

# Administrative Procedure

**A.P. 6-43**



**Date:** 2001-02-16

**Reviewed:** 2010-06-22

**Subject:** Keeping our Kids Safe at School

## **Purpose**

The Provincial Code of Conduct, the Bruce-Grey Catholic District School Board Code of Conduct, the *Education Act*, Ontario Regulation 472/07, Policy Program Memorandum (PPM) 128 (Provincial and school board codes of conduct), 141 (programs for long term suspension), 142 (expulsion programs), 144 (bullying prevention) and 145 (progressive discipline), together with the Board's discipline policies create expectations for behaviour for all persons on school property and outline strategies to be taken to address incidents, including imposing 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, 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.

## **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 him/herself from parental control.

*Board Employees who Work with Pupils* – is defined to include administrators, teachers, educational assistants, child and youth workers, social workers, psychologists, speech language pathologists and other professional and para-professional staff who have regular and direct duties with the Board's pupils.

*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.

*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*.

*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.

*Harassment* – is 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.

*Primacy of the Code* – in a circumstance in which there is a conflict between provincial law, such as the *Education Act*, regulations, Policy Program Memoranda, school board policies and procedures, and the *Human Rights Code* of Ontario, the *Human Rights Code* is deemed to be more important and the inferior law must be applied in a manner consistent with the *Human Rights Code* (unless there is an explicit exception contained within the other law for such a circumstance). The principle of primacy of the *Human Rights Code* also requires school board policies and procedures to be interpreted and applied in a manner consistent with the *Human Rights Code*.

*Racialized student* – is a student who may experience social inequities on the basis of race, colour, and/or ethnicity-

*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.

*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.

*Superintendent Responsible for Student Discipline* – means the supervisory officer delegated authority regarding procedural issues related to suspension appeals and expulsions.

*Teacher-in-Charge* – is a teacher delegated authority by the principal to undertake specified duties with respect to pupil discipline in the absence of administration.

*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.

## **A. PROGRESSIVE DISCIPLINE**

Progressive discipline is a non-punitive, whole-school approach that uses a continuum of preventative, 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*.

Each school is also required to ensure that bullying prevention plans include: (1) awareness raising strategies (2) support strategies, including plans to protect victims; and (3) reporting requirements (please refer to the Bullying Prevention Policy and Procedures). 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 is 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.

### **Prevention Strategies**

Board employees 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 as a result of one or more immutable characteristics, including 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 facilitates, 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.

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 officer of medical health the ability to deliver their mandated public health curriculum.

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. By . . . **[Note school boards should include information here about how information will be communicated]**.

### **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, and (2) positive behaviour management.

Positive behaviour management practices include:

- Program modifications or accommodations;
- Class 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.

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 a consequence 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.

## **Early and Ongoing Intervention Strategies – Progressive Discipline Consequences**

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

- Contact with pupil's parent(s)/guardian(s);
- Oral reminders;
- Review of expectations;
- Written work assignment addressing the behaviour, that have a learning component;
- Volunteer services to the school community;
- Conflict mediation and resolution;
- Peer mentoring;
- Referral to counselling; and/or
- Consultation between two (2) or more of the 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 with whom intervention strategies\* are utilized. The record should include:

- Name of the pupil;
- Date of the incident or behaviour;
- Nature of the incident or behaviour;
- Progressive discipline approach used;
- Outcome; and/or
- Contact with the pupil's parent/guardian (unless the pupil is an adult pupil).

## **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:

- Meeting with the pupil's parent(s)/guardian(s), pupil and principal;
  - Referral to a community agency for anger management or substance abuse, counselling/intervention;
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- Detentions;
- Withdrawal of privileges;
- Withdrawal from class;
- Restitution for damages;
- Restorative practices; and
- Transfer to another class or school.

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

### **Factors to Consider Before Deciding to Utilize a Progressive Discipline Consequence to Address Inappropriate Behaviour**

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 exacerbate 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 or vice-principal must:

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

### **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 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.

### **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 for 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; 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.

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*.

### **Record**

The principal or vice-principal should keep a record for each pupil with whom progressive discipline approach(es) 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 pupil).

### **B. RESPONDING TO INCIDENTS**

The Board is committed to supporting safe learning and teaching environments in which every pupil can reach his or her full potential. Appropriate action must consistently be taken by schools to address behaviours that are contrary to provincial, Board and school Codes of Conduct, which includes, but is not limited to, inappropriate sexual behaviour, gender-based violence, homophobia, and harassment on the basis of sex, gender identity, sexual orientation, race, colour, ethnicity, culture, citizenship, ancestry, origin, religion, creed, family status, socio-economic status, disability and/or any other immutable characteristic or ground protected by the *Human Rights Code*, as well as any other behaviour, such as bullying, swearing, malicious gossip, name-calling, sexist, homophobic or racial slurs, comments, jokes or teasing and defamatory or discriminatory electronic communication and postings, graffiti and other behaviour that might cause a negative school climate.

Board employees who work directly with students must respond to any student behaviour that is likely to have a negative impact on the school climate, if in the employee's opinion, it is safe to do so. Such behaviour includes all inappropriate and disrespectful behaviour (e.g. swearing, homophobic or racial slurs, sexist comments or jokes, graffiti), as well as those incidents that must be considered for suspension or expulsion. It is not necessary to report incidents to the principals that fall below the threshold for suspension or expulsion.

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

It is the expectation of the Board that, provided that there is no immediate risk of physical harm to any individual, Board employees who work with pupils shall respond to any such inappropriate and disrespectful behaviour as well as any other behaviour that causes a negative impact on school climate or for which a suspension or expulsion may be imposed, that they have observed or heard during the course of their duties or otherwise while on school property or during a school related event. Immediate risk to an individual includes the Board employee, the pupils involved, other pupils, other staff and members of the community who might be impacted as a result of the behaviour being exhibited or because the Board employee who works with pupils cannot leave unattended another pupil(s) in order to respond.

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. modelling 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
8. 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, up to and including a recommendation for expulsion from all schools. Unless the behaviour is such that it must be considered for suspension or expulsion, a response is sufficient – it is not required that these incidents be reported to the principal. For incidents where suspension or expulsion would not be considered, but the board employees feel it is not safe to respond, they will be expected to inform the principal verbally as soon as possible.

Where, in the opinion of the Board employee who works with pupils, the behaviour observed or heard might lead to suspension or suspension and a recommendation for expulsion, the employee must report the behaviour orally to the principal or designate at the earliest opportunity and again in writing before the end of the school day. The employee shall 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.

### **C. REPORTING SUSPENSION & EXPULSION INFRACTIONS TO THE PRINCIPAL**

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 other activity for which a pupil may be suspended under a policy of the board.

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 or knife;
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 or restricted drugs;
6. Committing robbery;
7. Giving alcohol to a minor;
8. Any other activity for which a pupil may be expelled under a policy of a board.

When a board employee or transportation provider becomes aware of an incident that must be considered for suspension or expulsion by the principal, board employees must report this to the principal and confirm their report in writing. Whether or not the behaviour leads to a suspension/expulsion is for the principal to determine, not for the staff to weigh.

Ministry policy states that the employee must consider the safety of others and the urgency of the situation in reporting the incident, but, in any case, must report it to the principal by the end of the school day. The report is to be confirmed in writing in a timely manner, using the Safe Schools Incident Reporting form – Part I. (Appendix 1A)

Note that reporting does not replace conversations between the employee and the principal. The principal and the employee are encouraged to talk about the incident regardless of action taken. The purpose of reporting incidents is to ensure that the principal/vice-principal is aware of the behaviour.

Once the Form is received, the principal/vice-principal will assign a report number to the Form and acknowledge the receipt of the Form in writing by returning to the employee or transportation provider Safe Schools Incident Reporting Form – Part 2, (Appendix B). 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.

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, and the following school year, at which time it shall be destroyed unless the matter has become the subject of a proceeding, including an Application to the Human Rights Tribunal of Ontario, in which case Form – Part 2 shall be retained until the proceeding is finally decided.

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 s.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 redacted (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 redacted.

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 victim's OSR.

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.

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.

In circumstances where Form – Part 1 is retained but not filed in a pupil's OSR, it must be stored in a secure cabinet, 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 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.

## **D. NOTIFICATION**

### **Notifying the Parent/Guardian**

Following an incident for which the principal shall be considering imposing a suspension or making a recommendation for expulsion or for which a vice-principal is considering a suspension of five(5) or fewer days, the principal or vice-principal shall provide 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. Where the victim is an adult pupil, the principal or vice-principal shall inform the parent/guardian only with the victim's consent.

The Education Act states that 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.

The principal **must** say that the student was suspended, if that is the progressive discipline that has been applied. It is not necessary for the principal to say for how many days a student was suspended.

The same would be true for other forms of progressive discipline, in that details are not necessary, but the type of discipline must be explained.

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.

The principal or vice-principal may communicate to the victim's parent/guardian any school wide initiatives that have been or will be implemented as a result of the incident and/or other similar incidents. Where the pupil(s) disciplined shall no longer be attending the same school as the victim, this fact may be confirmed.

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. The principal or vice-principal shall, as appropriate, recommend a referral for the pupil to receive social work 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 information about supports for the pupil provided to the parent/guardian shall be summarized in written form, which shall also include a copy of the contact information for the superintendent. A copy of the written summary, including a copy of any Safety Plan, shall be provided to the parent/guardian and the superintendent.

The principal or vice-principal shall also inform the parent/guardian that, if the parent/guardian is NOT satisfied with the measures being taken to protect and support the victim, the parent/guardian may contact the superintendent to request a review of the measures being taken by the school.

### **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 CAS to inquire about the appropriateness of making a report;
2. document in the Student Information System why the parent/guardian was not notified;
3. inform his/her superintendent that the parent/guardian was not informed and why;
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. Supports might include *Kids Help Phone* and the *Lesbian, Gay, Bisexual and Transgendered Youth Line*. 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.

Where the pupil who has been disciplined shall no longer be attending the same school as the victim, this fact may be confirmed.

## **E. SUSPENSION OF PUPIL**

### **Suspension Infractions**

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 Police and School Response Protocol 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 other activity for which a pupil may be suspended under a policy of the board.

A pupil may be suspended only once for any incident of 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.

### **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 pupil) 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.

### **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 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.

If a pupil does not have the ability to control his or 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.

### **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.

### **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 utilised early and/or ongoing intervention strategies to prevent unsafe or inappropriate behaviours, such as:
  - contact with the pupil's parent(s)/guardian(s);
  - oral reminders;
  - review of expectations;

- written work assignments with a learning component;
  - assigning the pupil to volunteer services to the community;
  - conflict mediation and resolution;
  - peer mentoring;
  - referral to counselling; and/or
  - 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:
- meeting(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.

### **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 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.

### **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.

### **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 program for pupils subject to lengthy suspension (ASP). A pupil participating in an ASP is not considered to be engaging in school or school-related activities.

### **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 effect 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. The principal or vice-principal in conjunction with the pupil's teacher(s) must organize school work 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 Responsible for Student Discipline;  
(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 emailed 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, 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)

### **Alternative Suspension Program**

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 (Alternative Suspension Program or ASP). 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. 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 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.

### **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.

- 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.
  - ✓ 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.
  - ✓ If the adult pupil or the pupil's parent/guardian are 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.
- During the planning meeting the principal or vice-principal shall review the issues to be addressed in the pupil's SAP.

### **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.

- 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 counsellor, special education teacher, classroom teacher, CYW and/or social worker.
- 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.
  - ✓ 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.
  - ✓ The principal must ensure that the pupil is provided with school work until the SAP is in place.
- 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.
- 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.

### **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 Responsible for Student Discipline.

- An appeal of a suspension does not stay the suspension.
- A person who intends to appeal a suspension must give written notice of his/her intention to appeal the suspension within **ten (10) school days** of the commencement of the suspension.
- An individual who appeals a suspension may argue that his/her rights pursuant to the *Human Rights Code* have been infringed.
- In addition, a separate right to apply to the Human Rights Tribunal of Ontario exists where an individual believes his/her rights pursuant to the *Human Rights Code* have been infringed.
- 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 Responsible for Student Discipline:

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 and invite the appellant to contact the Superintendent Responsible for Discipline to discuss any matter respecting the incident and/or appeal of the suspension; (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 and superintendent 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 Responsible for Student Discipline 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 Responsible for Student Discipline 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.

### **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 8A and 8B)

### **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.

### **Transfer to a 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/designate's opinion to ensure a successful transition, which might include where appropriate, referrals for social work support, CYW 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, where appropriate, to a meeting with representatives from both schools for the purpose of reviewing the Transition Plan, including the timeline for transition and the provision of school work prior to transition in circumstances where the 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.

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*.

## **F. EXPULSION OF PUPILS**

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 Police and School Response Protocol if the infraction the pupil is suspected of committing requires such contact. The principal shall consult with his or her superintendent.

The enumerated activities are:

1. Possessing a weapon, including possessing a firearm or knife;
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. Giving alcohol to a minor;
8. Any other activity for which a pupil may be expelled under a policy of a board.

## Mitigating Factors and Other Factors

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 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.

The mitigating factors to be considered by the principal in determining the length of the suspension and in determining whether to recommend 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.

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 the suspension or the decision to recommend expulsion 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.

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

PPM 145 (page 4) states that 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).

### **Suspension Pending Recommendation for Expulsion**

If the pupil is suspended pending an investigation to determine whether expulsion will be recommended, mitigating and other factors must be considered in determining the length of the suspension which can be for one (1) to (20) twenty school days.

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

### **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 the template letter at 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.
  - If notice is sent by mail or courier, it will be deemed to have been received on the fifth school day after it was sent.
  - If notice is sent by fax or e-mail, it is deemed to have been received the first school day after it was sent.
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)

### **Alternative Suspension Program**

Where a pupil has been suspended pending an investigation to determine whether to recommend an expulsion, the pupil will be assigned an alternative program for pupils subject to lengthy suspension (ASP). 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.

**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.

- 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.
  - 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.
  - If the adult pupil or the pupil's parent/guardian are 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.
- During the planning meeting the principal or vice-principal shall review the issues to be addressed in the pupil's SAP.

**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.

- 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 counsellor, special education teacher, classroom teacher, CYW and/or social worker.
- 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.
- 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.
- 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.
- 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 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.

### **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 and/or Superintendent Responsible for Student Discipline 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.

### **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.



## 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; and
6. Whether or not the pupil's continuing presence at the school creates an unacceptable risk to the safety of anyone in the school.

## 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 preventative 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;
- Citizenship development;
- Student leadership; ~~and~~
- Promoting healthy student relationships; and
- Promoting healthy lifestyles.

Positive behaviour management practices include:

- Program modifications or accommodations;
- Class 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 utilised early and/or ongoing intervention strategies to prevent unsafe or inappropriate behaviours, such as:
    - contact with the pupil's parent(s)/guardian(s);
    - oral reminders;
    - review of expectations;
    - written work assignments with a learning component;
    - assigning the pupil to volunteer services to the community;
    - conflict mediation and resolution;
    - peer mentoring;
    - referral to counselling; and/or
    - consultation between two (2) or more of the 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:
    - meeting(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.

### **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).

### **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 an expulsion of the pupil, the principal will provide written notice of this decision to the adult pupil or the pupil's parent/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 Superintendent Responsible for Student 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 Appendix 10)

### **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:
    1. If the Discipline Committee does not expel the pupil they will either confirm, confirm and shorten, or withdraw the suspension;
    2. Parties have the right to make submissions with respect to the suspension;
    3. Any decision with respect to the suspension is final and cannot be appealed;
    4. If the pupil is expelled from the school, they will be assigned to another school;
    5. If the pupil is expelled from the Board, they will be assigned to a program for expelled pupils;
    6. 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 Responsible for Student Discipline.

(see the template letter at Appendix 11)

### **The Superintendent will:**

1. Advise the Superintendent Responsible for Student Discipline and the Trustee(s) for the school involved of the general details of the incident, including actions taken or pending; and
2. Submit the principal's Report for the Discipline Committee to the Superintendent Responsible for Student Discipline.

### **The Superintendent Responsible for Student Discipline:**

1. may 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 Responsible for Student Discipline 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 Responsible for Student Discipline may assist to narrow the issues and identify agreed upon facts.
2. will 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.
3. will inform the adult pupil or the pupil's parent/guardian of the date and location of the expulsion hearing, will provide a copy of the Expulsion Hearing Rules, and a copy of the documentation to go to the Discipline Committee.
4. Will ensure that the item is placed on the Discipline Committee agenda.

### **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, s/he 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
5. 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 or 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
  - j. 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; and
  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.
  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.

### 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.

(see Appendices 13A and 13B)

## 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 or 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 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
  - j. 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 exacerbate 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 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 the template letters at Appendix 13A and 13B)

Once the principal of alternative programs has received notice that a pupil has been expelled, s/he must create a SAP in a manner consistent with the Board's policy and procedures for programs for expelled pupils.

An expelled pupil is a pupil of the Board, even where s/he attends a program for expelled pupils at another school board, unless s/he does not attend the program or registers at another school board.

### **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 s/he 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 s/he 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.

### **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.

- An individual who appeals an expulsion may argue that his/her rights pursuant to the *Human Rights Code* have been infringed.
- In addition, a separate right to apply to the Human Rights Tribunal of Ontario exists where an individual believes his/her rights pursuant to the *Human Rights Code* have been infringed.

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

## **G. EXCLUSION**

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*.

PPM 145 (page 4) states that 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 or in-school suspension in another part of the school as part of progressive discipline that has been imposed by the principal or designate.

## **H. MONITORING & REVIEW**

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 school improvement plans and to evaluate the effectiveness of safe schools policies, procedures and programs through the use of school climate surveys.

Climate surveys shall be conducted by the school 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 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 results of climate surveys shall be shared with Safe School Teams in order to assist the Teams to build 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 may be the principal or vice-principal.

## **I. DELEGATION OF AUTHORITY**

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.

### **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 Police and School Response Protocol.

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 the transfer meeting.

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 suspension and expulsion infractions from Board employees and transportation providers;
2. contact police in accordance with the Police and School Response Protocol;
3. conduct investigations and inquiries;
4. consider and implement progressive discipline measures;
5. impose suspensions of between one (1) and five (5) days;
6. develop and implement Student Action Plans;
7. notify a parent/guardian of a pupil who has been the victim of an incident;
8. develop a Safety Plan;
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.

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.

### **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.

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

A teacher-in-charge may be delegated authority by the principal to collect relevant information when an infraction has occurred. 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 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 at the earliest opportunity.

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 follow up appropriately 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*, s/he should take immediate steps to contact an administrator. In emergency circumstances, where an administrator is not available, the teacher-in-charge shall contact the 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 for the administration's absence.

**Appendix 1A: Safe Schools Incident Reporting Form – Part I**

Report No: _____	<b>CONFIDENTIAL</b> <b>SAFE SCHOOLS INCIDENT REPORTING FORM – PART 1</b>
<b>1. Name of Student(s) Involved (if known)</b>	_____ _____
<b>2. Location of Incident (check one)</b>	<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) _____
<b>3. Time of Incident</b>	Date: _____ Time: _____
<b>4. Type of Incident (Check all that apply)</b>	<p><b>Activities for which suspension must be considered under section 306(1) of the <i>Education Act</i></b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Uttering a threat to inflict serious bodily harm on another person</li> <li><input type="checkbox"/> possessing alcohol or illegal drugs</li> <li><input type="checkbox"/> Being under the influence of alcohol</li> <li><input type="checkbox"/> Swearing at a teacher or at another person in a position of authority</li> <li><input type="checkbox"/> Committing an act of vandalism that causes extensive damage to school property at the             <ul style="list-style-type: none"> <li><input type="checkbox"/> student's school or to property located on the premises of the student's school</li> </ul> </li> <li><input type="checkbox"/> Bullying</li> <li><input type="checkbox"/> Any other activity for which a student may be expelled under board policy</li> <li><input type="checkbox"/> Any act considered by the principal to be injurious to the moral tone of the school</li> <li><input type="checkbox"/> act considered by the principal to be injurious to the physical or mental well-being of any member of the school community</li> <li><input type="checkbox"/> Any act considered by the principal to be contrary to the Board or school Code of Conduct</li> </ul> <p><b>Activities for which expulsion must be considered under section 310(1) of the <i>Education Act</i></b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Possessing a weapon, including possessing a firearm</li> <li><input type="checkbox"/> Using a weapon to cause or to threaten bodily harm to another person</li> <li><input type="checkbox"/> Committing physical assault on another person that causes bodily harm requiring treatment by a medical practitioner</li> <li><input type="checkbox"/> Committing sexual assault</li> <li><input type="checkbox"/> Trafficking in weapons or in illegal drugs</li> <li><input type="checkbox"/> Committing robbery</li> <li><input type="checkbox"/> Any other activity for which a student may be expelled under board policy</li> <li><input type="checkbox"/> 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</li> <li><input type="checkbox"/> 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</li> <li><input type="checkbox"/> 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</li> <li><input type="checkbox"/> 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</li> </ul>

	<p>Board property</p> <ul style="list-style-type: none"><li><input type="checkbox"/> The pupil has demonstrated through a pattern of behaviour that s/he has not prospered by the instruction available to him or her and that s/he is persistently resistant to making changes in behaviour which would enable him or her to prosper</li><li><input type="checkbox"/> 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</li><li><input type="checkbox"/> Where a pupil 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 violation of the expectations of pupil behaviour and/or a serious breach of the Board or school Code of Conduct.</li></ul>
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**5. Report Submitted By:**

Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**Contact Information:**

Location: \_\_\_\_\_

Telephone: \_\_\_\_\_

**Appendix 1B: Safe Schools Incident Reporting Form – Part II**

**SAFE SCHOOLS INCIDENT REPORTING FORM – PART II  
ACKNOWLEDGEMENT OF RECEIPT**

**Report No:** \_\_\_\_\_

**Report Submitted By:**      **Name:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Action Taken**                       **No Action Required**

**Name of Principal:** \_\_\_\_\_

**Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

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

## Appendix 2 – Delegation of Authority – Teacher-In-Charge



Bruce-Grey Catholic District School Board

### Delegation of Authority - Teacher in Charge

To: [insert name of teacher-in-charge]

From: [insert name of administrator]

Date: [insert date]

Re: Delegation of Authority

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You will be delegated authority as teacher-in-charge pursuant to section 300.1(1)(b), consistent with this memo on the dates set out below and initialled by me.

During the specified dates, the principal will be away from the school. [*Where applicable*] The principal can be reached by cell phone at [*insert cell #*]. The superintendent of education / supervisory officer may be reached at [*insert cell #*].

The emergency superintendent of education / supervisory officer may be reached at [*insert phone #*] or, in the alternative, the principal of [*insert name of school*], [*insert individual's name*] may be reached at [*insert number*].

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

- 1) receiving reports from Board employees and transportation providers about serious incidents for which suspensions or a recommendation to expel might be made and communicating this information to an administrator at the earliest opportunity;
- 2) assisting the principal in determining whether a suspension or expulsion might be considered by collecting relevant information;
- 3) reporting incidents for which a suspension or expulsion might be considered to an administrator at the earliest opportunity;
- 4) contacting the principal or superintendent in the case where a student(s) has been harmed/injured so that the principal or superintendent may contact the parent / guardian of the student(s);
- 5) for incidents that are unlikely to lead to a suspension or expulsion as a consequence, following up, as appropriate, with the students involved;
- 6) contacting the police in an emergency and as soon as practicable, contacting the principal or designate;
- 7) contacting the police in accordance with the Police and School Response Protocol.

You must exercise your authority in accordance with the *Education Act*, Board policies and procedures, including the principles of equity set out in Ontario's Equity and Inclusive

Education Strategy and the *Human Rights Code* of Ontario, which has primacy over the *Education Act* and the Board policies and procedures..

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

\_\_\_\_\_  
Principal Signature

\_\_\_\_\_  
Teacher Signature

**DATE OF DELEGATION**

<b>Date</b>	<b>Principal Initials</b>	<b>Teacher Initials</b>

## **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 **[has been delivered to you / is available at the office; please make arrangements to have it picked up.]**\*

**[\*If the 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 Responsible for Student Discipline, [Contact Information], within 10 school days of the commencement of the suspension, i.e. before [Insert Date]. You may then contact the Superintendent Responsible for Discipline 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 Education  
Superintendent Responsible for Student Discipline  
Ontario Student Record

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\* Change as of December 17, 2007



**Appendix 4 - Board's Violent Incident Form**

## **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 Responsible for Student Discipline

cc Superintendent of Education  
Principal

## **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 Responsible for Student Discipline

cc: Superintendent of Education  
Principal  
Ontario Student Record

## **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 Responsible for Student Discipline

cc: Superintendent of Education  
Principal  
Ontario Student Record

## **Appendix 8A - Notice of 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 Responsible for Student Discipline

Encl.

cc: Superintendent of Education  
Principal  
Ontario Student Record

**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.

[Board Name]

By: \_\_\_\_\_  
Chair

\_\_\_\_\_  
\* Change as of December 17, 2007.

## **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 Education  
Superintendent Responsible for Discipline  
Ontario Student Record

## **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 Responsible for Student Discipline, [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 Responsible for Student Discipline 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 Education  
Superintendent Responsible for Student Discipline  
Ontario Student Record



## **Appendix 11 - 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 Responsible for Student Discipline [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] **[to be determined by Superintendent Responsible for Discipline]**. Enclosed please find [copies /excerpts]\* 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/s/he] 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.

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\* **Bolded text connotes changes as of December 17, 2007.**

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 Responsible for Student Discipline with notice at your earliest opportunity.

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 Responsible for Student Discipline, [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 Education  
Superintendent Responsible for Student Discipline  
Ontario Student Record

## **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 13A - 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 Responsible for Student Discipline

Encl.

cc: Superintendent of Education  
Principal  
Ontario Student Record

**Appendix 13B - 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 Appellant 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 Appellant 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 reason: [INSERT REASON 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

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\* 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 School’s Policy, and that the mitigating or other factors do not apply to mitigate the discipline recommended.”

being re-admitted to a regular day school program in Ontario for the following reason: [INSERT REASON 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].

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