

## **POLICY – PO611**

### **Student Discipline**

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Area: Student Conduct and Safety  
Source: Superintendent of Education – Safe Schools

Approved: May 12, 2008  
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#### **1. Introduction**

In keeping with the mission, vision and values of the Durham Catholic District School Board, the Board is committed to promoting and supporting appropriate student behaviours that contributes to a positive school climate and sustains a safe, inclusive and accepting learning and teaching environment.

The Board acknowledges that progressive discipline is a whole school approach that involves all members of the school community. This approach includes a continuum of prevention programs, early and ongoing interventions, supports and consequences for inappropriate behaviour.

#### **2. 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**Adult Pupil** – a pupil at least 18 years old, or a pupil who is 16 or 17 years old who has withdrawn from parental control.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** – the act of applying force intentionally, either directly or indirectly to another person, or 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.

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

- a) the behaviour is intended by the pupil to have the effect of, or the pupil ought to know that the behaviour would be likely to have the effect of:
  - i. causing harm, fear or distress to another individual, including physical, psychological, social or academic harm, harm to the individual’s reputation or harm to the individual’s property; or
  - ii. creating a negative environment at a school for another individual, and
- b) the behaviour occurs in a context where there is a real or perceived power imbalance between the pupil and the individual based on factors such as size, strength, age, intelligence, peer group power, economic status, social status, religion, ethnic origin, sexual orientation, family circumstances, gender, gender identity, gender expression, race, disability or the receipt of special education.
- c) bullying behaviour includes the use of any physical, verbal, electronic, written or other means.
- d) bullying by electronic means (commonly known as cyber-bullying) includes:
  - i. creating a web page or a blog in which the creator assumes the identity of another person;
  - ii. impersonating another person as the author of content or messages posted on the Internet; and
  - iii. 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 16. 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 CYFSA.

**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.

**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.

**Delegation of Authority of a Teacher** – the act of delegating authority to a teacher 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.

**Drug 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.

**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 (e.g., a group distinguished by race, ancestry, place of origin, colour, ethnic origin, sex, sexual orientation, gender identity, gender expression, age, marital status, family status or

disability), 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.

**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 thereby 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:
  1. Whether the behaviour was a manifestation of a disability identified in the pupil's individual education plan;
  2. Whether appropriate individualized accommodation has been provided, and
  3. 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, or 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.

**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 a 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.

**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 expulsion 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.

**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. Purpose**

The purpose of this policy and its resulting administrative procedure is to provide guidelines to ensure that principals, their designates and all educators in the Durham Catholic District School Board use appropriate strategies to discipline students in compliance with Ministry and Board direction for progressive discipline.

### **4. Application / Scope**

This policy applies to all students (Kindergarten to Grade 12) and all schools in the Durham Catholic District School Board. This policy is commensurate with the Ontario Human Rights Code, the Provincial Code of Conduct, the Durham Catholic District School Board Code of Conduct, and the Education Act which create expectations for behaviour for all persons on school property, during a school related activity or event, and/or in circumstances where a behaviour has an impact on the school climate.

### **5. Principles**

#### **5.1 The Board:**

- a) recognizes and accepts the authority of the Magisterium of the Catholic Church in respect of matters of faith and morals, as it is entitled to do under section 93(1) of the Constitution Act, 1867. The teachings of the Church will be taken into account in the interpretation of this policy and any subsequent procedures emanating from it;
- b) recognizes the behaviour within our school communities should be in accordance with the Gospel values of Jesus Christ, the Board's Mission Statement, and the requirements set forth by the Education Act and the applicable regulations;
- c) recognizes that all inappropriate student behaviour, including bullying, must be addressed;
- d) recognizes that in some circumstances, positive school and classroom climate practices might not be effective or sufficient to address inappropriate behaviour. In such circumstances, the Board supports the use of disciplinary consequences;

- e) recognizes responses to behaviours that are contrary to the board's Code of Conduct must be developmentally appropriate;
- f) expects that the principles of Progressive Discipline, consistent with the Ontario Human Rights Code, Ministry of Education direction and PPM 145 Progressive Discipline and Promoting Positive Student Behaviour Policy, will be applied, if appropriate in circumstances where a pupil will receive a consequence for his/her behaviour;
- g) supports the use of suspension and expulsion as outlined as in Part XIII of the Education Act, where a pupil has committed one or more of the infractions on school property, during a school related event and/or in circumstances where the infraction has had an impact on the school climate;
- h) recognizes the importance of consistency across the system in disciplining students for serious breaches of conduct;
- i) recognizes the authority of the principal and the teaching staff in discharging their powers and duties as defined by the Education Act and Regulations and respective Board policies and administrative procedures;
- j) recognizes that the principal, subject to Board policies and administrative procedures, may suspend and recommend expulsion of students in accordance to the Education Act and Regulations;
- k) recognizes its power to expel students in accordance to the Education Act and Regulations;
- l) recognizes its duty to establish procedures for the appeal of suspensions in accordance with the Education Act and Regulations;
- m) recognizes the power of the Child and Family Services Review Board to hear an appeal of the Board's decision to expel a student.

## **6. Requirements**

- 6.1 The Director of Education shall issue administrative procedures to support this policy and amend them thereafter as the need arises.
- 6.2 Schools are required to develop and implement a whole school approach to progressive discipline plan consistent with this policy, its administrative procedures 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.

- 6.3 Schools should ensure that 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.
- 6.4 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.
- 6.5 Schools are expected to create positive school and classroom climates by promoting the dignity and worth of all members of the school community.
- 6.6 Strategies for creating positive school climate may include, but are not limited to:
  - a) fostering a safe and accepting school environment by establishing rules and routines that can be implemented by all members;
  - b) regularly reviewing and explaining the School Code of Conduct to the students;
  - c) engaging all parents/guardians in the school community;
  - d) focusing on a restorative mindset;
  - e) implementing school improvement goals to address all aspects of the well-being strategy:
    - i. Safe and Accepting Schools
    - ii. Equity and Inclusive Education
    - iii. Positive Mental Health
    - iv. Healthy Schools
  - f) ongoing communication with parents/guardians.
- 6.7 Strategies for creating a positive classroom climate may include, but are not limited to:
  - a) fostering a safe and accepting environment;
  - b) utilizing a restorative mindset;
  - c) co-constructing, communicating and reinforcing classroom and school expectations;
  - d) recognizing and celebrating the accomplishments of all students;
  - e) focusing on developing relationships;
  - f) implementing proactive management of stress behaviours;
  - g) using community/restorative circles;
  - h) ongoing communication with parents/guardians.
- 6.8 Schools are required to use 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.

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

- a) using positive reinforcement and encouragement;
- b) collecting and analyzing data to determine the function of the behaviour;
- c) making program modifications or accommodations;
- d) development and ongoing review of IEP by school team;
- e) development and ongoing review of alternate expectations to address lagging skills in behaviour;
- f) reviewing of Code of Conduct and/or classroom expectations;
- g) using verbal and non-verbal reminders;
- h) meeting with student;
- i) loss of privilege;
- j) providing reflection sheet;
- k) initiating or reviewing Behaviour Contracts;
- l) phoning parent/guardian;
- m) meeting with parent/guardian;
- n) using restorative questions;
- o) referrals to support staff or Student Services;
- p) initiating restitution or detention;
- q) consulting with Administration.

6.10 Schools are required to consider Restoration and Reconciliation as an integral component of Progressive Discipline. Restoration and Reconciliation can and should occur during all stages of Progressive Discipline. Restoration and Reconciliation strategies may include, but are not limited to:

- a) holding a school team meeting to plan for future success;
- b) providing re-entry meetings with student and parents/guardians;
- c) using restorative circle and/or conference.

6.11 Schools are expected to understand that some behaviours are a manifestation of specific diagnosed medical or neurological developmental disorders. 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.

- a) Responding to these behaviours 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.

- b) 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.
- c) 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. Both Safety Plans and IEPs are reviewed on an on-going basis.

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

- a) consider the individual student and circumstances;
- b) consider mitigating and other factors (see Section 6.19);
- c) consider the nature and severity of the behaviour;
- d) consider the impact of the inappropriate behaviour on the school climate; and
- e) consider whether or not the progressive discipline consequence might have a disproportionate impact on a student when considering the Ontario Human Rights Code.

6.13 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:

- a) name of the student;
- b) date of the incident or behaviour;
- c) nature of the incident or behaviour;
- d) progressive discipline approach used;
- e) outcome; and/or
- f) any contract with parent/guardian unless the student is an adult pupil.

6.14 Consequences may include:

- a) meeting with parent(s)/guardian(s), student and principal;
- b) detentions;
- c) withdrawal of privileges;

- d) withdrawal from class;
  - e) restitution for damages;
  - f) suspension and/or expulsion from school or all schools of the Board.
- 6.15 All Board staff who work directly with pupils on a regular basis shall respond to any such inappropriate and disrespectful behaviour or any other behaviour that causes a negative impact on school climate or for which a suspension or expulsion may be imposed, which they have observed or heard during the course of their duties or otherwise while on school property or during a school related event unless there is an immediate risk of physical harm in doing so.
- 6.16 Any such infractions about which a board staff member or transportation provider becomes aware must be reported to the principal or designate in accordance with Board procedures at the earliest, safe opportunity and no later than the end of the school day, or end of a bus run, if reported by a transportation provider. An electronic report in accordance with Board procedures must be made when it is safe to do so.
- 6.17 When addressing inappropriate behaviour, school staff should consider the particular pupil and circumstances, including any mitigating and other factors (see Section 6.19) the nature and severity of the behaviour, and the impact on the school climate. The Board supports the use of suspension and expulsion as outlined in Part XIII of the Education Act where a pupil has committed one or more of the 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.
- 6.18 Exclusion pursuant to Section 265(1)(m) of the Education Act is not acceptable for discipline purposes or as an alternative to discipline for students enrolled in the school, and may only be imposed in accordance with the Education Act and Board procedures, and must be consistent with the Human Rights Code.
- 6.19 Mitigating Factors and Other Factors: 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.
- a) Mitigating Factors
    - i. whether the student has the ability to control his or her behaviour;
    - ii. whether the student has the ability to understand the foreseeable consequences of his or her behaviour; and
    - iii. whether the student's continuing presence in the school does or does not create an unacceptable risk to the safety of any other individual at the school.

- b) Other Factors to be Considered
  - i. the student's academic, discipline and personal history;
  - ii. whether other progressive discipline has been attempted with the student, and if so, the progressive discipline approach(es) that has/have been attempted and any success or failure;
  - iii. whether the infraction for which the student might be disciplined was related to any harassment of the student because of race, colour, ethnic origin, place of origin, religion, creed, disability, gender, or gender identity sexual orientation or harassment for any other reason related to an immutable characteristic;
  - iv. the impact of the discipline on the student's prospects for further education;
  - v. the student's age;
  - vi. where the student has an IEP or disability related needs:
    - 1. whether the behaviour causing the incident was a manifestation of the student's ability;
    - 2. whether appropriate individualized accommodation has been provided to the point of undue hardship;
    - 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
    - 4. whether or not the student's continuing presence at the school creates an unacceptable risk to the safety of anyone in the school.

6.20 The following are the only infractions for which a suspension may be imposed by the principal for a minimum of one (1) school day to a maximum of twenty (20) school days:

- a) uttering a threat to inflict serious bodily harm on another person;
- b) possessing alcohol, illegal drugs or cannabis (unless the pupil is a medical cannabis user);
- c) being under the influence of alcohol, illegal drugs or cannabis (unless the pupil is a medical cannabis user);
- d) swearing at a teacher or at another person in a position of authority;
- e) 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;
- f) bullying;
- g) uttering a racial slur or comment;
- h) sexual slurs or harassment;
- i) disrespect towards or desecration of the religious dimension of the school;
- j) possession and/or use of tobacco products;
- k) conduct deemed unacceptable, e.g.:
  - i. Fighting/Violence;
  - ii. Use of profane or improper language;

- iii. Persistent opposition to authority;
- iv. Persistent tardiness and/or truancy including “skipping” classes;
- v. Theft;
- vi. Inappropriate use of Social Media;
- vii. Any act considered by the principal to be contrary to the Board or School Code of Conduct.

6.21 The following process must be used for a parent to appeal a suspension:

- a) Where a pupil’s parent/guardian or the adult pupil (if 18 or older or 16 or 17 and has removed him/herself from parental control), disagrees with the decision of a principal to suspend the pupil, that pupil’s parent/guardian or the adult pupil (if 18 or older or 16 or 17 and removed from parental control), may appeal the principal’s decision to suspend the pupil, in accordance with the Board’s Student Discipline administrative procedures and Suspension Appeal Guidelines. Suspension appeals will not be conducted in accordance with or be subject to the Statutory Powers Procedures Act. All suspension appeals will be received by the Director of Education;
- b) An appeal of a suspension does not stay the suspension.
- c) 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.
- d) 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).
- e) Upon receipt of written notice of the intention to appeal the suspension, the Director of Education will direct the Superintendent of Safe Schools to:
  - i. promptly advise the principal of the appeal;
  - ii. 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;
  - iii. ensure the Family of Schools Superintendent reviews the suspension (reason, duration, any mitigating or other factors and whether or not the Human Rights Code should be or was appropriately applied); he/she may consult with the principal regarding modifying the length or reason for the suspension or expunging the suspension;
  - iv. consult and/or request a meeting with the adult student or the parent/guardian and the principal to narrow the issues in order to effect a settlement;

- v. where a settlement is not effected, provide notice of the review decision to the adult student or parent/guardian;
  - vi. arrange a date for the appeal before the Discipline Committee.
- f) 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:
- i. coordinate the preparation of a written report for the Discipline Committee that will contain at least the following components:
    1. a report prepared by the principal regarding the incident, the rationale for suspension and how mitigating and other factors were considered;
    2. a copy of the original suspension letter;
    3. a copy of the letter requesting the Suspension Appeal; and
    4. a copy of the correspondence with respect to the decision of the Family of Schools Superintendent regarding the suspension review.
  - ii. 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 be provided to the Discipline Committee.

#### 6.22 Suspension Appeal Before the Discipline Committee of the Board

- a) The parties in an appeal to the Discipline Committee shall be:
  - i. the principal; and
  - ii. the adult student or the parent/guardian, if they appealed the decision.
- b) 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 of the appeal date.
  - i. 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.
  - ii. The student will be asked to make a statement on his/her own behalf.
  - iii. The Principal and/or Superintendent of Education for the school will make oral 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.

- iv. The appellant may make further submissions addressing issues raised in the administration's presentation that were not previously addressed by the appellant.
  - v. The Discipline Committee may ask any party, or the student, where appropriate, questions of clarification.
- c) Legal counsel for the Board may be present at the appeal if the appellant is represented by legal counsel or an agent.
  - d) 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.
  - e) 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 15 minutes and then appeal will conclude and the party is not entitled to any further notice of the proceedings.
  - f) The Discipline Committee will consider, based on the written and/or oral submissions of both parties, whether or not the consequence might have a disproportionate impact on a student when considering the Human Rights Code and whether the decision to discipline and the discipline imposed was reasonable in the circumstances. The Discipline Committee shall either:
    - i. confirm the suspension and its direction; or
    - ii. confirm the suspension but shorten its duration, and amend the record, as necessary; or
    - iii. quash the suspension and order that the record be expunged; or
    - iv. make such other appropriate order.
  - g) The decision of the Discipline Committee is final. The decision shall be communicated to the appellant in writing.

6.23 Re-Entry Following a Suspension: Following a suspension of six (6) or more school days, a re-entry meeting will be held with school and board staff, the student, and the student's parent(s)/guardian(s) if possible, to provide positive and constructive redirection for the student. Where the student has participated in an Alternative Suspension Program (ASP), the student's success in achieving the goals outlined in the Student Action Plan (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.

- a) 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.
- b) The decision to transfer a student to another school shall only be made by a superintendent in consultation with the sending and receiving school principals and shall be made only where it is consistent with the Human Rights Code.
- c) 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/designates opinion to ensure a successful transition, which might include where appropriate, 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.
- d) 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, including the timeline for transition and the provision of school work prior to transition in circumstances where the student is not subject to a SAP and will not be attending school during the intervening period, to obtain any necessary consents for support services, and to respond to any questions or concerns identified by the receiving school and/or the parent/guardian or student.
- e) 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.
- f) 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.

6.24 The following are 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:

- a) Possessing a weapon, including possessing a firearm or knife;
- b) Using a weapon to cause or threaten to cause bodily harm to another person;
- c) 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;
- d) Committing physical assault on another person that causes bodily harm requiring treatment by a medical practitioner;
- e) Committing sexual assault;
- f) Trafficking in weapons or restricted or illegal drugs;
- g) Committing robbery;
- h) Giving alcohol to a minor;
- i) Giving cannabis to a minor;
- j) 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;
- k) 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;
- l) 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;
- m) Conduct deemed unacceptable;
- n) Any act considered by the Principal and Family of Schools Superintendent to be a serious violation of the Board or school Code of Conduct.

6.25 The principal and/or Discipline Committee of the Board shall consider whether or not the discipline will have a disproportionate impact on a pupil protected by the Human Rights Code and/or exacerbate the pupil's disadvantaged position in society.

#### 6.26 Principal Investigation

- a) Before determining whether to recommend an expulsion from the pupil's school or from all schools of the Board, the principal must consider the impact of any mitigating and other factors. If the principal determines it is not appropriate to recommend an expulsion, the principal must consider mitigating and other factors in deciding whether to shorten the length of the suspension.
- b) For the purpose of the Student Discipline administrative procedures, the Board interprets the provisions of the Education Act and Regulations in a broad and liberal manner consistent with the Human Rights Code. The

principal or designate shall consider whether or not the discipline will have a disproportionate impact on a pupil protected by the Human Rights Code and/or exacerbate the pupil's disadvantaged position in society.

- c) The principal or designate is required to provide information, in accordance with Board procedures, to the parent/guardian of a pupil who is less than 18 years of age, is not 16 or 17 and withdrawn from parental control and where the principal is NOT of the opinion that informing the parent/guardian would put the pupil at risk of harm and would not be in the pupil's best interests. The principal may inform a parent of a student 18 years or older or who is 16 or 17 and has withdrawn from parental control, if that student consents to the disclosure of information.

6.27 Victims of Serious Student Incidents: The Board supports pupils who are victims of serious incidents of pupil behaviour causing harm contrary to the provincial, Board, and school Codes of Conduct. The principal or designate is required to provide information, in accordance with Board procedures, to the parent/guardian of a pupil who is less than 18 years of age, is not 16 or 17 and withdrawn from parental control and where the principal is NOT of the opinion that informing the parent/guardian would put the pupil at risk of harm and would not be in the pupil's best interests. The principal may inform a parent of a student 18 years or older or who is 16 or 17 and has withdrawn from parental control, if that student consents to the disclosure of information. The Board shall develop appropriate plans to protect the victim and will communicate to parents/guardians of victims, information about the plan and a method of identifying dissatisfaction with steps taken to provide support to the victim.

6.28 Discipline Committee: The Board authorizes the creation of a Discipline Committee of no fewer than three (3) Trustees to decide appeals of principal suspensions and principal recommendations for expulsion. For these purposes, the Discipline Committee will conduct the suspension appeals and expulsion hearings in accordance with the Student Discipline administrative procedures, Suspension Appeal Guidelines and Expulsion Hearing Guidelines and Rules.

- a) In all cases where consequences might be imposed, the Discipline Committee will consider the safety and dignity of all pupils, and the impact of the activity on the school climate.
- b) The Discipline Committee shall have the powers as set out in the Education Act and any other powers necessary and shall consider the Ontario Human Rights Code prior to implementing any appropriate Order.

6.29 Superintendent of Safe Schools: The Director of Education shall appoint the Superintendent of Safe Schools to have the powers and duties outlined in the Student Discipline administrative procedures and will act as a Resource to the Discipline Committee.

## **7. Sources**

- 7.1 Ontario Human Rights Code
- 7.2 Education Act
- 7.3 Safe and Accepting Schools Act, 2012
- 7.4 Local Police/School Board Protocol, 2016
- 7.5 PPM 119 – Developing and Implementing Equity and Inclusive Education Policies in Ontario Schools
- 7.6 PPM 120 – Reporting Violent Incidents to the Ministry of Education
- 7.7 PPM 128 – The Provincial Code of Conduct and School Board Code of Conduct
- 7.8 PPM 141 – School Board Programs for Students on Long-term Suspension
- 7.9 PPM 142 – School Board Programs for Students Expelled
- 7.10 PPM 144 – Bullying Prevention and Intervention Policy
- 7.11 PPM 145 – Progressive Discipline and Promoting Positive Student Behaviour Policy

## **8. Related Policies and Administrative Procedures**

- 8.1 Code of Conduct Policy (PO610)
- 8.2 Code of Conduct Administrative Procedure (AP610-1)
- 8.3 Student Discipline Administrative Procedure (AP611-1)
- 8.4 Bullying Prevention and Intervention Policy (PO612)
- 8.5 Bullying Prevention and Intervention Administrative Procedure (AP612-1)
- 8.6 Equity and Inclusive Education Administrative Procedure (AP216-1)