



Student Discipline

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TABLE OF CONTENTS

Procedure	Page
1.0 PROGRESSIVE DISCIPLINE	
1.0 Administrative Procedures	3
2.0 Bullying Prevention and Intervention Plan.....	4
3.0 Positive Practices	6
4.0 Early & Ongoing Intervention Strategies - Progressive Discipline Consequences.....	7
5.0 Addressing Inappropriate Behaviour	7
6.0 Factors to Consider Before Deciding to Utilize a Progressive Discipline.....	8
7.0 Mitigating Factors	8
8.0 Record	9
9.0 Additional Information.....	10
10.0 Definitions	10
2.0 RESPONDING TO INCIDENTS	
1.0 Administrative Procedures	11
2.0 Definitions	13
3.0 REPORTING SUSPENSION & EXPULSION INFRACTIONS	
1.0 Administrative Procedures	14
2.0 Definitions	18
4.0 NOTIFICATION	
1.0 Administrative Procedures	19
2.0 Not Notifying a Parent/Guardian	20
3.0 Definitions	21
5.0 SUSPENSION OF PUPIL	
1.0 Administrative Procedures	23
2.0 Factors to Consider Before Deciding Imposing a Suspension.....	23
3.0 Mitigating Factors	24
4.0 Other Factors to be Considered.....	24
5.0 Progressive Discipline.....	25
6.0 Factors Mitigating Decision to Suspend.....	25
7.0 Consultation	25
8.0 School Work	26
9.0 Procedural Steps when Imposing a Suspension	26
10.0 Alternative Suspension Program.....	27
11.0 Planning Meeting	27
12.0 Student Action Plan.....	28
13.0 Suspension Appeal Process.....	28
14.0 Suspension Appeal before the Discipline Committee of the Board.....	30
15.0 Re-entry	31
16.0 Transfer to Another School.....	31
17.0 Definitions	31



6.0	EXPULSION OF PUPIL	
1.0	Administrative Procedures	33
2.0	Factors to Consider Before Deciding to Impose a Suspension.....	34
3.0	Mitigating Factors	34
4.0	Suspension Pending Recommendation for Expulsion.....	35
5.0	Procedural Steps When Imposing a Suspension	36
6.0	Alternative Suspension Program.....	36
7.0	Planning Meeting	37
8.0	Student Action Plan.....	37
9.0	Principal's Investigation	38
10.0	Mitigating Factors	39
11.0	Other Factors to be Considered.....	39
12.0	Progressive Discipline.....	39
13.0	Consultation	40
14.0	Decision Not to Recommend Expulsion.....	40
15.0	Recommendation to the Board for an Expulsion Hearing	41
16.0	The Superintendent will.....	42
17.0	Hearing before the Discipline Committee	42
18.0	No Expulsion.....	44
19.0	Expulsion.....	44
20.0	Re-entry Requirements Following an Expulsion	45
21.0	Appeal of Board Decision to Expel.....	46
22.0	Definitions	46
7.0	EXCLUSION	
1.0	Administrative Procedures	48
2.0	Definitions	48
8.0	MONITORING & REVIEW	
1.0	Administrative Procedures	49
2.0	Definitions	50
9.0	DELEGATION OF AUTHORITY	
1.0	Administrative Procedures	51
2.0	Delegation of Authority to a Vice Principal	52
3.0	Delegation of Authority to Teacher-in-Charge	53
4.0	Definitions	54
APPENDICIES		
1.	Safe Schools Incident Report Form Part 1 & 2	56
2.	Delegation of Authority	58
3.	Suspension Letter	59
4.	Violent Incident Report	60
5.	Notice of Suspension Review	61
6.	Suspension Review Decision.....	62
7.	Notice of Suspension Appeal	63
8a.	Suspension Appeal Decision	64
8b.	Suspension Appeal Decision of the Discipline Committee.....	65
9.	Suspension Pending Possible Recommendation for Expulsion	66
10.	Decision Letter Not to Recommend Expulsion.....	67
11a.	Notice of Recommendation for Expulsion	68
11b.	Expulsion Decision.....	70
11c.	Recommendation for Expulsion Decision of the Discipline Committee.....	71
12.	Declaration of Performance	72
13.	Ministry of Education Reference Material.....	73

1.0 Progressive Discipline

BACKGROUND INFORMATION AND PREMISES

The Provincial Code of Conduct, the St. Clair Catholic District School Board Code of Conduct, the School Code of Conduct and the *Education Act (as amended)*, *Ontario Regulation 472/07, Policy/Program Memorandum (PPM) 128 (Provincial and School Board Code of Conduct)*, *141 (Programs for Long Term Suspension)*, *142(Expulsion Programs)*, *144 (Bullying Prevention)* and *145 (Progressive Discipline)*, *119 (Developing and Implementing Equity and Inclusive Education Policies in Ontario Schools)*, *Ontario Regulation 181/98 (Identification and Placement of Exceptional Students)*, together with the Board's discipline policies and procedures create expectations for behaviour for all persons on school property and outline strategies to be taken to reduce incidents and impose appropriate consequences for pupils. This procedure outlines the expectations for the process to be used by the Board when imposing appropriate consequences for pupils. The process set out in these procedures shall be informed by and implemented in accordance with the principles of equity and inclusion articulated in PPM 119 (Equity and Inclusive Education). The *Human Rights Code of Ontario* has primacy over provincial legislation and policies, as well as school Board policies and procedures, such that the *Education Act*, regulations, including amendments to section 306 subsection 306(1) and section 310 subsection 310(1). Ministry of Education Program/Policy Memoranda, and Board policies and procedures are subject to, and shall be interpreted and applied in accordance with the *Human Rights Code of Ontario*.

Progressive discipline, preventative strategies, use of positive practices as well as early and ongoing intervention strategies will be utilized to prevent or address inappropriate behaviour.

In responding to situations, mitigating and other factors will be considered. It is incumbent on the principal or designate to maintain documentation and adhere to the communication protocols of the policy when notifying parents/guardians as permitted by the policy.

1. Administrative Procedures

A pupil in junior kindergarten, kindergarten, grade 1, 2, or 3 shall not be suspended as per *Education Act* section 306 subsection 306(1) and section 310 subsection 310(1). Activities listed in subsection 310(1) will still be subject to mandatory suspensions, pending the results of an investigation.

Progressive discipline is a non-punitive, whole-school approach that uses a continuum of preventive, corrective and supportive interventions, supports and consequences to address inappropriate behaviour and to build upon strategies that promote positive behaviours. Consequences include learning opportunities for reinforcing positive behaviour and assisting pupils to make good choices. Prevention and early intervention are important for assisting pupils to achieve their potential and for maintaining a positive school environment. A positive school environment is effected through programs and activities that focus on building healthy relationships, character development, and civic responsibility, which encourage positive participation of the school community in the life of the school. Progressive discipline is most effective when dialogue between the school and home regarding pupil achievement, behaviour and expectations is open, courteous and focused on pupil success. It is an expectation of the Board that principals, vice principals and teachers-in-charge consult with parents prior to imposing any pupil specific progressive discipline preventative measures, positive behaviour management strategies or progressive discipline consequences.

Each school is required to develop and implement a school-wide progressive discipline policy, consistent with the Board Student Discipline Policy and Student Discipline Procedures and the *Human Rights Code*.

2. Bullying Prevention and Intervention Plan

The St. Clair Catholic District School Board will establish a Bullying Prevention and Intervention Plan for the schools of the Board, and will require that all schools implement the Board's plan. The Board will solicit the views of students, teachers, principals and other staff of the Board, volunteers working in the schools, parents, school councils, the local community, the Special Education Advisory Committee (SEAC), First Nation Metis Inuit (FNMI) and Board Advisory Council (BAC) when establishing the Bullying Prevention and Intervention Plan. The Board's plan is available to the public on the Board's website. Principals must post their school's Bullying Prevention and Intervention Plan on the school website. The Board will review the Bullying Prevention and Intervention Plan at least once every two years and solicit the views of those listed above when reviewing the plan.

It shall be the responsibility of every school in consultation with the school council, Safe School Team to develop a comprehensive strategy that includes expectations for appropriate student behaviour and a prevention strategy to address bullying in a timely manner. Each school is required to develop and implement a school-wide progressive discipline policy, consistent with the Board Student Discipline Policy and Student Discipline Procedures and the *Human Rights Code*.

Each school is also required to ensure that the Bullying Prevention and Intervention Plan include:

1. bullying prevention and awareness raising strategies
2. support strategies for student who are victims of bullying, engage in bullying or are bystanders
3. reporting Requirements as outlined in ***Student Discipline Policy*** and aligned with the Board's Bullying Prevention and Intervention Plan
4. communication with parents and guardians
5. annual training for school staff.

Bullying has been defined as: aggressive and typically repeated behaviour by a pupil where,

- a) the behaviour is intended by the pupil to have the effect of, or the pupil ought to know that the behaviour would be likely to have the effect of,
 - i. causing harm, fear or distress to another individual, including physical, psychological, social or academic harm, harm to the individual's reputation or harm to the individual's property, or
 - ii. creating a negative environment at a school for another individual, and
- b) the behaviour occurs in a context where there is a real or perceived power imbalance between the pupil and the individual based on factors such as size, strength, age, intelligence, peer group power, economic status, social status, religion, ethnic origin, sexual orientation, family circumstances, gender, gender identity, gender expression, race, disability or the receipt of special education; ("intimidation")

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

Bullying includes bullying by electronic means (commonly known as Cyber-bullying) including,

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

(subsections 1(1) and 1(1.0.0.2) of the *Education Act*)

Bullying is a dynamic or unhealthy interaction that can take many forms. It can be physical (e.g. hitting, pushing, tripping), verbal (e.g. name calling, mocking, or making sexist, racist or homophobic comments) or social (e.g. spreading rumours, images, or hurtful comments through the use of e-mail, cell phones, text messaging, internet websites, or other technology). Bullying adversely affects a student's ability to learn. Bullying adversely affects the school climate, including healthy relationships. 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.

In addition, teaching strategies should include a focus on developing healthy relationships by including bullying prevention throughout the curriculum, preventing homophobia, gender-based violence, sexual harassment, inappropriate sexual behaviour, as well as promoting critical media literacy and safe internet use strategies, all of which are to be implemented in a manner consistent with the principles of equity and inclusion.

The teacher, principal or designate should select the most appropriate response to address the pupil's behaviour. Where a pupil has special education and/or disability related needs, the interventions, supports and consequences must be consistent with the expectations for the pupil, including those in the pupil's Individual Education Plan, Behaviour Management Plan and/or Safety Plan. Progressive discipline includes the use of early and ongoing prevention, intervention strategies and strategies to address inappropriate behaviour. Pupils' parent(s)/guardian(s) should be actively engaged in the progressive discipline approach.

Student support services staff who work with pupils are expected to support pupils to achieve their potential. Prevention strategies include supporting pupils, student councils and/or school councils that wish to participate in pupil led alliances or other alliances and/or activities promoting healthy relationships. Where a pupil has reported harassment, bullying or violence, including where such behaviour is based on any grounds protected by the *Human Rights Code*, or inappropriate sexual behaviour, that pupil shall be supported by the school with the provision of contact information about professional supports, such as community agencies, public health facilities, and telecommunications forums, such as a help-phone-line or website, that the pupil may access directly for information, assistance and/or support in an effort to promote and/or develop healthy relationships. Support Services will be made available to students who engage in bullying behaviours, who are victims of bullying and to those students who witness incidents of bullying. In accordance with Policy/Program Memorandum 149, schools shall be required by the Board to work with agencies and/or organizations in their community that have professional expertise with respect to issues of gender-based violence, sexual assault, homophobia and inappropriate sexual behaviour. A current list of community contacts will be created and maintained electronically by the Board and made available to all schools, staff and pupils on the Board's internet and intranet websites. A protocol outlining the process for entering into a Memorandum of Understanding with an appropriate community agency and/or organization shall be made available to schools. Schools shall provide public health units, under the responsibility of the local medical officer of health, the ability to deliver their mandated public health curriculum in accordance with the teaching of the Catholic Church.

The Board also expects principals/vice principals to review and amend, as appropriate, Individual Education Plans, Behaviour Management Plans and Safety Plans at regular intervals and following an



incident to ensure that every pupil with disability related needs is receiving appropriate accommodation up to the point of undue hardship.

Other preventative practices include:

- Human Rights strategy pursuant to PPM 119;
- anti-bullying and violence prevention programs;
- mentorship programs;
- student success strategies;
- character education;
- citizenship development;
- student leadership;
- promoting healthy student relationships; and
- promoting healthy lifestyles.

Consistent with Policy Program Memorandum 149, the Board will also ensure that parents of pupils are aware of the supports available for the linguistic, ethno-cultural and disability related needs of pupils and their immediate families. The Board will make this information available on the Board website.

3. Positive Practices

In order to promote and support appropriate and positive pupil behaviours that contribute to creating and sustaining safe, comforting and accepting learning and teaching environments that encourage and support pupils to reach their full potential, the Board supports the use of positive practices for:

1. prevention;
2. positive behaviour management.

Positive behaviour management practices include:

- a. program modifications or accommodations;
- b. class placement;
- c. positive encouragement and reinforcement;
- d. individual, peer and group counseling;
- e. conflict resolution/dispute resolution;
- f. mentorship programs;
- g. safety plans;
- h. school, Board and community support programs; and
- i. student success strategies.

The Board will support pupils who want to establish and lead activities and organizations that promote a safe and inclusive learning environment, the acceptance of and respect for others and the creation of positive school climate including clubs that promote gender equality, anti-racism, awareness and understanding of and respect for people with disabilities, people of all sexual orientations and gender identities, including organizations with the name gay-straight alliance. The name of an activity or organization must be consistent with the promotion of a positive school climate that is inclusive and accepting of all students.

The Board recognizes that, in some circumstances, positive practices might not be effective or sufficient to address inappropriate pupil behaviour. In such circumstances, the Board supports the use of progressive discipline consequences up to, and including, expulsion from all schools of the Board.

In circumstances where a pupil will receive consequences for his/her behaviour, it is the expectation of the Board that the principle of progressive discipline consistent with the *Human Rights Code*, Ministry of Education direction and PPM 145, will be applied in the least restrictive manner to be effective, and so as not to add to the historical disadvantage of racialized pupils and/or pupils with disabilities.

4. Early and Ongoing Intervention Strategies – Progressive Discipline Consequences

A teacher or the principal or vice principal, as appropriate, may utilize early and and/or ongoing intervention strategies to prevent unsafe or inappropriate behaviours. These may include:

- a. contact with pupil's parent(s)/guardian(s);
- b. oral reminders;
- c. review of expectations;
- d. written work assignment addressing the behaviour, that have a learning component;
- e. volunteer services to the school community;
- f. conflict mediation and resolution;
- g. peer mentoring;
- h. referral to counselling; and/or
- i. consultation between two (2) or more parties.

In all cases where ongoing intervention strategies are used, the pupil's parents/guardians should be consulted.

The teacher, principal or vice principal should keep a record for each pupil whom intervention strategies are utilized. The record should include:

1. name of the pupil;
2. date of the incident or behaviour;
3. nature of the incident or behaviour;
4. progressive discipline approach used;
5. outcome; and/or
6. contact with pupil's parent/guardian (unless the pupil is an adult).

5. Addressing Inappropriate Behaviour

If a pupil has displayed inappropriate behaviour the principal or vice principal may utilize a range of interventions, supports and consequences that are:

1. developmentally appropriate, and
2. include opportunities for pupils to focus on improving their behaviour.

Inappropriate behaviour includes any behaviour that disrupts the positive school climate and/or has a negative impact on the school community.

Inappropriate behaviour may also include, but is not limited to, one of the following infractions for which a suspension may be imposed:

1. any act considered by the principal to be injurious to the moral tone of the school;
2. any act considered by the principal to be injurious to the physical or mental well-being of any member of the school community; and
3. any act considered by the principal to be contrary to the Board or school Code of Conduct.

If a pupil has engaged in inappropriate behaviour and it is the first time that the pupil has engaged in such behaviour, the principal or designate may choose to use a progressive discipline strategy to address the infraction.

Interventions may include:

- a. meeting with the pupil's parent(s)/guardian(s), pupil and principal;
- b. referral to a community agency for anger management or substance abuse, counselling/intervention;
- c. detentions;
- d. withdrawal of privileges
- e. restitution for damages
- f. restorative practices; and/or
- g. transfer to another class or school.

In some cases, short term suspension may also be considered a useful progressive discipline approach.

6. Factors to Consider Before Deciding to Utilize a progressive Discipline

Before applying any progressive discipline consequence, 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 exacerbated the pupil's disadvantaged position in society, and whether or not accommodation to the point of undue hardship is required.

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

1. the particular pupil and circumstances including considering the mitigating and other factors;
2. the nature and severity of the behaviour;
3. the impact of the inappropriate behaviour on the school climate; and
4. consultation with the pupil's parent(s) guardian(s) (unless the pupil is an adult).

7. Mitigating Factors

The mitigating factors to be considered by the principal before deciding whether to use a progressive discipline approach to address the inappropriate behaviour are:

1. whether the pupil has the ability to control his or her behaviour;
2. whether the pupil has the ability to understand the foreseeable consequences of his/her behaviour and;
3. whether the pupil's continued presence in the school does or does not create an unacceptable risk to the safety of any other individual at the school.

Other Factors to be considered:

1. the pupil's academic, discipline and personal history;
2. whether other progressive discipline has been attempted with the pupil, and if so, the progressive discipline approach(es) that has/have been attempted and any success or failure;
3. whether the infraction for which the pupil might be disciplined was related to any harassment of the pupil because of race, colour, ethnic origin, place of origin, religion, creed, disability, gender or gender identity, sexual orientation or harassment of any other reason related to an immutable characteristic;
4. the impact of the discipline on the pupil's prospects for further education;
5. the pupil's age;
6. where the pupil has an IEP or disability related needs;
 - (a) whether the behaviour causing the incident was a manifestation of the pupil's disability;
 - (b) whether appropriate individualized accommodation has been provided to the point of undue hardship;
 - (c) whether a suspension is likely to result in aggravating or worsening the pupil's behaviour or conduct or whether a suspension is likely to result in a greater likelihood of further inappropriate conduct; and

If the 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.

Exclusion from the school pursuant to section 265(1)(m) of the *Education Act* is not acceptable for discipline purposes or as an alternative to discipline and may only be effected following consultation with the superintendent and in accordance with the *Education Act* and consistent with the *Human Rights Code*.

8. Record

The principal or vice principal should keep a record for each pupil with whom progressive discipline approach(es) is/are utilized. The record should include:

1. name of the pupil;
2. date of the incident or behaviour;
3. nature of the incident or behaviour;
4. considerations taken into account;

5. progressive discipline approach used;
6. outcome; and
7. contact with the pupil's parent/guardian (unless the pupil is an adult).

9. Additional Information

1. The St. Clair Catholic District School Board is committed to the principles of equity and inclusive education, consistent with our Catholic teachings, which value and promote human rights and social justice in all Board policies, programs, guidelines, operations and practices.

10. Definitions

The following definitions apply for the purposes of pupil discipline.

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

Bullying – is typically a form of repeated, persistent, and aggressive behaviour directed at an individual or individuals that is intended to cause (or should be known to cause) fear and distress and/or harm to another person's body, feelings, self-esteem, or reputation. Bullying occurs in a context where there is a real or perceived power imbalance. Bullying behaviour can include physical, verbal, electronic (cyber-bullying), written or other means. (Refer to Section C: Students Procedure 1.0 section 2.0) (subsections 1(1) and 1(1.0.0.2) of the *Education Act*)

Disproportionate Impact – is created when discipline impacts a pupil to a greater degree in comparison to his or her peers as a result of factors related to grounds protected by the *Human Rights Code*.

Exclusion – subject to an appeal to the Board, the *Education Act* specifically requires principals to refuse to admit to school or classroom a person whose presence in the school or classroom would in the principal's judgment be detrimental to the physical or mental well-being of the pupils.

Harassment – words, conduct or action that is directed at an individual and serves no legitimate purpose and which may include remarks, jokes, threats, name-calling, the display of material(s), touching or other behaviour that an individual knows or ought to know insults, intimidates, offends, demeans, annoys, alarms or causes that individual emotional distress and may constitute discrimination when related to grounds protected by the *Human Rights Code*.

Immutable Characteristics – are characteristics that an individual cannot change or that an individual cannot alter about themselves, such as height.

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 an adult pupil.

Safety Plan - a detailed plan to keep a particular student as well as other students and staff members safe while at school. The safety plan outlines expectations for the student to ensure safety at various times and in various locations. Intervention steps need to be clearly outlined.

School Climate – is the sum total of all of the personal relationships within a school. A positive climate exists when all members of the school community feel safe, comfortable and accepted.

School Community - the school community is composed of staff, pupils and parents of the school and feeder schools / family of schools, as well as the community of people and businesses that are served by or located in the greater neighborhood of the school.

Superintendent – shall be consistent with and have the meaning attributed to Supervisory Officer in the Education Act and regulations.

Undue Hardship – is the standard for the provision of accommodation, or point to which accommodation must be provided, for a specific pupil by the Board.

Weapon – is any object or thing used to threaten or inflict harm on another person and includes, but is not limited to, knives, guns, replica guns and animals.

2.0 Responding to Incidents

BACKGROUND INFORMATION AND PREMISES:

The Provincial Code of Conduct, the St. Clair Catholic District School Board Code of Conduct, the School Code of Conduct and the *Education Act (as amended)*. *Ontario Regulation 472/07, Policy/Program Memorandum (PPM) 128 (Provincial and School Board Code of Conduct), 141 (Programs for Long Term Suspension), 142(Expulsion Programs), 144 (Bullying Prevention) and 145 (Progressive Discipline), 119 (Developing and Implementing Equity and Inclusive Education Policies in Ontario Schools, Ontario Regulation 181/98 (Identification and Placement of Exceptional Students), together with the Board's discipline policies and procedures* create expectations for behaviour for all persons on school property and outline strategies to be taken to reduce incidents and impose appropriate consequences for pupils. This procedure outlines the expectations for the process to be used by the Board when imposing appropriate consequences for pupils. The process set out in these procedures shall be informed by and implemented in accordance with the principles of equity and inclusion articulated in PPM 119 (Equity and Inclusive Education). The *Human Rights Code of Ontario* has primacy over provincial legislation and policies, as well as school Board policies and procedures, such that the *Education Act*, regulations, including amendments to section 306 subsection 306(1) and section 310 subsection 310(1). Ministry of Education Program/Policy Memoranda, and Board policies and procedures are subject to, and shall be interpreted and applied in accordance with the *Human Rights Code of Ontario*.

Progressive discipline, preventative strategies, use of positive practices as well as early and ongoing intervention strategies will be utilized to prevent or address inappropriate behaviour.

In responding to situations, mitigating and other factors will be considered. It is incumbent on the principal or designate to maintain documentation and adhere to the communication protocols of the policy when notifying parents/guardians as permitted by the policy.

1. Administrative Procedures

A pupil in junior kindergarten, kindergarten, grade 1, 2, or 3 shall not be suspended as per *Education Act* section 306 subsection 306(1) and section 310 subsection 310(1). Activities listed in subsection 310(1) will still be subject to mandatory suspensions, pending the results of an investigation.

The Board is committed to supporting safe learning and teaching environments in which every pupil can reach his/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 behaviours 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.

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, unless, in the employee's opinion, responding would cause immediate physical harm to himself or herself or to a student or another person. 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. It is not necessary to report incidents to the principal that fall below the threshold for suspension and expulsion.

For incidents where suspension or expulsion would not be considered, but Board employees feel it is not safe to respond, they will be expected to verbally inform the principal as soon as possible.

It is the expectation of the Board that, provided 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.

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:

1. asking the pupil to stop the behaviour;
2. identifying the behaviour as inappropriate and disrespectful;
3. explaining the impact of the behaviour on others and the school climate;
4. modeling appropriate communication;
5. asking the pupil for a correction of their behaviour by restating or rephrasing their comments;
6. asking the pupil to apologize for their behaviour;

7. asking the pupil to promise not to repeat their behaviour;
8. asking the pupil to explain why and how a different choice with respect to their behaviour would have been more appropriate and respectful; and
9. where applicable, identifying the application of the *Human Rights Code*.

A response by the staff to the incident shall not prevent or preclude the principal or vice principal from imposing appropriate progressive discipline and/or disciplinary measures, up to and including a recommendation for expulsion from all schools. Where, in the opinion of the Board employee who works with pupils, the behaviour observed or heard might lead to suspension or suspension with 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 follow the procedures outlined for reporting incidents when reporting in writing. For all other behaviour, the employee will report the behaviour to the principal/vice principal/ teacher-in-charge at the earliest convenient opportunity. The principal/vice principal shall consider whether or not further discipline is appropriate in the circumstances.

2. Definitions

The following definitions apply for the purposes of pupil discipline.

Bullying – is typically a form of repeated, persistent, and aggressive behaviour directed at an individual or individuals that is intended to cause (or should be known to cause) fear and distress and/or harm to another person's body, feelings, self-esteem, or reputation. Bullying occurs in a context where there is a real or perceived power imbalance. Bullying behaviour can include physical, verbal, electronic (cyber-bullying), written or other means. (Refer to Section C: Students Procedure 1.0 section 2.0) (subsections 1(1) and 1(1.0.0.2) of the *Education Act*)

Harassment – words, conduct or action that is directed at an individual and serves no legitimate purpose and which may include remarks, jokes, threats, name-calling, the display of material(s), touching or other behaviour that an individual knows or ought to know insults, intimidates, offends, demeans, annoys, alarms or causes that individual emotional distress and may constitute discrimination when related to grounds protected by the *Human Rights Code*.

Immutable Characteristics – are characteristics that an individual cannot change or that an individual cannot alter about themselves, such as height.

School Climate – is the sum total of all of the personal relationships within a school. A positive climate exists when all members of the school community feel safe, comfortable and accepted.

Teacher-in-Charge – is a teacher delegated authority by the principal to undertake specified duties with respect to pupil discipline in the event that the principal or vice principal is not available.

3.0 Reporting Suspension and Expulsion Infractions

BACKGROUND INFORMATION AND PREMISES:

The Provincial Code of Conduct, the St. Clair Catholic District School Board Code of Conduct, the School Code of Conduct and the *Education Act (as amended)*. *Ontario Regulation 472/07, Policy/Program*

*Memorandum (PPM) 128 (Provincial and School Board Code of Conduct), 141 (Programs for Long Term Suspension), 142(Expulsion Programs), 144 (Bullying Prevention) and 145 (Progressive Discipline), 119 (Developing and Implementing Equity and Inclusive Education Policies in Ontario Schools, Ontario Regulation 181/98 (Identification and Placement of Exceptional Students), together with the Board's discipline policies and procedures create expectations for behaviour for all persons on school property and outline strategies to be taken to reduce incidents and impose appropriate consequences for pupils. This procedure outlines the expectations for the process to be used by the Board when imposing appropriate consequences for pupils. The process set out in these procedures shall be informed by and implemented in accordance with the principles of equity and inclusion articulated in PPM 119 (Equity and Inclusive Education). The *Human Rights Code of Ontario* has primacy over provincial legislation and policies, as well as school Board policies and procedures, such that the *Education Act*, regulations, including amendments to section 306 subsection 306(1) and section 310 subsection 310(1). Ministry of Education Program/Policy Memoranda, and Board policies and procedures are subject to, and shall be interpreted and applied in accordance with the *Human Rights Code of Ontario*.*

Progressive discipline, preventative strategies, use of positive practices as well as early and ongoing intervention strategies will be utilized to prevent or address inappropriate behaviour.

In responding to situations, mitigating and other factors will be considered. It is incumbent on the principal or designate to maintain documentation and adhere to the communication protocols of the policy when notifying parents/guardians as permitted by the policy.

1. Administrative Procedures

A pupil in junior kindergarten, kindergarten, grade 1, 2, or 3 shall not be suspended as per *Education Act* section 306 subsection 306(1) and section 310 subsection 310(1). Activities listed in subsection 310(1) will still be subject to mandatory suspensions, pending the results of an investigation.

The infractions for which a **suspension** may be imposed by the principal include:

1. uttering a threat to inflict serious bodily harm on another person;
2. possessing alcohol, illegal and/or restricted drugs;
3. being under the influence of alcohol;
4. swearing at a teacher or at another person in a position of authority;
5. 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;
6. bullying;
7. any act 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 similar factor;
8. any act considered by the principal to be injurious to the moral tone of the school;
9. any act considered by the principal to be injurious to the physical or mental well-being of members of the school community;
10. any act considered by the principal to be contrary to the Board or school Code of Conduct.

The infractions for which a principal may consider recommending to the Board that a pupil be **expelled** from the pupil's school or from all schools of the Board include:



1. possessing a weapon, including possessing a firearm;
2. using a weapon to cause or to threaten bodily harm to another person;
3. committing physical assault on another person that causes bodily harm requiring treatment by a medical practitioner;
4. committing sexual assault;
5. trafficking in weapons, illegal and/or restricted drugs;
6. committing robbery;
7. any activity listed in the *Education Act* subsection 305(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 similar factor.
8. the student has been previously suspended for bullying and the student's continuing presence in the school creates (in the principal's opinion) an unacceptable risk to the safety of another person.
9. giving alcohol to a minor;
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;
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;
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;
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;
14. the pupil has demonstrated through a pattern of behaviour that s/he has not benefited 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 benefit;
15. any act considered by the principal to be a serious violation of the requirements for pupil behaviour and/or a serious breach of the Board or school Code of Conduct.
16. where a student has no history of discipline or behaviour intervention or no relevant history, a single act, incident or infraction considered by the principal to be a serious breach of the Board or school Code of Conduct.

When a Board staff member, transportation provider or employees and contractors of third-party operators who are providing before and/or after school programs for Full Day Kindergarten on the school site becomes aware of any infractions for which a suspension may be imposed by the principal or any infractions for which a principal may consider recommending to the Board that a pupil be expelled, he/she must report the infraction and any details to the principal/vice principal/teacher-in-charge at the earliest, safe opportunity and no later than the end of the school day, or end of a transportation run, if reported by a transportation provider. Where two (2) or more Board staff and/or transportation providers become aware of the same incident, each staff member and transportation provider shall make a report to the principal/vice principal or teacher-in-charge if the administration is not available.

In certain situations, members of the College of Psychologists of Ontario or the Ontario College of Social Workers and Social Service Workers who are engaged in a clinical relationship with a student shall report incidents of behaviour for which suspension or expulsion must be considered by the principal as soon as it is, in their professional opinion, reasonably possible to do so without having a negative impact on the nature of the clinical relationship. They shall also report, in a manner that is

consistent with the code of ethics and the standards of practice of their respective professions, matters that could result in the student doing physical, emotional, or psychological harm to himself or herself or to others.

The purpose of reporting incidents is to ensure that the principal/vice principal is aware of the behaviour.

Wherever possible, it is expected that the employee or transportation provider will provide an oral report to the principal/vice principal or teacher-in-charge if the administration is not available, at the earliest, safe opportunity. A written report in the form attached as Appendix 1 Safe Schools Incident Report Form-Part 1 must be submitted to the principal/vice principal or teacher-in-charge if administration is not available, when it is safe to do so and no later than the end of the school day or the end of the transportation run, if reported by a transportation provider. A teacher-in-charge who receives the form-part 1 shall provide it to an administrator at the earliest opportunity.

Once the form is received, the principal/vice principal will assign a report number to the form and acknowledge the receipt of the form by returning to the employee or transportation provider Safe Schools Incident Reporting Form-part 2, attached as Appendix 1. On the form the principal or vice principal will identify whether or not action was taken. No information identifying pupils will be included on form-part 2. The principal must investigate all reports submitted by board employees, as outlined in subsection 300.2(3) of the *Education Act*. Once the investigation is complete, the principal must communicate the results of the investigation to the teacher who made the report. If a board employee who is not a teacher made the report, the principal will communicate the results of the investigation to that employee if the principal considers it appropriate. Communication between the principal and school staff about the investigation and the results of the investigation is a shared responsibility, and is an important factor in meeting student needs and fostering collaboration in the school. The principal must not disclose more personal information than is reasonably necessary for the purpose of communicating the results of the investigation, in accordance with subsection 300.2(5) of the *Education Act*. This information must be provided in a timely manner so that school staff can work with the principal to best meet the needs of students, support a positive school climate, and help prevent future inappropriate behaviour from taking place.

When form-part 2 identifies that no action has been taken, the employee or transportation provider shall destroy their copy of form-part 2. The principal/vice principal shall retain their copy of the form-part 1 for the balance of the school year. Where the form-part 2 indicates that action has been taken, the employee or transportation provider may destroy the form-part 2, but if they choose to retain it, it must be retained in a secure location for at least twelve (12) months.

In circumstances in which action is taken by the principal or vice principal with respect to the alleged incident and pupil who has been disciplined, a copy of form-part 1 shall be filed in that pupil's Ontario Student Record (OSR) for at least the balance of the school year and for the following school year, unless the form-part 1 is removed from the OSR in accordance with section 266 of the *Education Act*, or as the result of a suspension review, suspension appeal, expulsion appeal, or settlement or final determination of an appeal / review / proceeding / action / claim / application.

The principal/vice principal shall ensure that all information contained in the form-part 1 that could identify other pupils has been removed/blacked-out before it is filed in the OSR of the pupil who has been disciplined.

When action is taken against more than one pupil, the form–part 1 shall be filed in each pupil’s OSR, as above, with all identifying information about other pupils removed.

In circumstances where the victim has also demonstrated inappropriate behaviour during the same incident and the principal or vice principal has responded to the victim’s inappropriate behaviour with progressive discipline short of suspension, the form–part 1 should only be filed in the victim’s OSR if the parents of the victim have been informed of the incident and the victim’s behaviour and the progressive discipline measures that have been taken.

Where the parents have not been informed by the principal or vice principal of the victim’s actions, a copy of the form–part 1 shall NOT be filed in the OSR of the pupil who has been disciplined. When action is taken against more than one pupil, the form–part 1 shall be filed in each pupil’s OSR, as above, with the identifying information about other pupils removed.

Where the victim has NOT demonstrated any inappropriate behaviour during the incident, the form–part 1 shall only be filed in the victim’s OSR, with the consent of the victim’s parent/guardian if the victim is not an adult pupil. If the victim is an adult pupil, the victim’s consent is required before form–part 1 is filed in his/her OSR.

In situations where the student who has been harmed has also engaged in a serious student incident, information regarding the incident and the action taken will be placed in the student’s OSR.

If form–part 1 has been filed in the victim’s OSR, it should be retained for the balance of the school year in which the incident occurred as well as the following school year, unless it is removed pursuant to section 266 of the Education Act or as a result of a suspension review, suspension appeal, expulsion appeal, or settlement or final determination of an appeal / review / proceeding / action/claim/application.

In circumstances where form–part 1 is destroyed, it must be destroyed in a manner that protects the privacy of all personal information that may be contained therein.

If the principal has identified the incident as violent, the reporting form – Part 1 – must be retained in that student’s OSR for one year if the student’s suspension was quashed or withdrawn and the record of suspension expunged. Documentation of any other action taken (other than suspension or expulsion) must also be retained for this period. If the student was suspended for a violent incident, the Safe Schools Incident Reporting Form – Part 1 must be retained in the student’s OSR for at least three years.

If the student was expelled for a violent incident, the Safe School Incident Report Form – Part 1 must be retained in the student’s OSR for at least five years.

In circumstances where form–part 1 is retained but not filed in a pupil’s OSR, it must be stored in a secure place and measures must be taken to ensure access is limited and that all personal information is protected as private. Where a proceeding has been undertaken or an application has been made to the Human Rights Tribunal of Ontario, the form–part 1 shall be retained until at least as long as such proceeding or application has been finally resolved.

Each year the principal shall review with all staff their duty to report as outlined above. This review shall include instructions regarding the completion of the form–part 1 and the receipt and destruction of the form–part 2.

Victims of Serious Student Incidents

The Board supports pupils who are victims of serious incidents of pupil behaviours causing harm contrary to the provincial, Board and school Codes of Conduct. The principal or designate is required to provide information in accordance with Board procedures to the parent/guardian of the pupil who is less than 18 years of age, is not 16 or 17 and has withdrawn from parental control, and where the principal is NOT aware that informing the parent/guardian would put the pupil at risk of harm and would not be in the pupil's best interests. The principal may inform a parent of a student 18 years of age or older or who is 16 or 17 and has withdrawn from parental control if that student consents to disclosure of information. The Board shall develop appropriate plans to protect the victim and will communicate to parent, guardians of the victim information about the plan and will invite the parent or guardian to have a discussion with the principal about the supports that will be provided for his or her child.

2. Definitions

The following definitions apply for the purposes of pupil discipline.

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

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

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 an adult pupil.

Safety Plan - a detailed plan to keep a particular student as well as other students and staff members safe while at school. The safety plan outlines expectations for the student to ensure safety at various times and in various locations. Intervention steps need to be clearly outlined.

School Community - the school community is composed of staff, pupils and parents of the school and feeder schools / family of schools, as well as the community of people and businesses that are served by or located in the greater neighborhood of the school.

Teacher-in-Charge – is a teacher delegated authority by the principal to undertake specified duties with respect to pupil discipline in the event that the principal or vice principal is not available.

Weapon – is any object or thing used to threaten or inflict harm on another person and includes, but is not limited to, knives, guns, replica guns and animals.

4.0 Notification

BACKGROUND INFORMATION AND PREMISES:

The Provincial Code of Conduct, the St. Clair Catholic District School Board Code of Conduct, the School Code of Conduct and the *Education Act (as amended)*, *Ontario Regulation 472/07, Policy/Program Memorandum (PPM) 128 (Provincial and School Board Code of Conduct)*, *141 (Programs for Long Term Suspension)*, *142 (Expulsion Programs)*, *144 (Bullying Prevention)* and *145 (Progressive Discipline)*, *119 (Developing and Implementing Equity and Inclusive Education Policies in Ontario Schools)*, *Ontario Regulation 181/98 (Identification and Placement of Exceptional Students)*, together with the Board's discipline policies and procedures create expectations for behaviour for all persons on school property and outline strategies to be taken to reduce incidents and impose appropriate consequences for pupils. This procedure outlines the expectations for the process to be used by the Board when imposing appropriate consequences for pupils. The process set out in these procedures shall be informed by and implemented in accordance with the principles of equity and inclusion articulated in PPM 119 (Equity and Inclusive Education). The *Human Rights Code of Ontario* has primacy over provincial legislation and policies, as well as school Board policies and procedures, such that the *Education Act*, regulations, including amendments to section 306 subsection 306(1) and section 310 subsection 310(1). Ministry of Education Program/Policy Memoranda, and Board policies and procedures are subject to, and shall be interpreted and applied in accordance with the *Human Rights Code of Ontario*.

Progressive discipline, preventative strategies, use of positive practices as well as early and ongoing intervention strategies will be utilized to prevent or address inappropriate behaviour.

In responding to situations, mitigating and other factors will be considered. It is incumbent on the principal or designate to maintain documentation and adhere to the communication protocols of the policy when notifying parents/guardians as permitted by the policy.

1. Administrative Procedures

A pupil in junior kindergarten, kindergarten, grade 1, 2, or 3 shall not be suspended as per *Education Act* section 306 subsection 306(1) and section 310 subsection 310(1). Activities listed in subsection 310(1) will still be subject to mandatory suspensions, pending the results of an investigation.

If the principal believes that a pupil of the school has been harmed as a result of an activity described in subsection 306 (1) or 310 (1) of the *Education Act*, the principal shall, as soon as reasonably possible, notify, the parent or guardian of the pupil who the principal believes has been harmed; and the parent or guardian of any pupil of the school who the principal believes has engaged in the activity that resulted in the harm.

When notifying a parent or guardian of a pupil who engaged in the activity, the principal shall disclose,

- (a) the nature of the activity that resulted in harm to the other pupil;
- (b) the nature of the harm to the other pupil;
- (c) the nature of any disciplinary measures taken in response to the activity; and
- (d) the supports that will be provided for the pupil in response to his or her engagement in the activity.

When notifying the parent or guardian of a pupil who the principal believes has been harmed, the principal shall disclose:

- (a) the nature of the activity that resulted in harm to the pupil;
- (b) the nature of the harm to the pupil; and
- (c) the steps taken to protect the pupil's safety, including the nature of any disciplinary measures taken in response to the activity.
- (d) the supports that will be provided for the student in response to the harm that resulted from the activity.

The principal or vice principal shall provide this information to the parent/guardian of the victim, unless in the opinion of the principal or vice principal providing information to the victim's parent/guardian would put the victim at risk of harm and would not be in the victim's best interest, or the victim is an adult pupil. In situations when the principal or vice principal is of the opinion that providing information to the victim's parent/guardian would put the victim at risk of harm and would not be in the victim's best interest the principal or vice principal shall consult with the Superintendent of Education of the school or emergency Administrator of the Board. Where the victim is an adult pupil, the principal or vice principal shall inform the parent/guardian only with the victim's consent

The principal will advise that steps have been taken with respect to the student who engaged in the activity.

The *Education Act* states that the principal shall not disclose the name of or any other identifying or personal information about a student who engaged in the activity that resulted in the harm, except as is necessary to comply with the notification requirements.

The principal vice principal shall outline steps being taken by the school to protect the pupil's safety. These measures might include the development of a safety plan and/or prevention strategies identified in this procedure. The principal or vice principal shall, as appropriate, recommend a referral for the pupil to receive social work support.

In addition, where the victim has been harassed, bullied or suffered violence because of one or more immutable characteristics, including on any grounds protected by the *Human Rights Code*, or has been sexually assaulted, the principal or vice principal shall share contact information about professional supports such as community agencies, public health facilities and telecommunications forums, such as a help-phone-line or website, that the victim and the victim's parent/guardian may access for information, assistance and support.

A written list of community contacts will be made available to the victim and/or the victim's parent/guardian. This list shall also be available on the Board's website. If the victim requires support for linguistic, ethno-cultural or disability related needs, information about community supports that are available shall also be shared with the victim and/or the victim's parent/guardian in a form accessible to the parent/guardian.

The principal or vice principal may communicate to the victim's parent/guardian any school wide initiatives or preventative progressive discipline measures that have been or will be implemented as a result of the incident and/or other similar incidents. The principal or vice principal shall NOT disclose the specific disciplinary measures that might have been imposed. Where the pupil(s) disciplined shall no longer be attending the same school as the victim, this fact may be confirmed.

When notifying a parent or guardian as set out above, the principal shall invite the parent or guardian to discuss with the principal about the supports that will be provided for his or her child.

2. Not Notifying a Parent/Guardian

Where, in the opinion of principal/vice principal/teacher-in-charge, providing information to the victim's parent/guardian would put the victim at risk of harm, such that notification would not be in the victim's best interests, or where the victim is an adult pupil and does NOT consent to his/her parent/guardian being informed, the principal/vice principal/teacher-in-charge shall not inform the victim's parent/guardian. A teacher-in-charge shall report to the administration at the earliest opportunity the reason(s) why notification was not provided to the parent/guardian. The principal or vice principal shall:

1. consider, as a result of the victim's disclosure, whether or not the victim is a child in need of protection and, if so, make a report to the Children's Aid Society, and if in doubt, the principal or vice principal shall make a no-names call to Children's Aid Society to inquire about the appropriateness of making a report;
2. consult his/her superintendent or emergency administrator that the parent/guardian was not informed and why;
3. document in the Student Information System why the parent/guardian was not notified;
4. inform the teacher or other professional or para-professional staff person, if that individual informed the principal or vice principal of the potential for harm, that the parent/guardian was not informed and why; and
5. inform other staff working to support the pupil, as appropriate.

The principal or vice principal shall inform the victim of the steps being taken by the school to protect the victim's safety. These measures might include a Safety Plan and the implementation of prevention strategies identified in this procedure. Where the victim has been harassed, bullied or suffered violence as a result of one or more immutable characteristics, including any grounds protected by the *Human Rights Code*, or has been sexually assaulted, the principal or vice principal shall provide the victim with contact information about professional supports such as community agencies, public health facilities and telecommunications forums, such as a help-phone-line or website, that the victim may access for information, assistance and support. A written list of community contacts shall be provided to the victim and the victim shall be informed that the list is available on the Board's website. Where the victim requires support for linguistic, ethno-cultural, or disability related needs, information about community supports that are available shall also be shared with the victim in a form most accessible to the victim.

3. Definitions

The following definitions apply for the purposes of pupil discipline.

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

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

Bullying – is typically a form of repeated, persistent, and aggressive behaviour directed at an individual or individuals that is intended to cause (or should be known to cause) fear and distress and/or harm to another person's body, feelings, self-esteem, or reputation. Bullying occurs in a context where there is a real or perceived power imbalance. Bullying behaviour can include physical, verbal, electronic (cyber-bullying), written or other means. (Refer to Section C: Students Procedure 1.0 section 2.0) (subsections 1(1) and 1(1.0.0.2) of the *Education Act*)

Emergency Administrator – is a superintendent or principal identified by the principal of the school, to which a teacher-in-charge is assigned, as the emergency contact should the administrators of the school not be available in emergency circumstances.

Immutable Characteristics – are characteristics that an individual cannot change or that an individual cannot alter about themselves, such as height.

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 an adult pupil.

Superintendent – shall be consistent with and have the meaning attributed to Supervisory Officer in the Education Act and regulations.

Teacher-in-Charge – is a teacher delegated authority by the principal to undertake specified duties with respect to pupil discipline in the event that the principal or vice principal is not available.

5.0 Suspension of a Pupil

BACKGROUND INFORMATION AND PREMISES:

The Provincial Code of Conduct, the St. Clair Catholic District School Board Code of Conduct, the School Code of Conduct and the *Education Act (as amended)*. *Ontario Regulation 472/07, Policy/Program Memorandum (PPM) 128 (Provincial and School Board Code of Conduct), 141 (Programs for Long Term Suspension), 142 (Expulsion Programs), 144 (Bullying Prevention) and 145 (Progressive Discipline), 119 (Developing and Implementing Equity and Inclusive Education Policies in Ontario Schools, Ontario Regulation 181/98 (Identification and Placement of Exceptional Students), together with the Board's discipline policies and procedures* create expectations for behaviour for all persons on school property and outline strategies to be taken to reduce incidents and impose appropriate consequences for pupils. This procedure outlines the expectations for the process to be used by the Board when imposing appropriate consequences for pupils. The process set out in these procedures shall be informed by and implemented in accordance with the principles of equity and inclusion articulated in PPM 119 (Equity and Inclusive Education). The *Human Rights Code of Ontario* has primacy over provincial legislation and policies, as well as school Board policies and procedures, such that the *Education Act*, regulations, including amendments to section 306 subsection 306(1) and section 310 subsection 310(1). Ministry of Education Program/Policy Memoranda, and Board policies and procedures are subject to, and shall be interpreted and applied in accordance with the *Human Rights Code of Ontario*.

Progressive discipline, preventative strategies, use of positive practices as well as early and ongoing intervention strategies will be utilized to prevent or address inappropriate behaviour.

In responding to situations, mitigating and other factors will be considered. It is incumbent on the principal or designate to maintain documentation and adhere to the communication protocols of the policy when notifying parents/guardians as permitted by the policy.

1. Administrative Procedures

A pupil in junior kindergarten, kindergarten, grade 1, 2, or 3 shall not be suspended as per *Education Act* section 306 subsection 306(1) and section 310 subsection 310(1). Activities listed in subsection 310(1) will still be subject to mandatory suspensions, pending the results of an investigation.

When a principal/vice principal's investigation of an incident, which should include consultation with the adult pupil or the pupil's parent/guardian and pupil, determines that a pupil has committed one or more infractions outlined below on school property, during a school-related activity or event, and/or in circumstances where the infraction has an impact on the school climate, a principal or vice principal (for infractions not attracting more than five (5) days suspension) shall consider whether that pupil should be suspended, taking into account any mitigating and other factors that might be applicable in the circumstances.

The principal or vice principal will also contact the police consistent with the Protocol Between the Police and School Boards if the infraction the pupil is suspected of committing requires such contact. When in doubt, the principal will consult with his or her superintendent.

The infractions for which a suspension may be imposed by the principal include:

1. uttering a threat to inflict serious bodily harm on another person;
2. possessing alcohol, illegal and/or restricted drugs;
3. being under the influence of alcohol;
4. swearing at a teacher or at another person in a position of authority;
5. 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;
6. bullying;
7. any act 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 similar factor
8. any act considered by the principal to be injurious to the moral tone of the school;
9. any act considered by the principal to be injurious to the physical or mental well-being of members of the school community;
10. any act considered by the principal to be contrary to the Board or school Code of Conduct.

A pupil may be suspended only once for any incident or an infraction and may be suspended for a minimum of one (1) school day and a maximum of twenty (20) school days. Suspensions should be applied in the least restrictive manner possible to be effective and so as not to add to the historical disadvantage of racialized pupils and/or pupils with disabilities.

2. Factors to Consider Before Deciding to Impose a Suspension

Before deciding whether to impose a suspension, or some other form of discipline, a principal or vice principal (in case of suspension for five (5) or fewer days) 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) to identify whether any mitigating and/or other factors might apply in the circumstances.

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.

3. Mitigating Factors

The mitigating factors to be considered by the principal or vice principal before deciding whether to impose a suspension are:

1. whether the pupil has the ability to control his or her behaviour;
2. whether the pupil has the ability to understand the foreseeable consequences of his/her behaviour; and
3. whether the pupil's continuing presence in the school does or does not create an unacceptable risk to the safety of any other individual at the school.

If a pupil does not have the ability to control his/her behaviour or does not understand the foreseeable consequences of his/her behaviour, the principal or vice principal shall not suspend the pupil. Other progressive discipline and/or other intervention may be considered by the principal or vice principal in such circumstances. If the pupil poses an unacceptable risk to the safety of others in the school, the principal shall consult with his/her superintendent regarding appropriate accommodations and/or strategies that might be instituted to ensure safety of pupils, staff and others in the school.

4. Other Factors to be Considered

Where the pupil is able to control his/her behaviour and is able to understand the foreseeable consequences of his/her behaviour, the principal or vice principal shall consider whether the following factors mitigate the length of a suspension or the decision to apply a suspension as a form of discipline for the pupil:

1. the pupil's academic, discipline and personal history;
2. whether progressive discipline has been attempted with the pupil, and if so, the progressive discipline approach(es) that has/have been attempted and any success or failure;
3. whether the infraction for which the pupil might be disciplined was related to any harassment of the pupil because of race, ethnic origin, religion, creed, disability, gender or gender identity, sexual orientation or other immutable characteristic or harassment for any other reason;
4. the impact of the discipline on the pupil's prospects for further education;
5. the pupil's age;
6. where the pupil has an IEP or disability related needs,
 - a) whether the behaviour causing the incident was a manifestation of the pupil's disability;
 - b) whether appropriate individualized accommodation has been provided to the point of undue hardship; and



- c) whether a suspension is likely to result in aggravating or worsening the pupil's behaviour or conduct or whether a suspension is likely to result in a greater likelihood of further inappropriate conduct; and
- 7. whether or not the pupil's continuing presence at the school creates an unacceptable risk to the safety of anyone in the school.

5. Progressive Discipline

In reviewing whether progressive discipline approach(es) has/have been attempted with the pupil, and if so, the progressive discipline approach(es) that has/have been attempted and any success or failure, the principal or vice principal shall consider the following:

- 1. whether the teacher, principal or vice principal has utilized early and/or ongoing intervention strategies to prevent unsafe or inappropriate behaviours, such as:
 - a. contact with the pupil's parent(s)/guardian(s);
 - b. oral reminders;
 - c. review of expectations;
 - d. written work assignments with a learning component;
 - e. assigning the pupil to volunteer services to the community;
 - f. conflict mediation and resolution;
 - g. peer mentoring;
 - h. referral to counselling; and/or
 - i. consultation between two (2) or more of the parties.
- 2. whether the principal or designate has used a progressive discipline approach to address inappropriate behaviour for which a suspension could have been imposed, such as:
 - a. meeting(s) with the pupil's parent(s)/guardian(s), pupil, and principal;
 - b. referral of pupil to a community agency for anger management or substance abuse counselling;
 - c. detentions;
 - d. withdrawal of privileges;
 - e. withdrawal from class;
 - f. restitution for damages;
 - g. restorative practices; and/or
 - h. transfer to another class or school.

6. Factors Mitigating Decision to Suspend

The mitigating and other factors, noted above, may be applied to mitigate the decision to suspend or may be applied to mitigate the length of the suspension imposed. In circumstances where one or more of the factors above mitigate the decision to apply a suspension as a form of discipline for the pupil, the principal or vice principal may consider whether other progressive discipline and/or other intervention is appropriate in the circumstances.

7. Consultation

Before imposing a suspension of eleven (11) or more school days, the principal shall consult with the superintendent regarding:



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

8. School Work

A pupil who is subject to a suspension of five (5) or fewer school days must be provided with school work to complete at home while serving the suspension. The school work must be available to the adult pupil's designate or the pupil's parent/guardian or designate the day the pupil is suspended, if the pupil is suspended for one (1) school day. Where the pupil has been suspended for two (2) or more school days the principal or vice principal shall ensure that the school work provided to the pupil will be available the day the pupil is suspended or the following school day.

In addition to receiving school work for the first five (5) school days of suspension, a pupil who is subject to a suspension of six (6) or more school days must be assigned an Alternative Suspension Program (ASP) for pupils subject to lengthy suspension. A pupil participating in an ASP is not considered to be engaging in school or school-related activities.

9. Procedural Steps When Imposing a Suspension

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 affect the following procedural steps:

1. 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/guardian of the suspension;
2. the principal or vice principal must inform the pupil's teacher(s) of the suspension;
3. school work is to be provided for the pupil to be completed during the duration of the pupil's suspension;
4. the principal or vice principal must provide written notice of the suspension to the pupil, the pupil's parent/guardian (unless the pupil is an adult pupil) and the superintendent;
5. the written notice of suspension will include:
 - a. the reason for suspension;
 - b. the duration of the suspension, including the pupil's date of return to school;
 - c. information about the ASP the pupil is assigned to, where the pupil is suspended for six (6) or more school days;
 - d. information about the right to appeal the suspension, including the relevant policies and guidelines and the contact information for the superintendent (see suspension letter template attached as Appendix 3);
6. every effort should be made to include the school work with the letter of suspension to the pupil and the pupil's parent/guardian (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 e-mailed to the home address that day and school work should be

made available for the adult pupil's designate or pupil's parent/guardian or designate to pick-up from the school the following school day;

- a. 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;
 - b. if notice is sent by fax or e-mail, it is deemed to have been received the first school day after it was sent;
7. 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, a Violent Incident Form should be filled out and filed in the pupil's Ontario Student Record (see the Board's Violent Incident Form attached as Appendix 4).

10. Alternative Suspension Program (ASP)

Where a pupil has been suspended for six (6) or more school days the pupil will be provided with school work for the first five (5) school days or until the ASP commences, whichever is earlier, and will be assigned an alternative program for pupils subject to lengthy suspension. The principal or vice principal shall communicate to the adult pupil or parent/guardian the purpose and nature of the ASP.

A pupil cannot be compelled to participate in an ASP. Should the adult pupil or a pupil's parent/guardian choose not to have the pupil participate in an ASP, the pupil will continue to be provided with school work consistent with the Ontario curriculum or that pupil's modified or alternative curriculum to be completed at home for the duration of his/her suspension. The school work will be available at the school for pick-up by the adult pupil's designate or the pupil's parent/guardian 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/guardian to determine whether the school work will be picked up. The principal should record the follow-up and response.

A Student Action Plan (SAP) shall be developed for every pupil subject to a suspension of six (6) or more school days who agrees to participate in an ASP.

Agreement or refusal to participate in an ASP may be communicated to the school orally by the adult pupil or the pupil's parent/guardian. Where the adult pupil or pupil's parent/guardian declines the offer to participate in an ASP, the principal or vice principal shall record the date and time of such refusal.

11. Planning Meeting

For pupils subject to a suspension of six (6) or more school days who choose to participate in an ASP, the principal or vice principal of the school shall hold a planning meeting for the purpose of developing the SAP.

1. the adult pupil or pupil's parent/guardian and the pupil (where appropriate) as well as any appropriate teaching and support staff will be invited to participate in the planning meeting. The adult pupil or pupil's parent/guardian shall be invited for the purpose of providing input;
2. the planning meeting will be scheduled to occur within two (2) school days of the adult pupil or the pupil's parent/guardian informing the school that the pupil will participate in an ASP;



3. if the adult pupil or the pupil's parent/guardian is not available to participate in the planning meeting, the meeting will proceed in their absence and a copy of the SAP will be provided to them following the meeting;
4. during the planning meeting the principal or vice principal shall review the issues to be addressed in the pupil's SAP.

12. Student Action Plan

A pupil subject to suspension for eleven (11) or more school days shall be provided with both academic and non-academic supports, which shall be identified in the pupil's SAP. Pupils subject to a suspension of fewer than eleven (11) school days may be offered non-academic supports where such supports are appropriate and available.

1. the SAP shall be developed under the direction of the principal of the school with assistance, as appropriate, from the principal of alternative programs, vice principal of the school, guidance counselor, special education teacher, classroom teacher, child and youth worker/or social worker;
2. the principal will make every effort to complete the SAP within five (5) school days following the adult pupil or the pupil's parent/guardian informing the school that the pupil will participate in an ASP;
 - a. this timeline will be communicated to the adult pupil and/or the pupil's parent/guardian if they are unable to attend the planning meeting for the purpose of providing input;
 - b. the principal must ensure that the pupil is provided with school work until the SAP is in place;
 - c. once completed, the SAP will be shared with the adult pupil, or the pupil's parent/guardian and the pupil and all necessary staff to facilitate implementation;
 - d. a copy of the SAP will be stored in the pupil's Ontario Student Record until such time as it is no longer conducive to the improvement of instruction of the pupil.

The SAP will identify:

1. the incident for which the pupil was suspended;
2. the progressive discipline steps taken prior to the suspension, if any;
3. any other discipline measures imposed in addition to the suspension;
4. any other disciplinary issues regarding the pupil that have been identified by the school;
5. any learning needs or other needs that might have contributed to the underlying infraction resulting in discipline;
6. any program(s) or service(s) that might be provided to address those learning or other needs;
7. the academic program to be provided to the pupil during the suspension period and details regarding how that academic program will be accessed by the pupil;
8. where the pupil has an IEP and/or disability related needs, information regarding how the accommodations/modifications of the pupil's academic program will be provided during the period of suspension;
9. the non-academic program and services to be provided to the pupil, if applicable, during the suspension and details regarding how that non-academic program and those services will be accessed; and

10. the measurable goals the pupil will be striving to achieve during the period of suspension.

13. Suspension Appeal Process

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

All suspension appeals will be received by the superintendent.

1. an appeal of a suspension does not stay the suspension;
2. a person who intends to appeal a suspension must give written notice of his/her intention to appeal the suspension within **ten (10) school days** of the commencement of the suspension;
3. an individual who appeals a suspension may argue that his/her rights pursuant to the *Human Rights Code* have been infringed;
 - i. 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;
4. the Board must hear and/or determine the appeal within fifteen (15) school days of receiving the notice of intention to appeal (unless the parties agree to an extension).

Upon receipt of written notice of the intention to appeal the suspension, the superintendent:

1. will promptly advise the school principal of the appeal;
2. will promptly advise the adult pupil or the pupil's parent/guardian that a review of the suspension will take place; (see the template letter at Appendix 5)
3. will review the suspension (reason, duration, any mitigating or other factors, whether or not the *Human Rights Code* should be or was appropriately applied);
4. may consult with the principal regarding modification or expunging the suspension;
5. will request a meeting with the adult pupil or the pupil's parent/guardian and the principal to narrow the issues and try to effect a settlement, and arrange a date for the appeal before the Discipline Committee;
6. will, where a settlement is not effected, provide notice of the review decision to the adult pupil or pupil's parent/guardian. (see the template letter at Appendix 6)

Where the suspension is upheld on review and the adult pupil or pupil's parent/guardian chooses to continue with the appeal, the superintendent will:

1. coordinate the preparation of a written report for the Board. This report will contain at least the following components:
 - a. a report prepared by the principal regarding the incident, the rationale for suspension and how the principles of equity and inclusion were applied;
 - b. a copy of the original suspension letter;
 - c. a copy of the letter requesting the suspension appeal; and
 - d. a copy of the correspondence with respect to the decision of the superintendent regarding the suspension review.
2. inform the adult pupil or the pupil's parent/guardian of the date of the Suspension Appeal; provide a guide to the process for the appeal, and a copy of the documentation that will go to the Discipline Committee (see the letter template attached as Appendix 7).



3. ensure that the item is placed on the Discipline Committee's agenda.

The parties in an appeal to the Discipline Committee shall be:

1. the principal; and
2. the adult pupil or the pupil's parent/guardian, if they appealed the decision.

14. Suspension Appeal before the Discipline Committee of the Board

Suspension appeals will be heard orally, in camera, by the Discipline Committee of Trustees. The Discipline Committee may grant a person with daily care the authority to make submissions on behalf of the pupil. An adult pupil or pupil's parent/guardian may bring legal counsel, an advocate or support person with them to the appeal.

1. the appellant and/or the person with daily care will proceed first by making oral submissions and/or providing written submissions regarding the reason for the appeal and the result desired.
2. the pupil will be asked to make a statement on his/her own behalf.
3. the superintendent 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 appellant's submissions. The superintendent/principal may rely on the report prepared for the Discipline Committee.
4. the appellant may make further submissions addressing issues raised in the administration's presentation that were not previously addressed by the appellant.
5. the Discipline Committee may ask any party, or the pupil, where appropriate, questions of clarification.

Adult pupils or a pupil's parent/guardian may be represented by legal counsel or attend with an advocate/agent or the support of a community member.

Legal counsel for the Board may be present at the appeal if the appellant is represented by legal counsel or an agent.

The Discipline Committee may make such orders or give such directions at an appeal as it considers necessary for the maintenance of order at the appeal. Should any person disobey or fail to comply with any such order and/or direction, a Trustee may call for the assistance of a police officer to enforce any such order or direction.

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 time lines, the appeal may proceed in the absence of the party and the party is not entitled to any further notice of the proceedings.

The Discipline Committee will consider, based on the written and/or oral submissions of both parties, whether or not the consequence might have a disproportionate impact on a 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 the decision to discipline and the discipline imposed was reasonable in the circumstances, and shall either:

1. confirm the suspension and its duration; or

2. confirm the suspension but shorten its duration and amend the record, as necessary; or
3. quash the suspension and order that the record be expunged; or
4. make such other appropriate order.

The decision of the Discipline Committee is final. The decision shall be communicated to the appellant in writing (see the template letter at Appendix 8).

15. Re-entry

Following a suspension of six (6) or more school days, a re-entry meeting will be held with school and Board staff, the pupil, and the pupil's parent/guardian if possible, to provide positive and constructive redirection for the pupil. Where the pupil has participated in an ASP, the pupil's success in achieving the goals outlined in the SAP will be reviewed with the adult pupil or the pupil's parent/guardian and pupil.

Further programs and services might be recommended by the principal for the purpose of achieving additional or greater success in meeting the goals outlined in the SAP.

16. Transfer to Another School

Following an incident at the school, it might be necessary to transfer to another school the pupil who has been disciplined or victim for safety reasons and/or for compliance with an Order of the Court or police restrictions. To the extent possible, the pupil who has been disciplined rather than the victim should be transferred.

The decision to transfer a student to another school shall only be made by a superintendent in consultation with the sending and receiving school principals and shall be made only where it is consistent with the *Human Rights Code*.

When it has been determined that a pupil will be transferred to another school, the principal or vice principal shall ensure that a transition plan is developed identifying any additional supports and resources required in the principal's/designate's opinion to ensure a successful transition, which might include where appropriate referrals for social work support, child and youth worker support and/or support from community agencies as well as the development of a transitional Individual Education Plan. Where the pupil has been subject to suspension, the transition plan shall be consistent with and coordinated with the Student Action Plan (SAP) developed for suspension purposes.

The principal or vice principal of the sending school shall invite the adult pupil or parent/guardian and the pupil, to a meeting with representatives from both schools for the purpose of reviewing the transition plan, including the timeline for transition and the provision of school work prior to transition in circumstances where the pupil is not subject to an SAP and will not be attending school during the intervening period, to obtain any necessary consents for support services and to respond to any questions or concerns identified by the receiving school and/or the parent/guardian or pupil. Teaching and support staff of the receiving school who will be working with the pupil, once the pupil has transferred, should be in attendance, where possible. The receiving school must be in possession of the student's OSR prior to the occurrence of the transfer meeting, and the OSR must be available to be consulted at this meeting. All individuals attending the meeting must be informed by the principal or vice principal at the outset that the information shared during the meeting is personal information that

must be kept confidential pursuant to the *Municipal Freedom of Information and Protection of Privacy Act* and/or *Education Act*.

17. Definitions

The following definitions apply for the purposes of pupil discipline.

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

Daily Care – a person with daily care is an adult person (18 years 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 grandparent, aunt, uncle, older brother or sister.

Discipline Committee – a committee of three (3) or more Trustees designated to determine suspension appeals and recommendations for expulsion.

Disproportionate Impact – is created when discipline impacts a pupil to a greater degree in comparison to his or her peers as a result of factors related to grounds protected by the *Human Rights Code*.

Harassment – words, conduct or action that is directed at an individual and serves no legitimate purpose and which may include remarks, jokes, threats, name-calling, the display of material(s), touching or other behaviour that an individual knows or ought to know insults, intimidates, offends, demeans, annoys, alarms or causes that individual emotional distress and may constitute discrimination when related to grounds protected by the *Human Rights Code*.

Immutable Characteristics – are characteristics that an individual cannot change or that an individual cannot alter about themselves, such as height.

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 an adult pupil.

School Climate – is the sum total of all of the personal relationships within a school. A positive climate exists when all members of the school community feel safe, comfortable and accepted.

School Community - the school community is composed of staff, pupils and parents of the school and feeder schools / family of schools, as well as the community of people and businesses that are served by or located in the greater neighborhood of the school.

Superintendent – shall be consistent with and have the meaning attributed to Supervisory Officer in the Education Act and regulations.

Undue Hardship – is the standard for the provision of accommodation, or point to which accommodation must be provided, for a specific pupil by the Board.

6.0 Expulsion of Pupil

BACKGROUND INFORMATION AND PREMISES:

The Provincial Code of Conduct, the St. Clair Catholic District School Board Code of Conduct, the School Code of Conduct and the *Education Act (as amended)*, *Ontario Regulation 472/07, Policy/Program Memorandum (PPM) 128 (Provincial and School Board Code of Conduct)*, *141 (Programs for Long Term Suspension)*, *142 (Expulsion Programs)*, *144 (Bullying Prevention)* and *145 (Progressive Discipline)*, *119 (Developing and Implementing Equity and Inclusive Education Policies in Ontario Schools)*, *Ontario Regulation 181/98 (Identification and Placement of Exceptional Students)*, together with the Board's discipline policies and procedures create expectations for behaviour for all persons on school property and outline strategies to be taken to reduce incidents and impose appropriate consequences for pupils. This procedure outlines the expectations for the process to be used by the Board when imposing appropriate consequences for pupils. The process set out in these procedures shall be informed by and implemented in accordance with the principles of equity and inclusion articulated in PPM 119 (Equity and Inclusive Education). The *Human Rights Code of Ontario* has primacy over provincial legislation and policies, as well as school Board policies and procedures, such that the *Education Act*, regulations, including amendments to section 306 subsection 306(1) and section 310 subsection 310(1). Ministry of Education Program/Policy Memoranda, and Board policies and procedures are subject to, and shall be interpreted and applied in accordance with the *Human Rights Code of Ontario*.

Progressive discipline, preventative strategies, use of positive practices as well as early and ongoing intervention strategies will be utilized to prevent or address inappropriate behaviour.

In responding to situations, mitigating and other factors will be considered. It is incumbent on the principal or designate to maintain documentation and adhere to the communication protocols of the policy when notifying parents/guardians as permitted by the policy.

1. Administration Procedures

A pupil in junior kindergarten, kindergarten, grade 1, 2, or 3 shall not be suspended as per *Education Act* section 306 subsection 306(1) and section 310 subsection 310(1). Activities listed in subsection 310(1) will still be subject to mandatory suspensions, pending the results of an investigation.

Subject to the ***Factors to Consider Before Imposing a Suspension*** (see below) reasonable grounds to believe that a pupil has committed one or more infractions outlined below on school property, during a school-related activity or event, and/or in circumstances where the infraction has an impact on the school climate, the principal shall suspend the pupil.

Principals are required to suspend a student for up to 20 school days if the principal believes that the student has engaged in an activity for which the student might ultimately be expelled by the School Board. This provides for the removal of the student from the school while allowing the principal to investigate the incident and decide whether to recommend to the Board that the student be expelled.

The Education Act requires the principal to consider mitigating and other factors in determining the length of the suspension and in determining whether to recommend expulsion.

The principal shall also contact the police consistent with the Protocol Between the Police and School Boards if the infraction the pupil is suspected of committing requires such contact. The principal shall consult with his/her superintendent.

The enumerated activities are:

1. Possessing a weapon, including possessing a firearm;
2. Using a weapon to cause or to threaten bodily harm to another person;
3. Committing physical assault on another person that causes bodily harm requiring treatment by a medical practitioner;
4. Committing sexual assault;
5. Trafficking in weapons, illegal and/or restricted drugs;
6. Committing robbery;
7. Any activity listed in the *Education Act* subsection 306(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 similar factor
8. The student has been previously suspended for bullying and the student's continuing presence in the school creates (in the principal's opinion) an unacceptable risk to the safety of another person.
9. Giving alcohol to a minor;
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;
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;
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;
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;
14. The pupil has demonstrated through a pattern of behaviour that s/he has not benefited by the instruction available to him or her and that s/he is persistently resistant to making changes behaviour which would enable him or her to benefit;
15. Any act considered by the principal to be a serious violation of the requirements for pupil behaviour and/or a serious breach of the Board or school Code of Conduct.
16. Where a student has no history of discipline or behaviour intervention or no relevant history of a single act, incident or infraction considered by the principal to be a serious breach of the Board or school Code of Conduct.

2. Factors to Consider Before Imposing a Suspension

When deciding whether or not to impose a suspension pending a possible recommendation for expulsion the principal will make every effort to consult with the pupil, where appropriate, and the pupil's parent/guardian, if the pupil is not an adult pupil, to assist to identify whether any mitigating factors might apply in the circumstances. However, despite consultation, the identification of mitigating and other factors remains the responsibility of the principal.

3. Mitigating Factors

The mitigating factors to be considered by the principal before deciding whether to impose a suspension are:

1. whether the pupil has the ability to control his or her behaviour;
2. whether the pupil has the ability to understand the foreseeable consequences of his/her behaviour; and
3. whether the pupil's continuing presence in the school does or does not create an unacceptable risk to the safety of any other individual at the school.

If a pupil does not have the ability to control his/her behaviour and does not understand the foreseeable consequences of his/her behaviour, the principal shall not suspend the pupil. Other progressive discipline and/or other intervention may be considered by the principal in such circumstances, consistent with the Ontario *Human Rights Code*.

If the pupil does not have the ability to control his or her behaviour and does not understand the foreseeable consequences of his/her behaviour but poses an unacceptable risk to the safety of others in the school, the principal will consult with his/her superintendent regarding appropriate accommodations and/or strategies that might be instituted to ensure pupil and staff safety.

Where the pupil is able to control his/her behaviour and is able to understand the foreseeable consequences of his/her behaviour, the principal shall consider whether the following factors mitigate the length of the suspension or the decision to recommend expulsion as a form of discipline for the pupil:

1. the pupil's academic, disciplinary and personal history;
2. whether progressive discipline has been attempted with the pupil, and if so, the progressive discipline approach(es) that has/have been attempted and any success or failure.
3. whether the infraction for which the pupil might be disciplined was related to any harassment of the pupil because of race, ethnic origin, religion, creed, disability, gender or gender identify, sexual orientation or other immutable characteristic or harassment for any other reason;
4. the impact of the discipline on the pupil's prospects for further education;
5. the pupil's age;
6. whether the pupil has an Individual Education Plan (IEP) or disability related need,
 - (a) whether the behaviour causing the incident was a manifestation of the pupil's disability;
 - (b) whether appropriate individualized accommodation has been provided to the point of undue hardship; and
 - (c) whether a suspension is likely to result in aggravating or worsening the pupil's behaviour or conduct or whether a suspension is likely to result in a greater likelihood of further inappropriate conduct; and

An exclusion from the school pursuant to section 265(1)(m) of the *Education Act* is not acceptable for discipline purposes or as an alternative to discipline, and may only be effected following consultation with the superintendent and in accordance with the Education Act and consistent with the *Human Rights Code*.



4. Suspension Pending Recommendation for Expulsion

If the pupil is to be suspended pending an investigation, the pupil should be suspended for (20) twenty school days. If the pupil has been suspended pending an investigation to determine whether the pupil will be recommended for expulsion, the principal must assign the pupil to a program for suspended pupils (ASP).

If the pupil has been suspended for twenty (20) school days, the principal must undertake an investigation to determine whether to recommend to the Discipline Committee that the pupil be expelled.

5. Procedural Steps When Imposing a Suspension

When imposing a suspension the principal is required to affect the following procedural steps:

1. within 24 hours of the decision, the principal must make all reasonable efforts to orally inform the adult pupil or the pupil's parent/guardian of the suspension;
2. the principal must inform the pupil's teacher(s) of the suspension;
3. the principal must provide written notice of the suspension to the adult pupil or the pupil's parent/guardian and pupil and the superintendent. 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;
 - 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 Discipline Committee, and if the principal decides to recommend an expulsion that the suspension may be addressed at the expulsion hearing (see template letter - Appendix 9).
4. every effort should be made to include the school work with the letter of suspension to the pupil and the pupil's parent/guardian (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 the pupil's parent/guardian or designate to pick up from the school the following school day.
 - a) 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.
 - b) if notice is sent by fax or e-mail, it is deemed to have been received the first school day after it was sent.
5. where the incident is a serious violent incident, such as possession of weapons, physical assault causing serious bodily harm, sexual assault, robbery, extortion or hate motivated violence; consideration should be given to filling out and filing a Violent Incident Form in the pupil's Ontario Student Record (see the Board's Violent Incident Form attached as Appendix 4).



6. Alternative Suspension Program (ASP)

Where a pupil has been suspended pending an investigation to determine whether to recommend an expulsion, the pupil will be assigned an Alternative Suspension Program (ASP) for pupils subject to lengthy suspension. The principal or vice principal shall communicate to the adult pupil or the pupil's parent/guardian the purpose and nature of the ASP.

A pupil cannot be compelled to participate in an ASP. Should the adult pupil or the pupil's parent/guardian choose not to have the pupil participate in an ASP, the pupil will be provided with school work consistent with the Ontario curriculum or that pupil's modified and/or alternative curriculum to be completed at home for the duration of his/her suspension. This school work will be available at the school for pick up by the adult pupil's designate or the pupil's parent/guardian or a designate at regular intervals during the suspension period beginning the school day after the adult pupil or the pupil's parent/guardian refuses to participate in an ASP.

A Student Action Plan (SAP) will be developed for every pupil who agrees to participate in an ASP. Agreement or refusal to participate in an ASP may be communicated to the school orally by the adult pupil or the pupil's parent/guardian. Where the pupil or his/her parent/guardian declines the offer to participate in an ASP, the principal shall record the date and time of such refusal.

7. Planning Meeting

For pupils subject to a suspension pending an investigation to determine whether to recommend an expulsion who choose to participate in an ASP, the principal of the school or designate will hold a planning meeting for the purpose of developing the SAP.

1. the adult pupil or the pupil's parent/guardian and pupil (where appropriate) as well as any appropriate teaching and support staff will be invited to participate in the planning meeting;
2. the planning meeting will be scheduled to occur within two (2) school days of the adult pupil or the pupil's parent/guardian informing the school that the pupil will participate in an ASP;
3. if the adult pupil or the pupil's parent/guardian is not available to participate in the planning meeting, the meeting will proceed in their absence and a copy of the SAP will be provided to them following the meeting;
4. during the planning meeting the principal or vice principal shall review the issues to be addressed in the pupil's SAP.

8. Student Action Plan

A pupil subject to suspension pending an investigation to determine whether to recommend an expulsion will be provided with both academic and non-academic supports, which will be identified in the pupil's SAP.

1. the SAP will be developed under the direction of the principal of the school with assistance, as appropriate, from the principal of alternative programs, vice principal of the school, guidance counselor, special education teacher, classroom teacher, child and youth worker and/or social worker;
2. the principal will make every effort to complete the SAP within five (5) school days following the adult pupil or the pupil's parent/guardian informing the school that the pupil will participate in an ASP;

3. this timeline will be communicated to the adult pupil or the pupil's parent/guardian if they are unable to attend the planning meeting for the purpose of providing input;
4. once completed, the SAP will be shared with the adult pupil or the pupil's parent/guardian and pupil and all necessary staff to facilitate implementation;
5. copy of the SAP will be stored in the pupil's Ontario Student Record until such time as it is no longer conducive to the improvement of instruction of the pupil.

The SAP will identify:

1. the incident for which the pupil was suspended;
2. the progressive discipline steps taken prior to the suspension, if any;
3. any other progressive discipline measures imposed in addition to the suspension;
4. any other disciplinary issues regarding the pupil that have been identified by the school;
5. any learning needs or other needs that might have contributed to the underlying infraction resulting in discipline;
6. any program(s) or service(s) that might be provided to address those learning or other needs;
7. the academic program to be provided to the pupil during the suspension period and details regarding how that academic program will be accessed by the pupil;
8. where the pupil has an IEP or disability related needs, information regarding how the accommodations/modifications of the pupil's academic program will be provided during the period of suspension;
9. the non-academic program and services to be provided to the pupil, if applicable, during the suspension and details regarding how that non-academic program and those services will be accessed; and
10. the measurable goals the pupil will be striving to achieve during the period of suspension.

9. Principal's Investigation

The principal shall conduct an investigation promptly following the suspension of the pupil to determine whether to recommend to the Discipline Committee that the pupil be expelled. As part of the investigation, the principal will consult with the superintendent regarding any issues of process and/or timing for conducting the investigation, which must be completed at the earliest opportunity as well as the substantive decision whether or not to recommend that the pupil be expelled. Before referring a pupil to the Discipline Committee of the Board for expulsion, the administration shall consider whether or not the recommendation might have a disproportionate impact on a 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. Should the decision be made to refer the pupil to the Discipline Committee with a recommendation for expulsion, the pupil must be referred to and dealt with by the Discipline Committee within twenty (20) school days from the date of suspension (unless timelines are extended on consent).

Any police investigation will be conducted separately from the principal's inquiry.

As part of the investigation, the principal shall:

1. make all reasonable efforts to speak with the adult pupil or the pupil's parent/guardian and the pupil;



2. include interviews with witnesses who the principal determines can contribute relevant information to the investigation;
3. make every reasonable effort to interview any witnesses suggested by the pupil, or the pupil's parent/guardian; and
4. consider the mitigating and other factors when determining whether to recommend to the Discipline Committee that the pupil be expelled.
5. consider whether or not the pupil is protected by the *Human Rights Code*, including but not limited to race and disability, and/or is in a disadvantaged position in society, and evaluate the appropriateness of the accommodation if any was provided.

10. Mitigating Factors

The mitigating factors to be considered by the principal before deciding whether to recommend an expulsion are:

1. whether the pupil has the ability to control his or her behaviour;
2. whether the pupil has the ability to understand the foreseeable consequences of his or her behaviour; and
3. whether the pupil's continuing presence in the school does or does not create an unacceptable risk to the safety of any other individual at the school.

11. Other Factors to be Considered

Where the pupil is able to control his/her behaviour and/or is able to understand the foreseeable consequences of his/her behaviour, the principal will consider whether the following factors mitigate the length of a suspension and whether the pupil should be referred to the Discipline Committee on a recommendation for expulsion.

1. the pupil's academic, discipline and personal history;
2. whether progressive discipline has been attempted with the pupil, and if so, the progressive discipline approach(es) that has/have been attempted and any success or failure;
3. whether the infraction for which the pupil might be disciplined was related to any harassment of the pupil because of race, ethnic origin, religion, creed, disability, gender or gender identity, sexual orientation or any other immutable characteristic or harassment for any other reason;
4. the impact of the discipline on the pupil's prospects for further education;
5. the pupil's age;
6. where the pupil has an IEP or disability related needs:
 - a) whether the behaviour causing the incident was a manifestation of the pupil's disability;
 - b) whether appropriate individualized accommodation has been provided to the point of undue hardship; and
 - c) whether a suspension is likely to result in aggravating or worsening the pupil's behaviour or conduct or whether a suspension is likely to result in a greater likelihood of further inappropriate conduct.

12. Progressive Discipline

In reviewing whether progressive discipline approach(es) has/have been attempted with the pupil, and if so, the progressive discipline approach(es) that has/have been attempted and any success or failure, the principal will consider the following:



1. whether the teacher, principal or vice principal has utilized preventive strategies and positive practices.

Preventative practices include:

- human rights strategy pursuant to PPM 119;
- anti-bullying and violence prevention programs;
- mentorship programs;
- student success strategies;
- character education- e.g. Virtues Project;
- citizenship development;
- student leadership;
- promoting healthy student relationships; and
- promoting healthy lifestyles.

Positive behaviour management practices include:

- program modifications or accommodations;
- classroom placement;
- positive encouragement and reinforcement;
- individual, peer and group counselling;
- conflict resolution/dispute resolution;
- mentorship programs;
- promotion of healthy student relationships;
- sensitivity programs;
- safety plans;
- school, Board and community support programs; and
- student success strategies.

2. whether the teacher, principal or vice principal has utilized early and/or ongoing intervention strategies to prevent unsafe or inappropriate behaviours such as:

- contact with the pupil's parents(s)/guardian(s);
- oral reminders;
- review of expectations;
- written assignments with a learning component;
- assigning the pupil to volunteer services to the community;
- conflict mediation and resolution;
- peer mentoring;
- referral to counselling; and/or
- consultation between two (2) or more parties.

3. whether the principal or vice principal has used a progressive discipline approach to address inappropriate behaviour for which a suspension could have been imposed such as:

- meetings(s) with the pupil's parent(s)/guardian(s), pupil and principal;
- referral of pupil to a community agency for anger management or substance abuse counselling;
- detentions;
- withdrawal of privileges;
- withdrawal from class;
- restitution for damages;
- restorative practices; and/or
- transfer to another class or school.



13. Consultation

Before making a decision the principal will make every effort to consult with the pupil and the pupil's parent/guardian (unless the pupil is an adult pupil).

14. Decision Not to Recommend Expulsion

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

1. consider whether progressive discipline is appropriate in the circumstances;
2. uphold the suspension and its duration;
3. uphold the suspension and shorten its duration and amend the record accordingly; or
4. withdraw the suspension and expunge the record.

If the principal has decided not to recommend expulsion of the pupil, the principal will provide written notice of his decision to the adult pupil or the pupil's parents/guardian and pupil. The notice shall include:

1. a statement of the principal's decision not to recommend expulsion to the Discipline Committee;
2. a statement indicating whether the suspension has been upheld, upheld and shortened, or withdrawn;
3. if the suspension has been upheld or upheld and shortened, information about the right to appeal the suspension to the Discipline Committee including:
 - a. a copy of the Board policies and guidelines regarding suspension appeals;
 - b. contact information for the School Superintendent responsible for discipline;
 - 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; or
 - d. if the length of the suspension has been shortened, notice that the appeal from the shortened length of the suspension (see the template letter at Appendix10).

15. Recommendation to the Board for an Expulsion Hearing

If a principal, in consultation with the superintendent, determines that a referral for expulsion is warranted, the principal must refer the recommendation for expulsion to the Discipline Committee to be heard within twenty (20) school days from the date the principal suspended the pupil, unless the parties to the expulsion hearing agree upon a later date.

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

1. prepare a report to be submitted to the Discipline Committee and provide the report to the pupil and the pupil's parent or guardian (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.
2. provide written notice of the expulsion hearing to the adult pupil or the pupil's parent/guardian and pupil. The notice shall include:
 - a) a statement that the pupil is being referred to the Discipline Committee to determine whether the pupil will be expelled for the activity that resulted in suspension;
 - b) a copy of the Board's guidelines and rules governing the hearing before the Discipline Committee;
 - c) a copy of the Board Code of Conduct and school Code of Conduct;
 - d) a copy of the suspension letter;
 - e) a statement that the pupil and/or his or her parent/guardian has the right to respond to the principal's report in writing;
 - f) information about the procedures and possible outcomes of the expulsion hearing, including that:
 - i. if the Discipline Committee does not expel the pupil they will either confirm, confirm and shorten, or withdraw the suspension;
 - ii. parties have the right to make submissions with respect to the suspension;
 - iii. any decision with respect to the suspension is final and cannot be appealed;
 - iv. if the pupil is expelled from the school, they will be assigned to another school;
 - v. if the pupil is expelled from the Board, they will be assigned to a program for expelled pupils;
 - vi. if the pupil is expelled there is a right of appeal to the Child and Family Services Review Board.
 - g) the name and contact information for the superintendent (see the template letter at Appendix 11).

16. The Superintendent will:

1. advise the Trustee(s) for the school involved of the general details of the incident, including actions taken or pending;
2. receive the principal's report for the Discipline Committee;
3. determine whether to arrange a meeting with the adult pupil or the pupil's parent/guardian and pupil and the principal, as appropriate;
 - a) if a meeting is arranged, the superintendent will review the Discipline Committee process for expulsion hearings, as well as respond to any questions or concerns the pupil or the pupil's parent/guardian may have regarding the process or incident; and
 - b) if a meeting is arranged, during the meeting the superintendent may assist to narrow the issues and identify agreed upon facts.
4. prepare a package of documents for the Discipline Committee, which will include at least the following components:
 - a) a copy of the principal's report; and
 - b) a copy of the original suspension letter and the notice of expulsion sent to the adult pupil or pupil's parent/guardian.
5. inform the adult pupil or the pupil's parent/guardian of the date and location of the expulsion hearing; provide a copy of the Expulsion Hearing Rules and a copy of the documentation to the Discipline Committee;
6. ensure that the item is placed on the Discipline Committee agenda.

17. Hearing before the Discipline Committee

If the principal recommends expulsion, the Discipline Committee shall hold a hearing.

Parties before the Discipline Committee will be:

1. the principal; and
2. the adult pupil or the pupil's parent/guardian.

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

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

1. the Discipline Committee shall consider oral and written submissions, if any, of all parties;
2. the Discipline Committee shall consider whether or not the *Human Rights Code* should be applied in the circumstances to mitigate the discipline, if any;
3. the Discipline Committee shall solicit and consider the views of all parties with respect to whether, if an expulsion is imposed, the expulsion should be a school expulsion or a Board expulsion;
4. the Discipline Committee shall solicit and consider the views of all parties with respect to whether, if an expulsion is not imposed, the suspension should be confirmed, shortened or withdrawn; and such other matters as the Discipline Committee considers appropriate.

In determining whether to impose an expulsion the Discipline Committee shall consider the following factors:

1. the mitigating and other factors:
 - a. whether the pupil has the ability to control his or her behaviour;
 - b. whether the pupil has the ability to understand the foreseeable consequences of his/her behaviour;
 - c. whether the pupil's continuing presence in the school does or does not create an unacceptable risk to the safety of any other individual at the school;
 - d. the pupil's academic, discipline and personal history;
 - e. whether progressive discipline has been attempted with the pupil, and if so, the progressive discipline approach(es) that has/have been attempted and any success or failure;
 - f. whether the infraction for which the pupil might be disciplined was related to any harassment of the pupil because of race, ethnic origin, religion, creed, disability, gender or gender identity, sexual orientation or any other immutable characteristic or harassment for any other reason;
 - g. the impact of the discipline on the pupil's prospects for further education;
 - h. the pupil's age;
 - i. where the pupil has an IEP or disability related needs;
 - i. whether the behaviour causing the incident was a manifestation of the pupil's disability;
 - ii. whether appropriate individualized accommodation has been provided to the point of undue hardship; and

- iii. whether an expulsion is likely to result in aggravating or worsening the pupil's behaviour or conduct or whether an expulsion is likely to result in a greater likelihood of further inappropriate conduct; and
 - iv. whether or not the pupil's continuing presence at the school creates an unacceptable risk to the safety of anyone in the school.
2. the application of the *Ontario Human Rights Code*;
 3. the submissions and views of the parties;
 4. any written response to the principal's report provided before the completion of the hearing;
 5. 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; and
 6. such matters as the Discipline Committee considers appropriate

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

18. No Expulsion

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

1. consider whether other progressive discipline is appropriate in the circumstances;
2. uphold the suspension and its duration;
3. uphold the suspension and shorten its duration and amend the record accordingly;
4. quash the suspension and expunge the record such that no record of the suspension remains in the Ontario Student Record; or
5. make such other orders as the Discipline Committee considers appropriate.

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

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

19. Expulsion

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

1. the mitigating and other factors:
 - a. whether the pupil has the ability to control his or her behaviour;
 - b. whether the pupil has the ability to understand the foreseeable consequences of his other behaviour;
 - c. whether the pupil's continuing presence in the school does or does not create an unacceptable risk to the safety of any other individual at the school;



- d. the pupil's academic, discipline and personal history;
 - e. whether progressive discipline has been attempted with the pupil, and if so, the progressive discipline approach(es) that has/have been attempted and any success or failure;
 - f. whether the infraction for which the pupil might be disciplined was related to any harassment of the pupil because of race, ethnic origin, religion, creed, disability, gender or gender identity, sexual orientation or any other immutable characteristic or harassment for any other reason;
 - g. the impact of the discipline on the pupil's prospects for further education;
 - h. the pupil's age;
 - i. where the pupil has an IEP or disability related needs:
 - i. whether the behaviour causing the incident was a manifestation of the pupil's disability;
 - ii. whether appropriate individualized accommodation has been provided to the point of undue hardship;
 - iii. 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; and
 - iv. whether or not the pupil's continuing presence at the school creates an unacceptable risk to the safety of anyone in the school.
2. the application of the Ontario *Human Rights Code*;
 3. all submissions and views of the parties;
 4. any written response to the principal's report provided before the completion of the hearing;
 5. 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 exacerbated the pupil's disadvantaged position in society, and whether or not accommodation is required in the circumstances; and
 6. such other matters as the Discipline Committee considers appropriate.

Where the Discipline Committee decides to impose a **school expulsion** then the Discipline Committee must assign the pupil to another school. The requirements of school transfers as set out in these procedures shall apply.

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

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

1. the reason for the expulsion;
2. a statement indicating whether the expulsion is a school expulsion or a Board expulsion;
3. information about the school or program to which the pupil has been assigned; and
4. information about the right to appeal the expulsion, including the steps to be taken (see template letter - Appendix 11).

20. Re-entry Requirements Following an Expulsion

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 he/she has successfully completed a program for expelled pupils and has satisfied the

objectives required for completion of the program, as determined by the person who provides the program.

The Board shall re-admit the pupil and inform the pupil in writing of the re-admission.

A pupil who is subject to a school expulsion may apply in writing to the Board to be re-assigned to the school from which he/she was expelled.

1. the Board will consider whether re-attendance will have a negative impact on the school climate, including on any victims, where applicable;
2. the pupil will be required to demonstrate that they have learned from the incident and have sought counselling, where appropriate;
3. the pupil will be required to sign a Declaration of Performance form provided by the Board (Appendix 12);
4. following consideration of the principles of equity and inclusion, the Board, in its sole discretion, may determine that a different school than the one from which the pupil was expelled is a more appropriate placement for the pupil.

21. Appeal of Board Decision to Expel

The adult pupil or the pupil's parent/guardian 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.

- a. an individual who appeals an expulsion may argue that his/her rights pursuant to the *Human Rights Code* have been infringed;
- b. 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.

22. Definitions

The following definitions apply for the purposes of pupil discipline.

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

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

Bullying – is typically a form of repeated, persistent, and aggressive behaviour directed at an individual or individuals that is intended to cause (or should be known to cause) fear and distress and/or harm to another person's body, feelings, self-esteem, or reputation. Bullying occurs in a context where there is a real or perceived power imbalance. Bullying behaviour can include physical, verbal, electronic (cyber-bullying), written or other means. (Refer to Section C: Students Procedure 1.0 section 2.0) (subsections 1(1) and 1(1.0.0.2) of the *Education Act*)

Daily Care – a person with daily care is an adult person (18 years 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 grandparent, aunt, uncle, older brother or sister.

Discipline Committee – a committee of three (3) or more Trustees designated to determine suspension appeals and recommendations for expulsion.

Disproportionate Impact – is created when discipline impacts a pupil to a greater degree in comparison to his or her peers as a result of factors related to grounds protected by the *Human Rights Code*.

Exclusion - the Education Act specifically gives principals the power to exclude students from their schools who are deemed to be a safety risk to others or to themselves.

Harassment – words, conduct or action that is directed at an individual and serves no legitimate purpose and which may include remarks, jokes, threats, name-calling, the display of material(s), touching or other behaviour that an individual knows or ought to know insults, intimidates, offends, demeans, annoys, alarms or causes that individual emotional distress and may constitute discrimination when related to grounds protected by the *Human Rights Code*.

Immutable Characteristics – are characteristics that an individual cannot change or that an individual cannot alter about themselves, such as height.

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 an adult pupil.

Safety Plan - a detailed plan to keep a particular student as well as other students and staff members safe while at school. The safety plan outlines expectations for the student to ensure safety at various times and in various locations. Intervention steps need to be clearly outlined.

School Climate – is the sum total of all of the personal relationships within a school. A positive climate exists when all members of the school community feel safe, comfortable and accepted.

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

Superintendent – shall be consistent with and have the meaning attributed to Supervisory Officer in the Education Act and regulations.

Undue Hardship – is the standard for the provision of accommodation, or point to which accommodation must be provided, for a specific pupil by the Board.

Weapon – is any object or thing used to threaten or inflict harm on another person and includes, but is not limited to, knives, guns, replica guns and animals.

7.0 Exclusion

BACKGROUND INFORMATION AND PREMISES:

The Provincial Code of Conduct, the St. Clair Catholic District School Board Code of Conduct, the School Code of Conduct and the *Education Act (as amended)*, *Ontario Regulation 472/07, Policy/Program Memorandum (PPM) 128 (Provincial and School Board Code of Conduct)*, *141 (Programs for Long Term Suspension)*, *142 (Expulsion Programs)*, *144 (Bullying Prevention)* and *145 (Progressive Discipline)*, *119 (Developing and Implementing Equity and Inclusive Education Policies in Ontario Schools)*, *Ontario Regulation 181/98 (Identification and Placement of Exceptional Students)*, together with the Board's discipline policies and procedures create expectations for behaviour for all persons on school property and outline strategies to be taken to reduce incidents and impose appropriate consequences for pupils. This procedure outlines the expectations for the process to be used by the Board when imposing appropriate consequences for pupils. The process set out in these procedures shall be informed by and implemented in accordance with the principles of equity and inclusion articulated in PPM 119 (Equity and Inclusive Education). The *Human Rights Code of Ontario* has primacy over provincial legislation and policies, as well as school Board policies and procedures, such that the *Education Act*, regulations, including amendments to section 306 subsection 306(1) and section 310 subsection 310(1). Ministry of Education Program/Policy Memoranda, and Board policies and procedures are subject to, and shall be interpreted and applied in accordance with the *Human Rights Code of Ontario*.

Progressive discipline, preventative strategies, use of positive practices as well as early and ongoing intervention strategies will be utilized to prevent or address inappropriate behaviour.

In responding to situations, mitigating and other factors will be considered. It is incumbent on the principal or designate to maintain documentation and adhere to the communication protocols of the policy when notifying parents/guardians as permitted by the policy.

1. Administrative Procedures

A pupil in junior kindergarten, kindergarten, grade 1, 2, or 3 shall not be suspended as per *Education Act* section 306 subsection 306(1) and section 310 subsection 310(1). Activities listed in subsection 310(1) will still be subject to mandatory suspensions, pending the results of an investigation.

A pupil shall not be excluded from the school pursuant to section 265(1)(m) of the *Education Act* as a disciplinary measure, as an alternative to discipline.

An exclusion from the school pursuant to section 265(1)(m) of the *Education Act* shall only be effected in accordance with the *Education Act*, the Board's Exclusion Policy and Exclusion Procedures and consistent with the *Human Rights Code*.

If a principal does decide that it is necessary to exclude a student from the school, he or she is expected to notify the student's parents of the circumstances of the exclusion as soon as possible, and to inform them of their right to appeal under clause 265(1)(m).

A pupil is NOT excluded from a class or from the school pursuant to section 265(1)(m) of the *Education Act* in circumstances where the parent/guardian and the principal, in consultation with the superintendent, AGREE that, as an accommodation and in the best interests of the pupil, the pupil's educational program should be modified such that the pupil is not participating in one or more specific

class(es) or is excused from attending school for part or all of the school day during a specific period of time and/or during a specific school event or series of school events.

A pupil is NOT excluded from a class pursuant to section 265(1)(m) of the *Education Act* by virtue of serving a detention either during or outside school hours in another part of the school as part of progressive discipline that has been imposed by the principal or designate.

2. Definitions

The following definitions apply for the purposes of pupil discipline.

Bullying – is typically a form of repeated, persistent, and aggressive behaviour directed at an individual or individuals that is intended to cause (or should be known to cause) fear and distress and/or harm to another person's body, feelings, self-esteem, or reputation. Bullying occurs in a context where there is a real or perceived power imbalance. Bullying behaviour can include physical, verbal, electronic (cyber-bullying), written or other means. (Refer to Section C: Students Procedure 1.0 section 2.0) (subsections 1(1) and 1(1.0.0.2) of the *Education Act*)

Exclusion - the Education Act specifically gives principals the power to exclude students from their schools who are deemed to be a safety risk to others or to themselves.

Superintendent – shall be consistent with and have the meaning attributed to Supervisory Officer in the Education Act and regulations.

8.0 Monitoring and Review

BACKGROUND INFORMATION AND PREMISES:

The Provincial Code of Conduct, the St. Clair Catholic District School Board Code of Conduct, the School Code of Conduct and the *Education Act (as amended)*, *Ontario Regulation 472/07, Policy/Program Memorandum (PPM) 128 (Provincial and School Board Code of Conduct)*, *141 (Programs for Long Term Suspension)*, *142 (Expulsion Programs)*, *144 (Bullying Prevention)* and *145 (Progressive Discipline)*, *119 (Developing and Implementing Equity and Inclusive Education Policies in Ontario Schools)*, *Ontario Regulation 181/98 (Identification and Placement of Exceptional Students)*, together with the Board's discipline policies and procedures create expectations for behaviour for all persons on school property and outline strategies to be taken to reduce incidents and impose appropriate consequences for pupils. This procedure outlines the expectations for the process to be used by the Board when imposing appropriate consequences for pupils. The process set out in these procedures shall be informed by and implemented in accordance with the principles of equity and inclusion articulated in PPM 119 (Equity and Inclusive Education). The *Human Rights Code of Ontario* has primacy over provincial legislation and policies, as well as school Board policies and procedures, such that the *Education Act*, regulations, including amendments to section 306 subsection 306(1) and section 310 subsection 310(1). Ministry of Education Program/Policy Memoranda, and Board policies and procedures are subject to, and shall be interpreted and applied in accordance with the *Human Rights Code of Ontario*.

Progressive discipline, preventative strategies, use of positive practices as well as early and ongoing intervention strategies will be utilized to prevent or address inappropriate behaviour.

In responding to situations, mitigating and other factors will be considered. It is incumbent on the principal or designate to maintain documentation and adhere to the communication protocols of the policy when notifying parents/guardians as permitted by the policy.

1. Administrative Procedures

A pupil in junior kindergarten, kindergarten, grade 1, 2, or 3 shall not be suspended as per *Education Act* section 306 subsection 306(1) and section 310 subsection 310(1). Activities listed in subsection 310(1) will still be subject to mandatory suspensions, pending the results of an investigation.

Schools and their Safe Schools Teams have an important role in assisting with monitoring, review and improvement of the effectiveness of safe schools policies and procedures.

Every two years schools are required to address issues of bullying, gender-based violence, homophobia, sexual, racial and disability related harassment and inappropriate sexual behaviour in their safe school plan and to evaluate the effectiveness of safe schools policies, procedures and programs through the use of school climate surveys.

Anonymous school climate surveys of students, staff and parents shall be conducted by the school at least once every two years to provide parents, school staff and pupils with an opportunity to anonymously evaluate and communicate their perception of school safety. Climate surveys shall include questions about bullying, harassment related to sexual orientation, gender identity and gender expression immutable characteristics including those protected by the *Human Rights Code*, gender-based violence, and sexual assault. Where possible, climate surveys shall be made available to pupils with cognitive disabilities in a form that might provide them with an opportunity to identify their perception of their safety. Pupils with other special needs shall be accommodated in order to provide them with an opportunity to respond to the climate survey. The school climate surveys are voluntary and parents/guardians can choose not to have their child participate.

The results of climate surveys shall be shared with Safe Schools Teams in order to assist the teams in building strategies in school improvement plans to improve the school climate deficits identified. Safe School Teams must include one non-teaching staff member and the chair of the team must be a staff member and maybe the principal or vice principal.

2. Definitions

The following definitions apply for the purposes of pupil discipline.

Bullying – is typically a form of repeated, persistent, and aggressive behaviour directed at an individual or individuals that is intended to cause (or should be known to cause) fear and distress and/or harm to another person's body, feelings, self-esteem, or reputation. Bullying occurs in a context where there is a real or perceived power imbalance. Bullying behaviour can include physical, verbal, electronic (cyber-bullying), written or other means. (Refer to Section C: Students Procedure 1.0 section 2.0) (subsections 1(1) and 1(1.0.0.2) of the *Education Act*)

Harassment – words, conduct or action that is directed at an individual and serves no legitimate purpose and which may include remarks, jokes, threats, name-calling, the display of material(s), touching or other behaviour that an individual knows or ought to know insults, intimidates, offends, demeans, annoys, alarms or causes that individual emotional distress and may constitute discrimination when related to grounds protected by the *Human Rights Code*.

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

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 an adult pupil.

Immutable Characteristics – are characteristics that an individual cannot change or that an individual cannot alter about themselves, such as height.

Impact on School Climate - an incident or activity which has a negative impact on the school community.

Safe School Plan – a site based plan that comprehensively addresses school wide safety issues.

School Climate – is the sum total of all of the personal relationships within a school. A positive climate exists when all members of the school community feel safe, comfortable and accepted.

9.0 Delegation of Authority

BACKGROUND INFORMATION AND PREMISES:

The Provincial Code of Conduct, the St. Clair Catholic District School Board Code of Conduct, the School Code of Conduct and the *Education Act (as amended)*. *Ontario Regulation 472/07, Policy/Program Memorandum (PPM) 128 (Provincial and School Board Code of Conduct), 141 (Programs for Long Term Suspension), 142(Expulsion Programs), 144 (Bullying Prevention) and 145 (Progressive Discipline), 119 (Developing and Implementing Equity and Inclusive Education Policies in Ontario Schools, Ontario Regulation 181/98 (Identification and Placement of Exceptional Students), together with the Board's discipline policies and procedures* create expectations for behaviour for all persons on school property and outline strategies to be taken to reduce incidents and impose appropriate consequences for pupils. This procedure outlines the expectations for the process to be used by the Board when imposing appropriate consequences for pupils. The process set out in these procedures shall be informed by and implemented in accordance with the principles of equity and inclusion articulated in PPM 119 (Equity and Inclusive Education). The *Human Rights Code of Ontario* has primacy over provincial legislation and policies, as well as school Board policies and procedures, such that the *Education Act*, regulations, including amendments to section 306 subsection 306(1) and section 310 subsection 310(1). Ministry of Education Program/Policy Memoranda, and Board policies and procedures are subject to, and shall be interpreted and applied in accordance with the *Human Rights Code of Ontario*.

Progressive discipline, preventative strategies, use of positive practices as well as early and ongoing intervention strategies will be utilized to prevent or address inappropriate behaviour.

In responding to situations, mitigating and other factors will be considered. It is incumbent on the principal or designate to maintain documentation and adhere to the communication protocols of the policy when notifying parents/guardians as permitted by the policy.

1. Administrative Procedures

A pupil in junior kindergarten, kindergarten, grade 1, 2, or 3 shall not be suspended as per *Education Act* section 306 subsection 306(1) and section 310 subsection 310(1). Activities listed in subsection 310(1) will still be subject to mandatory suspensions, pending the results of an investigation.

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

A principal may delegate authority for discipline matters to a vice principal or teacher-in-charge in accordance with the Board's procedures. A delegation of authority to a teacher-in-charge will only come into effect if there are no administrators present on school property. Those who are delegated authority for discipline matters must respect and implement their duties and decisions as required by the *Education Act*, Board policies and procedures and the *Human Rights Code of Ontario*.

2. Delegation of Authority to a Vice Principal

Vice Principals may be delegated authority by the principal to receive oral and written reports of suspension and expulsion infractions from Board employees and transportation providers in accordance with this procedure, and to report infractions to the Police in accordance with the Protocol Between the Police and School Boards.

Vice Principals may be delegated authority by the principal to conduct an investigation and/or inquiry when an infraction has occurred requiring further information before further action can be taken.

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

A vice principal may be delegated authority to impose a suspension of five (5) or fewer days in accordance with these procedures.

A vice principal may be delegated authority to create and facilitate all aspects of the Student Action Plan process when a pupil has been suspended for five (5) or more days or when a pupil who is referred to the Discipline Committee of the Board for expulsion.

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 victim's Safety Plan.

A vice principal may be delegated authority to develop a transition plan for a pupil where a decision has been made by the superintendent in consultation with the principal and consistent with the *Human Rights Code* that the pupil must be transferred to another school in accordance with these procedures following an incident. The vice principal may also be delegated responsibility for organizing and conducting transfer meetings.

Authority delegated to the vice principal shall be identified, in writing, in documentation identifying all of the vice principal's responsibilities and duties within the school, and may include one or more of the following:

1. receive reports about suspensions and expulsion infractions from Board employees and transportation providers;
2. contact police in accordance with the Protocol Between the Police and School Boards;
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 Safety Plan;
9. develop a transition plan; and
10. organize and be responsible for a school transfer meeting.

The principal may delegate the performance of one or more of the above noted responsibilities to a vice principal to be performed by the vice principal despite the principal's presence in the school.

Despite authority to conduct investigations and inquiries, as noted above, where, in the vice principal's opinion, the allegations might attract discipline requiring a suspension of five (5) or more days, the vice principal shall consult with and/or receive direction from the principal or superintendent throughout the investigation process.

A vice principal may not be delegated the power 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.

3. Delegation of Authority to Teacher-in-Charge

A teacher-in-charge may be delegated authority by the principal to receive reports about suspension and expulsion infractions from Board employees and transportation providers, in which case, the teacher-in-charge shall at the earliest opportunity inform the principal or vice principal and when the principal and vice principal are not available for three (3) or more days, the superintendent.

A teacher-in-charge may be delegated authority to contact the police in an emergency or in the event of an incident requiring police involvement in accordance with the Protocol Between the Police and School Boards.

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 if the principal and vice principal are not available for three (3) or more days, the superintendent, with a detailed written and oral account of the steps taken and information determined up to that point.

All incidents on school property occurring during a school related activity or having an impact on school climate that might result in suspension or suspension and a recommendation for expulsion shall be reported by the teacher-in-charge to the principal, or the vice principal if the principal is not available, at the earliest opportunity, and in the event that the principal and vice principal are not available for three (3) or more days, the superintendent.

In such circumstances, the teacher-in-charge may be delegated authority to provide information to the parent/guardian of a 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.

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

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

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*, he/she should take immediate steps to contact an administrator. In emergency circumstances, where an administrator is not available, the teacher-in-charge shall contact the emergency administrator who has been identified as a resource.

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 in the form attached as Appendix 2.

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 that the administration will not be available.

4. Definitions

The following definitions apply for the purposes of pupil discipline.

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

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

Bullying – is typically a form of repeated, persistent, and aggressive behaviour directed at an individual or individuals that is intended to cause (or should be known to cause) fear and distress and/or harm to another person's body, feelings, self-esteem, or reputation. Bullying occurs in a context where there is a real or perceived power imbalance. Bullying behaviour can include physical, verbal, electronic (cyber-bullying), written or other means. (Refer to Section C: Students Procedure 1.0 section 2.0) (subsections 1(1) and 1(1.0.0.2) of the *Education Act*)

Discipline Committee – a committee of three (3) or more Trustees designated to determine suspension appeals and recommendations for expulsion.

Emergency Administrator – is a superintendent or principal identified by the principal of the school, to which a teacher-in-charge is assigned, as the emergency contact should the principal or vice principal of the school not be available in emergency circumstances.

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

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 an adult pupil.

Safety Plan - a detailed plan to keep a particular student as well as other students and staff members safe while at school. The safety plan outlines expectations for the student to ensure safety at various times and in various locations. Intervention steps need to be clearly outlined.

School Climate – is the sum total of all of the personal relationships within a school. A positive climate exists when all members of the school community feel safe, comfortable and accepted.

Superintendent – shall be consistent with and have the meaning attributed to Supervisory Officer in the Education Act and regulations.

Teacher-in-Charge – is a teacher delegated authority by the principal to undertake specified duties with respect to pupil discipline in the event that the principal or vice principal is not available.

Appendix 1

Page 1

Ministry of Education

 **APPENDIX 1: SAFE SCHOOLS INCIDENT REPORTING FORMS**


Report No.: _____	CONFIDENTIAL SAFE SCHOOLS INCIDENT REPORTING FORM – PART I
Name of School _____	
1. Name of Student(s) Involved (If known) _____	
2. Location of Incident (Check one)	<input type="checkbox"/> At a location in the school or on school property (please specify) _____ <input type="checkbox"/> At a school-related activity (please specify) _____ <input type="checkbox"/> On a school bus (please specify route number) _____ <input type="checkbox"/> Other (please specify) _____
3. Time of Incident	Date: _____ Time: _____
4. Type of Incident (Check all that apply)	<p>Activities for which suspension must be considered under subsection 306(1) of the Education Act</p> <input type="checkbox"/> Uttering a threat to inflict serious bodily harm on another person <input type="checkbox"/> Possessing alcohol or illegal drugs <input type="checkbox"/> Being under the influence of alcohol <input type="checkbox"/> Swearing at a teacher or at another person in a position of authority <input type="checkbox"/> 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 <input type="checkbox"/> Bullying <input type="checkbox"/> Any other activity for which a student may be suspended under board policy <i>[Refer to Board Policy Section C: Students Student Discipline Procedure 3.0]</i> <p>Activities for which expulsion must be considered under subsection 310(1) of the Education Act</p> <input type="checkbox"/> Possessing a weapon, including possessing a firearm <input type="checkbox"/> Using a weapon to cause or to threaten bodily harm to another person <input type="checkbox"/> Committing physical assault on another person that causes bodily harm requiring treatment by a medical practitioner <input type="checkbox"/> Committing sexual assault <input type="checkbox"/> Trafficking in weapons or in illegal drugs <input type="checkbox"/> Committing robbery <input type="checkbox"/> 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) <input type="checkbox"/> Any activity listed in subsection 306(1) that is motivated by bias, prejudice, or hate <input type="checkbox"/> Giving alcohol to a minor <input type="checkbox"/> Any other activity for which a student may be expelled under board policy <i>[Note: Boards must specify on this form any other activities for which the board may expel according to board policy.]</i>
5. Report Submitted By: Name: _____ Role in School Community: _____ Signature: _____ Date: _____ Contact information: Location: _____ Telephone: _____	
6. FOR PRINCIPAL'S USE ONLY: Check if incident was a violent incident , as defined in Policy/Program Memorandum No. 120. <input type="checkbox"/> Violent Incident Information is collected under the authority Part XIII of the Education Act in accordance with the Municipal Freedom of Information and Protection of Privacy Act and shall be used for the purpose of student discipline. Questions about information collected on this form shall be directed to the school principal.	
SAFE SCHOOLS INCIDENT REPORTING FORM – PART II ACKNOWLEDGEMENT OF RECEIPT OF REPORT	



Appendix 1

Page 2

Ministry of Education

 Ontario

Report No: _____

Report Submitted By: Name: _____ Date: _____

☐ **Investigation completed**

☐ Principal to communicate results to the teacher at a mutually convenient time*

☐ Principal to communicate results to other board employee at a mutually convenient time, as appropriate*

☐ **Investigation in progress**

☐ Once investigation is completed, principal to communicate results to the teacher at a mutually convenient time*

☐ Once investigation is completed, principal to communicate results to other board employee at a mutually convenient time, as appropriate*

Name of Principal: _____

Signature: _____ **Date:** _____

Note: Only Part II is to be given to the person who submitted the report.

* In accordance with s.300.2 of the Education Act, after investigating a matter reported by an employee, the principal shall communicate the results of the investigation to the teacher or other board employee who is not a teacher, as appropriate. In accordance with the Municipal Freedom of Information and Protection and Privacy Act and the Education Act, when reporting the results of the investigation, the principal shall not disclose more personal information than is reasonably necessary for the purpose of communicating the results of the investigation

Appendix 2



Ministry of Education

Appendix 2

Delegation of Authority - Teacher-in-Charge

To: [insert name of Teacher-in-Charge]

Date: [insert date]

From: [insert name of administrator]

Re: Delegation of Authority

You will be delegated authority as teacher-in-charge consistent with this memo from [date] to [date].

During this time frame, the principal and vice principal shall be away from the school. The principal can be reached by cell phone at [insert where applicable] and the vice principal may be reached by cell phone at [insert where applicable]. The superintendent may be reached at [insert].

The emergency administrator may be reached at [insert] or in the alternative, the principal of [insert name of school], [insert individual's name] may be reached at [insert] to provide you with any assistance necessary.

As part of the duties of teacher-in-charge you are being delegated responsibility for the following:

1. receiving reports about suspension and expulsion infractions from Board employees and transportation providers and communicating this information to an administrator at the earliest opportunity;
2. conducting an investigation to determine the nature of an incident, and whether the incident is one for which a suspension or expulsion might be imposed;
3. reporting incidents for which a suspension or expulsion might be imposed to an administrator at the earliest opportunity;
4. providing information to a parent/guardian of a pupil about an incident causing the pupil harm, provided that the pupil is not an adult pupil, and you are not of the opinion that reporting the information might put the pupil at risk of harm and not be in the pupil's best interest; and
5. implementing progressive discipline measures following the investigation of an incident that does not require consideration of a suspension or expulsion as a consequence; and
6. contacting the police in an emergency or in the event of an incident requiring police involvement in accordance with the Protocol Between the Police and School Boards.

[consideration might be given to including duties that are not discipline related].

You must exercise your authority in accordance with the *Human Rights Code of Ontario*, the *Education Act*, Board policies and procedures and collective agreements.

Your authority with respect to these matters shall cease upon the return to the school of an administrator.

Appendix 3



Ministry of Education

Appendix 3

Suspension Letter [on the Letterhead of the School]

[Date]

[Adult Pupil/Parent/Guardian]

[Address]

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

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

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

This suspension is imposed in accordance with the *Education Act*, the Board's Safe School Policy and [Name of School] Code of Conduct.

The reason for the suspension is [use infraction applicable]. Namely, my findings indicate that [you/pupil's name] [describe incident with particulars].

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

[*If suspension is 6 school days or longer] In addition [you/pupil's name] [have/has] been assigned an Alternative Suspension Program, a program for suspended pupils. This Alternative Suspension Program will provide an opportunity for continued academic work and support for self-management to assist with the re-entry to school.

Please confirm [your/pupil's] participation in an Alternative Suspension Program at your earliest opportunity by contacting the school. As soon as notice of [your/pupil's] participation is received a planning meeting will be scheduled.

Should you wish to appeal this suspension, you must provide written notice of your intention to appeal to the Superintendent of Schools, [Contact Information], within 10 school days of the commencement of the suspension, i.e., before [Insert Date]. You may then contact the Superintendent of Schools to discuss the appeal. Please be aware that an appeal does not stay the suspension.

A copy of the Board's Student Discipline Policy, Procedure and Suspension Appeal Guideline are enclosed.

Sincerely,

[Principal]

cc: Teacher(s) of pupil
Superintendent of Schools
Ontario Student Record



Appendix 4



Ministry of Education

Appendix 4

VIOLENT INCIDENT REPORT **[on the Letterhead of the School]**

Name of student: _____ Date of birth: _____

A. Description of violent incident:

B. Police Contact:

Date of police investigation at school Name of investigating officer(s) Date of contact

C. School/Board Response:

1. a) Suspension b) Re-entry plan implemented 2. Expulsion 3. Other _____

Date of inclusion in OSR _____ Principal's/designate's signature _____

This information is collected under the authority of Ministry of Education for the purposes of tracking Violent Incidents in schools.
For further information, contact the principal who signed this form.

Note: Principal will complete, detach and forward this form to the appropriate supervisory officer.

Notification to Superintendent of Schools _____
(Name)

This is to advise that on _____ (date), a female/male student aged _____ was involved in
a violent incident.

Police Force Notified _____ (Name of Force)
(Name)

Summary of Incident: (Include relevant student history of violence)

Distribution: OSR

Superintendent of Schools



Appendix 5



Ministry of Education

Appendix 5

Notice of Suspension Review [on the letterhead of the Board]

[Date]

[Adult Pupil/Parent/Guardian]

[Address]

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

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

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

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

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

Sincerely,

Superintendent of Schools

cc Principal



Appendix 6



Ministry of Education

Appendix 6

Suspension Review Decision [on the letterhead of the Board]

[Date]

[Adult Pupil/Parent/Guardian]

[Address]

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

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

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

I will contact you to discuss the results of my review and your appeal.

Sincerely,

Superintendent of Schools

cc: Principal
Ontario Student Record



Appendix 7



Ministry of Education

Appendix 7

Notice of Suspension Appeal [on the letterhead of the Board]

[Date]

[Adult Pupil/Parent/Guardian]

[Address]

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

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

You have appealed the decision of Principal [Name] to suspend [you/pupil's name] from [Name of School].

The Appeal will be heard by the Discipline Committee of the Board of Trustees at [insert time and date] at [insert location].

You will find enclosed a copy of the Information Package that will be relied on by the administration for the Board and will be provided to the Discipline Committee. The Information Package includes a copy of the suspension letter, your letter requesting the appeal, correspondence with respect to the suspension review and the Principal's Report of the Incident. Also enclosed please find a copy of the Board's Suspension Appeal Guidelines.

Please advise me at your earliest opportunity if you intend to bring legal representation to the appeal.

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

Should you have any questions about the appeal process, please contact me [contact information].

Sincerely,

Superintendent of Schools

cc: Principal
Ontario Student Record



Appendix 8a



Ministry of Education

Appendix 8a

Suspension Appeal Decision [on the letterhead of the Board]

[Date]

[Adult Pupil/Parent/Guardian]
[Address]

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

Re: Decision of Discipline Committee
Suspension Appeal of [Pupil Name], [DOB]
[Name of School]

Attached, please find a copy of the Decision of the Discipline Committee regarding your suspension appeal, dated [insert date].

The decision of the Discipline Committee is final and is not subject to further appeal.

Should you have any questions, please contact me at [insert contact information].

Sincerely,

Superintendent of Schools

Encl.

cc: Principal
Ontario Student Record |

Appendix 8b



Ministry of Education

Appendix 8b

Suspension Appeal Decision of the Discipline Committee [on the letterhead of the Board]

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

-and-

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

Decision

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

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

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

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

THE DISCIPLINE COMMITTEE does hereby [confirm the suspension / confirm the suspension but shorten its duration to [number] school days and amend the record accordingly / quash the suspension and expunge the record/confirm the suspension but expunge the record on [insert date or event]].

THE DECISION OF THE DISCIPLINE COMMITTEE is final.

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

By _____ [Board Name]
Chair



Appendix 9



Ministry of Education

Appendix 9

Suspension Pending Possible Recommendation for Expulsion [on the letterhead of the School]

[Date]

[Adult Pupil/Parent/Guardian]

[Address]

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

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

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

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

The reason for the suspension is [use the infraction applicable]. Namely, my findings indicate that [you/Pupil's Name] [describe incident with particulars].

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

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

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

Sincerely,

[Principal]

Encl.

cc: Superintendent of Schools
Ontario Student Record



Appendix 10



Ministry of Education

Appendix 10

Decision Letter Not to Recommend Expulsion [on the letterhead of the School]

[Date]

[Adult Pupil/Parent/Guardian]

[Address]

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

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

I am writing to you to report the result of my investigation following [your/ pupil's name] suspension. I have decided not to recommend to the Discipline Committee that [you/pupil's name] be expelled.

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

[*Unless the suspension is withdrawn:] Should you wish to appeal the suspension, you must provide written notice of your intention to appeal the suspension to the Superintendent of Schools, [contact information], within 5 school days of the receipt of this notice, i.e., before [insert date - by courier or mail is 10 school days from date of this letter; by e-mail or fax is 6 school days from date of this letter].

If you provide notice of your intention to appeal, you may contact the Superintendent of Schools to discuss the appeal. If the suspension has been reduced in length, the appeal is from the reduced suspension. Please be aware that an appeal does not stay the suspension.

A copy of the Board's Student Discipline Policy, Procedures and Suspension Appeal Guideline are enclosed.

Sincerely,

[Principal]

Encl.

cc: Superintendent of Schools
Ontario Student Record

Appendix 11a

Page 1



Ministry of Education

Appendix 11a

Notice of Recommendation for Expulsion [on the letterhead of the School]

[Date]

[Adult Pupil/Parent/Guardian]

[Address]

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

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

I am writing to you following my investigation to determine whether to recommend an expulsion. As a result of my investigation, I have decided to recommend to the Discipline Committee of the Board of Trustees that [you/pupil's name] be expelled.

A copy of my Report to the Discipline Committee Recommending Expulsion is enclosed. You may respond to this Report in writing to the Discipline Committee or to me. A copy of your written submissions should be provided to the Superintendent of Schools [insert contact information].

The hearing by the Discipline Committee to decide whether [you/pupil's name] should be expelled will be held on [date] at [location]. Enclosed please find copies of the Board's Student Discipline Policy, Student Discipline Procedures, Expulsion Hearing Guidelines and Discipline Committee Rules.

You will be provided with an opportunity to make a presentation to the Discipline Committee about whether [you/pupil's name] should be expelled, and whether, if [you/pupil's name] [are/is] expelled, [you/he/she] should be expelled from [School Name] or from all schools of the Board and, if no expulsion is imposed, your position with respect to the suspension.

The Discipline Committee will determine whether [you/pupil's name] should be expelled, and whether [your/pupil's name] expulsion should be from [School Name] or from all of the schools of the Board.

If [you/pupil's name] [are/is] expelled from [School Name], the Discipline Committee will assign [you/pupil's name] to a program provided at another school of the Board. If [you/pupil's name] [are/is] expelled from all schools of the Board, the Discipline Committee will assign [you/pupil's name] to a program for expelled pupils.

Information about both the program that will be provided at another school and the program for expelled pupils is enclosed. Both the program that will be provided at another school and the program for expelled pupils will provide [you/pupil's name] with an opportunity to pursue academic work and receive additional supports.

Should the Discipline Committee decide not to expel [you/pupil's name], the Discipline Committee will review the suspension. The Discipline Committee may confirm the suspension, confirm but shorten the suspension and amend the record accordingly, or withdraw the suspension and expunge the record. The decision of the Discipline Committee with respect to the suspension is final and is not subject to appeal.

You may bring legal counsel to represent you before the Discipline Committee, which might be funded by Legal Aid, depending upon your circumstances. If you intend to bring legal counsel, please provide the Superintendent of Schools with notice at your earliest opportunity.



Appendix 11a

Page 2



Ministry of Education

Please note that the Discipline Committee will wait for thirty (30) minutes for your arrival on [Month], [Day], [Year] and, should you fail to attend in a timely manner, the Discipline Committee may proceed in your absence.

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

Sincerely,

[Principal]

Encl.

cc: Superintendent of Schools
Ontario Student Record



Appendix 11b



Ministry of Education

Appendix 11b

Expulsion Decision [on the letterhead of the Board]

[Date]

[Adult Pupil/Parent/Guardian]

[Address]

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

Re: Decision of Discipline Committee
Expulsion Hearing – [Pupil Name], [DOB]
[Name of School]

Re: Expulsion Decision

Attached, please find the Decision of the Discipline Committee, dated [insert date].

Should you wish to appeal this decision, you may contact the Child and Family Services Review Board at 416-327-4673 or 1-888-728-8823 within 30 days of receipt of this notice.

If the pupil has been expelled: Please also find attached information regarding the educational program offered by the Board at [insert name of alternative school / program for students expelled from all schools of the Board].

Should you have any questions, please contact the undersigned at [insert contact information].

Sincerely,

Superintendent of Schools

Encl.

cc: Principal
Ontario Student Record

Appendix 11c



Ministry of Education

Appendix 11c

Recommendation for Expulsion Decision of the Discipline Committee [on the letterhead of the Board]

RECOMMENDATION for EXPULSION DECISION

[School Board Name]IN THE MATTER OF Section 311.3
of the *Education Act*, as amended

-and-

IN THE MATTER OF a recommendation by
[Name of Principal], **[School Name]** for the expulsion of
[Pupil Name], a pupil of **[School Name]**

Decision

UPON being satisfied that the Discipline Committee has jurisdiction to conduct the hearing pursuant to section 311.3 of the *Education Act*;AND UPON being satisfied that the proper parties to the hearing are **[Name of Party and relationship to pupil]** and **[Principal Name]**, Principal of **[School Name]**;

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

AND UPON having provided an opportunity to the Party to make submissions, having heard the submissions of the Principal, having read any materials submitted by the parties, having considered the facts and any mitigating and/or other factors referred to by the parties, and having retired to consider the matter;

THE DISCIPLINE COMMITTEE does hereby impose an expulsion from **[School Name]** and assign the pupil to an educational program at **[School Name]** for the following reasons: **[INSERT REASONS FOR EXPULSION]*****OR**THE DISCIPLINE COMMITTEE does hereby impose an expulsion from all schools of the Board; assign the pupil to the program for expelled pupils; and require that the pupil successfully complete and meet the objectives of the program for expelled pupils before being re-admitted to a regular day school program in Ontario for the following reasons: **[INSERT REASONS FOR EXPULSION]**.***OR**THE DISCIPLINE COMMITTEE does not hereby impose an expulsion; and does hereby [confirm the suspension imposed by **[Principal Name]** / confirm the suspension imposed by **[Principal Name]** but shorten its duration to **[number]** school days and amend the record accordingly / quash the suspension and expunge the record].

* An example of wording might be: "The Discipline Committee is satisfied on a balance of probabilities that **[pupil]** did bring a knife to school and used the knife to threaten other pupils as indicated in the Principal's Report, contrary to section 310 of the *Education Act* and the Board's Safe Schools Policy, and that the mitigating or other factors do not apply to mitigate the discipline recommended."

DATED this **[day]** of **[Month]**, **[Year]** and signed on behalf of the Discipline Committee and Board of Trustees by the Chair of the Discipline Committee.**[Board Name]**
By _____
Chairperson



Appendix 12



Ministry of Education

Appendix 12

Declaration of Performance [on the Letterhead of the School]

[Date]

[Pupil Name]

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

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

Signature [Insert name of student]

Date



Appendix 13



Ministry of Education

Appendix 13

Ministry of Education Reference Material

The ministry has updated the following resources to provide information on how staff must handle student incidents that occur at our school, at school-related activities or in any other circumstances where the student's behaviour can have a negative impact on the school climate:

- [Reporting and Responding: A Resource for Board Employees](#)
- [Reporting and Responding to Incidents: A Resource for Occasional Teachers](#)
- [Suspensions and Expulsions: What Parents and Students Need to Know](#)