

Toronto District School Board

Operational Procedure PR697

Title: **PROMOTING A POSITIVE SCHOOL CLIMATE**

Adopted: [Excerpted From March 15, 2004 version of PR.539, Safe Schools]

Revised: June 28, 2006, December 10, 2006, January 30, 2008, June 25, 2008,
February 20, 2013 (formerly Consequences of Inappropriate Student Behaviour)

Reviewed:

Authorization: Administrative Council

1.0 OBJECTIVE

To establish a framework to enable, support and maintain a positive school climate.

2.0 RESPONSIBILITY

Associate Director

3.0 DEFINITIONS

Assault – a person commits assault when (a) without the consent of another person, he/she applies force intentionally to the other person, directly or indirectly; (b) attempts or threatens, by an act or gesture, to apply force to another person, if he/she has, or causes that other person to believe upon reasonable grounds that he/she has present ability to his/her effect his/her purpose; (c) while openly wearing or carrying a weapon or an imitation thereof, he/she accosts or impedes another person.

Bias – Prejudice in favour of or against one thing, person, or group compared with another, usually in a way considered to be unfair.

Bullying (including cyber-bullying) – aggressive and typically repeated behaviour (physical, verbal, electronic, written or other means) 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;

Cyber-bullying - bullying by electronic means, including,

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

Discrimination - Unfair or prejudicial treatment of individuals or groups on the basis of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, gender identity, gender expression, sexual orientation, age, marital status, family status, or disability, as set out in the Ontario Human Rights Code, or on the basis of other, similar factors. Discrimination, whether intentional or unintentional, has the effect of preventing or limiting access to opportunities, benefits, or advantages that are available to other members of society. Discrimination may be evident in organizational and institutional structures, policies, procedures, and programs, as well as in the attitudes and behaviours of individuals.

Explosive Substance – includes anything used to create an explosive device or is capable or causing an explosion.

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

Firearm – any barreled weapon from which any shot, bullet or other projectile can be discharged and that is capable of causing serious bodily injury or death to a person.

Firearm Replica – is any device that is designed or intended to exactly resemble or to resemble with near precision, a firearm.

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

Harassment – harassment is persistent, ongoing conduct or communication in any form, of attitudes, beliefs, or actions towards an individual or group which might reasonably be known to be unwelcome. A single act or expression may, in the case of sex or gender, constitute harassment.

Hate and/or Bias Motivated Occurrences – An incident (e.g. involving statements/ words, gestures) motivated by hatred or bias towards an identifiable group (i.e. a group

distinguished by colour, race, religion, gender, sexual orientation, or ethnic origin) that is publicly communicated and that is willfully intended to promote or incite bias or hatred against such a group.

Hate Material – includes literature, leaflets, posters, graffiti distributed (or sent by electronic means) to incite violence or hatred against an identifiable group and/or their property. The incitement of hatred or bias-motivated incidents against an identifiable group may include persons distinguished by their race, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, sexual orientation or other similar factor.

Hatred – the term “hatred” indicates emotion of an intense and extreme nature that is clearly associated with vilification and detestation. It is an emotion that, if exercised against members of an identifiable group, implies that those individuals are to be despised, scorned, denied respect and made subject to ill-treatment on the basis of group affiliation.

Inappropriate Use of Electronic Communications/Media – the intentional use of an electronic device or communication medium, such as, but not limited to, all features of a phone, a cell phone, digital camera, blackberry, e-mails, school hotlines, Web-based communication sites and print material, such as flyers, school newspapers and brochures, that negatively impact on the well-being of another person and/or the learning environment in accordance with the definition of Harassment (as set out above).

Physical Assault – the intentional application of force directly or indirectly in any degree at all, to a person without the person’s consent.

Physical Assault Causing Bodily Harm – physical assault is the intentional application of force (in any degree at all) to a person without that person’s consent. Bodily harm refers to any hurt or injury that is more than merely transient or trifling in nature which interferes with the health or comfort of the person, and includes (but is not limited to) injuries that receive medical attention. Any cut that requires stitches or any broken or fractured bone should be considered a serious injury. Serious injury could also include multiple minor injuries.

Prejudice - A conscious or unconscious negative belief about a whole group of people and its individual members.

Possession of a Weapon – means anything used, designed to be used or intended for use in causing death or injury to any person, or to threaten or intimidate any person. It can include objects which can be used as weapons. Objects such as a pen, or a screwdriver, if displayed to threaten or intimidate, become weapons under this definition. Weapon includes a firearm and any device that is designed or intended to exactly resemble or to resemble with near precision, a firearm.

Racial Harassment – means engaging in a course of vexatious comment or conduct pertaining to a person’s race which is known, or is reasonably known, to be offensive,

inappropriate, intimidating, hostile and unwelcome. Race refers to a group of people of common ancestry, distinguished from others by physical characteristics, such as colour of skin, shape of eyes, hair texture or facial features. The term is also used, at present, to designate social categories into which societies divide people according to such characteristics.

Robbery – a robbery occurs where a person uses violence or threats of violence to steal money or other property from a victim.

School Climate – the environment, values and relationships found within a school. A positive school climate exists when all members of the school community feel safe, included, and accepted and actively promote positive behaviours and interactions. Equity, inclusion and respect are critical components embedded in the learning environment.

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

Sexual Harassment – sexual harassment occurs when a person receives unwelcome sexual attention from another person, whose comments or conduct is known or should reasonably be known to be offensive, inappropriate, intimidating, hostile and unwelcome. It also includes an environment in which sexist or homophobic jokes and materials are allowed.

Theft – anyone who fraudulently and without colour of right, takes or converts to their use or the use of another person, anything with the intent to deprive the owner of the thing.

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

Threat to Inflict Serious Bodily Harm – a threat to cause death or serious bodily harm to a person. The term “threat”, as used here, does not apply to situations in which no real threat was intended.

Trafficking in Drugs and/or Harmful Substances – to sell, administer, transfer, transport, send or deliver any harmful substance, illicit drug or narcotic as set out in the *Controlled Drugs and Substances Act*.

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

4.0 PROCEDURES

4.1. Principles

- (a) Progressive discipline is a whole-school approach that utilizes a continuum of interventions, supports, and consequences to address inappropriate student behaviour and to build on strategies that promote positive behaviours.

When inappropriate behaviour occurs, disciplinary measures should be applied within a framework that shifts the focus from one that is solely punitive to one that is both corrective and supportive. Schools should utilize a range of interventions, supports, and consequences that include learning opportunities for reinforcing positive behaviour while helping students to make good choices.

- (b) Mitigating factors must be considered for all students prior to discipline. The following mitigating factors shall be taken into account:
- (i) The pupil does not have the ability to control his or her behaviour;
 - (ii) The pupil does not have the ability to understand the foreseeable consequences of his or her behaviour;
 - (iii) The pupil's continuing presence in the school does not create an unacceptable risk to the safety of any person.
- (c) Other factors must also be considered for all students prior to discipline. The following other factors shall be taken into account:
- (i) The pupil's history;
 - (ii) Whether a progressive discipline approach has been used with the pupil;
 - (iii) Whether the activity for which the pupil may be or is being suspended or expelled was related to any harassment of the pupil because of his or her race, ethnic origin, religion, disability, gender or sexual orientation, or to any other harassment;
 - (iv) How the suspension or expulsion would affect the pupil's on-going education;
 - (v) The age of the pupil;
 - (vi) When an Individual Education Plan has been developed for the pupil;
 - (vii) Whether the behaviour was a manifestation of a disability identified in the pupil's IEP;
 - (viii) Whether appropriate individualized accommodation has been provided;
 - (ix) Whether the suspension or expulsion is likely to result in an aggravation or worsening of the pupil's behaviour or conduct.

- (d) In some circumstances, short-term suspension may be a useful tool. In the case of a serious incident, long-term suspension or expulsion, which is further along the continuum of progressive discipline, may be the response that is required.
- (e) For students with special education needs, interventions, supports, and consequences must be consistent with the student's strengths, needs, goals, and expectations contained in his or her Individual Education Plan (IEP).

4.2 Practices

Implementation strategies and procedures shall be developed in accordance with the following policy statements (see section 5.0 Specific Directions).

Schools shall:

- (a) develop and implement school-wide progressive discipline plans that consider the individual's needs and circumstances and that reflect Board policy and procedure;
- (b) develop a range of interventions, supports, and consequences including circumstances in which short-term suspension, long-term suspension, or expulsion may be the required response;
- (c) use the most appropriate method to respond to a student's behaviour as outlined in this procedure and the school's progressive discipline plan;
- (d) use interventions, consequences, and supports for students with special education needs that shall be consistent with the expectations in the student's Individual Education Plan;
- (e) develop a process for building on existing partnerships, or developing new partnerships, with community agencies and local police services that support students and their families;
- (f) provide opportunities for on-going dialogue with parents related to student achievement and behaviour;
- (g) provide opportunities for students to improve the school climate by assuming leadership roles (e.g., peer mediation, mentorship);
- (h) review the School's Code of Conduct to ensure that it is aligned with a progressive discipline approach;
- (i) establish a supportive learning environment through appropriate interactions between all members of the school community;
- (j) communicate policies and procedures on progressive discipline to all students, parents, staff members and school council members and information shall be shared, as appropriate, with parents whose first language is other than English;
- (k) establish performance indicators for monitoring, reviewing, and evaluating the effectiveness of this and related procedures.

- (l) apply interventions which may include but are not limited to:
- Discussion with a teacher, member of the support staff, vice-principal or principal
 - Attendance / performance/ behaviour contracts
 - Time Out
 - Reflection Sheet
 - Parental contact and involvement in applying an appropriate remedy
 - Loss of privilege to participate in specified school activities
 - Peer mediation
 - Individual or group counselling
 - Written or oral apology
 - Essay / poster campaign
 - Detention
 - Restitution for damage or stolen property
 - Community service
 - Restorative Practices
- (m) prior to suspending a student or referring a student for expulsion, conduct an investigation and consider mitigating and other factors and document the process used.

SUSPENSIONS. A principal shall consider in accordance with Section 306. (1) of the <i>Education Act</i>	Principal May Issue Suspension	Notify Police	
		May	Shall
1. Uttering a threat to inflict serious bodily harm on another person *	1–19 Days		X
2. Possessing alcohol or illegal drugs*	1–19 Days		X
3. Being under the influence of alcohol*	1–19 Days	X	
4. Swearing at a teacher or at another person in a position of authority*	1–19 Days	N/A	N/A
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*	1–19 Days		X
6. Bullying*	1–19 Days	X	
<i>*Any activity listed in section 306(1) motivated by hate, bias or prejudice based on the prohibited grounds of the OHRC and gender identity and expression will be considered suspendable under section 310(1) of the Education Act.</i>			

SUSPENSIONS A principal may consider in accordance with Board policy and Section 306. (1) 7. of the <i>Education Act</i>	Principal May Issue Suspension	Notify Police	
		May	Shall
1. Willful destruction of school property; vandalism causing damage to school or Board property or property located on school or Board premises*	1–19 Days	X	
2. Use of profane or improper language*	1–19 Days	N/A	
3. Use of tobacco*	1–19 Days	X	
4. Theft*	1–19 Days	X	
5. Aid or incite harmful behaviour*	1–19 Days	X	
6. Physical assault*	1–19 Days	X	
7. Being under the influence of illegal drugs*	1–19 Days	X	
8. Fighting*	1–19 Days	X	
9. Possession or misuse of any harmful substances*	1–19 Days	X	
10. Extortion*	1–19 Days		X
11. Inappropriate use of electronic communications or media devices*	1–19 Days	X	
12. An act considered by the school principal to be a breach of the Board's or school code of conduct*	1–19 Days	X	
13. Immunization	20 Days	N/A	N/A
<i>* Any activity listed in section 306(1) motivated by hate, bias or prejudice based on the prohibited grounds of the OHRC and gender identity and expression will be considered suspendable under section 310(1) of the Education Act.</i>			

SUSPENSIONS PENDING POSSIBLE EXPULSION, Section 310. (1) of the <i>Education Act</i> Principal shall issue a suspension pending possible expulsion, and then conduct an investigation within five (5) school days. Following the investigation confirm the suspension, shorten the suspension, withdraw the suspension or refer to the Board for a hearing.	Principal May Issue Suspension	Notify Police	
		May	Shall
1. Possessing a weapon, including a firearm	1–20 Days		X
2. Using a weapon to cause or to threaten bodily harm to another person	1–20 Days		X
3. Committing physical assault on another person that causes bodily harm requiring treatment by a medical practitioner	1–20 Days		X
4. Committing sexual assault (Refer to Board Policy P.045: Dealing With Abuse and Neglect of Students)	1–20 Days		X
5. Trafficking in weapons or in illegal drugs	1–20 Days		X
6. Committing robbery	1–20 Days		X
7. Giving alcohol to a minor	1–20 Days		X

<p>7.1 Bullying if,</p> <p>i. the pupil has previously been suspended for engaging in bullying and,</p> <p>ii. The pupil's continuing presence in the school creates an unacceptable risk to the safety of another person.</p>	1-20 Days	X	
<p>7.2 Any activity listed in section 306(1) motivated by bias, prejudice or hate based on race, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, sexual orientation, gender identity, gender expression, or any other similar factor.</p>	1-20 Days	X	X

<p>SUSPENSIONS PENDING POSSIBLE EXPULSION, Board policy P.044, Code of Conduct, and Section 310. (1) 8. of the <i>Education Act</i> Principal shall issue a suspension pending possible expulsion, and then conduct an investigation within five (5) school days. Following the investigation, confirm the suspension, shorten the suspension, withdraw the suspension or refer to the Board for a hearing.</p>	Principal May Issue Suspension	Notify Police	
		May	Shall
1. Possession of an explosive substance	1-20 Days		X
2. Sexual Harassment	1-20 Days	X	
3. Hate Motivated Occurrences	1-20 Days		X
4. Distribution of Hate Material	1-20 Days	X	
5. Racial Harassment	1-20 Days	X	
6. An act considered by the principal to be a serious breach of the Board's or school's code of conduct.	1-20 Days		X

4.3 Duty to Report Harm (Education Act – Part XIII)

Delegation by principals

300.1 (1) A principal of a school may delegate in writing any of his or her powers, duties or functions under this Part to,

- (a) vice-principal of the school;
- (b) a teacher employed in the school;
- (c) a person appointed by a board under paragraph 5.1 of subsection 171 (1) to supervise persons in positions designated by the board as requiring an early childhood educator; and
- (d) a person appointed by a board under subsection 260 (2) to a position in an extended day program designated by the board as requiring an early childhood educator. 2009, c. 17, s. 1; 2011, c. 9, Sched. 10, s. 12 (1).

Same

(2) A teacher who is not a vice-principal may only act under a delegation under this section if the principal and vice-principal of the school are absent from the school. 2009, c. 17, s. 1.

Same

(2.1) A person described in clause (1) (c) or (d) may only act under a delegation under this section if,

- (a) the principal and vice-principal of the school are absent from the school;
- (b) the delegated power, duty or function is exercised in respect of a pupil enrolled in an extended day program in the school; and
- (c) the delegated power, duty or function is exercised during the time that the extended day program is operated in the school. 2011, c. 9, Sched. 10, s. 12 (2).

Reporting to the principal

300.2 (1) An employee of a board who becomes aware that a pupil of a school of the board may have engaged in an activity described in subsection 306 (1) or 310 (1) shall report to the principal of the school about the matter. 2009, c. 17, s. 1; 2012, c. 5, s. 8 (1). (Appendix A)

Same

(2) An employee shall report to the principal as soon as reasonably possible or, if a different time period is specified by the policies or guidelines, within that time period. 2012, c. 5, s. 8 (2).

Principal's duty to investigate

(3) A principal shall investigate any matter reported under subsection (1). 2012, c. 5, s. 8 (2).

Informing reporter

(4) After investigating a matter reported under subsection (1), the principal shall communicate the results of the investigation to (Appendix B),

- (a) if the matter was reported by a teacher, that teacher; or
- (b) if the matter was reported by an employee who is not a teacher, that employee unless, in the principal's opinion, it would not be appropriate to do so. 2012, c. 5, s. 8 (2).

Same

(5) The principal shall not disclose more personal information under subsection (4) than is reasonably necessary for the purpose of communicating the results of the investigation. 2012, c. 5, s. 8 (2).

Notice to parent or guardian

300.3 (1) Subject to subsections (2) and (3), if the principal of a school believes that a pupil of the school has been harmed as a result of an activity described in subsection 306 (1) or 310 (1), the principal shall, as soon as reasonably possible, notify,

- (a) the parent or guardian of the pupil who the principal believes has been harmed; and
- (b) the parent or guardian of any pupil of the school who the principal believes has engaged in the activity that resulted in the harm. 2012, c. 5, s. 9 (1).

Same

(2) A principal shall not, without the pupil's consent, notify a parent or guardian of a pupil who is,

- (a) 18 years or older; or
- (b) 16 or 17 years old and has withdrawn from parental control. 2009, c. 17, s. 1.

Same

(3) A principal shall not notify a parent or guardian of a pupil if in the opinion of the principal doing so would put the pupil at risk of harm from a parent or guardian of the pupil, such that the notification is not in the pupil's best interests. 2009, c. 17, s. 1.

Same

(4) When notifying a parent or guardian of a pupil under clause (1) (a), 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;
- (c) the steps taken to protect the pupil's safety, including 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 the harm that resulted from the activity. 2012, c. 5, s. 9 (2).

Same

(5) When notifying a parent or guardian of a pupil under clause (1) (a), the principal shall not disclose the name of or any other identifying or personal information about a pupil who engaged in the activity that resulted in the harm, except in so far as is necessary to comply with subsection (4). 2009, c. 17, s. 1; 2012, c. 5, s. 9 (3).

Same

(6) When notifying a parent or guardian of a pupil under clause (1) (b), 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. 2012, c. 5, s. 9 (4).

Same

(7) When notifying a parent or guardian of a pupil under clause (1) (b), the principal shall not disclose the name of or any other identifying or personal information about a pupil who has been harmed as a result of the activity, except in so far as is necessary to comply with subsection (6). 2012, c. 5, s. 9 (4).

Parent's right to provide comments

(8) When notifying a parent or guardian under this section, the principal shall invite the parent or guardian to have a discussion with the principal about the supports that will be provided for his or her child. 2012, c. 5, s. 9 (4).

Response by board employees

300.4 (1) If the Minister has established policies or guidelines under subsection 301 (5.6), an employee of a board who observes a pupil of a school of the board behaving in a way that is likely to have a negative impact on the school climate shall respond in accordance with those policies and guidelines and in accordance with any policies and guidelines established by the board under subsection 302 (3.3). 2009, c. 17, s. 1.

Exception

(2) Subsection (1) does not apply in circumstances set out in a regulation made under clause 316 (1) (d). 2009, c. 17, s. 1.

Same, reporting to principals

Individuals who are not board employees who come into direct contact with pupils of a board on a regular basis in the normal course of,

- (a) providing goods or services to the board;
- (b) carrying out their employment functions as an employee of a person who provides goods or services to the board; or
- (c) providing services to a person who provides goods or services to the board. 2009, c. 17, s. 2.
- (d) providing programs or services to pupils in a school of the board.

5.0 REFERENCE DOCUMENTS

Policies

P011: Community Use of Board Facilities (Permits)

P031: Human Rights

P037: Equity Foundation

P051: Caring and Safe Schools

P071: Gender-Based Violence

Operational Procedures

PR540: Non-Discretionary and Discretionary Student Transfers

PR585: Board Code of Conduct

PR586: Programs for Students on Long-Term Suspensions and Expulsions

PR608: Sexual Misconduct by Students

PR698: Police-School Board Protocol

PR702: Progressive Discipline and Promoting Positive Student Behaviour

PR703: Bully Prevention and Intervention

Other Documents

Education Act, R.S.O 1990, Chapter E.2 as amended (particularly Part XIII)

O.Reg 472/07, Suspension and Expulsion of Pupils

O.Reg 612/00, School Councils

Ministry of Education Policy/Program Memoranda

PPM 120: Reporting Violent Incidents to the Ministry of Education

PPM 128: The Provincial Code of Conduct and School Board Code of Conduct

PPM 141: School Board Programs for Students on Long-Term Suspension

PPM 142: School Board Programs for Expelled Students

PPM 144: Bullying Prevention and Intervention

PPM 145: Progressive Discipline and Promoting Positive Student Behaviour

