



## **STUDENT SUSPENSION POLICY**

### STATEMENT OF POLICY

In keeping with the Mission, Vision and Values of the Niagara Catholic District School Board, the Board shall endeavour to provide a safe, inclusive and accepting school climate of respect, dignity and trust, consistent with Gospel Values in all schools.

The conduct of students as members of the school community is expected to be modelled upon Christ, fostering and promoting a positive learning environment for students and staff, so that all students can reach their full academic and spiritual potential.

The Niagara Catholic District School Board acknowledges that should a student act inappropriately or impedes the rights of others, the consequences may lead to suspension.

The Director of Education will issue Administrative Procedures for the implementation of this policy.

#### **References**

- [\*\*Accepting Schools Act\*\*](#)
- [\*\*Education Act, Sections 306, 307, 308, 309, 310, 311\*\*](#)
- [\*\*Ontario Human Rights Code\*\*](#)
- [\*\*Policy/Program Memorandum 120: Reporting Violent Incidents to the Ministry of Education\*\*](#)
- [\*\*Policy/Program Memorandum 144: Bullying Prevention and Intervention\*\*](#)
- [\*\*Provincial Code of Conduct\*\*](#)
- [\*\*Regulation 472/07: Behaviour, Discipline and Safety of Pupils\*\*](#)
- [\*\*Child & Family Services Review Board\*\*](#)
- [\*\*Niagara Catholic District School Board Policies/Procedures/Documents\*\*](#)
  - [\*\*Access to Board Premises Policy \(302.6.3\)\*\*](#)
  - [\*\*Bullying Prevention and Intervention Policy \(302.6.8\)\*\*](#)
  - [\*\*Code of Conduct Policy \(302.6.2\)\*\*](#)
  - [\*\*Electronic Communications System Policy \(Students\) \(301.5\)\*\*](#)
  - [\*\*Ontario Student Record Policy \(301.7\)\*\*](#)
  - [\*\*Progressive Student Discipline Policy \(302.6.9\)\*\*](#)
  - [\*\*Student Expulsion Policy \(302.6.5\)\*\*](#)
  - [\*\*Pope Francis Centre Alternative Learning Manual: Niagara Catholic Fresh Start Program\*\*](#)
  - [\*\*Protocol between the Niagara Region Police Service and the Niagara Catholic District School Board\*\*](#)



When inappropriate behaviour occurs a Principal may consider suspending a student for no less than one (1) school day and no longer than twenty (20) school days for an infraction that a student has committed on school property, at a school-related activity or event, and/or in circumstances where the infraction has an impact on the school climate. If necessary, a Principal will contact the police consistent with the Protocol between Niagara Region Police Service and the Niagara Catholic District School Board. A student may not be suspended more than once for the same occurrence.

### ACTIVITIES LEADING TO POSSIBLE SUSPENSION

A Principal shall consider whether to suspend a student if the Principal believes that the student has engaged in any of the following activities while at school, at a school-related activity or event and/or in other circumstances where engaging in the activity will have an impact on the school climate:

1. Uttering a threat to inflict serious bodily harm on another person.
2. Possessing alcohol or illegal drugs.
3. Being under the influence of alcohol/illegal drugs.
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 student's school or to property located on the premises of the student's school.
6. Bullying.
7. Medical Immunization.
8. Any other activity that, under a policy of the Board, is an activity for which a Principal may suspend a student to be contrary to the Board or school Code of Conduct:
  - Habitual neglect of duty,
  - Use of profane vulgar, or improper language,
  - Conduct injurious to the moral tone of the school,
  - Persistent opposition to authority,
  - Conduct injurious to the physical or mental well-being of any member of the school community.

### ACTIVITIES LEADING TO SUSPENSION

A Principal shall suspend a student if the Principal believes that the student has engaged in any of the following activities while at school, at a school-related activity or event and/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.
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 illegal drugs.
6. Committing robbery.
7. Giving alcohol to a minor.
8. Bullying, if,
  - i. the student has previously been suspended for engaging in bullying, and
  - ii. the students' continuing presence in the school creates an unacceptable risk to the safety of another person

9. Any activity listed in subsection 306 (1) of the Education Act that is motivated by bias, prejudice or hate based on race, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, sexual orientation, gender identity, gender expression, or any other similar factor.
10. Any other activity that, under a policy of the Board, is an activity for which a Principal must suspend a student and, therefore in accordance with this Part, conduct an investigation to determine whether to recommend to the Board that the student be expelled.

## VIOLENT INCIDENT

Where inappropriate student behaviour constitutes a violent incident, a *Violent Incident Form* (Appendix A) must be completed by the Principal, filed and retained in the student's Ontario Student Record (OSR) and shall not be removed unless three (3) consecutive years have passed during which no further suspensions for serious violent incidents have taken place. If the student transfers to another school, the information in the student's OSR relating to the serious violent incident that led to a suspension or expulsion, as well as a report to the police, will remain in the student's OSR unless three (3) consecutive years have passed during which no further suspensions for serious violent incidents have taken place.

The term violent incident is defined as the occurrence of any one (1) of the following, or the occurrence of a combination of any of the following:

- possessing a weapon, including possessing a firearm
- using a weapon to cause or to threaten bodily harm to another person
- physical assault causing bodily harm requiring medical attention
- sexual assault
- robbery
- extortion
- hate and/or bias-motivated occurrences

## MITIGATING AND OTHER FACTORS

A Principal will consider whether a student should be suspended, and the duration of the suspension taking into account any mitigating and other factors, and will make every effort to consult with the student's parent/guardian, student or adult student and any other person who can contribute relevant information to the investigation.

Mitigating and other factors to be considered by the Principal before deciding whether to impose a suspension are:

1. whether the student has the ability to control his or her behaviour;
2. whether the student has the ability to understand the foreseeable consequences of his or her behaviour;
3. whether the student's continuing presence in the school does or does not create an unacceptable risk to the safety of any other individual at the school;
4. the student's academic, discipline and personal history;
5. whether a progressive discipline approach has been used with the student,
6. whether the activity for which the student might be suspended was related to any harassment of the student because of race, ethnic origin, religion, disability, gender or gender identity, sexual orientation or harassment for any other reason;
7. how the suspension would affect the student's ongoing education;
8. the age of the student;
9. In the case of a student for whom an Individual Education Plan (IEP) has been developed:
  - i. whether the behaviour was a manifestation of a disability identified in the student's Individual Education Plan;
  - ii. whether appropriate individualized accommodation has been provided; and
  - iii. whether a suspension is likely to result in aggravating or worsening the student's behaviour or conduct.
10. other matters as the Principal considers appropriate.

## CONFIRMATION OF SUSPENSION

When a student has been suspended, a Principal will:

1. Notify the student of the suspension.
2. Inform the student's teacher(s) of the suspension.
3. Make all reasonable efforts to inform the student's parent/guardian of the suspension within 24 hours of the suspension being imposed, unless,
  - i. the student is at least 18 years of age, or
  - ii. the student is 16 or 17 years of age and has withdrawn from parental control.

When a student has been suspended, a Principal will provide written notice of the suspension to:

1. The student,
2. The student's parent/guardian unless,
  - i. the student is at least 18 years of age, or
  - ii. the student is 16 or 17 years of age and has withdrawn from parental control.
3. The Family of Schools' Superintendent, the student's teacher(s) and the Stay-in-School Coordinator.

The written notice of the suspension must include the following:

1. The reason for the suspension.
2. The duration of the suspension.
3. Procedure to return to school upon completion of the suspension.
4. Information about the Niagara Catholic Alternative Learning Fresh Start Program, an intervention and prevention program for Grade 6 to Grade 12 students while serving a suspension for six (6) or more school days, or limited expulsion.
5. Information about the investigation the Principal will conduct to determine whether to recommend expulsion.
6. Information about the right to appeal the suspension.
7. The name and contact information of the Family of Schools' Superintendent to whom the notice of appeal must be submitted.

## PRINCIPAL DETERMINATION OF NOTIFICATION

If a Principal decides not to notify a parent/guardian of a student involved in an incident, if in the opinion of the Principal doing so would put the student at risk of harm, the Principal will document the rationale for this decision, and share this decision with the Family of Schools' Superintendent and if applicable, the teacher(s) of the student.

## SCHOOL WORK

A student 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 student's parent/guardian and student or adult student:

1. the day the student is suspended, if the student is suspended for one (1) school day.
2. the day the student is suspended or the following school day, if the student has been suspended for two (2) or more school days.

## NIAGARA CATHOLIC ALTERNATIVE LEARNING FRESH START PROGRAM

Where a Principal suspends a student for six (6) or more school days, the Principal will inform the student's parent/guardian and student or adult student about the Niagara Catholic Alternative Learning Fresh Start Program for suspended students. Students who have been suspended for six (6) or more school days are strongly encouraged to participate in the Niagara Catholic Alternative Learning Fresh Start Program.

Elementary and Secondary Principals are to approve the submission of a Niagara Catholic Alternative Learning Fresh Start Student Action Plan for consideration of student enrolment at the Pope Francis Centre. Following an intake conference with the student's parent/guardian, and the student or adult student to review the expectations of the program, the Principal/Designate of the Pope Francis Centre will determine admittance into the program.

A student will be considered for acceptance into the Niagara Catholic Alternative Learning Fresh Start Program if:

- the student is serving a suspension of six (6) or more school days as part of a progressive discipline process, or
- the student is serving a limited expulsion with approval of the Family of Schools' Superintendent of Education, or
- the student's actions warrant the program as approved by the Principal/Designate of the Pope Francis Centre, the Family of Schools' Superintendent of Education and the Superintendent of Program.

This alternative program will strive to:

- address the academic, behavioural and community supports of the student;
- develop positive relationships among parents/guardians, the community and schools to support and sustain safe schools and learning;
- provide programs containing strategies for building positive attitudes, for developing positive behaviours, for providing continuous learning and for successful re-integration into the school setting; and
- reduce future suspensions and expulsions.

## RE-ENTRY

Following a suspension of six (6) or more school days, a re-entry meeting will be held with appropriate staff, the student's parent/guardian, and student or adult student to provide positive and constructive redirection for the student.

## APPEAL OF SUSPENSION

A person who is entitled to appeal a suspension must give written notice of his or her intention to appeal to the Family of Schools' Superintendent of Education within ten (10) school days of the commencement of the suspension. A request for an appeal shall not stay the suspension.

The following persons may appeal, to the Board, a Principal's decision to suspend a student:

1. The student's parent/guardian, unless
  - i. the student is at least 18 years of age, or
  - ii. the student is 16 or 17 years of age and has withdrawn from parental control.
2. The student, if
  - i. the student is at least 18 years of age, or
  - ii. the student is 16 or 17 years of age and has withdrawn from parental control.

## REVIEW OF SUSPENSION

Upon receipt of written notice of the intention to appeal the suspension, the Family of Schools' Superintendent will:

1. advise the school Principal of the appeal and set a meeting date to review the appeal;
2. advise the student's parent/guardian or adult student that a review of the suspension will take place and will discuss any matter respecting the incident and/or appeal of the suspension;
3. hear and determine the appeal within fifteen (15) school days of receiving notice of intention to appeal, unless the parties agree on a later deadline;
4. review the suspension (reason, duration, any mitigating or other factors);

5. consult with the Principal regarding modification or expunging the suspension;
6. request a meeting with the student's parent/guardian or adult student and the Principal to narrow the issues and try to effect a settlement;
7. provide written notice of the review decision to the student's parent/guardian or adult student as follows:
  - i. Confirm the suspension and the duration of the suspension.
  - ii. Confirm the suspension, but shorten its duration, even if the suspension that is under appeal has already been served, and order that the record of the suspension be amended accordingly.
  - iii. Quash the suspension and order that the record of suspension be expunged, even if the suspension that is under appeal has already been served.
  - iv. The decision of the Board on an appeal under this section is final.

## APPEAL TO THE DISCIPLINARY HEARING COMMITTEE OF THE BOARD

Where the suspension is upheld on review by the Family of Schools' Superintendent and the student's parent/guardian or adult student chooses to continue with the appeal to the Disciplinary Hearing Committee, the Board shall hear and determine the appeal within fifteen (15) school days of receiving notice to appeal, unless the parties agree on a later deadline and shall not refuse to deal with the appeal on the ground that there is deficiency in the notice of appeal.

The Superintendent of Education: Resource to the Disciplinary Hearing Committee will:

Arrange a date for the appeal before the Disciplinary Hearing Committee.

1. Coordinate the preparation of a written report for the Disciplinary Hearing Committee containing:
  - i. a report of the incident and rationale for suspension prepared by the Principal;
  - ii. a copy of the original suspension letter;
  - iii. a copy of the letter requesting appeal of the suspension; and
  - iv. a copy of the correspondence with respect to the decision of the Family of Schools' Superintendent regarding the suspension review.
2. Inform the student's parent/guardian or adult student of the date, time and location of the hearing for the appeal of the suspension, provide a guide to the process for the appeal, and a copy of the documentation that will go to the Disciplinary Hearing Committee.
3. Ensure that the item is placed on the Disciplinary Hearing Committee's agenda.

The parties in an appeal to the Disciplinary Hearing Committee shall be:

1. The Principal who suspended the student;
2. The student's parent/guardian or adult student if they appealed the decision to suspend the student.
3. The person who appealed the decision to suspend the student if the decision was appealed by someone other than the student or his or her parent/guardian and that person is allowed by Board Policy to appeal.
4. Such other persons as may be specified by Board policy.
5. A student who is not a party to the appeal has the right to be present at the hearing and to make a statement on his or her own behalf.

## SUSPENSION APPEAL BEFORE THE DISCIPLINARY HEARING COMMITTEE OF THE BOARD

The Disciplinary Hearing Committee will conduct the suspension appeal in accordance with the [\*Suspension/Expulsion Hearing Rules\*](#), the Education Act and Board Policy:

1. One of the appointed Trustees will be elected Chair of the Disciplinary Hearing Committee.
2. The Director of Education or designate, will act as Secretary to the Disciplinary Hearing Committee to facilitate the Hearing
3. Legal counsel for the Board may be present at the appeal to act as an advisor on procedural matters.

4. The Disciplinary Hearing 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.
5. 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.
6. When making their determination the Disciplinary Hearing Committee shall consider:
  - i. the Principal's Report and submissions;
  - ii. the submissions and any other information provided by the Appellant; and
  - iii. the analysis and application of the mitigating and other factors, which may or may not be applicable in the circumstances.
7. The Disciplinary Hearing Committee will consider, based on the written and/or oral submissions of both parties, whether the decision to discipline and the discipline imposed was reasonable in the circumstances, and shall either:
  - i. Confirm the suspension and its duration; or
  - ii. Confirm the suspension but shorten its duration and amend the record, as necessary;
  - iii. Quash the suspension and order that the record be expunged; or
  - iv. Make such other appropriate order.
8. The decision shall be communicated to the appellant in writing.
9. The decision of the Disciplinary Hearing Committee is final.

## **REVIEW OF THE SUSPENSION PROCESS**

It is expected that the Family of Schools' Superintendent will review the suspension statistics of each school with the Principal on an annual basis.