Confirmed
- Appendix 12 – Decision Letter Not to Recommend Expulsion – Suspension Confirmed but Shortened
- Appendix 13 – Decision Letter Not to Recommend Expulsion – Suspension Withdrawn
- Appendix 14 – Notice of Recommendation for Expulsion
- Appendix 15 – Notice of Expulsion Hearing (letter from Director of Education)
- Appendix 16 – Notification of Expulsion Hearing (letter from Safe Schools Superintendent)
- Appendix 17 – Expulsion Decision
- Appendix 18 – Recommendation for Expulsion Decision of the Discipline Committee
- Appendix 19 – Declaration of Performance

Appendix 1

**Suspension Letter**  
**Suspension 1-5 Days**  
[On the Letterhead of the School]

[Date]

[Adult Pupil or Parent/Guardian]  
[Address]

Dear [Adult Pupil/Parent/Guardian Name]:

**Re: Suspension of [Pupil's Name], [DOB] from [Name of School]**

[You/Pupil's Name] [have/has] been suspended from [Name of School] and from engaging in all school related activities from [Effective Date of Suspension] to [Last Day of Suspension] inclusive, i.e. [number] school days. This suspension applies to all school buildings, grounds, school buses, school functions, activities and trips. [You/Pupil's Name] may return to school on [Date] at [Time]. [You/Pupil's Name] must report to the office upon returning to school.

This suspension is made in accordance with the *Education Act*, the Board's safe school policies and [Name of School] Code of Conduct.

The reason for the suspension is [use infraction applicable]:

- 

School work is available at the office. Please make arrangements to have it picked up.

Should you wish to appeal this suspension, you must provide written notice of your intention to appeal to Anne O'Brien, Director of Education, within 10 school days of the commencement of the suspension. You may then contact the Superintendent of Education: Family of Schools to discuss the appeal. Please be aware that an appeal does not stay the suspension.

Sincerely,

[Principal]

cc Teacher(s) of pupil  
Superintendent of Education, Safe Schools  
Superintendent of Education, Family of Schools  
Ontario Student Record

## Suspension

When a principal's investigation of an incident, including consultation with the adult pupil or 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 will consider whether that pupil should be suspended, taking into account any mitigating and other factors that might be applicable in the circumstances.

The principal will also contact the police, consistent with our Local Police/School Board Protocol, if the infraction the pupil is suspected of committing requires such contact.

## Infractions

The infractions for which a suspension may be considered by the principal include:	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. Uttering a threat to inflict serious bodily harm on another person;	1. Possessing a weapon, including possessing a firearm or knife;
2. Possessing alcohol or illegal drugs and/or restricted drugs other than cannabis;	2. Using a weapon to cause or to threaten bodily harm to another person;
3. Possessing cannabis, unless the pupil is a medical cannabis user;	3. Bullying, if, a. the pupil has previously been suspended for engaging in bullying, and the pupil's continuing presence in the school creates an unacceptable risk to the safety of another person.
4. Being under the influence of alcohol or illegal and/or restricted drugs other than cannabis;	4. Committing physical assault on another person that causes bodily harm requiring treatment by a medical practitioner;
5. Being under the influence of cannabis, unless the pupil is a medical cannabis user;	5. Committing sexual assault;
6. Swearing at a teacher or at another person in a position of authority;	6. Trafficking in weapons or restricted or illegal drugs;
7. 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;	7. Committing robbery;
8. Bullying;	8. Giving alcohol to a minor;
9. Possession and/or use of tobacco products;	9. Giving cannabis to a minor;
10. Uttering a racial slur or comment;	10. Engaging in activities or patterns of behaviour on or off school property that cause
11. Sexual slurs or harassment;	11. Engaging in activities 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. Being in possession of or under the influence of drugs;	12. Any activity listed in the Code of Conduct for which a suspension must be considered that is motivated by bias, prejudice or hate based on race, national or
13. Disrespect towards or desecration of the religious dimension of the school;	12. Conduct deemed to be unacceptable: <ul style="list-style-type: none"> <li>• An act considered by the Principal and Family of Schools Superintendent to be a serious violation of the Board or School Code of Conduct.</li> </ul>
14. Conduct deemed to be unacceptable: e.g. <ul style="list-style-type: none"> <li>• Fighting/Violence</li> <li>• Persistent tardiness and/or truancy including 'skipping' classes</li> <li>• Use of profane or improper language</li> <li>• Persistent opposition to authority</li> <li>• Theft</li> <li>• Inappropriate use of Social Media</li> <li>• Any other behaviours deemed to be unacceptable behaviours</li> </ul>	

A student may be suspended for a minimum of one (1) school day and a maximum of twenty (20) school days.

## Suspension Appeal Process

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

All suspension appeals will be received by the Director of Education.

- 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.
- 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 Director of Education will direct the Superintendent of Safe Schools to:

1. Promptly advise the principal of the appeal.
2. Promptly advise the adult pupil or the parent/guardian that a review of the suspension will take place and invite the appellant to contact the Family of Schools Superintendent to discuss any matter respecting the incident and/or appeal of the suspension;
3. Ensure the Family of Schools Superintendent reviews the suspension (reason, duration, any mitigating or other factors), if requested;
4. Consult with the principal and Family of Schools Superintendent of Education regarding modification of the suspension;
5. Consult and may request a meeting with the adult pupil or the parent/guardian and the principal to narrow the issues and try to effect a settlement, and arrange a date for the appeal before the Discipline Committee;
6. Where a settlement is not effected, provide notice of the review decision to the adult pupil or parent/guardian.

Where the suspension is reviewed and upheld, and the parent chooses to continue with the appeal, the Superintendent of Safe Schools will:

1. Coordinate the preparation of a written report for the Board.
2. Inform the adult pupil or the parent/guardian of the date of the Suspension Appeal, and a copy of the documentation that will go to the Discipline Committee.

IF YOU REQUIRE A COPY OF THE DURHAM CATHOLIC DISTRICT SCHOOL BOARD'S POLICY AND PROCEDURE - CODE OF CONDUCT PLEASE CONTACT THE PRINCIPAL OF THE SCHOOL OR THE AREA SUPERINTENDENT.

# RECORD OF SUSPENSION

(To be submitted to the FOS Superintendent. Please attach to Suspension Notice)

**[Insert School Name]**

NAME OF STUDENT:	SUSPENSION# <i>(for current year):</i>
GENDER: <input type="checkbox"/> Male <input type="checkbox"/> Female	DATE OF BIRTH <i>(Month/Day/Year):</i>
GRADE:	
DATE ISSUED:	DATE OF SUSPENSION
NUMBER OF DAYS:	
I.E.P.: <input type="checkbox"/> Yes <input type="checkbox"/> No	
SOCIAL WORK INTERVENTION: <input type="checkbox"/> Yes <input type="checkbox"/> No	
CHILD YOUTH COUNSELLOR INTERVENTION: <input type="checkbox"/> Yes <input type="checkbox"/> No	

INFRACTION / DESCRIPTION	
TIME:	LOCATION:
DESCRIPTION:	

PROGRESSIVE DISCIPLINE APPROACHES TO DATE		
<input type="checkbox"/> Verbal Reminder	<input type="checkbox"/> Positive Reinforcement	<input type="checkbox"/> Review Code of Conduct
<input type="checkbox"/> Problem Solving Activity	<input type="checkbox"/> Timetabling for Success	<input type="checkbox"/> Program Modification
<input type="checkbox"/> Contact with Parent	<input type="checkbox"/> Time out	<input type="checkbox"/> Quiet Area to Work
<input type="checkbox"/> Loss of Privilege/Added Responsibility	<input type="checkbox"/> Detention	<input type="checkbox"/> Behaviour Contract
<input type="checkbox"/> Parent/Teacher Conference	<input type="checkbox"/> Withdrawal from Class	<input type="checkbox"/> Student Meet with Principal/VP
<input type="checkbox"/> Office Intervention	<input type="checkbox"/> Consult with Administration	<input type="checkbox"/> Restorative Justice (Conf.)
<input type="checkbox"/> Conflict Mediation	<input type="checkbox"/> Refer to Program Support	<input type="checkbox"/> Refer to Community Agency
<input type="checkbox"/> Office Initiated Community Service	<input type="checkbox"/> Ongoing Parental Contact	<input type="checkbox"/> Involve Police Officer
<input type="checkbox"/> Other (indicate below)	<input type="checkbox"/> Consult with Student Services	

## Appendix 2

### Suspension Letter Suspension 6-20 Days [On the Letterhead of the School]

[Date]

[Adult Pupil or Parent/Guardian]  
[Address]

Dear [Adult Pupil/Parent/Guardian Name]:

**Re: Suspension of [Pupil's Name], [DOB] from [Name of School]**

[You/Pupil's Name] [have/has] been suspended from [Name of School] and from engaging in all school related activities from [Effective Date of Suspension] to [Last Day of Suspension] inclusive, i.e. [number] school days. This suspension applies to all school buildings, grounds, school buses, school functions, activities and trips. [You/Pupil's Name] may return to school on [Date] at [Time]. [You/Pupil's Name] must report to the office upon returning to school.

This suspension is made in accordance with the *Education Act*, the Board's safe school policies and [Name of School] Code of Conduct.

The reason for the suspension is [use infraction applicable]:

- 

School work is available at the office. Please make arrangements to have it picked up.

In addition [you/pupil's name] [have/has] been assigned to an Alternative Suspension Program, a program for suspended pupils. This Alternative Suspension Program will provide an opportunity for continued academic work and support for self-management to assist with the re-entry to school.

Please confirm [your/pupil's] participation in an Alternative Suspension Program at your earliest opportunity by contacting your school Principal or Vice-Principal. The Vice-Principal of the Alternative Suspension Program will also contact you. As soon as notice of [your/pupil's] participation in the Alternative Suspension Program is received, an entry meeting will be scheduled.

Should you wish to appeal this suspension, you must provide written notice of your intention to appeal to Anne O'Brien, Director of Education, within 10 school days of the commencement of the suspension. You may then contact the Superintendent of Education: Family of Schools to discuss the appeal. Please be aware that an appeal does not stay the suspension.

Sincerely,

[Principal]

cc Teacher(s) of pupil  
Superintendent of Education, Safe Schools  
Superintendent of Education, Family of Schools  
Ontario Student Record

## Suspension

When a principal's investigation of an incident, including consultation with the adult pupil or 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 will consider whether that pupil should be suspended, taking into account any mitigating and other factors that might be applicable in the circumstances.

The principal will also contact the police, consistent with our Local Police/School Board Protocol, if the infraction the pupil is suspected of committing requires such contact.

## Infractions

The infractions for which a suspension may be considered by the principal include:	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. Uttering a threat to inflict serious bodily harm on another person;	1. Possessing a weapon, including possessing a firearm or knife;
2. Possessing alcohol or illegal drugs and/or restricted drugs other than cannabis;	2. Using a weapon to cause or to threaten bodily harm to another person;
3. Possessing cannabis, unless the pupil is a medical cannabis user;	3. Bullying, if, a. the pupil has previously been suspended for engaging in bullying, and the pupil's continuing presence in the school creates an unacceptable risk to the safety of another person.
4. Being under the influence of alcohol or illegal and/or restricted drugs other than cannabis;	4. Committing physical assault on another person that causes bodily harm requiring treatment by a medical practitioner;
5. Being under the influence of cannabis, unless the pupil is a medical cannabis user;	5. Committing sexual assault;
6. Swearing at a teacher or at another person in a position of authority;	6. Trafficking in weapons or restricted or illegal drugs;
7. 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;	7. Committing robbery;
8. Bullying;	8. Giving alcohol to a minor;
9. Possession and/or use of tobacco products;	9. Giving cannabis to a minor;
10. Uttering a racial slur or comment;	10. Engaging in activities or patterns of behaviour on or off school property that cause
11. Sexual slurs or harassment;	11. Engaging in activities 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. Being in possession of or under the influence of drugs;	12. Any activity listed in the Code of Conduct for which a suspension must be considered that is motivated by bias, prejudice or hate based on race, national or
13. Disrespect towards or desecration of the religious dimension of the school;	13. Conduct deemed to be unacceptable: <ul style="list-style-type: none"> <li>•An act considered by the Principal and Family of Schools Superintendent to be a serious violation of the Board or School Code of Conduct.</li> </ul>
15. Conduct deemed to be unacceptable: e.g. <ul style="list-style-type: none"> <li>• Fighting/Violence</li> <li>• Persistent tardiness and/or truancy including 'skipping' classes</li> <li>• Use of profane or improper language</li> <li>• Persistent opposition to authority</li> <li>• Theft</li> <li>• Inappropriate use of Social Media</li> <li>• Any other behaviours deemed to be unacceptable behaviours</li> </ul>	

A student may be suspended for a minimum of one (1) school day and a maximum of twenty (20) school days.

### Suspension Appeal Process

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

All suspension appeals will be received by the Director of Education.

- 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.
- 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 Director of Education will direct the Superintendent of Safe Schools to:

1. Promptly advise the principal of the appeal.
2. Promptly advise the adult pupil or the parent/guardian that a review of the suspension will take place and invite the appellant to contact the Family of Schools Superintendent to discuss any matter respecting the incident and/or appeal of the suspension;
3. Ensure the Family of Schools Superintendent reviews the suspension (reason, duration, any mitigating or other factors), if requested;
4. Consult with the principal and Family of Schools Superintendent of Education regarding modification of the suspension;
5. Consult and may request a meeting with the adult pupil or the parent/guardian and the principal to narrow the issues and try to effect a settlement, and arrange a date for the appeal before the Discipline Committee;
6. Where a settlement is not effected, provide notice of the review decision to the adult pupil or parent/guardian.

Where the suspension is reviewed and upheld, and the parent chooses to continue with the appeal, the Superintendent of Safe Schools will:

1. Coordinate the preparation of a written report for the Board.
2. Inform the adult pupil or the parent/guardian of the date of the Suspension Appeal, and a copy of the documentation that will go to the Discipline Committee.

IF YOU REQUIRE A COPY OF THE DURHAM CATHOLIC DISTRICT SCHOOL BOARD'S POLICY AND PROCEDURE - CODE OF CONDUCT PLEASE CONTACT THE PRINCIPAL OF THE SCHOOL OR THE AREA SUPERINTENDENT.

# RECORD OF SUSPENSION

(To be submitted to the FOS Superintendent. Please attach to Suspension Notice)

**[Insert School Name]**

NAME OF STUDENT:	SUSPENSION# <i>(for current year):</i>
GENDER: <input type="checkbox"/> Male <input type="checkbox"/> Female	DATE OF BIRTH <i>(Month/Day/Year):</i>
GRADE:	
DATE ISSUED:	DATE OF SUSPENSION
NUMBER OF DAYS:	
I.E.P.: <input type="checkbox"/> Yes <input type="checkbox"/> No	
SOCIAL WORK INTERVENTION: <input type="checkbox"/> Yes <input type="checkbox"/> No	
CHILD YOUTH COUNSELLOR INTERVENTION: <input type="checkbox"/> Yes <input type="checkbox"/> No	

<b>INFRACTION / DESCRIPTION</b>	
TIME:	LOCATION:
DESCRIPTION:	

<b>PROGRESSIVE DISCIPLINE APPROACHES TO DATE</b>		
<input type="checkbox"/> Verbal Reminder	<input type="checkbox"/> Positive Reinforcement	<input type="checkbox"/> Review Code of Conduct
<input type="checkbox"/> Problem Solving Activity	<input type="checkbox"/> Timetabling for Success	<input type="checkbox"/> Program Modification
<input type="checkbox"/> Contact with Parent	<input type="checkbox"/> Time out	<input type="checkbox"/> Quiet Area to Work
<input type="checkbox"/> Loss of Privilege/Added Responsibility	<input type="checkbox"/> Detention	<input type="checkbox"/> Behaviour Contract
<input type="checkbox"/> Parent/Teacher Conference	<input type="checkbox"/> Withdrawal from Class	<input type="checkbox"/> Student Meet with Principal/VP
<input type="checkbox"/> Office Intervention	<input type="checkbox"/> Consult with Administration	<input type="checkbox"/> Restorative Justice (Conf.)
<input type="checkbox"/> Conflict Mediation	<input type="checkbox"/> Refer to Program Support	<input type="checkbox"/> Refer to Community Agency
<input type="checkbox"/> Office Initiated Community Service	<input type="checkbox"/> Ongoing Parental Contact	<input type="checkbox"/> Involve Police Officer
<input type="checkbox"/> Other (indicate below)	<input type="checkbox"/> Consult with Student Services	

**Appendix 3**  
**Violent Incident Form**  
**[On School Letterhead]**

STUDENT NAME(S): \_\_\_\_\_

DATE AND TIME OF INCIDENT: \_\_\_\_\_

DESCRIPTION OF INCIDENT:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

WHAT ASPECT OF THE BOARD/SCHOOL CODE OF CONDUCT HAS BEEN BREACHED?  
\_\_\_\_\_  
\_\_\_\_\_

WITNESSES (NAMES)  
\_\_\_\_\_  
\_\_\_\_\_

ATTACH Incident reports from witness if applicable

\_\_\_\_\_  
Teacher Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Date



## Appendix 4

### Notice of Suspension Review [On the Letterhead of the Board]

[Date]

[Adult Pupil or Parent/Guardian]  
[Address]

Dear [Adult Pupil or Parent/Guardian Name]:

**Re: Suspension of [Pupil's Name], [DOB] from [Name of School]**

I am in receipt of your notice of intention to appeal [your/Pupil's Name] suspension from [Name of School], dated [insert date]. [You/Pupil's Name] [were/was] suspended for [insert number] days for [insert infraction applicable].

I will be conducting a review of the suspension. At the conclusion of my review, I will, in consultation with Principal [Name], either confirm, modify or expunge the suspension.

As part of the review process, I will be contacting you. Please also do not hesitate to contact me at [contact info].

Sincerely,

Superintendent Family of Schools

cc Superintendent of Education, Safe Schools  
Principal

Appendix 5

**Suspension Review Decision  
[On the Letterhead of the Board]**

[Date]

[Adult Pupil or Parent/Guardian]  
[Address]

Dear [Adult Pupil or Parent/Guardian Name]:

**Re: Suspension Review of Suspension of [Pupil's Name], [DOB] from [Name of School]**

I have completed my review of [your/Pupil's Name] suspension from [Name of School]. As a result of my review, I have decided to [expunge/modify/uphold] the suspension.

If you wish to discuss the results of my review or continue with your appeal, please contact me at [insert].

Sincerely,

Superintendent Family of Schools

cc Superintendent of Education, Safe Schools  
Principal  
Ontario Student Record

Appendix 6

**Suspension Appeal Withdrawal  
[On the Letterhead of the Board]**

[Date]

[Adult Pupil or Parent/Guardian]  
[Address]

Dear [Adult Pupil or Parent/Guardian Name]:

**Re: Suspension Appeal of [Pupil's Name], [DOB] from [Name of School]**

As a result of our conversation [in person/on the phone] on [date] at [time], I am writing to formally acknowledge that you have agreed to no longer proceed with the suspension appeal as listed above. As such, the appeal meeting has been cancelled.

I will inform the Director who will send you a letter concluding this process. I am pleased to know that closure is being brought to the matter and thank you for your cooperation and input.

OR

I have been advised by [insert name], principal of [insert school], that you have decided to withdraw your suspension appeal as listed above.

I will inform the Director who will send you a letter concluding this process. I am pleased to hear that closure is being brought to the matter and thank you for your cooperation and input.

Sincerely,

Superintendent Family of Schools

cc Superintendent of Education, Safe Schools  
Principal  
Ontario Student Record

## Appendix 7

### Notice of Suspension Appeal [On the Letterhead of the Board]

[Date]

[Adult Pupil or Parent/Guardian]  
[Address]

Dear [Adult Pupil or Parent/Guardian Name]:

**Re: Appeal of Suspension of [Pupil's Name], [DOB] from [Name of School]**

You have appealed the decision of the Principal, [insert principal name], to suspend [you/pupil's name] from [school name], from [effective date of suspension] to [last day of suspension].

At this time we will proceed with an appeal to be heard by the Discipline Committee of the Board of Trustees as follows:

Date: [insert date of hearing]  
Time: [insert time of hearing]  
Location: [insert location of hearing]

If it is your intent to be represented by legal counsel, you must advise Superintendent [insert name of Safe Schools Superintendent] of your legal counsel's name, address, telephone number and fax number immediately either by telephone (905-576-6150 ext. [insert]) or by email at [insert Safe Schools Superintendent email address].

Enclosed is a copy of the Suspension Appeal process and a copy of the information package that will be relied on by the administration for the Board and will be provided to the Discipline Committee. The information package includes a copy of the suspension letter, your letter requesting the appeal, correspondence with respect to the suspension review and the Principal's Report of the incident. You may provide a written statement setting out your version of events. This must be received by the Board at least five days in advance of the Hearing.

Please be advised that if you fail to attend on time, the Discipline Committee will wait for 30 minutes before dismissing the appeal.

Should you have any questions about the appeal process, please contact me at 905-576-6150 ext. [insert]

Sincerely,

Superintendent of Safe Schools

cc Superintendent of Education, Family of Schools  
Principal  
Ontario Student Record

Appendix 8

**Suspension Appeal Decision**  
**[On the Letterhead of the Board]**

[Date]

[Adult Pupil or Parent/Guardian]  
[Address]

Dear [Adult Pupil or Parent/Guardian Name]:

**Re: Decision of Discipline Committee**  
**Suspension Appeal of [Pupil's Name], [DOB] from [Name of School]**

Please find attached the Decision of the Durham Catholic District School Board Discipline Committee regarding your suspension appeal.

The decision of the Durham Catholic District School Board Discipline Committee is final and is not subject to further appeal.

Should you have any questions, please contact the Superintendent of Safe Schools at [insert contact information].

Sincerely,

Director of Education

Encl.

cc Superintendent of Education, Safe Schools  
Superintendent of Education, Family of Schools  
Principal  
Ontario Student Record

Appendix 9

**Suspension Appeal Decision of the Discipline Committee  
[On the Letterhead of the Board]**

**SUSPENSION APPEAL DECISION**

IN THE MATTER OF Section 309  
of the *Education Act*, as amended

- and -

IN THE MATTER OF an appeal by  
[Name of Appellant], of the suspension of [Pupil Name],  
a pupil of [School Name]

**Decision**

UPON being satisfied that the Discipline Committee has jurisdiction to conduct the appeal pursuant to section 309 of the *Education Act*;

AND UPON being satisfied that the proper parties to the appeal are [Name of Appellant and relationship to pupil] of [pupil name] and [Principal Name], Principal of [School Name];

AND UPON being satisfied that the parties received reasonable notice of appeal;

AND UPON having provided an opportunity to the applicant to make submissions, having heard the submissions of the Principal, having read any materials submitted by the parties, and having retired to consider the matter;

THE DISCIPLINE COMMITTEE does hereby [confirm the suspension / confirm the suspension but shorten its duration to [number] school days and amend the record accordingly / quash the suspension and expunge the record]. [and determines [pupil's name] suspension not be expunged from the OSR while he is a student within the Durham Catholic District School Board].

THE DECISION OF THE DISCIPLINE COMMITTEE is final.

DATED this [day] day of [month], [year] and signed on behalf of the Discipline Committee and Board of Trustees by the Chair of the Discipline Committee.

Durham Catholic District School Board

---

Chair of the Discipline Committee

**Appendix 10**  
**Twenty Day Suspension Pending Possible Recommendation for Expulsion**  
**[on the letterhead of the School]**

[Date]

[Adult Pupil/Parent/Guardian]  
[Address]

Dear [Adult Pupil's Name/Parent's Name]:

**Re: Suspension of [Pupil's Name], [DOB] from [Name of School]**

[You/Pupil's Name] [have/has] been suspended from [Name of School] and from engaging in all school related activities from [Effective Date of Suspension] to [Last Date of Suspension] inclusive, i.e., twenty (20) school days. This suspension applies to all school buildings, grounds, school buses, school functions, activities and trips.

Please be advised that this suspension is made in accordance with the *Education Act*, the Board's Safe School policies and [Name of School] Code of Conduct.

The reason for the suspension is:

- [use the infraction applicable].

Please be advised that I am continuing my investigation of this matter in order to determine whether to recommend to the Discipline Committee of the Board of Trustees that [Pupil's Name] be expelled. An expulsion may be from [Name of School] or from all schools of the Board. You will be informed of the results of my investigation in writing.

The Board is committed to the education and future of its pupils. [You/Pupil's name] [have/has] been assigned to an Alternative Suspension Program, a program for suspended pupils. An Alternative Suspension Program provides pupils with the opportunity to continue academic work and receive support for self-management. Please contact the School at your earliest opportunity to confirm [your/pupil's name] participation in the Alternative Suspension Program. The Vice-Principal of the Alternative Suspension Program will also contact you. As soon as notice of [your/pupil's] participation in the Alternative Suspension Program is received an entry meeting will be scheduled.

You do not have the right to appeal the suspension at this time. Should it be determined at the conclusion of the investigation that a recommendation for expulsion will not be made, you will be entitled to appeal the suspension to the Discipline Committee of the Board of Trustees. Should it be determined that a recommendation for expulsion is warranted, then you may address the suspension before the Discipline Committee at the expulsion hearing.

Sincerely,

[Principal]

Encl.

cc: Superintendent of Education, Family of Schools  
Superintendent of Education, Safe Schools  
Ontario Student Record

**Appendix 11**  
**Decision Letter Not to Recommend Expulsion – 20 day Suspension Confirmed**  
**[on the letterhead of the School]**

[Date]

[Adult Pupil/Parent/Guardian]

[Address]

Dear [Adult Pupil's Name/Parent's Name]:

**Re: [Pupil's Name], [DOB] [Name of School] - Expulsion Not Recommended**

After reviewing the results of the investigation following [your/ pupil's name] suspension from [Effective Date of Suspension] to [Last Date of Suspension], I have decided not to recommend to the Discipline Committee that [you/pupil's name] be expelled.

As part of my investigation, I have reviewed [your/pupil's name] suspension, and I have determined that the suspension should be **confirmed to 20 school days and the record amended accordingly.**

Should you wish to appeal the suspension, you must provide written notice of your intention to appeal the suspension to the Director of Education [contact information], within 5 school days of the receipt of this notice.

If you provide notice of your intention to appeal, you may contact the Superintendent of Education: Family of Schools to discuss the appeal. Please be aware that an appeal does not stay the suspension.

A copy of the *Suspension Appeal Guidelines* is available at the main office.

Sincerely,

[Principal]

cc: Superintendent of Education, Family of Schools  
Superintendent of Education, Safe Schools  
Ontario Student Record



**Appendix 12**  
**Decision Letter Not to Recommend Expulsion – Suspension Confirmed but Shortened**  
**[on the letterhead of the School]**

[Date]

[Adult Pupil/Parent/Guardian]

[Address]

Dear [Adult Pupil's Name/Parent's Name]:

**Re: [Pupil's Name], [DOB] [Name of School] - Expulsion Not Recommended**

After reviewing the results of the investigation following [your/ pupil's name] suspension from [Effective Date of Suspension] to [Last Date of Suspension], I have decided not to recommend to the Discipline Committee that [you/pupil's name] be expelled.

As part of my investigation, I have reviewed [your/pupil's name] suspension, and I have determined that the suspension should be confirmed but shortened to [INSERT NUMBER] school days and the record amended accordingly.

Should you wish to appeal the suspension, you must provide written notice of your intention to appeal the suspension to the Director of Education [contact information], within 5 school days of the receipt of this notice.

If you provide notice of your intention to appeal, you may contact the Superintendent of Education: Family of Schools to discuss the appeal. Since the suspension has been reduced in length, an appeal would be for the reduced suspension. Please be aware that an appeal does not stay the suspension.

A copy of the *Suspension Appeal Guidelines* is available at the main office.

Sincerely,

[Principal]

cc: Superintendent of Education, Family of Schools  
Superintendent of Education, Safe Schools  
Ontario Student Record

**Appendix 13**  
**Decision Letter Not to Recommend Expulsion – Suspension Withdrawn**  
**[on the letterhead of the School]**

[Date]

[Adult Pupil/Parent/Guardian]

[Address]

Dear [Adult Pupil's Name/Parent's Name]:

**Re: [Pupil's Name], [DOB] [Name of School] - Expulsion Not Recommended**

After reviewing the results of the investigation following [your/ pupil's name] suspension from [Effective Date of Suspension] to [Last Date of Suspension], I have decided not to recommend to the Discipline Committee that [you/pupil's name] be expelled.

As part of my investigation, I have reviewed [your/pupil's name] suspension, and I have determined that the suspension should be withdrawn and the record expunged.

Sincerely,

[Principal]

cc: Superintendent of Education, Family of Schools  
Superintendent of Education, Safe Schools  
Ontario Student Record

**Appendix 14**  
**Notice of Recommendation for Expulsion**  
**[on the letterhead of the School]**

[Date]

[Adult Pupil/Parent/Guardian]

[Address]

Dear [Adult Pupil's Name/Parent's Name]:

**Re: [Pupil's Name], [DOB], [Name of School] Investigation**

On [Date], [you/pupil's name] [were/was] suspended for twenty days. As a result of the investigation to determine whether to recommend an expulsion, the decision has been made to **recommend to the Discipline Committee of the Board of Trustees that [you/pupil's name] be expelled** from [school] [or] [all schools of the Board] for the following:

- [insert infraction(s)]

The Superintendent of Safe Schools, [Name and Contact Information], will contact you to review the Expulsion hearing process and answer any questions that you might have.

Sincerely,

[Principal]

Encl.

cc: Superintendent of Education, Family of Schools  
Superintendent of Education, Safe Schools  
Ontario Student Record

**Appendix 15**  
**Notice of Expulsion Hearing (Letter from Director)**  
**[on the letterhead of the Board]**

[Date]

[Adult Pupil/Parent/Guardian]

[Address]

Dear [Adult Pupil's Name/Parent's Name]:

**Re: [Pupil's Name], [DOB], [Name of School]**

This letter will confirm that the Durham Catholic District School Board will hold a hearing to determine whether the Board will impose an expulsion upon [pupil name] ([date of birth]).

The Discipline Committee will hold the Hearing on:

**Date:** [insert Date]

**Time:** [insert Time]

**Location:** [insert Location]

The Discipline Committee Members are:

- Trustee [insert name]
- Trustee [insert name]
- Trustee [insert name]

The following members of staff will also participate in the Expulsion Hearing in addition to the above-noted Trustees:

- [insert name], Legal Counsel to the Discipline Committee
- [insert name], Superintendent of Education, Resource to the Discipline Committee
- [insert name], Superintendent of Education, Family of Schools
- [insert name], Principal, [insert school name]
- [insert name], Recording Secretary

The following information is enclosed for your review:

Attachment I: Notice of Expulsion Hearing  
Attachment II: Extract from the Education Act, RSO 1990, c.E.2, as amended  
Attachment III: Expulsion Hearing Rules  
Attachment IV: The Statutory Powers Procedure Act  
Attachment V: Board Procedures – Expulsion Hearing  
Attachment VI: Board Procedures – Expulsion Hearing Proceeding by Minutes of Settlement

**Note:** The Student Discipline and Code of Conduct Policies are available on our website at [www.dcdsb.ca](http://www.dcdsb.ca). If you are unable to access these, please contact the Safe School office at 905-576-6150 ext. [insert]

In accordance with the Statutory Powers Procedure Act (Attachment IV), the following notes are provided for your information:

1. If you do not appear at the Hearing, it may proceed in your absence. The Hearing will be closed to the public. It is the responsibility of the Discipline Committee to make any necessary orders to give direction at the Hearing to maintain order. The Hearing will only deal with the expulsion. No other issues may be raised.
2. It is your right to be represented by an agent or legal counsel, to call and examine witnesses, to present arguments and submissions and to conduct cross-examinations of witnesses at the Hearing. If it is your intent to be represented by legal counsel, you must advise Superintendent [insert name of Safe School Superintendent] of your legal counsel's name, address, telephone number and fax number immediately either by telephone (905-576-6150 ext. [insert]) or by email at [insert email of Safe School Superintendent].
3. **You may provide a written statement setting out your version of events. This must be received by the Board at least five days in advance of the Hearing.**
4. Any witness at the Hearing is entitled to be advised by his/her legal counsel, however, the legal counsel may not take part in the Hearing without permission of the Discipline Committee.
5. Once the Hearing has been held, the Discipline Committee will excuse you and, if applicable, your legal counsel, as well as the school and its legal counsel. The Discipline Committee will then move into a Caucus Meeting. You will be notified of the Discipline Committee's decision verbally on the following day, and the final decision will be sent to you in writing as soon as possible. The reason for the Committee's decision will also be provided to you, if you so request.

If you have any questions or concerns, please feel free to contact Superintendent [insert name of Safe School Superintendent], Resource to the Discipline Committee.

Yours truly,

Director of Education

AOB/

Attach: As noted on Page 1

cc: [insert name], Superintendent of Education, Safe Schools and Resource to the Discipline Committee  
[insert name], Superintendent of Education, Family of Schools  
[insert name], Principal, [insert school name]  
Discipline Committee Member

**Appendix 16**  
**Notice of Expulsion Hearing (Letter from Safe Schools Superintendent)**  
**[on the letterhead of the Board]**

[Date]

[Adult Pupil/Parent/Guardian]

[Address]

Dear [Adult Pupil's Name/Parent's Name]:

**Re: [Pupil's Name], [DOB], [Name of School]**

This letter will confirm that the Durham Catholic District School Board will hold a hearing to determine whether the Board will impose an expulsion upon [pupil name], [date of birth].

The Discipline Committee will hold the Hearing on:

**Date:** [insert date]  
**Time:** [insert location]  
**Location:** [insert location]

It is your right to be represented by an agent or legal counsel, to call and examine witnesses, to present arguments and submissions and to conduct cross-examinations of witnesses at the Hearing. If it is your intent to be represented by legal counsel, you must advise Superintendent [insert name of Safe School's Superintendent] of your legal counsel's name, address, telephone number and fax number immediately either by telephone (905-576-6150 ext. [insert]) or by e-mail at [insert email address of Safe Schools Superintendent]

Enclosed is a copy of the school's information package that will be relied on by the administration for the Board and that will be provided to the Discipline Committee.

Please be advised that if you fail to attend on time, the Discipline Committee will wait for 30 minutes and may then proceed to decide the matter in your absence.

Should you have any questions about the Expulsion Hearing process, please contact me at 905-576-6150 ext. [insert].

Sincerely,

Superintendent of Education – Safe Schools

Encl.

cc: [insert], Superintendent of Education, Family of Schools  
[insert], Principal, [insert school name]  
Discipline Committee Members

**Appendix 17**  
**Expulsion Decision**  
**[on the letterhead of the Board]**

[Date]

[Adult Pupil/Parent/Guardian]  
[Address]

Dear [Adult Pupil's Name/Parent's Name]:

**Re:     Decision of Discipline Committee**  
**Expulsion Hearing - [Pupil's Name], [DOB]**  
**[Name of School]**

Please find attached the Decision of the Discipline Committee dated [insert date].

Should you have any questions, please contact the undersigned at (905) 576-6150 ext. [insert] or 1-877-482-0722 ext. [insert].

Yours truly,

Director of Education

Encl.

cc:     [Insert], Superintendent of Education, Family of Schools  
        [Insert], Superintendent of Education, Safe Schools  
        [Insert], Principal, [Insert Name of School]  
        OSR

Appendix 18

Recommendation for Expulsion Decision of the Discipline Committee  
(on the letterhead of the Board)

RECOMMENDATION for EXPULSION DECISION

[School Board Name]

In the Matter of the *Education Act*, R.S.O. 1990, c.E.2, as amended (the “Act”)

and In the Matter of the Recommendation of  
[Principal Name], Principal of [School Name]  
for the expulsion of  
[Pupil Name], (DOB:insert) (the “Student”)

DECISION

UPON being satisfied that the Discipline Committee has jurisdiction to conduct the hearing pursuant to section 311.3 of the Act;

AND UPON being satisfied that the proper parties to the hearing are [name of appellant and relationship to pupil], of the Student, and [Principal Name], the Principal of [School Name];

AND UPON being satisfied that the parties received reasonable notice of the hearing;

AND UPON having provided an opportunity to the appellant to make submissions, having heard the submissions of the Principal, having read any materials submitted by the parties, and having retired to consider the matter;

THE DISCIPLINE COMMITTEE does hereby impose an expulsion from [School Name] and assign the pupil to an educational program at [School Name] for the following reasons: [INSERT REASONS FOR EXPULSION]

\*OR

THE DISCIPLINE COMMITTEE does hereby impose an expulsion from all schools of the Board; assign the pupil to the program for expelled pupils; and require that the pupil successfully complete and meet the objectives of the program for expelled pupils before being re-admitted to a regular day school program in Ontario for the following reasons: [INSERT REASONS FOR EXPULSION].

\*OR

THE DISCIPLINE COMMITTEE does not hereby impose an expulsion; and does hereby [confirm the suspension imposed by [Principal Name] / confirm the suspension imposed by [Principal Name] but shorten its duration to [number] school days and amend the record accordingly / quash the suspension and expunge the record].

DATED this [day] of [month], [year], and signed by the members of the Discipline Committee of the Board of Trustees, Durham Catholic District School Board.

\_\_\_\_\_  
Print Name  
Trustee  
Committee Chairperson

\_\_\_\_\_  
Print Name  
Trustee

\_\_\_\_\_  
Print Name  
Trustee



**Appendix 19**  
**Declaration of Performance**  
**[on the letterhead of the School]**

[Date]

[Pupil Name]

I agree to comply with the following expectations on my return as a student to [insert the name of School]:

1. I agree to comply with the expectations of the [insert name of school] Code of Conduct and the [insert board] Code of Conduct.
2. I agree to work diligently in a positive manner and to be attentive to my teachers and classmates in an effort to accomplish the goals of my educational program.
3. I agree to be punctual and prepared for class.
4. I agree to be active and participate in the extracurricular life of the School.
5. [insert if applicable] I agree to seek guidance and ask for help from School staff when I feel overwhelmed or anxious.
6. [insert if applicable] I agree to seek assistance from School staff when needed in order to assist me to solve problems in a constructive manner.
7. [insert if applicable] I agree to refrain from [insert one or more: using violence/restricted substances to solve my problems].

---

Signature [insert name of student]

---

Date