



The Northwest Catholic
District School Board
SCHOOLS OF HOPE

The Northwest Catholic District School Board

| Section | Number | |
|---------|--------|---|
| H | 07 | E |

ADMINISTRATIVE PROCEDURES

Title: Delegation of Authority Regarding Discipline

Preamble:

Changes to the Education Act provide a Principal with the authority to delegate in accordance with Policy Program Memorandum 145 and any applicable guideline powers, duties, or functions under Part XIII – “Behaviour, Discipline and Safety”. Whenever possible, Boards must ensure that at least one school administrator is present on school property.

- The goal of the policy is to support a safe learning and teaching environment in which every student can reach his or her full potential.
- Appropriate action must consistently be taken to address behaviours that are contrary to provincial and Board codes of conduct.
- Homophobia, gender-based violence, sexual harassment, and inappropriate sexual behaviour must be addressed.
- Progressive discipline is an approach that makes use of a continuum of prevention programs, 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 students in order to reinforce positive behaviours and help students make good choices.
- For students with special education needs, interventions, supports, and consequences must be consistent with the expectations in the student's IEP.
- 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.

Procedure:

A delegation of authority under Part XIII of the Education Act must be in writing and is subject to any restrictions, limitations, and conditions set out in the delegation and are subject to procedures set out by the Board, which, at a minimum, must be as follows.

The delegation of authority will be instituted on a case by case basis.

The delegation of responsibilities by the Principal will clearly indicate that such delegation will not include the decision whether to recommend the matter for an expulsion, the letter indicating

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whether or not the matter will be referred for an expulsion hearing, and the preparation of the Principal's Report for the purpose of a recommendation with respect to expulsion. The Principal will be designated as the party for a suspension appeal or an expulsion recommendation, and this cannot be delegated to any other individual. As a result, the Principal will need to be involved or briefed as much as possible leading up to and including an appeal or an expulsion recommendation by the individual who was delegated the authority in the absence of the Principal from the school. In the event of a long term suspension or expulsion the Principal will follow the Board Procedure H-07 with respect to the Student Action Plan and other responsibilities pursuant to the PPM. (see Procedure H-07 on developing a SAP)

Vice Principal's Delegation of Authority

- Delegation may include all authority of the Principal under Part XIII of the Education Act except the final decision regarding a recommendation to the Board to expel a student. Vice Principals may be delegated the authority to suspend a student for less than six school days. The Principal of a school may delegate, in writing, any of his or her powers, duties or functions under Part XIII Behaviour, Discipline and Safety to a Vice Principal of the school or a teacher employed in the school. In consultation with the Vice Principal the School Principal shall delegate in his absence how many days a Vice Principal may be allowed to suspend a student up to a maximum of five school days. A delegation of authority under this procedure is subject to any restrictions, limitations and conditions set out in the delegation of authority.
- A delegation of authority under this procedure shall be in accordance with any Board policies and guidelines established by the Minister under subsection 301 (5.1) or by the Board under subsection 302 (0.1).

Teachers Delegation of Authority

- The Principal's authority under Part XIII of the Education Act may only be delegated in writing to a teacher in the absence of the Principal and Vice Principal, and must respect the terms of all applicable collective agreements.
- Teachers may be delegated the authority to initially deal with situations involving activities that occur that must be considered for suspension or expulsion. The most important consideration in these circumstances is the safety of those involved. Any initial investigation must be undertaken according to Board direction. The teacher must report all details of the initial investigation to the Principal as soon as possible.
- The teacher will report to the Principal or Vice Principal any activities that must be considered for suspension or expulsion that are received from staff or others during the Principal's absence. A teacher may not be delegated authority regarding suspension decisions or recommendations regarding expulsion of students.
- A teacher may be delegated limited authority to contact the parents of a student who has been harmed as the result of an activity for which suspension or expulsion must be considered. The information provided to the parents by a teacher must be limited to the nature of the harm to the student and the nature of the activity that resulted in the harm.
- The teacher will not be delegated the authority to discuss the nature of any discipline measures taken in response to the activity.

- If the teacher is not sure whether he or she should call the parents, the teacher should contact the Principal or supervisory officer for direction. The Principal or Vice Principal will follow up with the parents as soon as possible.

In situations where no school administrator is present on school property, the School Principal will inform all staff when and to whom administrative responsibilities have been delegated.

The School Principal will provide the process for providing support and information to individuals who have been delegated authority – for example, information on which supervisory officer is available at the Board contact number for the School Principal or Vice Principal.

Coverage for Teachers in Charge

To determine if someone is covered under the OSBIE Comprehensive Liability Policy:

INSURED

The word "Insured", wherever used in this policy, means the Named Insured and the following:

Any statutory officer, elected or appointed official, appointed committee member, including a member of a recreation committee recognized by statute, fiduciary, trustee, employee, volunteer worker, school council member, chaperon or member of the Board or a similar governing body while acting within the scope of his or her duties on behalf of the Named Insured and not to limit the meaning of the foregoing, while they are participating in trips or tours arranged by them for students of the Named Insured if such trips or tours have been approved by the Named Insured.

CLAIM

"Claim" means:

- (1) a written or oral notice of intention to hold the Insured responsible for Wrongful Act, Environmental Impairment, or Sexual Assault, or*
- (2) a written or oral demand for monies or services, or*
- (3) a series of claims resulting from the same isolated, repeated or continuing Environmental Impairment,*

but does not mean a claim arising out of a dispute with organized labour or brought as an employee or union grievance or a claim for damages for discrimination, wrongful dismissal or breach of contract except when related to Wrongful Act in the administration of employee benefit programs.

PERSONAL INJURY

"Personal Injury" means:

- 5.15.1** *bodily injury, assault and battery, sickness, disease, disability, including death at any time resulting there from or, if arising out of any of the foregoing, mental anguish and mental injury, but does not include injury, assault and battery, sickness, disease, disability or death directly or indirectly caused by or arising from Sexual Assault, or in connection with Material even if other causes acted concurrently or in sequence to produce the injury, assault and battery, sickness, disease, disability or death, or*
- 5.15.2** *false arrest, false imprisonment, wrongful eviction, wrongful entry, wrongful detention, malicious prosecution or, if arising out of any of the foregoing, humiliation, or*
- 5.12.3** *libel, slander, defamation of character but does not include libel, slander, defamation of character in connection with materials as defined herein.*
- 5.12.4** *invasion of privacy, infringement or interference with rights of privacy or publicity, false light, public disclosure of private facts, intrusion and commercial appropriation of name, persona or likeness; including, without limitation, emotional distress or mental anguish but does not include invasion of privacy, infringement or interference with rights of privacy or publicity, false light, public disclosure of private facts, intrusion and commercial appropriation of name, persona or likeness; including, without limitation, emotional distress or mental anguish in connection with such conduct, in connection with: (i) Material; or (ii) any access to or disclosure of any person's or organization's (including for greater certainty the Insured's) confidential or personal information, including, but not limited to, patents, trade secrets, processing methods, customer lists, financial information, credit card information, health information or any other type of non-public information; or (iii) the loss of, loss of use of, damage to, corruption of inability to access, or inability to manipulate electronic data.*

INTENTIONAL INJURY EXCLUSION

- 3.5.1** *To Personal Injury, as defined in 5.15.1, or Sexual Assault, but only if expected or intended from the standpoint of the Insured. This exclusion does not apply to Personal Injury, as defined in 5.15.1, resulting from the use of reasonable force to protect persons or property.*
- 3.5.2** *To Personal Injury, as defined in 5.15.2 and 5.15.3, or Sexual Assault, but only if arising out of the willful violation of a penal statute or ordinance committed by or with the consent of the Insured.*

| Cross Reference to Administrative Procedures/ Governance Policies | | Date of Implementation | Legal/Ministry of Education Reference |
|---|--------|------------------------|---|
| Section | Number | February 1, 2010 | Ont. Reg. 427/07 PPM 145 Part XIII of the Education Act – Keeping Our Kids Safe 2009 EA. |
| | | Date of Last Review | OSBIE General Liability Insurance |
| | | April 18, 2017 | |
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Appendix 1



**The Northwest Catholic
District School Board**
SCHOOLS OF HOPE
Excellence Through Catholic Education

555 Flinders Avenue, Fort Frances, Ontario P9A 3L2
807-274-2931 Toll Free 1-888-311-2931 Fax 807-274-8792
www.tncdsb.on.ca

Delegation of Authority Regarding Discipline Form

A delegation of authority under Part XIII of the Education Act must be in writing and is subject to any restrictions, limitations, and conditions set out in the delegation and are subject to procedures set out by the Board.

The delegation may be long-standing **Yes** **No**

Start date _____ **End date** _____

The delegation will be instituted on a case by case basis **Yes** **No**

Start date _____ **End date** _____

Check one of the following:

VICE PRINCIPALS DELEGATION OF AUTHORITY

Delegation may include all authority of the Principal under Part XIII of the Education Act except the final decision regarding a recommendation to the Board to expel a student.

Yes **No**

Vice Principals may be delegated the authority to suspend a student for less than six school days. **Number of Days** _____

A delegation of authority under this procedure is subject to any restrictions, limitations and conditions set out in the delegation of authority.

Yes **No**

Please specify any restrictions or limitations.

TEACHERS DELEGATION OF AUTHORITY

Name of Teacher: _____ **Date of Delegation:** _____

Signature of Teacher: _____

Principal must check off the yes/no section and circle which of the seven items listed below that he/she wants delegated to the teacher.

Teachers may be delegated the authority to initially deal with situations involving activities that occur that must be considered for suspension or expulsion.

Yes **No**

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

The teacher will report to the Principal or Vice Principal any activities that must be considered for suspension or expulsion that are received from staff or others during the Principal's absence. A teacher may not be delegated authority regarding suspension decisions or recommendations regarding expulsion of students.

Yes **No**

A teacher may be delegated limited authority to contact the parents of a student who has been harmed as the result of an activity for which suspension or expulsion must be considered. The information provided to the parents by a teacher must be limited to the nature of the harm to the student and the nature of the activity that resulted in the harm.

Yes No

Please specify any restrictions or limitations.

Board Contact Numbers:

| | |
|---|---|
| Director of Education: | Rick Boisvert 1-807-274-2931 |
| Superintendent of Education: | Brendan Hyatt 1-807-274-2931, ext. 1233 |
| Assistant to the Director of Education: | Jackie Robinson 1-807-223-4663, ext. 1033 |
| Superintendent of Business: | Seija Van Haesendonck 1-807-223-4663, ext. 1031 |

Principal: _____
(contact number while away)

Vice Principal: N/A

