



## **Student Behaviour, Discipline and Safety**

### **#200.09**

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<b>Responsibility:</b>	Superintendent of Education
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#### **POLICY STATEMENT:**

The Brant Haldimand Norfolk Catholic District School Board believes that Board policies addressing student behaviour, discipline and safety will:

- demonstrate the gospel values of Jesus including love, reconciliation, hospitality, justice, peace, honesty and integrity;
- emphasize our belief that we are all created in the image and likeness of God;
- reflect the mission and vision of the Board and the Ontario Catholic School Graduate Expectations;
- respect the rights and dignity of others regardless of their differences;
- respect the right of others to work in an environment of teaching and learning;
- respect persons who are in a position of authority;
- show proper care for school property and the property of others;
- support a safe, inclusive, and accepting learning and teaching environment in which every student can reach his or her full potential;
- support the idea that creating and maintaining safe, inclusive and accepting schools is a shared responsibility of all members of the community;
- address all inappropriate student behaviour, including bullying;
- ensure that responses to behaviours that are contrary to the district and school's Community Code of Conduct must be developmentally appropriate;
- promote that the range of interventions, supports, and consequences used by the Board and all schools are clear and developmentally appropriate, and include learning opportunities for students in order to reinforce positive behaviours and help students make good choices;
- address the fact that bullying adversely affects a student's ability to learn, the school climate, including healthy relationships;
- support a progressive discipline approach that makes use of a continuum of prevention programs, interventions, supports, and consequences, building upon strategies that build skills for healthy relationships and promote positive relationships;
- require the Board and school administrators to consider all mitigating and other factors, as required;
- require that information in a student's IEP must be considered in the determination of interventions, supports, and consequences for students with special education and mental needs;
- ensure that bullying will not be accepted on school property, at school-related activities, on school buses, or in any other circumstances (e.g., online) where engaging in bullying will have a negative impact on the school climate; and
- promote a positive school climate that is inclusive and accepting of all students and promotes the prevention of bullying that maximizes student potential.

#### **APPLICATION AND SCOPE:**

##### **1.0 Codes of Conduct and Safe and Accepting Schools Plans**

- 1.1** It is a policy of the Board to establish a District Safe and Accepting Schools Committee that shall develop a District Community Code of Conduct (DCCC) and a District Safe and Accepting Schools Plan (DSASP).
- 1.2** It is a policy of the Board that each school must have a Safe and Accepting Schools Team to develop a School Community Code of Conduct (SCCC) and a Safe and Accepting Schools Plan (SASP). The SCCC and SASP shall be consistent with the DCCC and the DSASP.



## **2.0 Reporting and Responding to Inappropriate Student Behaviour**

### **2.1 It is the policy of the Board that:**

- 2.1.1** Discipline is applied within a framework that shifts the focus from one that is solely punitive to one that is both corrective and supportive and that includes learning opportunities for reinforcing positive behaviour.
- 2.1.2** All employees and third party service providers who come into direct contact with pupils on a regular basis, take seriously all allegations of any student behaviour that is likely to have a negative impact on school climate; for example, harassment, gender-based violence, homophobia, sexual harassment, inappropriate sexual behaviour and bullying. Every employee and third party service provider shall act in a timely manner to report the incident to the school Principal.
- 2.1.3** Principals maintain proper order and discipline in schools. Pupils are responsible to the Principal for their conduct and are required to accept such discipline as would be exercised by a reasonable, kind, firm and judicious parent.

## **3.0 Suspension of Pupils (applies to pupils in Grade 4-12)**

### **3.1 It is the policy of the Board that Principals consider suspension for the following infractions:**

- 3.1.1** uttering a threat to inflict serious bodily harm on another person;
- 3.1.2** possessing alcohol, cannabis, narcotics or any other drug that is used for the purpose of intoxication;
- 3.1.3** being under the influence of alcohol, cannabis, narcotics or any other drug that is used for the purpose of intoxication;
- 3.1.4** swearing at a teacher or at another person in a position of authority;
- 3.1.5** 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;
- 3.1.6** bullying;
- 3.1.7** conduct injurious to the moral tone of the school;
- 3.1.8** conduct injurious to the physical or mental well-being of members of the school community;
- 3.1.9** use of improper or profane language;
- 3.1.10** persistent truancy;
- 3.1.11** opposition to authority;
- 3.1.12** habitual neglect of duty;
- 3.1.13** discrimination and harassment;
- 3.1.14** extortion;
- 3.1.15** theft; and/or
- 3.1.16** inciting other students to act with physical violence upon another person.

### **3.2 It is the policy of the Board that administrative procedures be developed, implemented, monitored and regularly reviewed that address the following matters as they relate to infractions that may lead to suspension or expulsion:**

- timelines and procedures for notifying parent(s)/guardian(s) and students;
- academic/non-academic supports for students that have been suspended or expelled;
- transition processes for students;
- the appeal processes;
- transfers to other schools; and
- the application of mitigating factors.



#### **4.0 Suspension Pending the Expulsion of Pupils (applies to all pupils of the Board)**

- 4.1** It is the policy of the Board that Principals shall suspend pupils pending an investigation into expulsion for the following infractions:
- 4.1.1** possessing a weapon including possessing a firearm;
  - 4.1.2** using a weapon to cause or to threaten bodily harm to another person;
  - 4.1.3** committing physical assault on another person that causes bodily harm requiring treatment by a medical practitioner;
  - 4.1.4** committing sexual assault;
  - 4.1.5** trafficking in weapons or in illegal drugs;
  - 4.1.6** committing robbery;
  - 4.1.7** giving alcohol, cannabis, narcotics or any other drug that is used for the purpose of intoxication to a minor;
  - 4.1.8** bullying (if the student has been previously suspended for engaging in bullying and the student's continuing presence in the school creates an unacceptable risk to the safety of another person)
  - 4.1.9** any act leading to a suspension (see Section 3.1) 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.
  - 4.1.10** an act considered by the Principal to be significantly injurious to the moral tone of the school and/or to the physical or mental well-being of others;
  - 4.1.11** a pattern of behaviour that is so inappropriate that the pupil's continued presence is injurious to the effective learning and/or working environment of others;
  - 4.1.12** activities engaged in by the pupil on or off school property that cause the pupil's continuing presence in the school to create an unacceptable risk to the physical or mental well-being of other person(s) in the school or Board;
  - 4.1.13** activities engaged in by the pupil on or off school property that have caused extensive damage to the property of the Board or to goods that are/were on Board property; and/or
  - 4.1.14** the pupil has demonstrated through a pattern of behaviour that s/he has not prospered by the instruction available to him or her and that s/he is persistently resistant to making changes in behaviour which would enable him or her to prosper.
- 4.2** It is the policy of the Board that administrative procedures be developed, implemented, monitored and regularly reviewed that address the following matters as they relate to infractions that may lead to expulsion:
- timelines and procedures for notifying parent(s)/guardian(s) and students;
  - academic/non-academic supports for students that have been suspended or expelled;
  - transition processes for students;
  - the appeal processes;
  - transfers to other schools; and
  - the application of mitigating factors.

#### **5.0 Programs for Suspended or Expelled Pupils**

It is the policy of the Board that programs that address discipline and safety be made available to support the ongoing education of students who have been suspended for six consecutive days or longer or who have been expelled.



## **REFERENCES:**

- The Education Act
- O. Regulation 440/20: Suspension of Elementary School Pupils
- P/PM 128 The Provincial Code of Conduct and School Board Codes of Conduct
- P/PM 141 School Board Programs for Students on Long-Term Suspension
- P/PM 142 School Board Programs for Expelled Students
- P/PM 144 Bullying Prevention and Intervention
- P/PM 145 Progressive Discipline and Promoting Positive Student Behaviour
- P/PM 119 Developing and Implementing Equity and Inclusive Education Policies in Ontario Schools
- P/PM 149 Protocol for Partnerships with External Agencies
- Equity and Inclusive Education Policy 200.23
- Student Attendance 200.29
- Transportation of Students 400.19

## **FORMS:**

- Safe Schools Incident Reporting Form - Part 1 (On-line reporting)
- Safe Schools Incident Reporting Form – Part II (Acknowledgement of Receipt of Report) (On-line reporting)
- Violent Incident Report Form (On-line reporting)
- Suspension/Expulsion Record Form
- Declaration of Performance Form (to be signed by student)

## **APPENDICES:**

- Appendix A: District Code of Conduct
- Appendix B(i): Safe Schools Incident Reporting Form - Part 1 (On-line reporting)
- Appendix B(ii): Safe Schools Incident Reporting Form – Part II (Acknowledgement of Receipt of Report) (On-line reporting)
- Appendix C: Suspension and Expulsion Guidelines
- Appendix D: Violent Incident Report Form (On-line reporting)
- Appendix E: Suspension/Expulsion Record Form
- Appendix F: Suspension letter template: 5 days or less (Principal to Adult Student/Parent-Guardian)
- Appendix G: Suspension letter template: 6-10 days (Principal to Adult Student/Parent-Guardian)
- Appendix H: Suspension letter template: 11-20 days (Principal to Adult Student/Parent-Guardian)
- Appendix I: Notice of Suspension Review letter template (Superintendent to Adult Student/Parent-Guardian)
- Appendix J: Suspension Review Decision letter template (Superintendent to Adult Student/Parent-Guardian)
- Appendix K: Notice of Suspension Appeal letter template (Superintendent to Adult Student/Parent-Guardian)
- Appendix L: Suspension Appeal Guidelines
- Appendix M(i): Suspension Appeal Decision of the Student Discipline Committee letter template (Superintendent to Adult Student/Parent - Guardian)
- Appendix M(ii): Suspension Appeal Decision of the Student Discipline Committee document (Superintendent to Adult Student/Parent - Guardian)
- Appendix N: Suspension Pending Possible Recommendation for Expulsion letter template (Principal to Adult Student/Parent- Guardian)
- Appendix O: Decision Letter Not to Recommend Expulsion letter template



(Principal to Adult Student / Parent-Guardian)

- Appendix P: Notice of Recommendation for Expulsion letter template (Principal to Adult Student / Parent-Guardian)
- Appendix Q: Student Expulsion Guidelines
- Appendix R: Expulsion Decision letter template (Superintendent to Adult Student/Parent-Guardian)
- Appendix S: Expulsion Decision of the Student Discipline Committee document
- Appendix T: Student Action Plan (SAP)
- Appendix U: Declaration of Performance Form (to be signed by student)
- Appendix V: Student Safety Considerations

## **DEFINITIONS:**

**Adult Student:** A student who is 18 years of age or 16 or 17 years of age who has withdrawn from parental control.

**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.

Bullying behaviour includes the use of any physical, verbal, electronic, written or other means.

Cyber-bullying includes bullying by electronic means, 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.

**District Safe and Accepting Schools Committee:** The District Safe and Accepting Schools Committee shall include a wide variety of stakeholder groups and may be comprised of a Supervisory Officer, one Principal from each panel, a teacher from each panel, and a member of the Student Senate. The team may also include representation from the Deaneries, Catholic School Advisory Councils, local police services and community partners/agencies.

## **RESPONSIBILITIES:**

**Superintendents of Education:** The Superintendent of Education will monitor and advise Principals and Vice-Principals regarding the implementation of all student behaviour, discipline and safety procedures.

**Principals/Vice-Principals:** Principals and Vice-Principals will monitor and advise staff regarding the implementation of all student behaviour, discipline and safety procedures.



## **ADMINISTRATIVE PROCEDURES:**

To provide direction for Superintendents, Principals/Vice-Principals and staff regarding student behaviour, discipline and safety.

### **1.0 Codes of Conduct and Safe and Accepting Schools Plans**

- 1.1** The Board shall establish a District Safe and Accepting Schools Committee that shall:
  - 1.1.1** Develop a District Code of Conduct (Appendix A);
  - 1.1.2** Develop, implement and monitor a District Safe and Accepting Schools Plan (DSASP) to address student behaviour, discipline and safety that is consistent with the belief statements embedded in the associated Board Policy;
  - 1.1.3** Ensure that the DSASP includes programs and training at the district level that will address student behaviour, discipline and safety;
  - 1.1.4** Ensure that the DSASP promotes identification and intervention strategies to be used in schools to address student behaviour, discipline and safety;
  - 1.1.5** Ensure that the DSASP includes: strategies, education and training specifically addressing bullying prevention and intervention strategies as well as programs, interventions and other supports for students who have been bullied, students who have witnessed incidents of bullying, and students who have engaged in bullying;
  - 1.1.6** Ensure that the DSASP addresses curricular and program links, as well as strategies that promote safe and accepting schools that are integrated within the Religion and Family Life Programs, the Ontario Curriculum Documents, and the Board's Virtues Education Program;
  - 1.1.7** Ensure the DSASP addresses annual staff development and training at a system and school level that promotes appropriate student behaviour. The training shall include strategies on bullying prevention and interventions. The training is for all employees and contracted services (for example bus operators and cafeteria services);
  - 1.1.8** Review the DSASP and communicate the DSASP to all school Principals a minimum of every two years; and
  - 1.1.9** Communicate the DSASP to pupils, school staff, the Special Education Advisory Committee, the Regional Catholic Parent Involvement Committee, Catholic School Advisory Councils, and school bus operators and drivers. The plan shall be available on Board and school websites.
- 1.2** Each school Principal shall establish a Safe and Accepting Schools Team that shall:
  - 1.2.1** Develop a local Code of Conduct that is consistent with the District Community Code of Conduct;
  - 1.2.2** Develop a set of school-wide progressive discipline strategies that is consistent with all related Board policies and administrative procedures;
  - 1.2.3** Ensure support for students who want to establish and lead activities and organizations that promote a safe, inclusive and accepting school climate, and/or the acceptance and respect for others, (e.g., activities that support gender equity, anti-racism, awareness, understanding, and respect for people with disabilities, all sexual orientations, and gender identities, including organizations with the name 'Gay Straight Alliance' or another name);
  - 1.2.4** Develop, implement and monitor a Safe and Accepting Schools Plan (SASP) to address student behaviour, discipline and safety;
  - 1.2.5** Ensure that the SASP includes programs and training and also promotes identification and intervention strategies that will address student behaviour, discipline and safety.
  - 1.2.6** Ensure that the SASP includes strategies, education and training specifically addressing bullying prevention and intervention strategies as well as programs, interventions and other supports for students who have been bullied, students who have witnessed incidents of bullying, and students who have engaged in bullying;
  - 1.2.7** Review the SASP and communicate the SASP to pupils, school staff and the Catholic School Advisory Council. The plan shall be available the school website; and



**1.2.8** Monitor, review, and evaluate the effectiveness of the SASP every two years through the use of a School Climate Survey.

## **2.0 Responding and Reporting Inappropriate Student Behaviour**

- 2.1** Principals are responsible for maintaining proper order and discipline in schools. Pupils are responsible to the Principal for their conduct and are required to accept such discipline as would be exercised by a reasonable, kind, firm and judicious parent.
- 2.2** The Board is committed to supporting safe learning and teaching environments in which every pupil can reach his or her full potential. Appropriate action must consistently be taken by schools to address behaviours that are contrary to provincial, Board and School Codes of Conduct, which includes, but is not limited to, inappropriate sexual behaviour, gender-based violence, homophobia, and harassment on the basis of sex, gender identity, sexual orientation, race, colour, ethnicity, culture, citizenship, ancestry, origin, religion, creed, family status, socio-economic status, disability and/or any other immutable characteristic or ground protected by the Human Rights Code, as well as any other behaviour, such as bullying, swearing, malicious gossip, name-calling, sexist, homophobic or racial slurs, comments, jokes or teasing and defamatory or discriminatory electronic communication and postings, graffiti and other behaviour that might cause a negative school climate.
- 2.3** Board employees who work directly with students must respond to any student behaviour that is likely to have a negative impact on the school climate, if in the employee's opinion, it is safe to do so. Such behaviour includes all inappropriate and disrespectful behaviour (e.g. swearing, homophobic or racial slurs, sexist comments or jokes, graffiti), as well as those incidents that must be considered for suspension or expulsion. For incidents where suspension or expulsion would not be considered, but the Board employees feel it is not safe to respond, they will be expected to inform the Principal verbally as soon as possible. It is the expectation of the Board that, provided that there is no immediate risk of physical harm to any individual, Board employees who work with pupils shall respond to any such inappropriate and disrespectful behaviour as well as any other behaviour that causes a negative impact on school climate or for which a suspension or expulsion may be imposed, that they have observed or heard during the course of their duties or otherwise while on school property or during a school-related event. Immediate risk to an individual includes the Board employee, the pupils involved, other pupils, other staff and members of the community who might be impacted as a result of the behaviour being exhibited or because the Board employee who works with pupils cannot leave unattended another pupil(s) in order to respond.
- 2.4** Responses shall be made in a timely, supportive and sensitive manner and made in an effort to stop and correct the behaviour in a manner that is developmentally appropriate and takes into consideration any special and/or disability related needs that the pupil might exhibit or about which the employee might be aware. Responses may include one or more of:
- asking the pupil to stop the behaviour;
  - identifying the behaviour as inappropriate and disrespectful;
  - explaining the impact of the behaviour on others and the school climate;
  - modelling appropriate communication;
  - asking the pupil for a correction of their behaviour by restating or rephrasing their comments;
  - asking the pupil to apologize for his/her behaviour or how he/she can correct/restore the situation (e.g., 'make it right');
  - asking the pupil to promise not to repeat their behaviour;
  - asking the pupil what they will do instead of repeating the behaviour;
  - asking the pupil to explain why and how a different choice with respect to their behaviour would have been more appropriate and respectful; and
  - where applicable, identifying the application of the Human Rights Code.
- 2.5** A response by the staff to the incident shall not prevent or preclude the Principal or Vice-Principal from imposing appropriate progressive discipline, up to and including a recommendation for expulsion from all



schools. Unless the behaviour is such that it must be considered for suspension or expulsion, a response is sufficient – it is not required that these incidents be reported to the Principal. For incidents where suspension or expulsion would not be considered, but the Board employees feel it is not safe to respond, they will be expected to inform the Principal verbally as soon as possible. Where, in the opinion of the Board employee who works with pupils, the behaviour observed or heard might lead to suspension or expulsion and a recommendation for expulsion, the employee must report the behaviour orally to the Principal or designate at the earliest opportunity and again in writing before the end of the school day. The employee shall use the Safe Schools Incident Reporting Form (Appendix B – Part I) for reporting incidents when reporting in writing. Principals/Vice-Principals may use Appendix C – Suspension and Expulsion Guidelines – Flowchart) as a reference of procedures to follows.

- 2.6** When an incident is of a violent nature (possessing a weapon, including possessing a firearm, physical assault causing bodily harm requiring medical attention, sexual assault, robbery, using a weapon to cause or to threaten bodily harm to another person, extortion, hate and/or bias-motivated) the Principal shall note the incident on the:
- 2.6.1** Safe Schools Incident Reporting Form – Part I, Section #6 (Appendix B – Part I) and file it in the pupil's Ontario School Record; and complete the
  - 2.6.2** Violent Incident Report Form (Appendix D) and file it in the pupil's Ontario School Record.
- 2.7** Before deciding whether to impose a suspension, or some other form of discipline, a Principal or Vice-Principal will make every effort to consult with the pupil, where appropriate, and the pupil's parent(s)/guardian(s) (if the pupil is not an adult pupil) to identify whether any mitigating and/or other factors set out below might apply in the circumstances.
- 2.8** Before applying any progressive discipline consequence, including suspension, the Principal/Vice-Principal shall consider whether or not the progressive discipline consequence might have a disproportionate impact on a pupil protected by the Human Rights Code, including but not limited to race and disability, and/or exacerbate the pupil's disadvantaged position in society, and whether or not accommodation to the point of undue hardship is required.
- 2.9** When addressing inappropriate behaviour, school staff should consider the particular pupil and circumstances, including any mitigating and other factors, the nature and severity of the behaviour, and the impact on the school climate, including the impact on students or other individuals in the school community.
- 2.9.1** The following mitigating factors shall be taken into account:
    - The pupil does not have the ability to control his or her behaviour.
    - The pupil does not have the ability to understand the foreseeable consequences of his or her behaviour.
    - The pupil's continuing presence in the school does not create an unacceptable risk to the safety of any person.
  - 2.9.2** The following other factors shall be taken into account if they would mitigate the seriousness of the activity for which the pupil may be or is being suspended or expelled:
    - The pupil's history.
    - Whether a progressive discipline approach has been used with the pupil.
    - 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.
    - How the suspension or expulsion would affect the pupil's ongoing education.
    - The age of the pupil.
    - 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.
- 2.10** Some examples of consequences consistent with progressive discipline (not including suspension or expulsion) include:
- contact with the pupil's parent(s)/guardian(s);
  - oral reminders;
  - review of expectations;
  - written work assignments with a learning component;
  - assigning the pupil to volunteer services to the community;
  - conflict mediation and resolution;
  - peer mentoring;
  - referral to counseling;
  - consultation meeting(s) with the pupil's parent(s)/guardian(s), the pupil and the Principal;
  - referral of pupil to a community agency for counseling;
  - detentions;
  - withdrawal of privileges;
  - temporary withdrawal from class;
  - restitution for damages; and/or
  - restorative practices.
- 2.11** If the Principal deems that a pupil's continuing presence in the school creates an unacceptable risk to the safety of others in the school, then a progressive discipline approach may not be appropriate.
- 2.12** Principals shall respond in writing using the Safe Schools Incident Reporting Form – Part II (Appendix B, Part II) whenever an employee submits in writing a Safe Schools Incident Reporting Form – Part I (Appendix B – Part I). The Principal shall communicate the results of the investigation to the staff who reported the incident.
- 2.13** The Principal is required to notify the parent(s)/guardian(s) of students who have been harmed as a result of a serious student incident. The following shall be disclosed:
- 2.13.1** the nature of the activity that resulted in harm to the student;
  - 2.13.2** the nature of the harm to the student;
  - 2.13.3** the steps taken to protect the student's safety, including the nature of any disciplinary measures taken in response to the activity;
  - 2.13.4** the supports that will be provided to the student in response to the harm that resulted from the activity;
- 2.14** The Principal is required to notify the parent(s)/guardian(s) of students who have engaged in serious student incidents of inappropriate behaviour. The following shall be disclosed:
- 2.14.1** the nature of the activity that resulted in harm to the other student;
  - 2.14.2** the nature of the harm to the other student;
  - 2.14.3** the nature of any disciplinary measures taken in response to the activity;
  - 2.14.4** the supports that will be provided to the student in response to his/her engagement in the activity;
- 2.15** A Principal shall not notify a parent(s)/guardian(s) of a student if, in the Principal's opinion, doing so would put a student at risk of harm from a parent/guardian of a student or if notification is not in the student's best interest. When the Principal has decided not to notify parent(s)/guardian(s), they must document the rationale for this decision and, where appropriate, shall notify both the teacher who reported the incident and the appropriate supervisory officer of this decision.
- 2.16** The Principal shall keep a record for each pupil with whom progressive discipline approach(es) are



utilized. The record should include:

- name of pupil;
- date of the incident or behaviour;
- nature of the incident or behaviour;
- considerations taken into account;
- progressive discipline approach used;
- outcome; and
- contact with the pupil's parent(s)/guardian(s) (unless the pupil is an adult pupil).

- 2.17** In cases where a transfer is necessary to protect a student, it is preferable that the student who has been harmed not be moved. The Principal shall hold a transfer meeting that includes the pupil's parent(s)/guardian(s) as well as anyone else the Principal deems appropriate in order to put in place a transition strategy and to identify any additional supports and resources that the student may require to be successful in his/her destination school.

### **3.0 Suspension of Pupils (applies to students in Grade 4-12)**

- 3.1** Consistent with Part XIII, subsection 306 of the Education Act, it is the policy of the Board that Principals consider suspension for the following infractions:
- 3.1.1** uttering a threat to inflict serious bodily harm on another person;
  - 3.1.2** possessing alcohol, cannabis, narcotics or any other drug that is used for the purpose of intoxication;
  - 3.1.3** being under the influence of alcohol, cannabis, narcotics or any other drug that is used for the purpose of intoxication;
  - 3.1.4** swearing at a teacher or at another person in a position of authority;
  - 3.1.5** 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;
  - 3.1.6** bullying;
  - 3.1.7** conduct injurious to the moral tone of the school;
  - 3.1.8** conduct injurious to the physical or mental well-being of members of the school community;
  - 3.1.9** use of improper or profane language;
  - 3.1.10** persistent truancy;
  - 3.1.11** opposition to authority;
  - 3.1.12** habitual neglect of duty;
  - 3.1.13** discrimination and harassment;
  - 3.1.14** extortion;
  - 3.1.15** theft; and/or
  - 3.1.16** inciting other students to act with physical violence upon another person.
- 3.2** The Principal shall consider whether or not the decision to suspend might have a disproportionate impact on a pupil protected by the Human Rights Code, including but not limited to race and disability, and/or is in a position of disadvantage in society and evaluate the appropriateness or the accommodation if any was provided. The Principal shall:
- 3.2.1** Review any progressive discipline strategies that have been utilized;
  - 3.2.2** Take into account the following mitigating factors:
    - The pupil does not have the ability to control his or her behaviour.
    - The pupil does not have the ability to understand the foreseeable consequences of his or her behaviour.
    - The pupil's continuing presence in the school does not create an unacceptable risk to the safety of any person.
  - 3.2.3** The following other factors shall be taken into account if they would mitigate the seriousness of



the activity for which the pupil may be or is being suspended or expelled:

- The pupil's history.
- Whether a progressive discipline approach has been used with the pupil.
- 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.
- How the suspension or expulsion would affect the pupil's ongoing education.
- The age of the pupil.
- 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.

**3.2.4** Consult with the Superintendent of Education when the suspension is five (5) consecutive days or more regarding:

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

**3.2.5** Where a Principal (or Vice-Principal in circumstances of a suspension for five (5) or fewer days) has determined that it is appropriate in the circumstances to impose a suspension, the Principal or Vice-Principal is required to effect the following procedural steps:

- within 24 hours of the decision, the Principal or Vice-Principal must make all reasonable efforts to orally inform the adult pupil or the pupil's parent(s)/guardian(s) of the suspension;
- the Principal or Vice-Principal must inform the pupil's teacher(s) of the suspension;
- the Principal or Vice-Principal will receive school work from the pupil's teacher(s) for the pupil to complete during the duration of the suspension;
- The Principal or Vice-Principal must complete the Brant Haldimand Norfolk Catholic District School Board Suspension and Expulsion Record Form (Appendix E) and give it to the school secretary to input into the Student Management System.
- the Principal or Vice-Principal must provide written notice of the suspension to the pupil, the pupil's parent(s)/guardian(s) (unless the pupil is an adult pupil) and the Superintendent (for letters templates, see Appendix F for suspension of 5 days or less; Appendix G for suspensions of 6-10 days; Appendix H for suspensions of 11-20 days).

**3.2.5.1** The written notice of suspension will include:

- the reason for suspension;
- the duration of the suspension, including the pupil's date of return to school;
- for suspensions 6 or more school days, include a statement and information about the Alternative Suspension Program (ASP); and
- information about the right to appeal the suspension, the appeal process, and enclose a copy of the Appeal Guidelines, and the contact information for the Director of Education.

**3.2.5.2** Every effort should be made to include the school work with the letter of suspension to the pupil and the pupil's parent(s)/guardian(s) (unless the pupil is an adult pupil) on the day the pupil is suspended if the letter is provided to the pupil to take home. If it is not possible to provide the letter because the pupil and/or his/her parent/guardian is not available, the letter should be mailed, couriered, faxed or emailed to the home address that day and school work should be made available for the adult pupil's designate or pupil's parent(s)/guardian(s) or designate to pick-up from the school the following school day.



- If notice is sent by mail or courier, it will be deemed to have been received on the fifth school day after it was sent.
  - If notice is sent by fax or e-mail, it is deemed to have been received the first school day after it was sent.
- 3.2.5.3** Where the incident is a serious violent incident, including a credible threat to inflict serious bodily harm or vandalism causing extensive damage to Board property or property located on Board property, consideration should be given to filling out and filing a Violent Incident Report Form (Appendix D) in the pupil's Ontario Student Record and referring the student for a violent risk assessment.
- 3.3** The adult pupil or the pupil's parent(s)/guardian(s) may appeal a 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. All suspension appeals are to be sent to the Director of Education. The suspension must be served even when an appeal is submitted.
- 3.3.1** 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).
- 3.3.2** Upon receipt of written notice of the intention to appeal the suspension, the Director of Education or designate will review the appeal and:
- promptly advise the school Principal of the appeal;
  - promptly advise the adult pupil or the pupil's parent(s)/guardian(s) that a review of the suspension will take place and invite the parent(s)/guardian(s) or adult to contact the Superintendent of Education responsible for discipline to discuss any matter respecting the incident and/or appeal of the suspension (see Appendix I – Notice of Suspension Review letter template);
  - review the suspension (reason, duration, any mitigating or other factors, whether or not the Human Rights Code should be or was appropriately applied);
  - consult with the Principal regarding modification or expunging the suspension;
  - request a meeting with the adult pupil or the pupil's parent(s)/guardian(s) and the Principal to narrow the issues and try to effect a settlement; and
  - where a settlement is not effected, provide notice of the suspension review decision to the adult pupil or pupil's parent(s)/guardian(s) (see Appendix J – Suspension Review Decision letter template).
- 3.3.3** Where the suspension is upheld on review and the adult pupil or pupil's parent(s)/guardian(s) chooses to continue with the appeal, the Director of Education or designate will:
- a) Arrange a date for the appeal before the Student Discipline Committee and coordinate the preparation of a written report for the Board. This report will contain at least the following components:
    - a report prepared by the Principal regarding the incident, the rationale for suspension and how the principles of equity and inclusion were applied;
    - a copy of the original suspension letter;
    - a copy of the letter requesting the suspension appeal; and
    - a copy of the correspondence with respect to the decision of the Director of Education or designate regarding the suspension review.
  - b) Inform the adult pupil or the pupil's parent(s)/guardian(s) of the date of the appeal to the Student Discipline Committee (see Appendix K – Notice of Suspension Appeal letter template);
  - c) Provide a guide to the process for the appeal (see Appendix L – Suspension Appeal Guidelines), a copy of the Student Behaviour, Discipline and Safety Policy 200.09, and a copy of the documentation that will go to the Student Discipline Committee; and
  - d) Ensure that the item is placed on the Student Discipline Committee's agenda.
- 3.4** The parties in an appeal to the Student Discipline Committee shall be: the Principal, the school Superintendent and the adult pupil or the pupil's parent(s)/guardian(s).



- 3.5** Suspension appeals will be heard orally, in camera, by the Student Discipline Committee (of whose members are Trustees). The Student Discipline Committee may grant a person who has daily care authority to make submissions on behalf of the pupil. An adult pupil or pupil's parent(s)/guardian(s) may bring/be represented by legal counsel or attend with an advocate/agent or the support of a community member. Legal counsel for the Principal and/or the Board may be present at the appeal if the parent(s)/guardian(s) is represented by legal counsel or an agent.
- 3.6** The suspension appeal proceedings are ordered as follows:
- 3.6.1** The parent(s)/guardian(s) and/or the person with daily care authority will proceed first by making oral submissions and/or providing written submissions regarding the reason for the appeal and the result desired;
  - 3.6.2** The pupil will be asked to make a statement on his/her own behalf, if appropriate;
  - 3.6.3** The Superintendent of Education for the school and/or the Principal will make oral submissions on behalf of the administration, including a response to any issues raised in the parent(s)/guardian(s)' submissions. The Superintendent/Principal may rely on the report prepared for the Student Discipline Committee;
  - 3.6.4** The parent(s)/guardian(s) may make further submissions addressing issues raised in the administration's presentation that were not previously addressed by the parent(s)/guardian(s);
  - 3.6.5** The Student Discipline Committee may ask any party, or the pupil, where appropriate, questions of clarification;
  - 3.6.6** The Student Discipline Committee may make such orders or give such directions at an appeal as it considers necessary for the maintenance of order at the appeal. Should any person disobey or fail to comply with any such order and/or direction, a Trustee may call for the assistance of a police officer to enforce any such order or direction.
- 3.7** Where any party who has received proper notice of the location, date and time of the appeal fails to attend the appeal or comply with the necessary timelines, the appeal may proceed in the absence of the party and the party is not entitled to any further notice of the proceedings.
- 3.8** The Student Discipline Committee will consider, based on the written and/or oral submissions of both parties, whether or not the consequence might have a disproportionate impact on a pupil protected by the Human Rights Code, including but not limited to race and disability, and/or exacerbate the pupil's disadvantaged position in society and shall:
- 3.8.1** confirm the suspension and its duration; or
  - 3.8.2** confirm the suspension but shorten its duration and amend the record, as necessary; or
  - 3.8.3** quash the suspension and order that the record be expunged; or
  - 3.8.4** make such other appropriate order.
- 3.9** The decision of the Student Discipline Committee is final. The decision shall be communicated to the parent(s)/guardian(s) in writing [see Appendices M(i) and M(ii) – Suspension Appeal Decision letter template and Decision document].
- 4.0 Suspension Pending the Expulsion of Pupils (applies to all students of the Board)**
- 4.1** Consistent with Part XIII, subsection 310 of the Education Act, it is the policy of the Board that Principals shall suspend pupils pending an investigation into expulsion (following a mandatory preliminary investigation for a primary student) for the following infractions:
- 4.1.1** Possessing a weapon including possessing a firearm;
  - 4.1.2** Using a weapon to cause or to threaten bodily harm to another person;
  - 4.1.3** Committing physical assault on another person that causes bodily harm requiring treatment by a medical practitioner;
  - 4.1.4** Committing sexual assault;
  - 4.1.5** Trafficking in weapons or in illegal drugs;



- 4.1.6** Committing robbery;
  - 4.1.7** Giving alcohol, cannabis, narcotics or any other drug that is used for the purpose of intoxication to a minor;
  - 4.1.8** Bullying (if the student has been previously suspended for engaging in bullying and the student's continuing presence in the school creates an unacceptable risk to the safety of another person)
  - 4.1.9** Any act leading to a suspension (see Section 3.1) 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.
  - 4.1.10** An act considered by the Principal to be significantly injurious to the moral tone of the school and/or to the physical or mental well-being of others;
  - 4.1.11** A pattern of behaviour that is so inappropriate that the pupil's continued presence is injurious to the effective learning and/or working environment of others;
  - 4.1.12** Activities engaged in by the pupil on or off school property that cause the pupil's continuing presence in the school to create an unacceptable risk to the physical or mental well-being of other person(s) in the school or Board;
  - 4.1.13** Activities engaged in by the pupil on or off school property that have caused extensive damage to the property of the Board or to goods that are/were on Board property; and/or
  - 4.1.14** The pupil has demonstrated through a pattern of behaviour that s/he has not prospered by the instruction available to him or her and that s/he is persistently resistant to making changes in behaviour which would enable him or her to prosper.
- 4.2** The Principal shall take into account any mitigating and other factors, such as:
- 4.2.1** The pupil does not have the ability to control his or her behaviour.
  - 4.2.2** The pupil does not have the ability to understand the foreseeable consequences of his or her behaviour.
  - 4.2.3** The pupil's continuing presence in the school does not create an unacceptable risk to the safety of any person.
- 4.3** The following other factors shall be taken into account if they would mitigate the seriousness of the activity for which the pupil may be or is being suspended or expelled:
- 4.3.1** The pupil's history.
  - 4.3.2** Whether a progressive discipline approach has been used with the pupil.
  - 4.3.3** 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.
  - 4.3.4** How the suspension or expulsion would affect the pupil's ongoing education.
  - 4.3.5** The age of the pupil.
  - 4.3.6** 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.
- 4.4** When the pupil is suspended pending an investigation into expulsion, the Principal must assign the pupil to an Alternative Suspension Program.
- 4.5** The Principal shall undertake an investigation to determine whether to recommend to the Student Discipline Committee that the pupil be expelled.
- 4.6** When imposing a suspension pending an investigation into expulsion, the Principal is required to effect the following procedural steps:
- 4.6.1** Within 24 hours of the decision to suspend, the Principal must make all reasonable efforts to orally inform the student's parent(s) /guardian(s), or the adult student (18 years of age or older),



- or the 16 or 17 year old student who has withdrawn parental control or the pupil's parent(s)/guardian(s) of the suspension.
- 4.6.2** The Principal must complete a Brant Haldimand Norfolk Catholic District School Board Suspension and Expulsion Record Form (Appendix E) and give it to the school's secretary to input into Student Management System School.
- 4.6.3** The Principal must inform the pupil's teacher(s) of the suspension pending investigation into expulsion.
- 4.6.4** The Principal must provide written notice of the suspension to the adult pupil or the pupil's parent(s)/guardian(s) and the pupil and the School Superintendent of Education (Appendix N – Suspension Pending Possible Recommendation for Expulsion template). The written notice of suspension will include:
- a) The reason for suspension;
  - b) The duration of the suspension;
  - c) Information about the program for suspended pupils the pupil is assigned to;
  - d) Information about the investigation the Principal is conducting to determine whether to recommend expulsion; and
  - e) A statement that there is no immediate right to appeal the suspension. Any appeal must wait until the Principal decides whether to recommend an expulsion, and if the Principal decides not to recommend an expulsion, a statement that the suspension may be appealed to the Student Discipline Committee, and if the Principal decides to recommend an expulsion that the suspension may be addressed at the expulsion hearing.
- 4.6.5** Every effort should be made to include school work with the letter of suspension to the pupil and the pupil's parent(s)/guardian(s) (unless the pupil is an adult pupil) on the day the pupil is suspended if the letter is provided to the pupil to take home. If it is not possible to provide the letter because the pupil and/or his/her parent(s)/guardian(s) is not available, the letter should be mailed, or couriered, faxed or emailed to the home address that day and school work should be made available for the adult pupil's designate or pupil's parent(s)/guardian(s) or designate to pick-up from the school the following school day.
- 4.6.6** If notice is sent by mail or courier, it will be deemed to have been received on the fifth school day after it was sent. If notice is sent by fax or email, it is deemed to have been received the first school day after it was sent.
- 4.6.7** Where the incident is of a serious violent nature such as possessing a weapon, including possessing a firearm, physical assault causing bodily harm requiring medical attention, sexual assault, robbery, using a weapon to cause or to threaten bodily harm to another person, extortion, hate and/or bias-motivated, the Principal shall note the incident on the:
- 4.6.7.1 Safe Schools Incident Reporting Form – Part I, Section 6 (Appendix B – Part I) and file it in the pupil's Ontario School Record; and complete the
  - 4.6.7.2 Violent Incident Report Form (Appendix D) and file it in the pupil's Ontario School Record.
- 4.7** As part of the investigation, the Principal will:
- 4.7.1** make all reasonable efforts to speak with the adult pupil or the pupil's parent(s)/guardian(s) and the pupil;
  - 4.7.2** include interviews with witnesses who the Principal determines can contribute relevant information to the investigation; and
  - 4.7.3** make every reasonable effort to interview any witnesses suggested by the pupil, or the pupil's parent(s)/guardian(s).
- 4.8** Any police investigation will be conducted separately from the Principal's inquiry.
- 4.9** The Principal will consult with the School Superintendent of Education regarding the decision whether or not to recommend that the pupil be expelled.
- 4.10** The Principal shall consider the mitigating and other factors when determining whether to recommend to



the Student Discipline Committee that the pupil be expelled (see 4.2). The Principal shall consider whether or not the recommendation might have a disproportionate impact on a pupil protected by the Human Rights Code, including but not limited to race and disability, and/or is in a position of disadvantage in society and evaluate the appropriateness of the accommodation if any was provided.

- 4.11** If the Principal decides not to recommend to the Student Discipline Committee that the pupil be expelled, the Principal must:
- 4.11.1** confirm the suspension and its duration;
  - 4.11.2** confirm the suspension but shorten its duration and amend the record accordingly; or
  - 4.11.3** withdraw the suspension and expunge the record.
- 4.12** If the Principal has decided not to recommend an expulsion of the pupil, the Principal will provide written notice of this decision to the adult pupil or the pupil's parent(s)/guardian(s) and pupil (see Appendix O – Decision Letter Not to Recommend Expulsion). The notice shall include:
- 4.12.1** A statement that the pupil will not be subject to an expulsion hearing for the activity that resulted in the suspension;
  - 4.12.2** A statement indicating whether the suspension has been upheld, upheld and shortened, or withdrawn;
  - 4.12.3** If the suspension has been upheld in duration or upheld and shortened, the following information about the right to appeal the suspension to the Student Discipline Committee shall be included with the written notice of the decision:
    - a) a copy of the Board's Student Behaviour, Discipline and Safety Policy 200.09 and guidelines regarding suspension appeals (Appendix L – Suspension Appeal Guidelines);
    - b) contact information for the Superintendent to which notice of appeal must be given; and
    - c) a statement that written notice of an intention to appeal must be given within five (5) school days following receipt by the party of notice of the decision not to recommend expulsion.
- 4.13** If a Principal, in consultation with the School Superintendent of Education, determines that a recommendation for expulsion is warranted, the Principal must refer the recommendation for expulsion to the Student Discipline Committee to be heard within twenty (20) school days from the date the Principal suspended the pupil unless the parties to the expulsion hearing agree upon a later date. The Superintendent will inform the other members of the Student Discipline Committee.
- 4.14** For the purposes of the expulsion proceeding, the Principal will:
- 4.14.1** Prepare a report to be submitted to the Student Discipline Committee and provide the report to the pupil and the pupil's parent(s)/guardian(s) (unless the pupil is an adult pupil) prior to the hearing.

The report will include:

    - a) a summary of the findings the Principal made in the investigation;
    - b) an analysis of which, if any, mitigating or other factors or Human Rights Code related grounds might be applicable;
    - c) a recommendation of whether the expulsion should be from the school or from the Board; and
    - d) a recommendation regarding the type of school that would benefit the pupil if the pupil is subject to a school expulsion, or the type of program that might benefit the pupil if the pupil is subject to a Board expulsion.
- 4.15** The Principal shall inquire with the Director of Education or designate as to the date and location of the hearing and provide written notice of the expulsion hearing to the adult pupil or the pupil's parent(s)/guardian(s) and pupil (see Appendix P – Notice of Recommendation for Expulsion letter template).

The notice shall include:

- 4.15.1** a statement that the pupil is being referred to the Student Discipline Committee to determine





- whether the pupil will be expelled for the activity that resulted in suspension;
- 4.15.2** a statement that the pupil and/or his or her parent(s)/guardian(s) has the right to respond to the Principal's report in writing;
- 4.15.3** Detailed information about the procedures and possible outcomes of the expulsion hearing, including that:
- a) if the Student Discipline Committee does not expel the pupil they will either confirm, confirm and shorten, or withdraw the suspension;
  - b) parent(s)/guardian(s) or legal counsel have the right to make a presentation or submissions with respect to the suspension;
  - c) any decision with respect to the suspension is final and cannot be appealed;
  - d) if the pupil is expelled from the school, they will be assigned to another school;
  - e) if the pupil is expelled from the Board, they will be assigned to a program for expelled pupils; and
  - f) if the pupil is expelled, there is a right of appeal to the Child and Family Review Board.
- 4.15.4** Attached to the notice shall be:
- a) a copy of the Board's Student Expulsion Guidelines (Appendix Q);
  - b) a copy of the District Code of Conduct (Appendix A) and School Code of Conduct; and
  - c) a copy of the Suspension Pending Possible Recommendation for Expulsion letter (Appendix N).
- 4.16** The Director of Education or designate shall act as a resource to the Student Discipline Committee and shall:
- 4.16.1** Advise the Student Discipline Committee and shall prepare a package of documents for the Student Discipline Committee, which will include at least the following components:
- a) a copy of the Principal's report; and
  - b) a copy of the notice of expulsion sent to the adult pupil or pupil's parent(s)/guardian(s);
- 4.16.2** Submit the Principal's report to the School Superintendent of Education;
- 4.16.3** Ensure that the item is placed on the Student Discipline Committee agenda for the date and time set out on the notice to the adult pupil or the pupil's parent(s)/guardian(s) and coordinate the attendance of the Trustees; and
- 4.16.4** Confirm with the adult pupil or the pupil's parent(s)/guardian(s) the date and location of the expulsion hearing, and provide a copy of the Student Expulsion Guidelines (Appendix Q).
- 4.17** The Director of Education or designate may arrange a meeting with the adult pupil or the pupil's parent(s)/guardian(s) and pupil and the Principal as appropriate. If a meeting is arranged, the Director of Education or designate will:
- 4.17.1** review the Student Discipline Committee process for expulsion hearings, as well as respond to any questions or concerns the pupil or the pupil's parent(s)/guardian(s) may have regarding the process or incident;
- 4.17.2** assist to narrow the issues and identify agreed upon facts.
- 4.18** If the Principal recommends expulsion, the Student Discipline Committee shall hold a hearing and the parties before the Student Discipline Committee will be: the Principal and the adult pupil or the pupil's parent(s)/guardian(s). If a pupil is not a party, s/he has the right to be present at the expulsion hearing and to make the submissions on his/her own behalf. The Student Discipline Committee may grant a person with daily care authority to make submissions on behalf of the pupil. An adult pupil or pupil's parent(s)/guardian(s) may bring legal counsel, an advocate or support person with them to the expulsion hearing. The Principal may bring legal counsel to the expulsion hearing.
- 4.19** At the expulsion hearing, the Student Discipline Committee shall consider:
- 4.19.1** oral and written submissions, if any, of all parties;
- 4.19.2** whether or not the Human Rights Code should be applied in the circumstances to mitigate the discipline if any;



- 4.19.3** the views of all parties with respect to whether, if an expulsion is imposed, the expulsion should be a school expulsion or a Board expulsion;
  - 4.19.4** the views of all parties with respect to whether, if an expulsion is not imposed, the suspension should be confirmed, shortened or withdrawn;
  - 4.19.5** all other matters as the Student Discipline Committee considers appropriate;
  - 4.19.6** the mitigating and other factors (sections 4.2 and 4.3);
  - 4.19.7** whether or not the expulsion might have a disproportionate impact on a pupil protected by the Human Rights Code, including but not limited to race and disability, and/or exacerbate the pupil's disadvantaged position in society, and whether or not accommodation is required in the circumstances.
  - 4.19.8** where there is a conflict in the evidence presented by the parties on the issue of whether the pupil committed the infraction, the Student Discipline Committee may request further evidence as set out in the Student Expulsion Guidelines (Appendix Q), subject to the requirement that the hearing take place within twenty (20) school days, or the Student 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.
- 4.20** If the Student Discipline Committee decides not to expel the pupil, the Student Discipline Committee shall take the submissions of the parties regarding the suspension into account, including mitigating and other factors, in determining whether to:
- 4.20.1** confirm the suspension and its duration;
  - 4.20.2** confirm the suspension but shorten its duration and amend the record accordingly; or
  - 4.20.3** quash the suspension and order that the record be expunged.
- 4.21** The Student Discipline Committee shall give written notice to all parties of the decision not to impose an expulsion and the decision with respect to the suspension (Appendix R – Expulsion Decision letter template) and Appendix S (Expulsion Decision of the Student Discipline Committee document). The Student Discipline Committee's decision with respect to the suspension is final.
- 4.22** In the event the Student Discipline Committee decides to impose an expulsion on the pupil, the Student Discipline Committee must decide whether to impose a Board expulsion or a school expulsion. In determining the type of the expulsion, the Student Discipline Committee shall consider the following factors:
- 4.22.1** the mitigating and other factors;
  - 4.22.2** whether a school or Board expulsion is likely to result in aggravating or worsening the pupil's behaviour or conduct or whether it is likely to result in a greater likelihood of further inappropriate conduct;
  - 4.22.3** whether or not the pupil's continuing presence at the school creates an unacceptable risk to the safety of anyone in the school;
  - 4.22.4** the application of the Ontario Human Rights Code;
  - 4.22.5** all submissions and views of the parties;
  - 4.22.6** any written response to the Principal's report provided before the completion of the hearing;
  - 4.22.7** whether or not the type of expulsion might have a disproportionate impact on a pupil protected by the Human Rights Code, including but not limited to race and disability, and/or exacerbate the pupil's disadvantaged position in society, and whether or not accommodation is required in the circumstances; and
  - 4.22.8** such other matters as the Student Discipline Committee considers appropriate.



- 4.23** Where the Student Discipline Committee decides to impose a school expulsion, then the Student Discipline Committee must assign the pupil to another school and to the program for suspended and expelled pupils.
- 4.24** The Student Discipline Committee must promptly provide written notice of the decision to expel the pupil to all parties (see Appendix R – Expulsion Decision letter template and Appendix S – Expulsion Decision of the Student Discipline Committee). The written notice shall include:
- 4.24.1** the reason for the expulsion;
  - 4.24.2** a statement indicating whether the expulsion is a school expulsion or a Board expulsion;
  - 4.24.3** information about the school or program to which the pupil has been assigned; and
  - 4.24.4** information about the right to appeal the expulsion, including the steps to be taken.
- 4.25** Once the Principal has received notice that a pupil has been expelled, s/he must create a Student Action Plan (SAP) (Appendix T) for suspended and expelled pupils. The Superintendent of Education shall assign a person to adjudicate the successful completion of a student's SAP.
- 4.26** An expelled pupil is a pupil of the Board, even when s/he attends a program for expelled pupils at another School Board, unless s/he does not attend the program or registers at another School Board.
- 4.27** A pupil who is subject to a Board expulsion is entitled to apply in writing for re-admission to a school of the Board once s/he has successfully completed a program for expelled pupils or has satisfied the objectives required for completion of the program, as determined by the person who provides the program.
- 4.28** When the school's Superintendent of Education receives notice from the expelled pupil's SAP adjudicator that the pupil has successfully satisfied the objectives required for completion of the program, the school's Superintendent of Education shall, upon written application by the pupil, re-admit the pupil and inform the pupil in writing of the re-admission.
- 4.29** A pupil who is subject to a school expulsion may apply in writing to the school Superintendent of Education to be re-assigned to the school from which s/he was expelled. At that time:
- 4.29.1** the school's Superintendent of Education will consider whether re-attendance will have a negative impact on the school climate, including on any victim, where applicable;
  - 4.29.2** the pupil will be required to demonstrate that s/he has learned from the incident and has sought counseling, where appropriate;
  - 4.29.3** the pupil will be required to sign a Declaration of Performance form (Appendix U) provided by the Superintendent of Education; and
  - 4.29.4** the Superintendent of Education may determine that a different school than the one from which the pupil was expelled is a more appropriate placement for the pupil.
- 4.30** The adult pupil or the pupil's parent(s)/guardian(s) may appeal a Board decision to expel the pupil to the Child and Family Services Review Board. The decision of the Child and Family Services Review Board is final.
- 4.31** Appeal of Board Decision to Expel
- The adult pupil or the pupil's parent(s)/guardian(s) may appeal a Board decision to expel the pupil to the Child and Family Services Review Board.
- The Child and Family Services Review Board is designated to hear and determine appeals of school Board decisions to expel pupils.
- An individual who appeals an expulsion may argue that his/her rights pursuant to the Human Rights Code have been infringed.
  - In addition, a separate right to apply to the Human Rights Tribunal of Ontario exists where an individual believes his/her rights pursuant to the Human Rights Code have been infringed.



The decision of the Child and Family Services Review Board is final.

## **5.0 Programs for Suspended or Expelled Pupils**

- 5.1** A Student Action Plan (SAP) (Appendix T) shall be developed for every pupil that has been suspended for more than five (5) consecutive school days who makes a commitment to attend the program for suspended pupils. The SAP has two components: 1) an academic component; and, 2) a non-academic component, and shall address discipline and safety.
- 5.2** Pupils who have been suspended for more than five (5) consecutive school days but fewer than eleven (11) consecutive school days shall be offered academic supports and may be offered non-academic supports. A pupil who has been suspended for eleven (11) or more consecutive school days or has been expelled from school shall be provided with both academic and non-academic supports, which shall be identified in the pupil's SAP.
- 5.3** The Principals will actively encourage suspended pupils to participate in the program for suspended or expelled pupils. Where the adult pupil or pupil's parent(s)/guardian(s) declines the offer to participate in the SAP, the Principal or Vice-Principal shall record the date and time of such refusal. Should the adult pupil or a pupil's parent(s)/guardian(s) choose not to have the pupil participate in the program, the pupil will continue to be provided with school work to be completed at home for the duration of his/her suspension. This school work will be available at the school for pick-up by the adult pupil's designate or the pupil's parent(s)/guardian(s) or designate at regular intervals during the suspension period. In circumstances where the school work is not picked up, the Principal should contact the adult pupil or the pupil's parent(s)/guardian(s) to determine whether the school work will be picked up. The Principal should record the follow-up and response.
- 5.4** The SAP must be implemented as soon as possible following notification from the adult pupil or the pupil's parent(s)/guardian(s) that the pupil will participate in the SAP. The Principal must ensure that the pupil is provided with school work until the SAP is in place.
- 5.5** The SAP shall be developed under the direction of the Principal. The Principal shall hold a planning meeting that must include school and Board staff and the student. Where possible, the student's parent(s)/guardian(s) should attend. Once completed, the SAP will be shared with the adult pupil, or the pupil's parent(s)/guardian(s) and the pupil and all necessary staff to facilitate implementation. In developing the SAP, the Principal should consider what types of support, if any, the pupil may require during the suspension and upon his or her return to school. In developing the SAP, the Principal shall consider continuing any supports that may have been in place for the pupil prior to the suspension. In the case of pupils with Special Education needs, the Principal shall provide appropriate support consistent with the pupil's IEP.
- 5.6** The SAP shall identify:
- 5.6.1 objectives of the SAP;
  - 5.6.2 the needs academic needs of the pupil;
  - 5.6.3 risk factors and protective factors for the pupil; and
  - 5.6.4 types of supports that the pupil may need to continue his/her learning
- 5.7** Following a suspension of six (6) or more school days, a re-entry meeting will be held with appropriate staff, the pupil, and the pupil's parent(s)/guardian(s) if possible, to facilitate the pupil's transition back to school. The results of the pupil's SAP may be reviewed at the re-entry meeting.

## **6.0 Delegation of Authority**

- 6.1** Whenever possible, the Board will attempt to have an administrator present on school property.
- 6.2** A Principal may delegate authority for discipline matters to a Vice-Principal or teacher-in-charge in accordance with the Board's procedures. A delegation of authority to a teacher-in-charge will only come into effect if there are no administrators present on school property. Those who are delegated



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

**6.3** Delegation of Authority to a Vice-Principal

- 6.3.1** Vice-Principals may be delegated authority by the Principal to receive oral and written reports of suspension and expulsion infractions from Board employees and transportation providers in accordance with this procedure, and to report infractions to the Police in accordance with the Police and School Response Protocol.
- 6.3.2** Vice-Principals may be delegated authority by the Principal to conduct an investigation and/or inquiry when an infraction has occurred requiring further information before further action can be taken.
- 6.3.3** A Vice-Principal may be delegated authority to consider and implement progressive discipline measures following the investigation of an incident, which has occurred on school property, or during a school activity or in circumstances having an impact on the school climate and that by its nature does not require the Principal to consider imposing a suspension and does not require the Principal to consider imposing a suspension pending an inquiry for the purposes of recommending an expulsion.
- 6.3.4** A Vice-Principal may be delegated authority to impose a suspension of five (5) or fewer days in accordance with these procedures.
- 6.3.5** A Vice-Principal may be delegated authority to create and facilitate all aspects of the Student Action Plan process when a pupil has been suspended for five (5) or more days or when a pupil who is referred to the Student Discipline Committee of the Board for expulsion.
- 6.3.6** A Vice-Principal may be delegated authority to notify a parent/guardian of a pupil who has been the victim of an incident in accordance with the notification provisions outlined in these procedures, including an incident that might lead to a suspension or recommendation for expulsion. The Vice-Principal may communicate the supports being provided for the victim, such as a Safety Plan, as well as any other Board and community supports in accordance with these procedures. A Vice-Principal may be delegated authority to develop a Safety Plan (Appendix V) for an individual.
- 6.3.7** A Vice-Principal may be delegated authority to coordinate a transition meeting for a pupil where a decision has been made by the Superintendent in consultation with the Principal that the pupil must be transferred to another school.
- 6.3.8** Authority delegated to the Vice-Principal may include one or more of the following:
  - (1) receive reports about suspension and expulsion infractions from Board employees and transportation providers;
  - (2) contact police in accordance with the Police and School Response Protocol;
  - (3) conduct investigations and inquiries;
  - (4) consider and implement progressive discipline measures;
  - (5) impose suspensions of between one (1) and five (5) days;
  - (6) develop and implement Student Action Plans;
  - (7) notify a parent/guardian of a pupil who has been the victim of an incident;
  - (8) develop a Safety Plan (Appendix V);
  - (9) develop a Transition Plan; and
  - (10) organize and be responsible for a school transfer meeting.
- 6.3.9** The Principal may delegate the performance of one or more of the above-noted responsibilities to a Vice-Principal to be performed by the Vice-Principal despite the Principal's presence in the school.
- 6.3.10** Despite authority to conduct investigations and inquiries, as noted above, where, in the Vice-Principal's opinion, the allegations might attract discipline requiring a suspension of five (5) or more days, the Vice-Principal shall consult with and/or receive direction from the Principal or Superintendent throughout the investigation process.
- 6.3.11** A Vice-Principal may not be delegated the Student Management System to impose a suspension of more than five (5) days or make the final decision with respect to recommending to the Board that a pupil be expelled.



- 6.4** Delegation of Authority to Teacher-In-Charge
- 6.4.1** A teacher-in-charge may be delegated authority by the Principal to receive reports about suspension and expulsion infractions from Board employees and transportation providers, in which case, the teacher-in-charge shall at the earliest opportunity inform the Principal or Vice-Principal and when the absence of the Principal and Vice-Principal might be for one or more days, the Superintendent.
  - 6.4.2** A teacher-in-charge may be delegated authority to contact the police in an emergency or in the event of an incident requiring police involvement in accordance with the Police and School Response Protocol.
  - 6.4.3** A teacher-in-charge may be delegated authority by the Principal to conduct an investigation when an infraction has occurred requiring further information before action can be taken. When it appears that the incident might attract discipline in the form of suspension or expulsion, the teacher-in-charge shall NOT proceed to investigate, but shall at the earliest opportunity provide the Principal or Vice-Principal, and in the absence of the Principal and Vice-Principal for one or more days, the Superintendent, with a detailed written and oral account of the steps taken and information determined up to that point.
  - 6.4.4** All incidents on school property occurring during a school-related activity or having an impact on school climate that might result in suspension or suspension and a recommendation for expulsion shall be reported by the teacher-in-charge to the Principal, or the Vice-Principal in the Principal's absence, at the earliest opportunity, and in the absence of the Principal and Vice-Principal for one or more days, the Superintendent.
  - 6.4.5** In such circumstances, the teacher-in-charge may be delegated authority to provide information to the parent/guardian of a pupil, who is NOT an adult pupil and where the teacher-in-charge is NOT of the opinion that informing the parent/guardian would put the pupil at risk of harm, about the fact that harm has been caused and the nature of the harm that has occurred. The teacher-in-charge shall also inform the parent/guardian that, at the earliest opportunity, an administrator will contact the parent/guardian to provide further information about the activity causing harm and the steps that will be taken to support the victim and ensure the victim's safety. The teacher-in-charge may inform a parent/guardian of an adult pupil if that pupil consents to the disclosure of information.
  - 6.4.6** A teacher-in-charge shall NOT be delegated authority to share with the parent/guardian of a victim the name of the suspected perpetrators and/or the discipline measures that might be taken by the school to address the infraction.
  - 6.4.7** The teacher-in-charge may be delegated authority to consider and implement progressive discipline measures following the investigation of an incident, which has occurred on school property, during a school activity, or in circumstances having an impact on the school climate, that by its nature does not require the Principal to consider imposing a suspension and does not require the Principal to consider imposing a suspension pending an inquiry for the purposes of recommending an expulsion.
  - 6.4.8** A teacher-in-charge shall not be delegated authority to suspend a pupil.
  - 6.4.9** If at any time the teacher-in-charge is uncertain or uncomfortable about the duties that have been delegated and/or the possible application of the Human Rights Code, s/he should take immediate steps to contact an administrator. In emergency circumstances, where an administrator is not available, the teacher-in-charge shall contact the school Superintendent.
  - 6.4.10** Written notice identifying the authority being delegated to the teacher-in-charge, the timeframe for the delegation of the authority, and the resources available to the teacher in charge must be provided.
  - 6.4.11** When a teacher-in-charge has been identified to assume duties for a particular timeframe, communication by internal electronic mail shall be provided to all staff members of the school, who are anticipated to be in attendance during the particular timeframe, identifying the name of the teacher-in-charge and the timeframe for the administration's absence.

# Suspension Appeal Guidelines

The Suspension Appeal shall be held in accordance with the *Education Act*, the Board's Student Behaviour, Discipline and Safety Policy and Administrative Procedures.

1. Appeals of Suspension will be heard by the Student Student Discipline Committee sitting as a committee of three (3) Trustees appointed by the Board. One of the appointed Trustees will be elected Chair of the Student Student Discipline Committee. Appeals will be scheduled by the Superintendent of Education.
2. An adult pupil is a pupil who is 18 years old or older or who is 16 or 17 years old and has withdrawn from parental control.
3. A suspension may be appealed by an adult pupil or the pupil's parent(s)/guardian(s).
4. 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. All appeals will be received by the Director of Education.
5. An individual who appeals a suspension may argue that his/her rights pursuant to the Human Rights Code have been infringed. In addition, a separate right to apply to the Human Rights Tribunal of Ontario exists where an individual believes his/her rights pursuant to the Human Rights Code have been infringed.
6. The suspension must be served even when an appeal is put forth.
7. 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.)
8. Parties to a Suspension Appeal shall include the adult pupil or the pupil's parent(s)/guardian(s) and the principal. The pupil may also attend the Suspension Appeal.
9. The Superintendent of Education will act as Secretary to the Student Discipline Committee to facilitate the Appeal, ensure that a copy of the principal's report is forwarded to the parent(s)/guardian(s) prior to the Appeal and provided to the Student Discipline Committee at the beginning of the Appeal, and to ensure that any documents, reports and/or submissions prepared by the parent(s)/guardian(s) are provided to the principal at the earliest opportunity and to the Student Discipline Committee at the beginning of the Appeal.
10. A lawyer or agent may represent the parent(s)/guardian(s). Prior notice of a lawyer's or an agent's attendance at the Appeal must be provided to the Superintendent of Education. If prior notice is not provided, the Suspension Appeal may be rescheduled.
11. The Student Discipline Committee and/or the principal may exercise the right to legal counsel.
12. The principal will prepare a report summarizing the incident, the evidence relied upon and the rationale for discipline, including the pupil's disciplinary and academic history, any progressive discipline strategies that have been used and any mitigating and other factors that may be applicable.
13. The Student Discipline Committee of the Board may decide that:
  - a. The suspension was justified and should be upheld; or
  - b. The suspension was justified but that the number of days imposed was too many, in which case the Student Discipline Committee may reduce the length of the suspension and amend the record of suspension accordingly;
  - c. The suspension was justified, but that the record of suspension be removed after a period of time if there are no further incidents requiring discipline;
  - d. The suspension was not justified, in which case the record of suspension will be expunged, and the pupil will be permitted to return to school, if the suspension remains outstanding; or
  - e. Such other order as the Student Discipline Committee considers appropriate.
14. When making their determination, the Student Discipline Committee shall consider:
  - a. The principal's report and submissions;
  - b. The submissions and any other information provided by the parent(s)/guardian(s); and
  - c. The analysis and application of the mitigating and other factors, which may or may not be applicable in other circumstances.
15. The Student Discipline Committee may give such directions or make such orders at a Suspension 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 direction, a Trustee may call for the assistance of a police officer to enforce the direction.
16. The Student Discipline Committee will wait for thirty (30) minutes after the time communicated for the commencement of the Suspension Appeal. If the parent(s)/guardian(s) or representative has not yet attended and notification that they may be late has not been provided, the Student Discipline Committee may proceed to hear the appeal or dismiss the appeal in their absence.

17. The Superintendent of Education will invite the parties into the Student Discipline Committee meeting room and will introduce the parties to the Student Discipline Committee.
18. The Superintendent of Education will introduce the Student Discipline Committee and will indicate:
  - a. That they have been appointed by the Board to hear the matter;
  - b. That they have had no prior involvement with the matter that has come before them;
  - c. That this matter will be heard *In Camera*; and
  - d. That the decision of the Student Discipline Committee is final.
19. The Superintendent of Education will call the Suspension Appeal meeting to order.
20. The Superintendent of Education will outline:
  - a. The process to be followed during a Suspension Appeal; and,
  - b. The matter on appeal before the Student Discipline Committee, including the suspension that was imposed and the infraction for which the pupil was suspended.
21. The Superintendent of Education will distribute copies of the principal's report and any documents submitted by or to be submitted by the parent(s)/guardian(s) to the Student Discipline Committee. The Student Discipline Committee may choose to have a brief recess in order to read the reports and documents.
22. The parent(s)/guardian(s) will be invited to make an oral presentation. Following the presentation:
  - a. Trustees may ask questions of clarification through the Chair; and,
  - b. Administration may ask questions of clarification through the Chair.
23. The pupil will be invited to make a statement on his/her own behalf to the Student Discipline Committee. Following the statement:
  - a. Trustees may ask questions of clarification through the Chair; and,
  - b. Administration may ask questions of clarification through the Chair.
24. Administration will be invited to make a presentation. Following the presentation:
  - a. Either the principal or the Superintendent of Education will review the report provided to the Student Discipline Committee and the parent(s)/guardian(s), and provide any response to the parent(s)/guardian(s)'s presentation;
  - b. Trustees may ask questions of clarification through the Chair;
- c. The parent(s)/guardian(s) may ask questions of clarification through the Chair.
25. The parent(s)/guardian(s) will be invited to respond to Administration's presentation, but only with respect to issues the parent(s)/guardian(s) has not previously addressed.
26. At the conclusion of both presentations, the parent(s)/guardian(s) and Administration will be invited to make summary statements but may not introduce new issues. The Student Discipline Committee may choose to have a brief recess prior to hearing the summary statements.
27. Trustees may ask final questions of clarification.
28. The Superintendent of Education will explain that:
  - a. All persons, except the Student Discipline Committee, will be asked to leave the room while the Trustees deliberate and make their decision;
  - b. The Superintendent of Education will be informed of the decision by the Student Discipline Committee and will relay this decision to the parties at the earliest opportunity.
29. The Superintendent of Education will contact the parties involved by phone the next day with the decision of the Student Discipline Committee. Written notice shall also be provided to the adult pupil or the pupil's parent(s)/guardian(s) informing them of the decision of the Student Discipline Committee.
30. The decision of the Student Discipline Committee is final.



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