



The Northwest Catholic District School Board

Section	Number	
H	0	7

ADMINISTRATIVE PROCEDURES

Title: Student Discipline Procedures for Progressive Discipline, Suspensions, and Expulsions

PREAMBLE:

The Provincial Code of Conduct, The Northwest 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 and procedures create expectations for behaviour for all persons on school property, and outline strategies to be taken to reduce incidents and impose appropriate consequences for pupils. The *Human Rights Code* of Ontario has primacy over provincial legislation and 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.

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. A principal may delegate some disciplinary responsibilities to a vice-principal and/or teacher of the school in accordance with the *Education Act*, Ministry of Education policies and Board procedures. In such circumstances, the delegation of authority and the authority delegated will be clearly identified in Board procedures, as will the supports available to individuals in receipt of the delegated authority.

To meet the goal of creating a safe, caring, and accepting school environment, The Northwest 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 considers homophobia, gender based violence, 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 inappropriate sexual behaviour unacceptable and supports the use of positive practices to prevent such behaviour and authorizes principals, or their delegates, to impose consequences in appropriate circumstances, up to and including a referral to the Discipline Committee of the Board for expulsion from all schools.

The Board does not support discipline measures that are solely punitive or the use of exclusion as a disciplinary measure.

Schools are encouraged to implement proactive positive practices and corrective supportive practices when necessary. However, before applying disciplinary measures, the principal/designate and Discipline Committee of the Board shall consider the discriminatory impacts of disciplinary decisions on pupils protected by the *Human Rights Code*, including but not limited to race and disability, and whether or not accommodation is required.

This policy authorizes the creation of procedures for implementation, which might include requirements described in Ministry of Education PPMs as matters of policy, and any such procedures shall be considered guidelines pursuant to the *Education Act* and other relevant and/or related Ministry of Education materials and all of which will be sufficient for the purposes of implementing the requirements of Ministry of Education Policy Program Memoranda.

A. PROGRESSIVE DISCIPLINE

1. 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, 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*.

Progressive discipline is an approach that makes use of a continuum of prevention programs, preventative actions, 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 IEP and/or his/her demonstrated abilities.

It is the expectation of the Board that, provided that there is no immediate risk of physical harm to any individual, staff members who work directly with pupils on a regular basis, including administrators, teachers, educational assistants, social workers, child and youth workers, psychologists, and speech and language pathologists, shall, in accordance with Board procedures, respond to any such inappropriate and disrespectful behaviour or any other behaviour that causes a negative school climate or for which a suspension or expulsion may be imposed, which they have observed or heard during the course of their duties or otherwise while on school property or during a school related event.

The Board, and school administrators, must consider all mitigating and other factors, as required by the *Education Act*, set out in Ontario Regulation 472/07 and reflected in student discipline settlements with the Human Rights Commission.

2. In some circumstances, short-term suspension may be a useful tool. In the case of a serious student incident, long-term suspension or expulsion, which is further along the continuum of progressive discipline, may be the response that is required. The safe schools provisions of the Education Act require school boards to provide programs for students who have been

expelled or who are on a long-term suspension, so that they can continue their education. For students with special education needs, interventions, supports, and consequences must be consistent with the student's strengths, needs, goals, and expectations contained in his or her Individual Education Plan (IEP).

3. Schools of The Northwest Catholic District School Board are expected to actively engage parents in the progressive discipline approach. Schools should also recognize the diverse dimensions of their parent communities that must be addressed in order for schools and parents to engage together on these complex and challenging issues.
4. A progressive discipline approach promotes positive student behaviour through strategies that include using prevention programs and early and ongoing interventions and supports, reporting incidents for which the principal must consider suspension or expulsion, and responding to incidents of inappropriate and disrespectful behaviour when they occur.
5. In Part X of the Education Act, clause 265(1)(m) permits a principal to “refuse to admit” to the school or to a class someone whose presence in the school would be “detrimental to the physical or mental well being of the pupils”. This provision is frequently referred to as the “exclusion provision”. Exclusion is not to be used as a form of discipline. 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 exclusion as soon as possible in the circumstances, and to inform them of their right to appeal under clause 265(1)(m).
6. Each school is required to develop and implement a school-wide progressive discipline policy, consistent with the Board Student Discipline Procedures.

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 or Behaviour Management Plan.

PREVENTION AND AWARENESS RAISING

1. In order to promote a positive school climate, The Northwest Catholic District School Board will provide opportunities for all members of the school communities to increase their knowledge and understanding of such issues as homophobia, gender-based violence, sexual harassment, inappropriate sexual behaviour, critical media literacy, and safe Internet use. Ontario's curriculum provides many opportunities for students to develop an understanding of these topics. The Northwest Catholic District School Board will help school staff to give support to students who wish to participate in gay–straight alliances and in other student-led activities that promote understanding and development of healthy relationships. Schools of the Board will engage their school councils and student councils to support these student-led activities.
2. Board policies on prevention and awareness raising will be consistent with the requirements for IEP's for students with special needs, including requirements regarding accommodations and modifications.
3. The Northwest Catholic District School Board will require schools to conduct anonymous school climate surveys of their students every two years. Schools should also survey school staff and parents to assess their perception of safety in the school in order to inform

prevention and intervention planning. These surveys must include questions on bullying/harassment related to homophobia, gender-based violence, and sexual harassment.

4. The Northwest Catholic District School Board will require schools to share climate survey results with their safe schools teams and to build strategies into their school improvement plans to improve the school climate regarding issues identified through their climate surveys.
5. 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 students to reach their full potential, the Board supports the use of positive practices for: (1) prevention, and (2) positive behaviour management. The Board also encourages principals/designates 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 student with disability related needs is receiving appropriate accommodation up to the point of undue hardship.

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
- 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.

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 the *Human Rights Code*, Ministry of Education direction and PPM 145, will be applied, if appropriate.

RESPONDING TO INCIDENTS

The purpose of responding to incidents of inappropriate and disrespectful behaviour is to stop and correct it immediately so that the students involved can learn that it is unacceptable. "Behaviour that is not addressed becomes accepted behaviour."

1. Employees of The Northwest Catholic District School Board who work directly with students – including administrators, teachers, and non-teaching staff (including staff in social work, child and youth work, psychology, and related areas, and educational assistants) – must respond to any student behaviour that is likely to have a negative impact on the school climate. Such behaviour includes all inappropriate and disrespectful behaviour at any time at school and at any school-related event if, in the employee's opinion, it is safe to respond to it, in accordance with subsection 300.4 of Part XIII of the Education Act and Ontario Regulation 472/07. Such inappropriate behaviour may involve swearing, homophobic or racial slurs, sexist comments or jokes, graffiti, or vandalism, and behaviour identified under sections 306 and 310 of the Education Act.
2. Responding may include asking a student to stop the inappropriate behaviour; naming the type of behaviour and explaining why it is inappropriate and/or disrespectful; and asking the student to correct the behaviour (e.g., to apologize for a hurtful comment and/or to rephrase a comment) and to promise not to do it again.
3. By responding in this way, board employees immediately address inappropriate student behaviour that may have a negative impact on the school climate. When board employees are aware that an incident involves a student with special education needs, they are expected to respond in a way that is appropriate.
4. Ontario Regulation 472/07 specifies that board employees are not required to respond to incidents when, in their opinion, responding would cause immediate physical harm to themselves or to a student or another person. However, for incidents for which suspension or expulsion must be considered, board employees must report these to the principal and confirm their report in writing.
5. For other incidents, where suspension or expulsion would not be considered but board employees feel it is not safe to respond, they will be expected to inform the principal verbally as soon as possible. For example, a board employee would not be required to respond if it would mean having to leave a student with special education needs who would be in danger if left alone.

SUPPORTS FOR STUDENTS

1. Employees of The Northwest Catholic District School Board will take seriously all allegations of gender-based violence, homophobia, sexual harassment, and inappropriate sexual behaviour, and act in a timely, sensitive, and supportive manner.

2. Board employees who work directly with students are expected to support all students, including those who disclose or report such incidents, by providing them with contact information about professional supports (e.g., public health units, community agencies Help Phone lines) and also by making this information readily available to students who wish to discuss issues of healthy relationships, gender identity, and sexuality.
3. Legislative amendments specify when principals are required to notify the parents of victims of serious student incidents and when principals are not permitted to notify the parents. When principals have decided not to notify parents of victims, they must, in accordance with Ontario Regulation 472/07, document the rationale for this decision and notify both the teacher who reported the incident and the appropriate supervisory officer of this decision. Principals shall also, if they determine it is appropriate to do so, inform other board employees of this decision. Schools must have procedures in place outlining how schools will support these students. In addition, principals must refer students to a community agency that can provide the appropriate type of confidential support when his or her parents are not called (e.g., a sexual assault centre; Kids Help Phone; Lesbian, Gay, Bisexual, Transgendered Youth Line, CAS).
4. In circumstances where board employees have reason to believe that a student may be in need of protection, board employees must continue to call a Children's Aid Society according to the requirements of the Child and Family Services Act.
5. When schools determine that it is necessary to separate students to preserve school safety or to protect a student, it is preferable that the victim not be moved. To support students who are moved to another school, schools are expected to coordinate a meeting between the schools involved to put in place a transition strategy to identify any additional supports and resources that the student may require (e.g., referral of the student to a community agency).
6. 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 necessary and shall consider the *Human Rights Code* of Ontario prior to implementing any appropriate Order.

7. The Board supports pupils who are victims of serious incidents of pupil behaviour causing harm contrary to the provincial, Board, and school Codes of Conduct. The principal or designate is required to provide information, in accordance with Board procedures, to the parent/guardian of a pupil who is less than 18 years of age, is not 16 or 17 and withdrawn from parental control and where the principal is NOT of the opinion that informing the parent/guardian would put the pupil at risk of harm and would not be in the pupil's best interests. The principal may inform a parent of a student 18 years or older or who is 16 or 17 and has withdrawn from parental control, if that student consents to the disclosure of information. The Board shall develop appropriate plans to protect the victim and will communicate to parents/guardians of victims information about the plan and a method of identifying dissatisfaction with steps taken to provide support to the victim.

REPORTING TO PRINCIPALS

The purpose of reporting incidents of inappropriate and disrespectful behaviour is to ensure that the principal is aware of any activities taking place in the school for which suspension or expulsion must be considered.

1. Section 300.2 of Part XIII of the Education Act states that an employee of the Board who becomes aware that a student at a school of the board may have engaged in an activity for which suspension or expulsion must be considered, including sexual assault, shall report the matter to the principal as soon as reasonably possible. 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 no later than the end of the school day.
2. In cases where an immediate action is required, a verbal report to the principal may be made. A written report must be made when it is safe to do so.
3. All employee reports made to the principal must be confirmed in writing, using the "Safe Schools Incident Reporting Form – Part I" in PPM 145. Principals must specify on this form any other activities for which a student may be suspended or expelled, according to board policy. Principals or the Boards must not make any other modifications to this form.
4. Principals are expected to provide information to board employees on completing the Safe Schools Incident Reporting Forms provided in PPM 145. For example, employees who are reporting an incident must submit the "Safe Schools Incident Reporting Form – Part I" to the principal in a timely manner. The principal must provide the person who submitted the report with written acknowledgement of receipt on the "Safe Schools Incident Reporting Form – Part II". Each report will be assigned a report number.
5. If the principal has decided that action must be taken as a result of any incident within the progressive discipline continuum, he or she will file a copy of the reporting form with documentation indicating the action taken in the Ontario Student Record (OSR) of the student whose behaviour was inappropriate. The names of all other students that appear on the form – both aggressors and victims – must be removed from the form before it is filed in the student's OSR.
6. Where the principal has taken action in the case of more than one student, a copy of the reporting form and documentation indicating the action taken must be filed in the OSR of each student whose behaviour was inappropriate. The names of all other students that appear on the form – both aggressors and victims – must be removed from the form before it is filed in the OSR of the student whose behaviour was inappropriate.

In the case of the victim, no information about the incident must be placed in his or her OSR, unless the victim or parent of the victim expressly requests that it be placed in the OSR.

7. In situations where the victim is also an aggressor and the principal has taken some action short of suspension, no information about the incident must be placed in this student's OSR if the principal has decided not to notify this student's parents. However, if the principal has notified this student's parents, information regarding the incident and the action taken will be placed in the OSR.
8. The form and documentation must be kept in the OSR for a minimum of one year unless the board has required a longer period.

9. In all cases, the principal must provide the employee who reported the incident with written acknowledgement of receipt of the report, using the "Safe Schools Incident Reporting Form – Part II", and must specify whether action has been taken or no action is required. If no further action is taken by the principal, the principal is not required to retain the report, and should destroy it. Information that could identify the student(s) involved must not be part of the acknowledgement.
10. In addition to employees of the board, school bus drivers must also be required to report such incidents in writing to the principal of the school. Boards are required to include bus driver reporting requirements in their transportation policies and contracts.

BUILDING PARTNERSHIPS

Relationships that engage the whole school community and its partners promote a positive school environment and support the progressive discipline continuum. Protocols between boards and community agencies are effective ways to establish linkages and to formalize the relationship between them.

To facilitate the building of partnerships, every school Board must:

- direct schools to work with community-based service providers, mental health agencies, or other organizations that have professional expertise in the areas of bullying, discrimination, violence, and harassment to provide appropriate support to students, parents, and teachers, and other school staff in addressing these issues;
- maintain an up-to-date contact list of community-based service providers that have professional expertise in these areas, making the list available to staff and students of every school;
- ensure that all publicly funded schools work in partnership with, and provide access to, public health units in order to support implementation of the Ontario Curriculum together with mandated public health policies.

IMPLEMENTATION STRATEGY

Board policies on progressive discipline must:

- require schools to implement a school-wide progressive discipline policy that is consistent with the board's policy;
- outline a range of prevention programs, interventions, supports, and consequences, including circumstances in which short-term suspension, long-term suspension, or expulsion may be the response required;
- require use of the most appropriate response, as outlined in the board's or school's progressive discipline policy, to respond to a student's behaviour. For students with special education needs, interventions, consequences, and supports must be consistent with the expectations in the student's IEP;
- develop a process for building on existing partnerships and for developing new partnerships with community agencies, including local police services, to support students and their families;
- provide for ongoing dialogue with parents on student achievement and behaviour at every step of the progressive discipline continuum;
- provide opportunities for students to improve the school climate through assuming leadership roles (e.g., peer mediation, mentorship);
- ensure that the board's code of conduct is aligned with a progressive discipline approach.

TRAINING STRATEGY FOR ADMINISTRATORS, TEACHERS AND NON-TEACHING STAFF

Boards are required to establish and provide annual PD programs to educate teachers and other school staff about the prevention of inappropriate behavior and strategies for promoting a positive school climate, in accordance with subsection 170(1) of the Education Act.

Training should include opportunities for teachers to explore curriculum connections related to bullying prevention, social and emotional skills (e.g., interpersonal skills, personal-management skills), and critical and creative thinking skills to help students develop healthy relationships.

Boards must put in place a strategy on the Board's progressive discipline policy for all administrators, teachers and other school staff. The strategy must include ways of responding to serious student incidents, including inappropriate sexual behavior.

To further support students, School Boards should work with their local Children's Aid Societies to develop and implement annual training for Board staff concerning their duty to report under the Child and Family Services Act.

A Board should make sure that members of the school community are aware of the Board's policy on progressive discipline, including students, parents, school secretaries, custodians, volunteers, community-based service providers, school bus operators and drivers, early childhood educators, and employees and contractors of third-party operators of before- and/or after-school programs supporting the Full-Day Kindergarten program on the school site.

The training should address the fact that creating and sustaining a safe, inclusive and accepting learning environment through appropriate interactions between all members of the school community is the responsibility of the whole school community.

Boards should support ongoing training for teachers, administrators and other school staff through such opportunities as new-teacher induction programs and e-learning.

COMMUNICATION STRATEGY

At the start of each school year Principals will be required to communicate through the first school newsletter to all members of the school community, including teachers, students, and parents, that the following policies and procedures are used in the school to promote safe schools and progressive discipline in the schools of the Board. A list of the following policies in the school newsletter will include PPM 119,144,145, Human Rights, Progressive Discipline, Transition of Students, Bullying and Harassment. In the notification in the school newsletter, community stakeholders must be informed that they may obtain copies of any procedure at the school, go on the board website or Ministry of Education website to obtain any current PPM.

MONITORING AND REVIEW

The Board will continue to monitor, review, and evaluate the effectiveness of board policies and procedures through indicators that were established in consultation with teachers, non-teaching staff, students, parents, school councils, their Special Education Advisory Committee, their Parent Involvement Committee, and service providers in the community. The Board will conduct a cyclical review of their policies and procedures in a timely manner.

EARLY AND ON-GOING INTERVENTION STRATEGIES

A teacher or the principal or designate as appropriate may utilize early and/or ongoing

intervention strategies to prevent unsafe or inappropriate behaviours. These may include:

- Contact with parent(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
- Consultation
- Human Rights strategy pursuant to PPM 119
- Anti-bullying and violence prevention programs
- Mentorship programs
- Student success strategies
- Citizenship development
- Student Leadership
- Promoting healthy student relationships
- Healthy lifestyles

Positive behaviour management or accommodations include:

- Program modifications or accommodations
- Class placement
- Positive modifications 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

In all cases where ongoing intervention strategies are used, parents should be consulted.

The teacher, principal or designate should keep a record for each pupil with whom intervention strategies are utilized. The record should include: **(See Form H-07-018 Record of Progressive Discipline)**

1. Name of the pupil;
2. Date of the incident or behaviour;
3. Nature of the incident or behaviour;
4. Progressive discipline approach used;
5. Outcome; and
6. Any contact with the parent.

ADDRESSING INAPPROPRIATE BEHAVIOUR

If a pupil has displayed inappropriate behaviour the principal or designate 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 an 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 parent(s), pupil and principal;
- Referral to a community agency for anger management or substance abuse, counselling/intervention;
- Detentions;
- Withdrawal of privileges;
- Withdrawal from class;
- Restitution for damages;
- Restorative practices; and
- Transfer with support.

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

4. Progressive discipline may include early and/or ongoing intervention strategies, such as:
 - Contact with the pupil's parent(s)/guardian(s);

- Oral 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.

FACTORS TO CONSIDER BEFORE DECIDING TO UTILIZE A PROGRESSIVE DISCIPLINE APPROACH TO ADDRESS INAPPROPRIATE BEHAVIOUR

In all cases where progressive discipline is being considered to address an inappropriate behaviour, the principal or designate must:

1. Consider the particular pupil and circumstances, including considering the mitigating 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).

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.

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 and other interventions, such as suspension, may be necessary. (See Form H-07-019 Procedural Steps Imposing a Suspension)

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, ethnic origin, place of origin, religion, creed, disability, gender or gender identity, sexual orientation 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; 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.
8. Progressive discipline is most effective when dialogue between the school and home regarding student achievement, behaviour and expectations is open, courteous and focused on student success.

When addressing inappropriate behaviour, school staff should consider the particular pupil and circumstances, including any mitigating and other factors as set out in the Student Discipline Procedures, 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.

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 5) 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).

RECORD

The principal or designate should keep a record for each pupil with who progressive discipline approaches are utilized. The record should include: **(See Form H-07-018 Record of Progressive Discipline)**

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(es) used;
6. Outcome; and
7. Contact with the parent.

B. SUSPENSION OF PUPIL (See Form H-03-07 Notice of Suspension/ Expulsion and Form H-07-014 Suspension Process)

Suspension Infractions

When a principal's investigation of an incident, which should include consultation with the adult pupil or 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 will consider whether that pupil should be suspended, taking into account any mitigating and other factors that might be applicable in the circumstances.

The 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 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 any member of the school community; or
9. Any act considered by the principal to be contrary to the Board or school Code of Conduct.

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. Any such infractions about which a board staff member or transportation provider becomes aware must be reported to the principal or designate in accordance with Board procedures at the earliest, safe opportunity and no later than the end of the school day, or end of a transportation run, if reported by a transportation provider. A written report in accordance with Board procedures must be made when it is safe to do so.

A principal who suspends a pupil under section 306 shall make all reasonable efforts to inform the pupil's parent or guardian of the suspension within 24 hours of the suspension being imposed, unless the pupil is at least 18 years old, or is 16 or 17 and has withdrawn from parental control.

Factors to Consider Before Deciding to Impose a Suspension

Before deciding whether to impose a suspension, or some other form of discipline, a principal will make every effort to consult with the pupil, where appropriate, and the pupil's parent/guardian to identify whether any mitigating or other factors might apply in the circumstances.

Mitigating and Other Factors

Before imposing a suspension, the principal, as required by the *Education Act*, must consider any mitigating and other factors and their application for the purpose of mitigating the discipline to be imposed on the pupil. For the purpose of the Student Discipline Policy and Procedures, the Board interprets the provisions of the *Education Act* and Regulations in a broad and liberal manner consistent with the *Human Rights Code*. The principal or designate shall consider whether or not the discipline will have a disproportionate impact on a pupil protected by the *Human Rights Code* and/or exacerbate the pupil's disadvantaged position in society. The mitigating factors 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 will not suspend the pupil. Alternative discipline and/or other intervention may be considered by the principal in such circumstances. If the pupil poses an unacceptable risk to the safety of others in the school, the principal will 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 will 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 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; 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 will consider the following:

1. Whether the teacher, principal or designate has utilized early and/or ongoing intervention strategies to prevent unsafe or inappropriate behaviours, such as: contact with parent(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;
2. In appropriate circumstances, 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 parent(s), pupil, and principal, referral of pupil to a community agency for anger management or substance abuse, detentions, withdrawal of privileges, withdrawal from class, restitution for damages, restorative practices, and/or transfer. **(See Form H-07-018 Record of Progressive Discipline)**

Factors Mitigating Decision to Suspend

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 may consider whether alternative discipline and/or other intervention is appropriate in the circumstances.

Consultation

Before imposing a suspension of eleven (11) or more school days, the principal will consult with the Superintendent of Education regarding:

- a) The investigation undertaken;
- b) The circumstances of the incident;
- c) Whether or not one or more of the factors outlined above are applicable in the circumstances; and
- d) 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. **If this is not possible, the pupil must be given an opportunity to catch-up on missed school work as part of the re-entry process.** Where the pupil has been suspended for between two (2) and five (5) school days the principal will ensure that the school work provided to the pupil will be available the day the pupil is suspended or the following school day.

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 (Alternative Suspension Program 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 has determined that it is appropriate in the circumstances to impose 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 parent/guardian of the suspension;
2. The principal must inform the pupil's teacher(s) of the suspension;
3. The 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, if fewer than six (6) school days;
4. The 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 of Education;
5. The written notice of suspension will include:
 - a) The reason for suspension;
 - b) The duration of the suspension;
 - c) Information about the ASP the pupil is assigned to, where appropriate;
 - 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 Form H-07-001 Suspension Letter)**
6. Every effort should be made to include the school work (unless the pupil is an adult pupil) 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 this is not possible 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;
 - If notice is sent by mail, fax or email, the principal will ensure that the work provided to the pupil will be available for the pupil's parent/guardian (unless the pupil is an adult pupil) or designate to pick-up from the school the day the pupil is suspended or the following school day, if the suspension is between two (2) and five (5) school days.

- 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.
 - The principal will ensure that the school work will be available on the day the pupil is suspended or on the following school day.
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 attached Board's Violent Incident Form H-03-18)**

ALTERNATIVE SUSPENSION PROGRAM (ASP)

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 and will be assigned an alternative program for pupils subject to a lengthy suspension (Alternative Suspension Program or ASP).

A pupil cannot be compelled to participate in an ASP. Should the adult pupil or his/her 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 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 pupil's parent/guardian (unless the pupil is an adult pupil) or a designate at regular intervals during the suspension period. **Where the school work is not picked up, the principal should contact 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) will be developed for every pupil subject to a suspension of six (6) or more school days who agrees to participate in an ASP. (See Form H-07-020 Student Action Plan)

Agreement or refusal to participate in an ASP may be communicated to the school orally by the pupil or his/her parent/guardian (unless the pupil is an adult pupil). 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 of six (6) or more school days 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 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 planning meeting will be scheduled to occur within two (2) school days of the adult pupil or the parent/guardian informing the school that the pupil will participate in an ASP.

- If the adult pupil and/or the 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 designate will review the issues to be addressed in the pupil's SAP. **(See Form H-07-020 Student Action Plan)**

Student Action Plan

A pupil subject to suspension for eleven (11) or more school days will be provided with both academic and non-academic supports, which will 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. **(Refer to Home Instruction Procedure for Expelled and Suspended Students H04 A).**

- 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 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 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 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 alternative 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, 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

The measurable goals the pupil will be striving to achieve during the period of suspension.

SUSPENSION APPEAL PROCESS (See H-07-016 Suspension Appeal Process)

The adult pupil or parent/guardian may appeal a suspension.

All suspension appeals will be received by the Superintendent of Education.

- 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.
- 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).

Where a pupil's parent/guardian or the pupil, if 18 or older or 1 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 *Human Rights Code*, the Board's Student Discipline Procedures and Suspension Appeal Guidelines.

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

The Superintendent Responsible for Student Discipline shall have the procedural powers and duties outlined in the Student Discipline Procedures.

Upon receipt of written notice of the intention to appeal the suspension, the Superintendent of Education:

1. Will promptly advise the school principal of the appeal;
2. Will promptly advise the adult pupil or the parent/guardian that a review of the suspension will take place and invite the appellant to contact the Superintendent of Education to discuss any matter respecting the incident and/or appeal of the suspension; **(see Form H-07-002 Notice of Suspension Review)**
3. Will review the suspension (reason, duration, any mitigating or other factors);
4. May consult with the principal and Superintendent of Education regarding modification or expunging the suspension;
5. Will request a meeting with the adult pupil or the 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 parent/guardian. **(see Form H-07-003 Suspension Review Decision)**

Where the suspension is upheld on review and the parent chooses to continue with the appeal, the Superintendent of Education will:

1. Coordinate the preparation of a written report for the Board. This report will contain at least the following components:
 - a) A report of the incident and rationale for suspension prepared by the principal;
 - 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 of Education regarding the suspension review.
2. Inform the adult pupil or the 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 Form H-07-004 Notice of Suspension Appeal and Form H-07-016 Suspension Appeal Process).**
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 parent/guardian, if they appealed the decision.

Student Discipline Suspension Appeal Guideline

1. The Suspension Appeal shall be held in accordance with the *Education Act*, the Board's Student Discipline Policy and Student Discipline Procedures.
2. Appeals of Suspensions will be heard by the Discipline Committee sitting as a committee of three (3) Trustees appointed by the Board. One of the appointed Trustees shall act as Chair of the Discipline Committee. Appeals will be scheduled by the Superintendent Responsible for Discipline.
3. An adult pupil is a pupil who is 18 years old or older or who is 16 or 17 years old and has withdrawn from parental control.
4. A suspension may be appealed by an adult pupil or the pupil's parent/guardian (the "Appellant").
5. Parties to a Suspension Appeal shall include the adult pupil or the pupil's parent(s)/guardian(s) and the Principal. The pupil may also attend the Suspension Appeal.
6. The Superintendent Responsible for Discipline will act as Secretary to the Discipline Committee to facilitate the Appeal, ensure that a copy of the Principal's Report is forwarded to the Appellant prior to the Appeal and provided to the Discipline Committee at the beginning of the Appeal, and to ensure that any documents, reports and/or submissions prepared by the Appellant are provided to the Principal at the earliest opportunity and to the Discipline Committee at the beginning of the Appeal.
7. A lawyer or agent may represent the Appellant. Prior notice of a lawyer's or an agent's attendance at the Appeal must be provided to the Superintendent Responsible for Discipline. If prior notice is not provided, the Suspension Appeal may be rescheduled.
8. The Discipline Committee and/or the Principal may exercise the right to legal counsel.
9. The Principal will prepare a Report summarizing the incident, the evidence relied upon, and the rationale for the discipline imposed, including the pupil's disciplinary and academic history, any progressive discipline strategies that have been used, and any mitigating and other factors that may be applicable.
10. The Discipline Committee of the Board will consider based on the written/oral

submission of the parties whether the decision to discipline and the decision imposed was reasonable and shall either;

- a. confirm the suspension and its duration; or
- b. confirm the suspension but shorten its duration and amend the record; or
- c. quash the suspension and expunge the record.

The decision of the Discipline Committee is final and the decision will be communicated to the appellant in writing.

11. When making their determination the Discipline Committee shall consider:
 - a. the Principal's Report and submissions;
 - b. the submissions and any other information provided by the Appellant and the student; and
 - c. the application of any applicable mitigating and other factors.
12. The Discipline Committee may give such directions or make such orders at a Suspension 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 direction, a Trustee may call for the assistance of a police officer to enforce the direction.
13. The Discipline Committee will wait for thirty (30) minutes after the time communicated for the commencement of the Suspension Appeal. If the Appellant(s) and/or their representative have not yet attended and notice that they may be late has not been provided, the Discipline Committee may proceed to hear the Appeal or dismiss the Appeal in their absence.
14. The Superintendent Responsible for Discipline will invite the parties into the Discipline Committee meeting room and will introduce the parties to the Discipline Committee.
15. The Superintendent Responsible for Discipline will introduce the Discipline Committee and will indicate:
 - a. that they have been appointed by the Board to hear the matter;
 - b. that they are not connected as Trustees to the school in question;
 - c. that they have had no prior involvement with the matter that has come before them;
 - d. that this matter will be heard *In Camera* (in private); and
 - e. that the decision of the Discipline Committee is final.
16. The Superintendent Responsible for Discipline will call the Suspension Appeal to order.
17. The Superintendent Responsible for Discipline will outline:
 - a. the process to be followed during a Suspension Appeal;
 - b. the matter on appeal before the Discipline Committee, including the Suspension that was imposed and the infraction for which the pupil was suspended.
18. The Superintendent Responsible for Discipline will distribute copies of the Principal's Report and any documents submitted by or to be submitted by the Appellant to the Discipline Committee. The Discipline Committee may choose to have a brief recess in order to read the reports and documents.

19. The Administration will be invited to make a presentation.
 - a. Trustees may ask questions of clarification through the Chair.
20. The Appellant will be invited to make an oral presentation.
 - a. The Appellant will be invited to respond to Administration's presentation.
 - b. Trustees may ask questions of clarification through the Chair.
21. The pupil will be invited to make a statement on his/her own behalf to the Discipline Committee.
 - a. Trustees may ask questions of clarification through the Chair.
22. The Administration will be invited to respond to the Appellant's and pupil's presentation, but only with respect to issues the Administration has not previously addressed.
23. At the conclusion of both presentations, the Appellant and the Administration will be invited to make summary statements but may not introduce new issues. The Discipline Committee may choose to have a brief recess prior to hearing the summary statements.
24. Trustees may ask final questions of clarification.
25. The Superintendent Responsible for Discipline will explain that:
 - a. all persons, except the Discipline Committee, will be asked to leave the room while the Trustees deliberate and make their decision;
 - b. the Superintendent Responsible for Discipline will be informed of the decision by the Discipline Committee and will relay this decision to the parties orally at the earliest opportunity.
26. Written notice shall be provided to the Appellant informing them of the decision of the Discipline Committee.
27. The decision of the Discipline Committee is final.

Electronic Hearings

The Committee may hold a hearing by telephone conference or video conference or other automated means for the determination of any or all issues, in the same manner as an oral hearing.

The Committee shall not hold an electronic hearing if a party satisfies the Committee that holding an electronic rather than oral hearing is likely to cause the party significant prejudice.

Notwithstanding the above, in exceptional circumstances, the Chair of the Committee may order at any time prior to the commencement of the hearing that the hearing proceed by way of telephone or video conference if a member or members of the Committee are not able to attend in person due to inclement weather or personal exigencies which prevent the member or members from attending in person at the hearing. Nevertheless, at least one member of the Committee should be physically present for the hearing.

The Discipline 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:

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.

The decision of the Discipline Committee is final. The decision shall be communicated to the appellant in writing (see **Form H-07-005 Suspension Appeal Decision and Form H-07-006 Suspension Appeal Decision of the Discipline Committee**).

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 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.

C. EXPULSION OF PUPILS

Under the safe schools changes that came into effect on February 1, 2008, the principal is 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 clause 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 principal and/or Discipline Committee of the Board shall consider whether or not the discipline will have a disproportionate impact on a pupil protected by the *Human Rights Code* and/or exacerbate the pupil's disadvantaged position in society.

Any such infractions about which a board staff member or transportation provider becomes aware must be reported to the principal or designate in accordance with Board procedures at the earliest, safe opportunity and no later than the end of the school day, or end of a bus run, if reported by a transportation provider. A written report in accordance with Board procedures must be made when it is safe to do so.

Subject to the Factors to Consider before Deciding to Impose a Suspension below, reasonable grounds to believe 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, the principal **will suspend the pupil. (See **Form H-07-017 Suspension Pending Expulsion of Students**)**

The 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 enumerated activities are:

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 illegal and/or restricted drugs;
6. Committing robbery;
7. Giving alcohol to a minor;
8. 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;
9. 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;
10. 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;
11. 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;
12. 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
13. Any act considered by the principal to be a serious violation of the Board or school Code of Conduct.
14. Where a student 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 student behaviour and/or a serious breach of the Board or school Code of Conduct.

Factors to Consider Before Deciding to Impose a Suspension

When deciding whether or not to impose a suspension pending a possible recommendation for 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 identify whether any mitigating factors might apply in the circumstances.

Mitigating 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.

For the purpose of the Student Discipline Policy and Procedures, the Board interprets the provisions of the *Education Act* and Regulations in a broad and liberal manner consistent with the Human Rights Code. The principal and/or Discipline Committee of the Board shall consider whether or not the discipline will have a disproportionate impact on a pupil protected by the *Human Rights Code* and/or exacerbate the pupil's disadvantaged position in society.

If, on concluding the investigation, the principal decides not to recommend to the board that the pupil be expelled, the principal shall,

- (a) confirm the suspension and the duration of the suspension
- (b) confirm the suspension but short its duration, even if the suspension has already been served, and amend the record of the suspension accordingly; or

- (c) withdraw the suspension and expunge the record or the suspension, even if the suspension has already been served.

The mitigating factors to be considered by the 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 and does not understand the foreseeable consequences of his/her behaviour, the principal will not suspend the pupil. Alternative discipline and/or other intervention may be considered by the principal in such circumstances.

If the pupil does not have the ability to control his or her behaviour and does not understand the foreseeable consequences of his/her behaviour, but poses an unacceptable risk to the safety of others in the school, the principal will consult with his/her Superintendent regarding appropriate accommodations and/or strategies that might be instituted to ensure pupil and staff safety.

Suspension Pending Recommendation for Expulsion

If the pupil is to be suspended pending an investigation, the pupil should be suspended up to (20) twenty school days. If the pupil has been suspended pending an investigation to determine whether the pupil will be recommended for expulsion, the principal must assign the pupil to a program for suspended pupils (ASP).

If the pupil has been suspended for twenty (20) school days, the principal must undertake an investigation to determine whether to recommend to the Discipline Committee that the pupil be expelled.

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 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 parent/guardian and pupil and the Superintendent of Education. The written notice of suspension will include: **(See Form H-03-07 Notice of Suspension/Expulsion)**
 - 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 Form H-07-007 Suspension Pending Possible Recommendation of Expulsion)**
 - f) Before recommending an expulsion from the pupil's school or from all schools of the Board, the principal must complete an investigation, consistent with the expectations of the *Human Rights Code* and as required by the *Education Act*, which is consistent with the expectations for principal investigations outlined in the Board's Student Discipline Procedures.
4. Every effort should be made to include the school work (unless the pupil is an adult pupil) 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 this is not possible 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;
- If notice is sent by mail, fax or email, the principal will ensure that the work provided to the pupil will be available for the pupil's parent/guardian (unless the pupil is an adult pupil) or designate to pick-up from the school the day the pupil is suspended or the following school day, if the suspension is between two (2) and five (5) school days.
 - 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.
 - The principal will ensure that the school work will be available on the day the pupil is suspended or on the following school day.
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 H-03-18)**

Alternative Suspension Program

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

A pupil cannot be compelled to participate in an ASP. Should the adult pupil or the 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 parent/guardian or a designate at regular intervals during the suspension period beginning the school day after the adult pupil or the 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. (See Form H-07-020 Student Action Plan)

Agreement or refusal to participate in an ASP may be communicated to the school orally by the adult pupil or the 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 that 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 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 pupil or the parent/guardian informing the school that the pupil will participate in an ASP.
- If the adult pupil or the parent/guardian is 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 designate will review the issues to be addressed in the pupil's SAP.

Student Action Plan (SAP)

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 parent/guardian informing the school that the pupil will participate in an ASP.
- This timeline will be communicated to the adult pupil or the 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 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 alternative 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, 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 will 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 of Education 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 decisions whether or not to recommend that the pupil be expelled. 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 will:

1. Make all reasonable efforts to speak with the adult pupil or the parent/guardian and 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 parent/guardian; and
4. Consider the mitigating and other factors when determining whether to recommend to the Discipline Committee that the pupil be expelled.

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 further investigation should be undertaken to recommend that the pupil be expelled:

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 to related harassment for any other reason;
4. The impact of the discipline on the pupil's prospects for further education;
5. The pupil's age; 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; 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 designate has utilized early and/or ongoing intervention strategies to prevent unsafe or inappropriate behaviours, such as: contact with parent(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.
2. In appropriate circumstances, 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 parent(s), pupil, and principal, referral of pupil to a community agency for anger management or substance abuse, detentions, withdrawal of privileges, withdrawal from class, restitution for damages, restorative practices, and/or

transfer.

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, if the principal decides not to recommend to the Discipline Committee that the pupil be expelled, the principal must:

1. Consider whether alternative 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 and the 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 procedures regarding suspension appeals;
 - b) Contact information for the Superintendent of Education;
 - 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 is of the shortened length of the suspension. (**see Form H-07-008 Decision Letter Not to Recommend Expulsion**)

Recommendation to the Board for an Expulsion Hearing (see Form H-07-015 Expulsion Process)

If a principal, in consultation with the Superintendent of Education, 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, 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 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 parent/guardian. 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 policies and procedures 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:
 - If the Discipline Committee does not expel the pupil they will either confirm, confirm and shorten, or withdraw the suspension;
 - Parties have the right to make submissions with respect to the suspension;
 - Any decision with respect to the suspension is final and cannot be appealed;
 - If the pupil is expelled from the school, they will be assigned to another school;
 - If the pupil is expelled from the Board, they will be assigned to a program for expelled pupils;
 - 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 of Education.
(see Form H-07-009 Notice of Recommendation for Expulsion)

The Superintendent of Education will:

1. Submit the principal's Report for the Discipline Committee.

The Superintendent of Education may:

1. Arrange a meeting with the adult pupil or the parent/guardian and pupil and the principal, as appropriate.
 - a. If a meeting is arranged, the Superintendent of Education will review the Discipline Committee process for expulsion hearings, as well as respond to any questions or concerns the pupil or the parent/guardian may have regarding the process or incident; and

- b. If a meeting is arranged, during the meeting the Superintendent of Education 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 (see Form H-07-021 Guidelines for an Expulsion Hearing by the Board)

If the principal recommends expulsion, the Discipline Committee shall hold a hearing.

Parties before the Discipline Committee may be:

1. The principal;
2. The adult pupil or the parent/guardian;
3. Other persons as specified by the Board; and
4. A lawyer representing either or both parties.

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 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 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;
3. 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
4. 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 to related 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; 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.

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 requirements that the hearing take place within 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 Board shall take the submissions of the parties into account, including mitigating and other factors, in determining whether to:

1. Consider whether alternative 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. Quash the suspension and expunge the record such that no record of the suspension remains in the Ontario Student Record.
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.

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 to related 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; 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. All submissions and views of the parties;
3. Any written response to the principal's report provided before the completion of the hearing; and
4. 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.

Where the Discipline Committee decides to impose a Board expulsion, then the Discipline Committee must assign the pupil to a program for expelled pupils. **(See Procedure Home Instruction for Expelled and Suspended Students H 04 A)**

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 Form H-07-010 Expulsion Decision and H-07-011 Recommendation for Expulsion Decision of the Discipline Committee)

Once the principal 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 **(Form H-07-012 Declaration of Performance)**;
4. 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 parent/guardian may appeal a Board decision 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.

Cross Reference to Administrative Procedures/ Governance Policies		Date of Implementation February 1, 2008	Legal/Ministry of Education Reference	
Section	Number		Ontario Reg. 472/07	
H	04(A)	Date of Last Review April 18, 2017	Policy Program Memorandum 145, 144, 128, 141, 142, 119	
H	07(A)		Ontario Reg. 474/00	
H	07(B)		Human Rights Code	
H	07(C)			
H	07(D)			
B	05		Bill 13 Accepting School Act	

ADDENDUM
TO ADMINISTRATIVE PROCEDURE H- 07
STUDENT DISCIPLINE FOR PROGRESSIVE DISCIPLINE, SUSPENSION AND EXPULSION

EXPULSION HEARING RULES

Part I — General

s. 1 — Application

These Rules apply to all expulsion hearings before the Expulsion/Disciplinary Committee of the Board in accordance with the *Education Act*, Regulations, and the *Statutory Powers Procedure Act*.

s. 2 — Definitions

Chair – means the Expulsion Committee Chair.

Committee – means the Expulsion Committee of the Board established in accordance with s. 311.3 of the *Education Act* and amendments.

Day – means a school day.

s. 3 — Interpretation

If required, these Rules should be interpreted and applied as board policy pursuant to ss. 311.3(2) of the *Education Act*.

These Rules shall be liberally interpreted to ensure the most expeditious, least expensive and just determination of the proceeding on its merits.

s. 4 — Matters Not Dealt With

If these Rules do not provide for a matter of procedure the Committee may do anything necessary and permitted by law to effectively adjudicate the matter before it.

s. 5 — Substantial Compliance

Substantial compliance with the requirements of these Rules is sufficient.

s. 6 — Waiver of Rules

Any provision of these Rules not required by statute may be waived at the sole discretion of the Committee.

s. 7 — Waiver of Procedural Requirement

Any procedural requirement under these Rules may be waived on consent of all the parties and the Committee.

s. 8 — Extension or Reduction of Time

The Committee may extend or reduce any time required in these Rules or in a Committee order with any terms or conditions. A request for a change in time requirements may be made by bringing a motion, or the Committee may change the time requirements without a hearing, either before or after the time period expires.

s. 9 — Failure to Comply with Rules

If any Rule or part thereof is not complied with the Committee may decide whether any part or step in the proceeding, or any evidence is not valid as a result.

s. 10 — Incapacity of Committee Member

If a member of the Committee who has participated in a hearing becomes unable, for any reason, to complete the hearing or to participate in the decision, the remaining member or members may complete the hearing and give a decision.

s. 11 — Interim Matters

Any procedural or interlocutory matter in a proceeding may be heard and determined by a panel consisting of one or more members of the Committee as assigned by the Chair.

s. 12 — Parties

In accordance with ss. 311.3(3) of the *Education Act*, the parties to a hearing shall be:

- (1) the Principal of the School;
- (2) the Pupil, if:
 - (i) the Pupil is at least 18 years old, or
 - (ii) the Pupil is 16 or 17 years old and has withdrawn from parental control;
- (3) the Pupil's parent or guardian, unless:
 - (i) the Pupil is at least 18 years old, or
 - (ii) the Pupil is 16 or 17 years old and has withdrawn from parental control;

In addition, the Committee may grant the opportunity to attend and make submissions to the Committee to a person with Daily Care as defined in the Student Discipline Procedures.

s. 13 — Representation

A party to a proceeding may be represented by legal counsel or an agent. The Chair of the Committee must be notified of a party's representation by legal counsel or an agent as soon as possible and no later than three (3) school days prior to the date scheduled for the hearing.

s. 14 — Notice

Any notices required by these Rules shall be given in writing unless the Committee directs otherwise.

Any notice given to a representative is deemed to have been given to the party for whom the representative acts.

Part II — Hearings

s. 15 — Hearings

The Committee may hold hearings or any part thereof orally, electronically or in writing.

s. 16 — Hearing Closed

The Committee recognizes that intimate personal matters may be disclosed at the hearing and having regard to these circumstances it is desirable that all hearings be closed to the public and held in the strictest confidence, unless all parties and the Committee consent to the hearing being held in public.

s. 17 — Notice of Hearing

A notice of an oral hearing shall include the time, place and purpose of the hearing. Notice of an electronic hearing shall include the time, the telephone number and pass code for participation in the conference call.

s. 18 — English

The Committee shall conduct all proceedings in English.

s. 19 — Interpreter

If an interpreter is required for a witness whose language is not English, the party calling the witness must provide the interpreter.

s. 20 — Hearing

The hearing shall be scheduled by the Committee for a set date within 20 school days of the date of suspension, unless the parties to the expulsion hearing agree on a later date.

The time allotted for a hearing will be 60 minutes.

s. 21 — Adjournment

If all parties agree, they may make a written request to postpone the hearing in accordance with Appendix A. The request must include reasons and a suggested new date.

s. 22 — Powers of Chair upon Adjournment Request

Upon request for adjournment the Chair may:

- (a) grant the request and order an extension of the suspension;
- (b) grant the request for a different date than that requested, or schedule a pre-hearing conference if appropriate and order an extension of the suspension;

- (c) grant a shorter adjournment than that requested and order an extension of the suspension;
- (d) deny the request, even if all parties have consented;
- (e) grant an indefinite adjournment and order an extension of the suspension; or
- (f) make any other order it deems appropriate.

s. 23 — Hearing to Proceed

The Committee will not proceed for at least 30 minutes after the time given for the commencement of an oral hearing if a party or a representative has not yet appeared, unless they have given notice that they will not be in attendance.

After the Committee has waited 30 minutes the Committee may then proceed to hear the matter and decide the issues in the absence of any party.

In an electronic hearing the Committee will attempt to link all parties not linked until 30 minutes after the time given for commencement.

After the Committee has attempted to connect the parties for 30 minutes the Committee may then proceed to hear the matter and decide the issues in the absence of any party.

s. 24 — Proceedings with Similar Questions or Fact or Law

Where two or more procedures before the Committee involve the same or similar questions of fact or law the Committee may:

- (a) hear the proceedings one immediately after the other; or
- (b) stay one or more of the proceedings until after the determination of another one of them.

s. 25 — Electronic Hearings

The Committee may hold a hearing by telephone conference or videoconference or other automated means for the determination of any or all issues, in the same manner as an oral hearing.

The Committee shall not hold an electronic hearing if a party satisfies the Committee that holding an electronic rather than oral hearing is likely to cause the party significant prejudice.

s. 26 — Arrangements for Electronic Hearings

The Committee, at its sole discretion, may direct the arrangements for the electronic hearing to protect the integrity of the hearing process, including the confidentiality of evidence.

s. 27 — Written Hearings

The Committee may hold a written hearing, where the facts are not an issue, for the determination of any or all issues.

The Committee shall refer a matter to an oral or electronic hearing where there are facts in issue between the parties. The Committee shall not hold a written hearing if a party satisfies the Committee that holding a written rather than oral hearing is likely to cause the party significant prejudice.

s. 28 — Procedure for Written Hearings

If no objection to a written hearing is received the Board Administration shall provide the Committee and the other party copies of its submissions within 5 days after the date of the Committee's notice of the written hearing. The submissions shall confirm the facts not in issue and shall include the reasons for the recommendation for expulsion, the order requested and any law relied on.

The other party may respond to the submissions within 7 days of the date that the Board Administration's submissions were served. The reply shall include submissions and state that the party has no submissions or evidence on any of the issues raised, if this is the case.

The Board Administration may reply to the other party's response with a copy to the Committee within 5 days after the date for service of the responses, and the reply shall be limited to any new evidence in the responses.

The Committee shall have the authority to change such dates in order to comply with the requirement that the hearing take place within 20 school days from the date of the suspension, unless the parties have agreed to an extension of time.

The Committee may permit submissions to be filed in electronic form as approved by the Committee.

Where the Committee is not satisfied with the written representations of the parties it may order that an oral or an electronic hearing take place within 20 school days from the date of suspension, unless a longer period is agreed to by all of the parties and the Committee.

s. 29 — Objection to Electronic or Written Hearings

A party who objects to an electronic or written hearing shall file with the Committee Chair, a written objection providing details of its claim that there is a good reason for not holding the hearing in written form, within 3 days of receiving the notice of written hearing.

The Committee may consider any relevant factors in deciding to hold an electronic or written hearing, such as:

- (a) the convenience to the parties and Committee;
- (b) the likelihood of the process being less costly, faster and more efficient;
- (c) whether it is a fair and accessible process for the parties;
- (d) whether the evidence or legal issues are suitable for a written or electronic hearing;
- (e) whether credibility may be an issue

Part III — Preliminary Matters**s. 30 — Motions**

Motions may be made orally or electronically, in the Committee's discretion, at a pre-hearing conference or at the beginning of the scheduled hearing.

A notice of motion, in the form of Appendix B, and any materials must be served on the other party and filed with the Chair 4 days before the scheduled pre-hearing conference or hearing, if the pre-hearing conference has been cancelled or the party is out of time. The responding party must serve and file any materials in response 1 day before the scheduled pre-hearing conference or hearing.

s. 31 — Motions

A motion may be made during an oral or electronic hearing only if the need for the motion arises out of events in the hearing. The motion will be heard or decided in accordance with any procedures ordered by the Chair.

s. 32 — Summonses

A party who wishes to require a witness in Ontario to attend an oral or electronic hearing may serve a summons in accordance with Appendix C, available from the Chair. The party should obtain a Request for Summons Form from the Chair and return the completed Form. The summons will be signed by the Chair.

s. 33 — Chair May Refuse Summons

The Chair may refuse to issue a summons unless an affidavit is provided indicating how the witness' evidence is relevant to the matter. If the Chair is not satisfied from the affidavit that the evidence is relevant the Chair or Committee member will hold a motion to determine this question. A summons may be refused if, after hearing a motion, the Chair decides that the witness' testimony is not material to the matter, or admissible in evidence at a hearing.

s. 34 — Issued Summons

Once issued, the summons will require the witness to attend the hearing at the time and place stated in the summons, or as arranged with the person issuing the summons, and may require the witness to bring relevant documents and other things stated in the summons. The Chair may cancel any summons for valid reasons.

s. 35 — Service of Summons

A summons must be served on the witness personally at least 3 days before the time for attendance together with the necessary attendance fee.

s. 36 — Commission Evidence

The Chair or Committee member may, where appropriate, order that evidence be taken by way of commission evidence rather than be heard orally or electronically.

s. 37 — Pre-Hearing Conference

The Committee may schedule a pre-hearing conference, to be conducted in person or electronically with the Chair or a single Committee member presiding and which may include motions or preliminary hearing matters in order to:

- (a) identify and simplify the issues;
- (b) identify facts or evidence the parties may agree upon or on which the Committee may make a binding decision;
- (c) obtain admissions that may simplify the hearing;
- (d) identify witnesses to be called;

- (e) provide directions for further disclosure;
- (f) deal with any other matter that may assist in a fair and quick resolution.

s. 38 — Pre-Hearing Conference Order

The Committee may provide the parties with a sample Pre-hearing Conference Order in accordance with Appendix D, before the pre-hearing conference. The parties should consider the issues listed in the Pre-hearing Conference Order and attempt to resolve as many issues as possible before attendance at the pre-hearing conference.

s. 39 — Failure to Attend Pre-Hearing Conference

If a party fails to attend the pre-hearing conference the Chair may proceed without that party.

s. 40 — Cancellation of Pre-Hearing Conference

The Chair or member, may with the consent of both parties, cancel a scheduled pre-hearing conference where such conference is not necessary.

s. 41 — Order

The Chair or member conducting the Pre-Hearing Conference will issue a Pre-Hearing Conference Order which may decide any of the matters considered at the Pre-Hearing Conference, as well as provide procedural directions for any proceedings to follow.

Part IV — Corrections

s. 42 — Correcting Minor Errors

The Committee may at any time and without prior notice to the parties correct a technical or typographical error or similar minor error made in the decision or order, and may clarify a misstatement, ambiguity or other similar problem.

s. 43 — Reviews of Decisions

The Committee may consider a party's request to review all or part of a decision. The request for review shall not stay the original decision. The Committee shall not consider a request where the party has appealed to the Child and Family Services Review Board or has made an application for judicial review. The party making the request must submit the following information:

- (a) the name, address, telephone, fax and email address of the requester and the requester's representative, if any;
- (b) reasons for the request;
- (c) the desired result;
- (d) documents that support the request, including copies of new evidence unavailable at the hearing;
- (e) whether the requester has or will submit an appeal to the Child and Family Services Review Board or has or will make an application for judicial review.

s. 44 — Reason for Review

The Committee will hear a motion to review a decision only if the reasons provided in the request raise an arguable case that the Committee,

- (a) acted outside its jurisdiction;
- (b) violated the Rules of natural justice or procedural fairness;
- (c) made an error of law or fact such that the Committee would likely have reached a different decision;
- (d) heard false or misleading evidence from a party or witness, which was discovered only after the hearing and could have affected the result; or
- (e) should consider evidence which was not available at the time of the hearing, but that is credible and could have affected the result.

s. 45 — Refusal of Review

The Committee will refuse to hear a motion to review a decision if:

- (a) the request is made by a non-party;
- (b) the request is not filed in a timely manner;
- (c) the requester does not provide particulars if requested by the Committee in the time frame requested;
- (d) it is the second request by the same party raising the same or similar issues.

s. 46 — Procedure on Review

The Committee will determine initially whether the requestor has met one or more of the eligible grounds for review, without providing notice to the other party. The Committee may grant a motion to review without submissions from the other party, if it is satisfied that the motion for review should be heard.

If satisfied that the motion to review should be heard, the Committee may schedule the motion to review and provide notice to all parties setting out the date of the motion, whether the motion will be heard electronically or in person, the time for filing and serving materials.

At the hearing of the motion, the parties will be expected to make submissions on whether the request meets the Committee's reasons for review.

s. 47 — Power of Committee on Motion

On hearing the motion the Committee may:

- (a) deny the request;
- (b) order a review;
- (c) order a rehearing; or
- (d) make any other order it deems appropriate.

Appendix A



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

Request for Adjournment

Between:

The Northwest Catholic District School Board

-and-

[Student Name]

The parties request that the Committee adjourn the hearing scheduled for

[date and time the hearing has been scheduled]

The parties request that the Committee proceed to hear the matter on

[the new date and time requested for the hearing]

The parties request this adjournment for the following reasons:

Dryden Board Office

75 Van Horne Avenue, Suite B, Dryden, Ontario, P8N 2B2 807-223-4663 Toll Free 1-877-235-4663 Fax 807-223-4014

Appendix A-1



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

Order for Adjournment

Between:

The Northwest Catholic District School Board

-and-

[Student Name]

On reviewing the request for adjournment and reasons of the party the Committee Orders:

1. the request for adjournment and the new hearing date be granted ____
2. the adjournment be granted with the hearing rescheduled to

 [new hearing date]
3. the request be denied ____
4. an indefinite adjournment be granted ____
5. the extension of the suspension of the student until such time as the expulsion matter is completed
6. any other order deemed appropriate:

Dryden Board Office

75 Van Horne Avenue, Suite B, Dryden, Ontario, P8N 2B2 807-223-4663 Toll Free 1-877-235-4663 Fax 807-223-4014

Appendix B



Notice of Motion

Between:

The Northwest Catholic District School Board

-and-

[Student Name]

will make a motion to the Committee on

[party making the motion]

at _____

[date]

[time]

Please note that motions will be scheduled to be heard at the pre-hearing conference of hearing in accordance with the Rules. Motions may also be heard in writing at the discretion of the Committee.

The motion is for:

_____.

[state order desired]

The grounds for the motion are:

[state the reasons for the request for a motion, including any sections of statutes or regulations that will be referred to.]

Please find attached copies of the documents that will be used at the motion.
[documents to be relied on should be attached in sequence.]



Appendix B-1

Response to Notice of Motion

Between:

The Northwest Catholic District School Board

-and-

[Student Name]

will respond to the motion on

[party responding to the motion]

at

[date]

[time]

Please note that motions will be scheduled to be heard at the pre-hearing conference of hearing in accordance with the Rules. Motions may also be heard in writing at the discretion of the Committee.

The responding party requests:

[state order desired]

The grounds for the responding party are:

[state the reasons for the request for a motion, including any sections of statutes or regulations that will be referred to.]

Please find attached copies of the documents that will be used at the motion.
[documents to be relied on should be attached in sequence.]



Appendix C

Request for Summons to Witness

Between:

The Northwest Catholic District School Board

-and-

[Student Name]

_____ requests that the following people be summoned to
[name of party making the request]

appear at the hearing of this matter scheduled for _____.
[date and time of hearing]

1. _____
2. _____
3. _____
4. _____
5. _____

[include the name and address of the parties to be summoned]

Attached please find an affidavit setting out how the evidence of witnesses requested to be summonsed is relevant to the matter.

Please note that if the Chair is not satisfied from the affidavit that the evidence is relevant it will hold a motion to determine this question.

Please note that the Chair may order that evidence be taken by way of commission evidence.



Appendix C-1

Summons to Witness

Between:

The Northwest Catholic District School Board

-and-

[Student Name]

To: _____

[name of witness]

[address of witness]

You are hereby summoned and required to attend before The Northwest Catholic District School Board Discipline/Expulsion Committee at a hearing to be held at [address of Board head office]

on _____ at _____
[date of the hearing] [time of the hearing]

until the hearing is concluded or the Committee otherwise orders, to give evidence on oath or affirmation touching on the matters in question in the proceedings and to bring with you and produce at such time and place,

Dated _____

If you fail to attend and give evidence at the hearing, or to produce the documents or things specified. at the time and place specified, without lawful excuse, you are liable to punishment by the Superior Court of Justice in the same manner as if for contempt of that court for disobedience to a subpoena.



Appendix D

Pre-hearing Conference Order

Between:

The Northwest Catholic District School Board

-and-

_____ [Student Name]

The Following parties participated in the pre-hearing conference

_____ [name of the parties in attendance]

Motions

After hearing the motion of

_____ [party bringing motion]

for _____ [reason for motion, order being requested]

The Committee orders

_____ [order of the Committee resulting from motion]

Issues

The following issues to be determined at the hearing have been identified by the parties:

[list of issues]

The parties agree that these are the only issues which will be heard at the hearing between the parties.

Facts in Agreement

The parties agree to the following facts:

Mode of Hearing

The Commission orders that the hearing in this matter be held

electronically ___

orally ___

in writing ___

Witnesses

It is ordered that commission evidence will be taken from the following witnesses:

1. _____
2. _____
3. _____
4. _____
5. _____

[include the name and address of the witnesses to be heard]

It is ordered that the Committee shall hear oral evidence from the following witnesses during the hearing:

1. _____
2. _____
3. _____
4. _____
5. _____

[include the name and address of the witnesses to be heard]

EXPULSION HEARING SCRIPT

(to be used for Expulsion Hearings without Witnesses)

The Superintendent Responsible for Student Discipline ("SRSD") will arrange to greet the family as well as the Principal / Superintendent Responsible for the School. The SRSD will indicate where the parties can wait until called to the Committee.

The SRSD will obtain the names of all persons attending.

1. The SRSD will also confirm that the parents / guardian have received the Report and have had an opportunity to review same. The SRSD will ask the parents / guardian whether they have any concerns with any of the content of the Report. If there are concerns with the content of the Report, the SRSD will refer the parents / guardian to the Principal / Superintendent to review such concerns.
2. The SRSD will also ask whether the parents have any other materials that they wish to provide to the Discipline Committee. The SRSD will ask the parents/guardian whether they have already provided a copy to the Principal/Superintendent.
3. Where the parents/guardian indicate that copies have already been provided, the SRSD will confirm this with the Principal / Superintendent. If not, and copies are to be provided, the SRSD will provide copies and will provide a few moments for the Principal / Superintendent to review same and then ask whether there is any concern with respect to providing such documents to the Discipline Committee.
4. The SRSD will confirm whether the parties are ready to proceed. The SRSD will then confirm whether the Discipline Committee is ready to proceed.
5. The SRSD will escort the parties into the Committee Room. When the parties arrive in the room, the SRSD will indicate where the parties are to sit. The SRSD will then introduce the parties to the Committee.

1 If legal counsel for the family attends and no notice has been provided to Administration, the SRSD will refer such counsel to the Principal / Superintendent Responsible for the School for further discussion. The Principal / Superintendent may decide to proceed notwithstanding that they are not represented by legal counsel or there may be an agreement to adjourn until counsel is available in which case it is essential that there be an agreement from the family that the 20-school-day limit as well as the suspension be extended pending the completion of the matter.

2 If the concerns cannot be resolved, then the issue would have to be presented to the Discipline Committee for a decision.

3 If the parent / guardian / legal counsel do not wish a copy to be provided to the Principal / Superintendent, the SRSD should indicate that the issue will have to be presented to the Discipline Committee for a decision. If the SRSD confirms that the copies can be provided, the SRSD will then provide a copy to the Principal / Superintendent for their review.

4 If there is any concern with respect to the documents, then it would be necessary for the SRSD to meet with the parties to try to resolve the concerns before the matter is presented to the Committee. In such case, the SRSD should advise the Committee that there is an issue that needs to be addressed and ask the Committee to wait for a short period. If the issue cannot be resolved, then the issue will have to be presented to the Discipline Committee for a decision.

5 Where there is any objection to the contents of the Report that has not been resolved, at this point it would be necessary for the SRSD to advise the Discipline Committee of such objection. It may be necessary to provide a copy of the Report to each of the members of the Discipline Committee to review the documents and/or facts that are objected to and make a decision as to whether such documents and/or facts should or should not be included. The parties should be given an opportunity to make submissions to the Discipline Committee as to whether such documents and/or facts are appropriate.

The Chair of the Committee will introduce the members of the Committee. The Chair will confirm that the members are Trustees. The Chair will confirm that the Trustees on the Committee do not include the Trustees responsible for the area where the school is located [unless such Trustee is on the Committee in which case the Chair will introduce this person as the Trustee responsible for the area where the School is located].

The SRSD will then confirm with the Chair that the parents / guardian / student have confirmed the receipt of the Report, and the parties are ready to proceed.⁶

The SRSD will then provide the Committee with copies of the Report.

The Committee may wish to take a few moments to review the Report.

If there are additional documents that the family has asked to present to the Committee, the SRSD will indicate to the Committee the position of the parties in this respect.⁷

The Chair of the Committee will then confirm the procedure:

1. the Principal / Superintendent will be asked to make a presentation to the Committee;
2. the parent / guardian / counsel will have an opportunity to ask questions of clarification through the Chair;
3. The members of the Committee will have an opportunity to ask questions of clarification through the Chair. In particular, even if the following issues are dealt with in the Report of the Principal, if such are not dealt with in the submissions of the Principal / Superintendent, in accordance with the Act, the Chair should ask the Principal / Superintendent to clarify their position with respect to:
 - a. if the pupil is expelled, should the pupil be expelled from the school only or from all schools of the Board; and
 - b. whether, if the pupil is not expelled, the Board should confirm the suspension originally imposed or confirm the suspension but reduce its duration or withdraw the suspension;
4. the parent / guardian / counsel will be asked to make a presentation;

⁶ If there is any objection to the Report that has not been resolved, then the SRSD will indicate this to the Chair. The Chair will have to ask the parties to make submissions. It will likely be necessary to provide a copy of the Report to the Committee to review the concerns. The Committee can review the concerns and then make a decision which could include striking out parts of the Report.

⁷ Following are the possible options:

- copies of the documents were provided to the Administration prior or just before the hearing, and there is no objection to the Discipline Committee having copies, in which case, copies will be provided to the members of the Discipline Committee; or
- the Administration has concerns with respect to the documents.

Where there are concerns with respect to the documents, the SRSD will indicate to the Committee that the Principal / Superintendent will address this issue with the Committee. The Principal / Superintendent should then be given an opportunity to advise the Committee what their concern is. The Committee can then deliberate the issue amongst themselves and decide whether they feel it would be appropriate to review such documents. If the documents are to be provided to the Committee, the SRSD will then ensure that copies are available for each member of the Committee.

5. the Principal / Superintendent / counsel will have an opportunity to ask questions of clarification through the Chair;
6. The members of the Committee will have an opportunity to ask questions of clarification through the Chair. In particular, if the following issues are not dealt with in the submissions of the parent / guardian / legal counsel, in accordance with the Act, the Chair should ask the parent / guardian / legal counsel to clarify their position with respect to:
 - a. if the pupil is expelled, should the pupil be expelled from the school only or from all schools of the Board; and whether, if the pupil is not expelled, the Board should confirm the suspension originally imposed or confirm the suspension but reduce its duration or withdraw the suspension;
7. If the pupil is present, the Chair of the Committee will indicate that the pupil has the right to make a statement on his or her own behalf. The Chair will then ask the pupil if he/she wishes to make a statement.
8. the Chair will ask the parent / guardian / counsel if they have any further issues they wish to raise with the Committee;
9. if there are any further issues, the Chair will then ask the Principal / Superintendent whether there is any response to such issues;
10. the Chair of the Discipline Committee will then provide the parties with an opportunity to make submissions to the Discipline Committee as follows:
 - a. the Principal / Superintendent will have an opportunity to make submissions; members of the Discipline Committee will then have an opportunity to ask questions of clarification;
 - b. the parents / guardian / legal counsel will then have an opportunity to make submissions; members of the Discipline Committee will have an opportunity to ask questions of clarification;
 - c. the Chair of the Discipline Committee will then ask the Principal / Superintendent whether there is any reply to the submissions of the parents / guardian / legal counsel. If so, then the Principal / Superintendent will have an opportunity to reply with questions of clarification from the Discipline Committee. If not, then the Chair will indicate that this completes the hearing of the facts and submissions.
11. The Chair of the Committee will then ask the parties to leave the room while the Committee has a brief opportunity to review the matter.

At this point, the Committee should review the matter quickly and determine whether there were any issues / questions that should have been asked that were not asked. If so, the parties can be asked to return to the room to ask such questions.

After such questions are asked, the parties can be asked to leave the room again.⁸

⁸ At this point, each Board will have to decide which process applies. At some Boards, the parties are advised that they can leave and they will be told the decision the next morning. At other Boards, the Committee will deliberate while the parties remain and call the parties back in for the decision.