

PURPOSE

This policy supports and encourages a safe school environment through the application of progressive discipline, intervention and consequences for student actions not in compliance with the Board's Code of Conduct and the *Standards of Behaviour* described in the *Ontario School Code of Conduct*. (Revised 2007)

This policy authorizes the creation of procedures for implementation, which shall be considered guidelines pursuant to the *Education Amendment Act (Progressive Discipline and School Safety) 2007, (Bill 212)* and:

P/PM 128: Provincial Code of Conduct and School Board Codes of Conduct

P/PM 144: Bullying Prevention and Intervention (revised December 2009)

P/PM 145: Progressive Discipline and Promoting Positive Student Behaviour (revised December 2009)

P/PM 141: School Board Programs for Students on Long Term Suspension (revised December 2009)

P/PM 142: School Board Programs for Expelled Students

Reg. 472/07: Suspension and Expulsion of Pupils – Mitigating Factors (revised December 2009)

Education Amendment Act (*Keeping Our Kids Safe at School*), 2009

Accepting Schools Act (2012)

APPLICATION & SCOPE

This policy applies to all students of the Halton Catholic District School Board on school property, at school/Board authorized activities, while using school authorized transportation services or in other venues or locations where an inappropriate act is considered by the principal to be detrimental to the moral tone, physical or mental well-being of the school.

PRINCIPLES

- The Halton Catholic District School Board recognizes that student conduct within our schools shall be rooted in the Gospel values and teachings of Jesus Christ, the Board's Mission Statement and Governing Values.
- The Board recognizes that students have a responsibility to resolve conflict and differences in a respectful, civil and non-violent manner.
- The Board acknowledges that a suspension:
 - i. cautions students and may deter them from continuing with or repeating unacceptable behaviour;
 - ii. prevents other students from being exposed to or involved in dangerous and damaging activities;
 - iii. disciplines students who have transgressed the rules of the school; and
 - iv. warns parents or guardians of serious discipline problems with their children.
- The Board recognizes that injurious conduct includes, but is not limited to, verbal, physical and sexual assault, disrespect, vandalism, harassment, intimidation, bullying, verbal, written or cyber bullying and threats. Appropriate consequences will be applied in accordance with the *Ontario School Code of Conduct Standards of Behaviour*, (Revised 2007) and provisions of the *Education Act* as amended by the *Progressive Discipline and School Safety Act (Bill 212)*, 2007 and the *Accepting Schools Act (2012)*.

- The Board recognizes and affirms that the Principal, subject to the authority of the appropriate Supervisory Officer is in charge of the school and may take specific disciplinary action as outlined in the *Education Act*, Regulations and respective Board Policy and Administrative Procedures.
- The *Provincial Code of Conduct* and the Halton Catholic District School Board Code of Conduct include the following Standards of Behaviour:

Respect, Civility and Responsible Citizenship

All members of the school community must:

- respect and comply with all applicable federal, provincial, and municipal laws;
- demonstrate honesty and integrity;
- respect differences in people, their ideas, and their opinions;
- treat one another with dignity and respect at all times, and especially when there is disagreement;
- respect and treat others fairly, regardless of, sexual orientation, gender identity, gender expression, race, ancestry, place of origin, colour, ethnic origin, citizenship, religion, gender, age, appearance or disability;
- respect the rights of others;
- show proper care and regard for school property and the property of others;
- take appropriate measures to help those in need;
- seek assistance from a member of the school staff, if necessary, to resolve conflict peacefully;
- respect all members of the school community, especially persons in positions of authority;
- respect the need of others to work in an environment that is conducive to learning and teaching;
- not swear at a teacher or at another person in a position of authority;
- promote a positive school climate that is inclusive and accepting of all pupils, including pupils of any race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, marital status, family status or disability;
- promote the prevention of bullying.

Safety

All members of the school community must not:

- engage in bullying behaviours;
- commit sexual assault;
- traffic in weapons, replica, illegal and/or restricted drugs;
- give alcohol to a minor;
- commit robbery;
- be in possession of any weapon or replica, including firearms;
- use any object to threaten or intimidate another person;
- cause injury to any person with an object;
- be in possession of, or be under the influence of, or provide others with alcohol, illegal and/or restricted drugs/substances;
- inflict or encourage others to inflict bodily harm on another person;
- engage in hate propaganda and other forms of behaviour motivated by hate or bias;
- commit an act of vandalism that causes damage to school property or to property located on the premises of the school.

REQUIREMENTS

- The *Provincial Code of Conduct*, (*Revised 2007*), the *Accepting Schools Act (2012)*, the Halton Catholic District School Board Code of Conduct and the *Education Act* create expectations for behaviour for all persons on school property.

**PROGRESSIVE DISCIPLINE & SAFETY IN SCHOOLS
CODE OF CONDUCT – SUSPENSIONS & EXPULSIONS****POLICY No: II-39
DATE: JANUARY 15, 2008
AMENDED: JUNE 29, 2010
AMENDED: NOVEMBER 20, 2012**

- It is important that all pupils have a safe, caring and accepting school environment in order to maximize their learning potential and to ensure a positive school climate for all members of the school community.
- Pursuant to the *Education Act*, principals are required to maintain proper order and discipline in schools, and pupils are responsible to the principal for their conduct and are required to accept such discipline as would be exercised by a reasonable, kind, firm and judicious parent.
- Principals must contact the parents or guardians of victims of such incidents unless:
 - the victim is 18 years old or over;
 - the victim is 16 or 17 years old and has withdrawn from parental control; or
 - in the opinion of the principal, doing so would put the victim at risk of harm from the parent.
- Principals, shall, as soon as reasonably possible, notify the parent or guardian of the pupil who the principal believes has been harmed and the parent or guardian of any pupil in the school who the principal believes has engaged in the activity that resulted in the harm.
- Principals must develop a Safety Support Plan to support and protect the victim(s). The Safety Support Plan must include, but is not limited to, additional in-school counselling such as Child and Youth Counsellor, Social Worker, etc.
- Board employees, who work directly with students, shall respond to incidents that may have a negative impact on school climate.
 - this behaviour includes but is not limited to racist or sexist comments since these are unacceptable in our schools.
- All Board employees shall report to the principal as soon as reasonably possible if they become aware that a student may have engaged in an activity for which the students must be considered for suspension or expulsion.
- A principal of a school can delegate his or her powers under Part XIII of the *Education Act* (Behaviour, Discipline and Safety) to a vice-principal of the school or a teacher employed in the school, per Ministry policy.
- To meet the goal of creating a safe, caring, and accepting school environment, the Halton Catholic District School Board supports the use of positive practices as well as consequences for inappropriate behaviour, including progressive discipline, which includes suspension and expulsion where necessary.
- The Board does not support discipline measures that are solely punitive. Schools are encouraged to implement proactive positive practices and corrective supportive practices when necessary.
- This policy authorizes the creation of procedures for implementation, which shall be considered guidelines pursuant to the *Education Act*.
- See Administrative Procedure VI-44 *Progressive Discipline & Safety in Schools* for associated procedures, and reporting forms.
- See Policy III-15 Workplace Violence and Policy III-16 Workplace Harassment for related requirements.
- See Policy II-40 Bullying Prevention and Intervention for related requirements.

- See Policy II-45 and Administrative Procedure VI-54 Equity and Inclusive Education for related requirements.

POSITIVE PRACTICES:

In order to promote and support appropriate and positive pupil behaviours that contribute to creating and sustaining safe, caring and accepting learning and teaching environments that encourage and support students to reach their full potential, the Board supports the use of positive practices for: (1) prevention, and (2) positive behaviour management.

Preventative practices may include:

- Anti-bullying and violence prevention programs;
- Mentorship programs;
- Student success strategies;
- Character education;
- Citizenship development;
- Student leadership; Healthy lifestyles; and
- Restorative Practices..

Positive behaviour management practices may include:

- Program modifications or accommodations;
- Class placement;
- Positive encouragement and reinforcement;
- Individual, peer and group counselling;
- Conflict resolution;
- Mentorship programs;
- Student success strategies;
- Sensitivity programs;
- Safety Plans; and
- School, Board and community support programs.

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 consequences.

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 *Ministry of Education* direction and *PPM 145*, will be applied, if appropriate.

PROGRESSIVE DISCIPLINE:

The goal of this policy, with respect to progressive discipline, is to support a safe learning and teaching environment 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 and Board Codes of Conduct.

Progressive discipline is a whole-school approach that makes use of a continuum of interventions, supports, and consequences, building upon strategies that promote positive behaviours. The range of interventions, supports,

and consequences used by the Board and all schools must be clear and developmentally appropriate, and must include learning opportunities for pupils in order to reinforce positive behaviours and help pupils make good choices. For pupils with special education and/or disability related needs, interventions, supports and consequences must be consistent with the expectations in the student's Individual Education Plan (IEP) and/or his/her demonstrated abilities.

The Board, and school administrators, must consider all mitigating and other factors, as required by the *Education Act* and as set out in *Ontario Regulation 472/07*.

Progressive discipline may include early and/or ongoing intervention strategies, such as:

- Contact with the pupil's parent(s)/guardian(s);
- Verbal reminders;
- Review of expectations;
- Written work assignment with a learning component;
- Volunteer service to the school community;
- Peer mentoring;
- Referral to counselling;
- Conflict mediation and resolution; and/or
- Consultation.

Progressive discipline may also include a range of interventions, supports and consequences when inappropriate behaviours have occurred, with a focus on improving behaviour, such as one or more of the following:

- Meeting with the pupil's parent(s)/guardian(s), pupil and principal;
- Referral 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.

When addressing inappropriate behaviour, school staff should consider the particular pupil and circumstances, including any mitigating and other factors as set out in the Board's Administrative Procedure *VI-44 Progressive Discipline and Safety in Schools*, the nature and severity of the behaviour, and the impact on the school climate.

The Board also supports the use of suspension and expulsion as outlined in *Part XIII* of the *Education Act* where a pupil has committed one or more of the 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.

SUSPENSION:

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 or restricted drugs/substances;
3. Being under the influence of alcohol and/or illegal restricted drugs/substances;

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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 which includes Cyberbullying (see Administrative Procedure VI-44);
7. Any act considered by the principal to be injurious to the moral tone of the school;
8. Any act considered by the principal to be injurious to the physical or mental well-being of members of the school community; or
9. Any act considered by the principal to be contrary to the Board or School Code of Conduct including but not limited to the following:
 - academic dishonesty –attempting to deceive by cheating, copying or plagiarizing
 - defiance – refusal to comply with persons in authority
 - disorderly conduct – persistent opposition to authority, conduct injurious to the moral tone of the school or to the physical or mental well-being of others in the school
 - explosive devices – use of or possession of explosive devices
 - extortion – to take money, homework or property under threat of harm or duress
 - fire setting, bomb threat, fire alarm – setting a fire or an act that places individuals, property or community at risk
 - harassment – repeated comments or conduct that is known or ought to be known as unwelcome
 - hate crimes – words or actions considered offensive in reference to a person's race, religion, culture, gender, age, appearance or disability
 - smoking on school property – violation of the Tobacco Control Act
 - theft – taking, possessing property without the permission of the owner
 - trespass – unauthorized presence on school property
 - truancy – persistent unexplained absence
 - vehicle use – reckless or dangerous use of a vehicle, e.g. car, motorcycle, bicycle, etc.

A pupil may be suspended only once for an infraction and may be suspended for a minimum of one (1) school day and a maximum of twenty (20) school days.

MITIGATING AND OTHER FACTORS:

Before imposing a suspension, the principal, as required by the *Education Act*, must consider any mitigating and other factors as set out in the Student Discipline Procedures. For the purpose of the Student Discipline Procedures, the Board interprets the provisions of the *Education Act* and Regulations consistent with the *Ontario Human Rights Code*.

EXPULSION:

In the case of suspension pending expulsion, mitigating and other factors shall be taken into account in determining the duration of the expulsion.

A principal shall suspend a pupil if s/he believes that the pupil has engaged in any of the following activities while at school, at a school-related activity or in other circumstances where engaging in the activity will have an impact on the school climate.

1. Possessing a weapon, including possessing a firearm or a replica;
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 or replica, illegal or restricted drugs;
6. Committing robbery;
7. Giving alcohol to a minor;
8. Bullying, if,
 - i. the pupil has previously been suspended for engaging in bullying, and/or
 - ii. the pupil's continuing presence in the school creates an unacceptable risk to the safety of another person.
9. Any activity listed in subsection 306 (i) that is motivated by bias, prejudice or hate based on race, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, sexual orientation, gender identity, gender expression or any other similar factor.
10. An act considered by the principal to be significantly injurious to the moral tone of the school and/or to the physical or mental well-being of others;
11. A pattern of behaviour that is so inappropriate that the pupil's continued presence is injurious to the effective learning and/or working environment of others;
12. Activities engaged in by the pupil on or off school property that cause the pupil's continuing presence in the school to create an unacceptable risk to the physical or mental well-being of other person(s) in the school or Board;
13. Activities engaged in by the pupil on or off school property that have caused extensive damage to the property of the Board or to goods that are/were on Board property;
14. The pupil has demonstrated through a pattern of behaviour that s/he has not 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; or
15. Any act considered by the principal to be a serious violation of the Board or School Code of Conduct.

MITIGATING FACTORS AND OTHER FACTORS:

Before imposing a suspension pending an investigation to determine whether to recommend expulsion, the principal must consider any mitigating factors as set out in the Student Discipline Procedures.

If the principal imposes a suspension pending an investigation to determine whether to recommend expulsion, the Principal must consider any mitigating and other factors as set out in the Student Discipline Procedures in determining whether to recommend an expulsion from the pupil's school or from all schools of the Board, as required by the *Education Act*. If the principal determines it is not appropriate to recommend an expulsion, the principal must consider mitigating and other factors in deciding whether to shorten the length of the suspension.

For the purpose of the Student Discipline Procedures, the Board interprets the provisions of the *Education Act* and Regulations consistent with the *Ontario Human Rights Code*.

PRINCIPAL INVESTIGATION:

Before recommending an expulsion from the pupil's school or from all schools of the Board, the principal must complete an investigation, as required by the *Education Act*, which is consistent with the expectations for principal investigations outlined in the Board's Administrative Procedure *VI-44 Progressive Discipline and Safety in Schools*.

SUSPENSION APPEAL

Where a pupil's parent/guardian or the pupil, if 18 or older or 16 or 17 and has removed him/herself from parental control, disagrees with the decision of a principal to suspend the pupil that pupil's parent/guardian or the pupil, if 18 or older or 16 or 17 and removed from parental control, may appeal the principal's decision to suspend the pupil, in accordance with the Board's Administrative Procedure *VI-44 Progressive Discipline and Safety in Schools*.

Suspension appeals will not be conducted in accordance with or be subject to the *Statutory Powers Procedure Act*.

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.

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

SUPERINTENDENT RESPONSIBLE FOR STUDENT DISCIPLINE

The Superintendent Responsible for Student Discipline shall have the powers and duties outlined in the Board's Administrative Procedure *VI-44 Progressive Discipline and Safety in Schools*.

DISCIPLINE COMMITTEE:

The Board authorizes the creation of a Discipline Committee of no fewer than three (3) Trustees to decide appeals of principal suspensions and principal recommendations for expulsion. For these purposes, the Discipline Committee will conduct the suspension appeals and expulsion hearings in accordance with the Student Discipline Procedures, Suspension Appeal Guidelines, Expulsion Hearing Guidelines and Rules.

In all cases where consequences might be imposed, teachers, administrators and the Board will consider the safety and dignity of all pupils, and the impact of the activity on the school climate.

The Discipline Committee shall have the powers as set out in the *Education Act* and any other powers to implement any appropriate order.

PROGRAMS FOR SUSPENDED AND EXPELLED STUDENTS:

Programs will be provided for all students suspended for a period of 6 – 20 days. A program will be provided for all expelled students expelled from all schools of the Board (see Administrative Procedure VI-44).

In continuing to promote Gospel values, all programs must include a spiritual/Catholic component, at the appropriate level of student need and understanding.

REPORTING OF VIOLENT INCIDENTS:

The Board shall report the total number of violent incidents on an annual basis to the Ministry of Education through the Ontario School Information System (OnSIS).

The Board will collect and analyse data on the nature of violent incidents to support the development of Board policies and to inform Board and school improvement plans.

APPROVED: Regular Meeting of the Board

Authorized by:
Chair of the Board