

ADMINISTRATIVE PROCEDURE – AP610-1

Code of Conduct

Area: Student Conduct and Safety
Policy Reference: Code of Conduct (PO610)

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1. Purpose

The purpose of this administrative procedure identifies the Code of Conduct for the Durham Catholic District School Board and provides direction to assist and ensure that every elementary and secondary school develops and maintains an approved Code of Conduct that communicates to all members of the school community acceptable behavioural expectations and consequences for infractions.

2. Definitions

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

Aggressive behaviour - may be intentional or unintentional, direct or indirect. It can take many forms, including physical, verbal, and social. If aggressive behaviour is physical, it may include hitting, pushing, slapping, and tripping. If it is verbal, it may include name-calling, mocking, insults, threats, and sexist, racist, homophobic, or transphobic comments. If it is social, or relational, aggression, it is more subtle and may involve such behaviours as gossiping, spreading rumours, excluding others from a group, humiliating others with public gestures or graffiti, and shunning or ignoring. Social aggression may also occur through the use of technology (e.g., spreading rumours, images, or hurtful comments through the use of e-mail, cell phones, text messaging, Internet websites, social networking, or other technology).

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

Arrest – the taking of physical control or custody of a person by a peace officer or other person as empowered by statute or common law.

Assaults 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 any of the District School Boards who are a party to this protocol agreement on a temporary, part-time or full-time basis.

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

Bullying – means 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;

For the purposes of the definition of “bullying”, behaviour includes the use of any physical, verbal, electronic, written or other means.

Child – a person who is, or appears to be in the absence of evidence to the contrary, less than twelve years of age, except with reference to the Child Youth and Family Services Act (CYFSA), wherein child is defined as any person under the age of sixteen.

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 Child Youth and Family Services Act (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.

Criminal Harassment – any course of conduct intended or resulting in a person feeling tormented, troubled, worried continually or chronically, plagued, bedeviled, badgered, vexed, or annoyed continually or chronically such that police or legal authorities believe the conduct is of sufficient severity that criminal charges are or may be laid.

Cyber-bullying – for the purposes of the definition of cyber-bullying, this includes bullying by electronic means (commonly known as cyber-bullying), including:

- a) creating a web page or a blog in which the creator assumes the identity of another person;
- b) impersonating another person as the author of content or messages posted on the internet; and
- c) communicating material electronically to more than one individual or posting material on a website that may be accessed by one or more individuals.

Daily Care – a person with daily care is an adult person (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 a person who cares for the pupil on a daily basis and is known by the school to provide daily care, for example a relative.

Detention (legal definition – not the school definition) – includes both a deprivation of liberty or physical constraint other than arrest and a demand or direction by a person in authority other than a Board employee which may have significant legal consequences.

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

Expulsion – an expulsion is a student's removal from school and related activities, academic and social, for a period of at least 21 days. A student may be expelled from his or her school only or all the schools of the Board.

Expulsion Program – if a student is expelled from all the schools of the Board, he or she must be assigned to a Board program for expelled students. The student and/or his or her parent(s) must notify the principal verbally or in writing that the student is committed to attending the program. Once the principal has received this notification, development of the Student Action Plan (SAP) must begin immediately.

Extortion – by threat, accusation, menace or violence inducing or attempting to induce any person to do or not to do something or to cause something to be done or not done.

Gang – two or more persons engaged in antisocial behaviour who form an allegiance for a common criminal purpose, and who individually or collectively are creating an atmosphere of fear and intimidation within a community.

Harassment – words, conduct or action that is directed at an individual that serves no legitimate purpose, and which annoys, alarms, or causes that individual emotional distress.

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.

Impact of School Climate – an incident or actively which has a negative impact on the school community.

Incendiary Device – any device or item used or intended to be used for the setting of fires other than for socially acceptable or reasonable purposes.

Indictable Offence – any offence under the Criminal Code, Controlled Drugs and Substances Act or other federal legislation upon which a prosecutor can and may choose to proceed by indictment.

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

Mitigating and Other Factors:

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

Other Factors:

- a) the pupil's history;
- b) whether a progressive discipline approach has been used with the pupil;
- c) whether the activity for which the pupil may be or is being suspended or expelled was related to any harassment of the pupil because of his or her race, ethnic origin, religion, disability, gender or sexual orientation or to any other harassment;
- d) how the suspension or expulsion would affect the pupil's ongoing education;
- e) the age of the pupil; or
- f) in the case of a pupil whom an individual education plan has been developed; or
 - 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.

Parent/Guardian – where there is a reference to involving or informing a parent/guardian it means the custodial parent or guardian of a minor child who is not 16 or 17 and removed from parental control.

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.

Positive Practices – the Board supports the use of positive practices such as: program modifications or accommodations; class placement; positive encouragement and reinforcement; individual peer and group counselling; conflict resolution; anti-bullying and violence prevention programs; sensitivity programs; and School, Board, and Community Support Programs.

Principal Designate – Board employee to whom authority and responsibility has been delegated by the school principal.

Program for Expelled Students – this program is provincially mandated for those students who are expelled from all the schools of the Board. Successful completion of the Program and the Student Action Plan is a requirement for the re-entry of the student into the Board.

Progressive Discipline – Progressive Discipline is 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 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.

Requiring Medical Attention – injury such that a physician's treatment is reasonably necessary or prudent.

Robbery – theft or intended theft, during which violence, threat of violence or a weapon is used or threatened.

School Activity – any Board or school sponsored activity, included but not limited to field trips, bus trips, sporting activities and dances.

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 Expulsion – is an expulsion from the school of the Board that the pupil was attending at the time of the incident.

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.

Student Action Plan (SAP) – a Student Action Plan (SAP) must be developed for every student on a long-term suspension or expulsion from the board, who make a commitment to attend the board program.

Suspension – a suspension is a student's removal from school and related activities both academic and social for a period of at least one school day but not exceeding 20 school days.

Suspension Appeal Committee – a Suspension Appeal Committee is a Standing Committee of the Board consisting of three Trustees who will adjudicate Appeals.

Threat – any statement, act or communication intended or apparently intended to intimidate a person, in circumstances where the person threatened believes, or has reasonable grounds to believe, the threat may be carried out.

Trafficking in Drugs – the selling, administering, offering, transferring, transporting, sending or delivering of any unlawful or controlled drug or substance, or substance held out to be an unlawful or controlled substance, or authorization to obtain any unlawful or controlled drug or substance for use of or on behalf of another person, whether or not for consideration, or the offering to do any of the foregoing except as may be prescribed or dispensed to the person for medical reasons.

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).

Vandalism – the defacing, damaging or destruction of property.

Weapons – is any object or thing used, or threatened to be used, to intimidate, threaten or cause death or harm on another person, and includes, but is not limited to, knives, guns, replica guns, and animals.

3. Procedures

3.1 Principals in the Durham Catholic District School Board are required to:

- a) ensure their School Code of Conduct reflects the Board and Provincial Code of Conduct;
- b) inform staff members, students, parents, and the school community of the terms of the School Code of Conduct and School Board Codes of Conduct;

- c) communicate the School and Board Code of Conduct to all members of staff annually and have them review this administrative procedure as part of the annual Policy and Administrative Procedure Review and Acknowledgement requirement;
 - d) communicate the Code of Conduct to all students annually through the student agenda and have the parent sign-off on a Confirmation of Review Form;
 - e) communicate the School Code of Conduct to all members of the School Community; and
 - f) develop a communication plan that outlines how the Code of Conduct will be made clear to everyone including parents whose first language is not English
- 3.2 The standards of behaviour in School Code of Conduct must be consistent with the Durham Catholic District School Board requirements. Principals must review the School Code of Conduct every three years. Principals must consult with the Catholic School Council. They should also consult with a wide variety of stakeholders, including parents, staff members, students, community partners, community agencies, members of Indigenous communities (e.g., Elders), and those groups that are traditionally not consulted.
- 3.3 School Codes of Conduct must:
- a) include the standards stated in the Provincial and Board Code of Conduct;
 - b) set out standards of behaviour for all members of the school community (e.g., parent(s)/guardian(s), students, staff, visitors, volunteers);
 - c) link locally developed standards to the relevant provincial standards (e.g., school board rules for the use of electronic devices such as cell phones could be linked to the provincial standard requiring those at school to “respect the need of others to work in an environment that is conducive to learning and teaching”;
 - d) indicate where and/or when these standards will apply (e.g., in school sports activities, on school buses, in off-site school-sponsored activities, or in circumstances where engaging in an activity could have a negative impact on the school climate); and
 - e) include procedures and timelines for review (reviews must be conducted at least every three years).
- 3.4 The Provincial Code of Conduct, Subsection 301(2) sets out the purpose of the Code of Conduct as follows:
- a) to ensure that all members of the school community, especially people in positions of authority, are treated with respect and dignity;
 - b) to promote responsible citizenship by encouraging appropriate participation in the civic life of the school community;

- c) to maintain an environment where conflict and difference can be addressed in a manner characterized by respect and civility;
- d) to encourage the use of non-violent means to resolve conflict;
- e) to promote the safety of people in the schools;
- f) to discourage the use of alcohol, illegal drugs and except by a medical cannabis user, cannabis; and
- g) to prevent bullying in schools.

3.5 The Guiding Principles of the School Code of Conduct are as follows:

- a) responsible citizenship involves appropriate participation in the civic life of the school community;
- b) active and engaged citizens are aware of their rights, but more importantly, they accept responsibility for protecting their rights and the rights of others;;
- c) members of the school community are expected to use non-violent means to resolve conflict;
- d) physically aggressive behaviour is not a responsible way to interact with others;
- e) the possession, use or threatened use of any object to injure another person endangers the safety of oneself and others;
- f) alcohol and illegal drugs are addictive and present a health hazard;
- g) the school will work cooperatively with police, drug and alcohol agencies to promote prevention strategies and, where necessary, respond to school members who are in possession of, or under the influence of, alcohol or illegal drugs;
- h) insults, disrespect, and other hurtful acts disrupt learning and teaching in a school community; and
- i) members of the school community have a responsibility to maintain an environment where conflict and difference can be addressed in a manner characterized by respect and civility.

3.6 The Standards of Behaviour of the School Code of Conduct are as follows:

3.6.1 Respect, Civility, and Responsible Citizenship - all members of the school community must:

- a) respect and comply with all applicable federal, provincial, and municipal laws;
- b) demonstrate honesty and integrity;
- c) respect differences in people, their ideas, and their opinions;
- d) treat one another with dignity and respect at all times, and especially when there is disagreement;
- e) respect and treat others fairly, regardless of race, ancestry, place of origin, colour, ethnic origin, sex, sexual orientation gender identity, gender expression, age, marital status, family status or disability;

- f) respect the rights of others;
- g) show proper care and regard for school property and the property of others;
- h) take appropriate measures to help those in need;
- i) seek assistance from a member of the school staff, if necessary, to resolve conflict peacefully;
- j) respect all members of the school community, especially persons in positions of authority;
- k) respect the need of others to work in an environment that is conducive to learning and teaching including by ensuring that personal mobile devices are only used during instructional time for educational purposes, health and medical purposes or to support special education needs; and
- l) not swear at a teacher or at another person in a position of authority.

3.6.2 Safety – all members of the school community must not:

- a) engage in bullying behaviours;
- b) commit sexual assault;
- c) traffic weapons or illegal drugs;
- d) give alcohol or cannabis to a minor;
- e) commit robbery;
- f) be in possession of any weapon, including firearms;
- g) use any object to threaten or intimidate another person;
- h) cause injury to any person with an object;
- i) be in possession of, or be under the influence of alcohol, cannabis (unless the individual has been authorized to use cannabis for medical purposes) or illegal drugs;
- j) provide others with alcohol or cannabis (unless the individual has been authorized to use cannabis for medical purposes);
- k) inflict or encourage others to inflict bodily harm on another person;
- l) engage in hate propaganda and other forms of behaviour motivated by hate or bias; and
- m) commit an act of vandalism that causes extensive damage to school property or to property located on the premises of the school.

3.7 The Consequences for Student Behaviour are as follows:

- a) Commensurate with our Durham Catholic District School Board Progressive Discipline Policy, when inappropriate behaviour occurs schools are required to utilize a range of interventions, supports, and consequences that are developmentally appropriate that include opportunities for students to learn from mistakes, and that focus on improving behaviour. In some circumstances, short-term suspension may be a useful tool. In the case of a serious incident, long-term suspension or expulsion, which is further along the continuum of progressive discipline may be the response that is required.

- b) Suspension – a student may be suspended for a minimum of one (1) school day and a maximum of twenty (20) school days. The infractions for which a suspension may be considered by the principal include:
- i. uttering a threat to inflict serious bodily harm on another person;
 - ii. possessing alcohol or illegal drugs or cannabis (unless the pupil is a medical cannabis user);
 - iii. being under the influence of alcohol or illegal drugs or cannabis (unless the pupil is a medical cannabis user);
 - iv. swearing at a teacher or at another person in a position of authority;
 - v. committing an act of vandalism that causes extensive damage to school property at the pupil's school or to property located on the premises of the pupil's school;
 - vi. bullying;
 - vii. possession and/or use of tobacco products;
 - viii. uttering a racial slur or comment;
 - ix. sexual slurs or harassment;
 - x. disrespect towards or desecration of the religious dimension of the school; or
 - xi. conduct deemed to be unacceptable, e.g.:
 - Fighting
 - Persistent tardiness and/or truancy including "skipping" classes
 - Use of profane or improper language
 - Persistent opposition to authority
 - Any other behaviours deemed to be unacceptable behaviours
- c) Expulsion – the infractions for which a principal shall suspend and may consider recommending to the Board that a pupil be expelled from the pupil's school or from all schools of the Board include:
- i. possessing a weapon, including possessing a firearm;
 - ii. using a weapon to cause or threaten bodily harm to another person;
 - iii. 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.
 - iv. committing physical assault on another person that causes bodily harm requiring treatment by a medical practitioner;
 - v. committing sexual assault;
 - vi. trafficking in weapons or restricted or illegal drugs;
 - vii. committing robbery;

- viii. giving alcohol to a minor;
- ix. giving cannabis to a minor;
- x. engaging in activities or patterns of behaviour on or off school property that cause the pupil's continuing presence in the school to create an unacceptable risk to the physical or mental well-being of other person(s) in the school or Board;
- xi. 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;
- xii. conduct deemed to be unacceptable:
 - any act considered by the Principal and Family of Schools Superintendent to be a serious violation of the Board or school Code of Conduct.

3.8 The Roles and Responsibilities within the Code of Conduct are:

3.8.1 The Durham Catholic District School Board provides direction to the schools to ensure opportunity, academic excellence, and accountability in the education system. It is the responsibility of Durham Catholic District School Board to:

- a) model Christian behaviours founded in Catholic tradition;
- b) develop policies that set out how their schools will implement and enforce the provincial Code of Conduct and all other rules that they develop that are related to the provincial standards that promote and support respect, civility, responsible citizenship, and safety;
- c) review these policies regularly with students, staff, parents, volunteers, and the community;
- d) seek input from school councils, their Board's Parent Involvement Committee, the Special Education Advisory Committee, Indigenous Education Advisory Committee, parents, students, staff members, and the school community;
- e) establish a process that clearly communicates the provincial Code of Conduct and School Board Codes of Conduct to all parents students, staff members, and members of the school community in order to obtain their commitment and support;
- f) develop effective intervention strategies and respond to all infractions related to the standards for respect, civility, responsible citizenship, and safety;
- g) provide opportunities for all of the staff to acquire the knowledge, skills and attitudes necessary to develop and maintain academic excellence in a safe learning and teaching environment; and
- h) wherever possible, collaborate with other Boards to provide coordinated prevention and intervention programs and services, and should endeavour to share effective practices.

3.8.2 Principals: Under the direction of the Durham Catholic District School Board, principals take a leadership role in the daily operation of a school. It is the responsibility of the principal to:

- a) model Christian behaviours founded in Catholic tradition;
- b) demonstrate care for the school community and a commitment to student achievement and well-being in a safe, inclusive and accepting learning environment;
- c) hold everyone under his/her authority accountable for his or her behaviour and actions;
- d) empower students to be positive leaders in their school and community; and
- e) communicate regularly and meaningfully with all members of the school community.

3.8.3 Teachers and Other School Staff Members: Under the leadership of their principals, teachers and other school staff members maintain a positive learning environment and are expected to hold everyone to the highest standard of respectful and responsible behaviour. As role models, it is the responsibility of teachers and school staff to uphold these high standards by:

- a) modeling Christian behaviours founded in Catholic tradition;
- b) helping students work to their full potential and develop their sense of self-worth;
- c) empowering students to be positive leaders in their classroom, school, and community;
- d) communicating regularly and meaningfully with parents;
- e) maintain consistent standards of behaviour for all students;
- f) demonstrating respect for all students, staff, parents, volunteers, and the members of the school community; and
- g) preparing students for the full responsibilities of citizenship.

3.8.4 Students: Are to be treated with respect and dignity. In return, they must demonstrate respect for themselves, for others, and for the responsibilities of citizenship through acceptable behaviour. Respect and responsibility are demonstrated when students:

- a) model Christian behaviours founded in Catholic tradition;
- b) come to school prepared, on time, and ready to learn;
- c) show respect for themselves, for others, and for those in authority;
- d) refrain from bringing anything to school that may compromise the safety of others; and
- e) follow the established rules and takes responsibility for their own actions.

3.8.5 Parents: Play an important role in the education of their children, and can support the efforts of school staff in maintaining a safe and respectful learning environment for all students. Parents fulfill their role when they:

- a) support the values of our Catholic school system;
- b) are engaged in their child's schoolwork and progress;
- c) conduct themselves in an appropriate manner;
- d) take responsibility and support the efforts of school staff in maintaining a safe and respectful learning environment for all students;
- e) communicate regularly with the school;
- f) help their child be neat, appropriately dressed, and prepared for school;
- g) ensure that their child attends school regularly and on time;
- h) promptly report to the school their child's absence or late arrival;
- i) become familiar with the provincial Code of Conduct, the Board's Code of Conduct, and the school Code of Conduct;
- j) encourage and assist their child in following the rules of behaviour; and
- k) assist school staff in dealing with disciplinary issues involving their child.

3.8.6 Community Partners: Through outreach, partnerships already in place may be enhanced and new partnerships with community agencies and members of the community (e.g., Indigenous Elders) may also be created. Community based service providers are resources that schools can use to deliver prevention or intervention programs. Protocols are effective ways of establishing linkages between boards and community agencies and of formalizing the relationship between them. These partnerships must respect all applicable collective agreements.

3.8.7 Police: The police play an essential role in making our schools and communities safer. The police investigate incidents in accordance with Police/School Board Protocol. These protocols are based on a provincial model that was developed by the Ministry of the Community Safety and Correctional Services and the Ministry of Education.

3.9 If an employee has questions or concerns arising from the implementation of this administrative procedure, they should be addressed with their immediate supervisor.

4. Sources

- 4.1 Education Act
- 4.2 Accepting Schools Act, 2012
- 4.3 PPM 128 – Provincial Code of Conduct and School Board Code of Conduct
- 4.4 PPM 144 – Bullying Prevention and Intervention Policy
- 4.5 PPM 145 – Progressive Discipline and Promoting Positive Student Behaviour Policy
- 4.6 Police/School Board Protocol, 2016

5. References

Nil

6. Appendices

Nil

7. Related Policies and Administrative Procedures

- 7.1 Code of Conduct Policy (PO610)
- 7.2 Student Discipline Policy (PO611)
- 7.3 Student Discipline Administrative Procedure (AP611-1)
- 7.4 Bullying Prevention and Intervention Policy (PO612)
- 7.5 Bullying Prevention and Intervention Administrative Procedure (AP612-1)

8. Related Forms

Nil