



Learning Environment

Student Discipline and Safety of Students

Policy Number LE-16

The Simcoe Muskoka Catholic District School Board (SMCDSB), in keeping with its Mission, Vision, and Values is committed to:

1. Creating a safe, caring and accepting school environment for our students.
2. Supporting the use of positive practices as well as consequences for inappropriate behaviour, including progressive discipline, to support a safe, inclusive, and accepting learning and teaching environment rooted in our Catholic values.

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, vice principals, or the principal's delegate, 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. 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.

Procedural Guidelines Follow

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Procedures and Guidelines Supporting Student Discipline and Safety of Students Policy Number LE-16

The goal of this policy and procedure, with respect to progressive discipline, is to support a safe, inclusive, and accepting learning and teaching environment rooted in our Catholic values, in which every student can reach their full potential. Appropriate action must consistently be taken by schools to address behaviours that are contrary to provincial and Board and school Codes of Conduct, the Human Rights Code, and Part XIII of the Education Act as per *Policy/Program Memorandum 145 (Progressive Discipline and Promoting Positive Student Behaviour)*.

Progressive discipline is an approach that makes use of a continuum of prevention programs, interventions, supports, and consequences, building upon strategies that build skills for healthy relationships and promote positive behaviours. The range of interventions, supports, and consequences used by the Board and all schools must be clear, and developmentally appropriate, and must include learning opportunities for students in order to reinforce positive behaviours and help students make good choices. For students with special education and/or disability-related needs, interventions, supports and consequences must be consistent with the expectations in the student's Individual Education Plan (IEP) and/or **their** demonstrated abilities.

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

When addressing inappropriate behaviour, school staff should consider the particular pupil and circumstances, including any mitigating and other factors as set out in Ontario Regulation 472/07 and the Board's Student Discipline Procedures, the nature and severity of the behaviour, and the impact on the school climate.

The *Provincial Code of Conduct*, the Simcoe Muskoka Catholic District School Board Code of Conduct, the *Education Act*, *Ontario Regulation 472/07*, *Policy Program Memorandum (PPM) 128 (The Provincial Code of Conduct and School Board Codes of Conduct)*, *PPM 141 (School Board Programs for Long-Term Suspension)*, *PPM 142 (School Board Programs for Expelled Students)*, *PPM 144 (Bullying Prevention and Intervention)* and *PPM 145 (Progressive Discipline and Promoting Positive Student Behaviour)*, together with the Board's student discipline policy create expectations for behaviour for all persons on school property and at school events and outline strategies to be taken to address incidents, including imposing appropriate consequences for pupils.

This procedure outlines the expectations for the process to be used by principals of the Board or delegate, when imposing appropriate consequences for pupils.

The process set out in these procedures shall be informed by and implemented in accordance with the principles of equity and inclusion articulated in *PPM 119 (Developing and Implementing Equity and Inclusive Education Policies in Ontario Schools)*.



The *Ontario Human Rights Code* has primacy over provincial legislation and policies, as well as school board policies and procedures, such that the *Education Act*, regulations, Ministry of Education Program Policy Memoranda, and Board policies and procedures are subject to, and shall be interpreted and applied in accordance with the *Ontario Human Rights Code*.

Victims of Serious Student Incidents:

The Board supports students who are victims of serious incidents of student behaviour causing harm. Where a student has been harmed as a result of an activity for which a suspension or expulsion could be imposed under the *Education Act*, the principal or designate is required by the *Act* to notify the parent or guardian of the student believed to have been harmed, and the parent or guardian of the student believed to be responsible for the harm, as soon as reasonably possible. Notwithstanding the foregoing, the Principal shall not inform a parent or guardian if the student is 18 years of age or is 16 or 17 and has withdrawn from parental/guardian control without the student's consent, or if the principal is of the opinion that to so notify would put the student at risk of harm from a parent or guardian and notification would not be in the student's best interests.

Where a principal is authorized under this section to notify a parent or guardian, the principal shall disclose the nature of the activity that resulted in the harm, the nature of the harm to the student, the steps taken to protect the student's safety, including the nature of any disciplinary steps taken in response to the activity, and the supports that will be provided to the student.

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1. DEFINITIONS

The following definitions apply for the purposes of pupil discipline.

Act - means the Education Act RSO 1990 c E.2 as amended from time to time.

Administrator - includes a superintendent, principal or vice-principal.

Adult Pupil - is a pupil who is 18 years or older or 16 or 17 and has removed themselves from parent/guardian control.

Board Expulsion - is an expulsion from all schools of the Board.

Bullying - Ministry of Education [Policy/Program Memorandum 144 Bullying Prevention and Intervention](#) requires the following statements regarding bullying to be included as follows:

Bullying means aggressive and typically repeated behaviour by a pupil where,

- a) The behaviour is intended by the pupil to have the effect of, or the pupil ought to know that their behaviour would be likely to have the effect of,
 - i) causing harm, fear or distress to another individual, including physical, psychological, social or academic harm, harm to the individual's reputation or harm to the individual's property, or
 - ii) creating a negative environment at a school for another individual, and
- b) The behaviour occurs in a context where there is a real or perceived power imbalance between the pupil and the individual based on factors such as size, strength, age, intelligence, peer group power, economic status, social status, religion, ethnic origin, sexual orientation, family circumstances, gender, gender identity, gender expression, race, disability or the receipt of special education
- c) Bullying behaviour includes the use of any physical, verbal, electronic, written or other means.
- d) Bullying includes bullying by electronic means (commonly known as cyber-bullying), including,
 - i) creating a web page or a blog in which the creator assumes the identity of another person;
 - ii) impersonating another person as the author of content or messages posted on the internet; and
 - iii) communicating material electronically to more than one individual or posting material on a website that may be accessed by one or more individuals.

Bullying adversely affects:

- students' ability to learn; and,
- the school climate, including healthy relationships.

Bullying will not be accepted on school property, at school-related activities, on school transportation, or in any other circumstances (e.g. online) where engaging in bullying will have a negative impact on the school climate.

Daily Care - a person with daily care is an adult person (18 years or older) who is not the custodial parent/guardian of a pupil who is less than 18 years old, and had no decision-making authority with respect to education, or without consent the right to access the student's personal information, but is a person who cares for the pupil on a daily basis and is known by the school to provide daily care, for example a grandparent, aunt, uncle, older brother or sister.

Discipline Committee - a committee of three (3) or more Trustees constituted under *Section 309(12)* of the *Education Act* to determine a suspension appeal or under *Section 311.3(9)* of the *Act* to determine recommendation for expulsion.

Emergency Administrator - should the administrator(s) of the school not be available in emergency circumstances the principal of the school will identify an alternative principal or superintendent for the teacher-in-charge to contact.

Harassment - means engaging in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome, which may include remarks, jokes, threats, name-calling, the display of material(s), touching or other behaviour that an individual knows or ought to know insults, intimidates, offends, demeans, annoys, alarms or causes that individual emotional distress and may constitute discrimination when related to grounds protected by the *Ontario Human Rights Code*.

School Climate - the learning environment and relationships found within a school and school community. A positive climate exists when all members of the school community feel safe, included, and accepted, and actively promote positive behaviours and interactions.

School Community - the school community is composed of staff, pupils, parents/guardians and volunteers of the school, users of the school facilities as well as the community of people and businesses that are served by or located in the greater neighbourhood of the school.

School Expulsion - is an expulsion from the school of the Board that the pupil was attending at the time of the incident.

Superintendent - shall be consistent with and have the meaning attributed to Supervisory Officer in the *Education Act* and regulations.

Superintendent of Safe Schools - means the supervisory officer delegated authority regarding procedural issues related to suspension appeals, expulsions and exclusions.

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

Weapon - is any object or thing used to threaten or inflict harm on another person and includes, but is not limited to, knives, guns, replica guns and animals.

2. PREFACE

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.

Positive Practices

The Board must provide annual professional development programs to educate teachers and other school staff about the prevention of inappropriate behaviour and strategies for promoting a positive school climate, in accordance with *subsection 170(1)* of the *Education Act*. The Board supports ongoing training for teachers, administrators, and other school staff through such opportunities as new-teacher induction programs and e- learning.

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.

Positive behaviour management practices include:

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

The Board recognizes that, in some circumstances, positive practices might not be effective or sufficient to address inappropriate pupil behaviour. In such circumstances, the Board supports the use of progressive discipline consequences.

In circumstances where a pupil will receive a consequence for their behaviour, it is the expectation of the Board that the principle of progressive discipline, consistent with the *Ontario Human Rights Code*, Ministry of Education direction and *PPM 145*, will be applied in the least restrictive manner to be effective.

Mitigating and Other Factors

Before imposing a suspension under *Section 306 of the Education Act*, or a suspension pending an investigation into whether to recommend expulsion under *Section 310 of the Act*, the principal, must consider any mitigating and other factors as set out in the Student Discipline Procedure and *Ontario Regulation 472/07* made under the *Act*.

Principal Investigation

Before recommending an expulsion from the pupil's school or from all schools of the Board, the principal must complete an investigation, as required by *Section 311.1(1)* of the *Education Act*, which is consistent with the expectations for principal investigations outlined in this Procedure.

Appeal

Where a pupil's parent/guardian or the pupil, if an adult pupil, disagrees with the decision of a principal to suspend the pupil, they may appeal the principal's decision to suspend the pupil, in accordance with this Procedure.

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

Discipline Committee

The Board authorizes the creation of a Discipline Committee of no fewer than three (3) Trustees to decide appeals of principal suspensions and to determine principal recommendations for expulsion. For these purposes, the Discipline Committee will conduct the suspension appeals and expulsion hearings in accordance with this Procedure.

The Discipline Committee shall have the powers as set out in the *Education Act*.

3. PROGRESSIVE DISCIPLINE

Progressive discipline is a whole-school approach that utilizes a continuum of prevention programs, interventions, supports, and consequences to address inappropriate student behaviour, and to build upon strategies that promote and foster positive behaviours. When inappropriate behaviour occurs, disciplinary measures should be applied within a framework that shifts the focus from one that is solely punitive to one that is both corrective and supportive. Schools should utilize a range of interventions, supports, and consequences that are developmentally and socio-emotionally appropriate, and include learning opportunities for reinforcing positive behaviour while helping students to make better choices.

Prevention and early intervention are important for assisting pupils to achieve their potential and for maintaining a positive school environment. A positive school environment is effected through programs and activities that focus on building healthy relationships, character development, and civic responsibility, which encourage positive participation of the school community in the life of the school.

Progressive discipline is most effective when dialogue between the school and home regarding pupil achievement, behaviour and expectations is open, courteous and focused on pupil success. It is an expectation of the Board that principals, vice-principals and teachers-in-charge consult with parents prior to imposing any pupil specific progressive discipline preventative measures, positive behaviour management strategies or progressive discipline consequences.

Each school is required to develop and implement a school-wide progressive discipline policy, consistent with the Board Student Discipline Policy and Student Discipline Procedures.

Each school is also required to ensure that bullying prevention plans include:

- (1) awareness raising strategies
- (2) support strategies, including plans to protect victims; and,
- (3) reporting requirements (please refer to the Bullying Prevention Policy and Procedures).

In addition, teaching strategies should include a focus on developing healthy relationships by including bullying prevention throughout the curriculum, preventing homophobia, gender based violence, sexual harassment, and inappropriate sexual behaviour, as well as promoting critical media literacy and safe internet use strategies, all of which is to be implemented in a manner consistent with the principles of equity and inclusion.

The teacher, principal or designate should select the most appropriate response to address the pupil's behaviour. Where a pupil has special education and/or disability-related needs, the interventions, supports and consequences must be consistent with the expectations for the pupil, including those in the pupil's Individual Education Plan or Behaviour Management Plan and/or Safety Plan.

Progressive discipline includes the use of early and ongoing prevention and intervention strategies and strategies to address inappropriate behaviour. Pupils' parent(s)/guardian(s) should be actively engaged in the progressive discipline approach.

Prevention Strategies

Board employees who work with pupils are expected to support pupils to achieve their potential.

In accordance with *subsection 303.1(1)* of the *Education Act*, every board shall support students who want to establish and lead activities and organizations that promote a safe and inclusive learning environment, acceptance of and respect for others, and the creation of a positive school climate, including activities or organizations that promote gender equity; antiracism; the awareness and understanding of, and respect for, people with disabilities; or awareness and understanding of, and

respect for, people of all sexual orientations and gender identities, including organizations with the name “gay-straight alliance” or another similar name. The Catholic Community supports the establishment of Respecting Difference Clubs.

Neither the board nor the principal shall refuse to allow a student to use the name “gay-straight alliance” or a similar name for an organization, as outlined in *subsection 303.1(2)* of the *Education Act*. The name of an activity or organization must be consistent with the promotion of a positive school climate that is inclusive and accepting of all students. The Simcoe Muskoka Catholic District School Board and the Catholic Community supports the establishment of Respecting Difference Clubs where a club is requested by a student or a group of students.

Where a pupil has reported harassment, bullying or violence, that pupil shall be supported by the school with the provision of contact information about professional supports, such as community agencies, public health facilitates, and telecommunications forums, such as a help-phone-line or website, that the pupil may access directly for information, assistance and/or support in an effort to promote and/or develop healthy relationships.

In accordance with *PPM 149 (Protocol for Partnerships with External Agencies for Provision of Services by Regulated Health Professionals, Regulated Social Service Professionals, and Paraprofessionals)*, schools are required by the Board to work with agencies and/or organizations in their community that have professional expertise with respect to issues of gender-based violence, sexual assault, homophobia and inappropriate sexual behaviour. A current list of community contacts will be created and maintained electronically by the Board and made available to all schools, staff and pupils on the Board’s internet and intranet websites. A Protocol outlining the process for entering into a Memorandum of Understanding with an appropriate community agency and/or organization shall be made available to schools.

Schools shall provide public health units under the responsibility of the local officer of medical health the ability to deliver their mandated public health curriculum.

The Board also expects principals/vice-principals to review and amend, as appropriate, Individual Education Plans, Behaviour Management Plans and Safety Plans at regular intervals and following an incident to ensure that every pupil with disability related needs is receiving appropriate accommodation up to the point of undue hardship.

Other preventative practices include:

- Human Rights strategy pursuant to PPM 119;
- Anti-bullying and violence prevention programs;
- Mentorship programs;
- Student success strategies;
- Character education;
- Citizenship development;
- Student leadership;

- Promoting healthy student relationships; and
- Promoting healthy lifestyles.

Consistent with *PPM 149*, the Board will also ensure that parents/guardians of pupils are aware of the various supports available for the linguistic, ethno-cultural and disability related needs of pupils and their immediate families by providing information on the website (www.smcdsb.on.ca).

Early and Ongoing Intervention Strategies

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

- Contact with pupil's parent/guardian;
- Oral reminders;
- Review of expectations;
- Written work assignments addressing the behaviour that have a learning component;
- Volunteer services to the school community;
- Conflict mediation and resolution;
- Peer mentoring;
- Referral to counselling; and/or,
- Consultation between two (2) or more of the parties.

In all cases where ongoing intervention strategies are used, the pupil's parents/guardians should be consulted.

The teacher, principal or vice-principal should keep a record for each pupil with whom intervention strategies are utilized. The record should include:

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/or,
6. Contact with the pupil's parent/guardian (unless the pupil is an adult pupil).

Addressing Inappropriate Behaviour

If a pupil has displayed inappropriate behaviour, the principal or vice-principal may utilize a range of interventions, supports, and consequences that (1) are 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:

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;
3. Any act considered by the principal to be contrary to the Board or school Code of Conduct; and
4. Any act listed in *Section 306* or *Section 310* of the *Education Act*, or in this Procedure.

If a pupil has engaged in inappropriate behaviour, the principal or designate may choose to use a progressive discipline strategy to address the infraction including:

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

Factors to Consider Before Deciding to Utilize a Progressive Discipline Approach to Address Inappropriate Behaviour

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

1. Consider the particular pupil and circumstances, including the mitigating or other factors as defined below;
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/guardian (unless the pupil is an adult pupil).

Mitigating Factors as Prescribed by Ontario Regulation 472/07

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 their behaviour;
2. Whether the pupil has the ability to understand the foreseeable consequences of their 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 as Prescribed by Ontario Regulation 472/07

1. The pupil's academic, discipline and personal history;
2. Whether other progressive discipline has been attempted with the pupil, and if so, the progressive discipline approach(es) that has/have been attempted and any success or failure;
3. Whether the infraction for which the pupil might be disciplined was related to any harassment of the pupil because of race, colour, ethnic origin, place of origin, religion, creed, disability, gender or gender identity, sexual orientation or harassment for any other reason related to an immutable characteristic;
4. The impact of the discipline on the pupil's prospects for further education;
5. The pupil's age;
6. Where the pupil has an IEP or disability related needs,
 - a. Whether the behaviour causing the incident was a manifestation of the pupil's disability;
 - b. Whether appropriate individualized accommodation has been provided to the point of undue hardship;
 - c. Whether a suspension is likely to result in aggravating or worsening the pupil's behaviour or conduct or whether a suspension is likely to result in a greater likelihood of further inappropriate conduct; and,
7. Whether or not the pupil's continuing presence at the school creates an unacceptable risk to the safety of anyone in the school.

If the pupil's continuing presence in the school creates an unacceptable risk to the safety of others in the school, then a progressive discipline approach may not be appropriate.

Record

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

1. Name of the pupil;
2. Date of the incident or behaviour;
3. Nature of the incident or behaviour;
4. Considerations taken into account;
5. Progressive discipline approach used;
6. Outcome; and,
7. Contact with the pupil's parent/guardian (unless the pupil is an adult pupil).

4. RESPONDING TO INCIDENTS

The Board is committed to supporting safe learning and teaching environments in which every pupil can reach their full potential. Appropriate action must consistently be taken by schools to address behaviours that are contrary to provincial, Board and school Codes of Conduct, and the *Education Act*.

Responses to infractions or suspected infractions shall be made in a timely, supportive and sensitive manner and made in an effort to stop and correct the behaviour. in a manner that is developmentally appropriate and takes into consideration any special and/or disability related needs that the pupil might exhibit or about which the employee might be aware. Responses may include one or more of:

1. asking the pupil to stop the behaviour;
2. identifying the behaviour as inappropriate and disrespectful;
3. explaining the impact of the behaviour on others and the school climate;
4. modelling appropriate communication;
5. asking the pupil for a correction of their behaviour by restating or rephrasing their comments;
6. asking the pupil to apologize for their behaviour;
7. asking the pupil to promise not to repeat their behaviour;
8. asking the pupil to explain why and how a different choice with respect to their behaviour would have been more appropriate and respectful.

A response by staff to the incident shall not prevent or preclude the principal or vice-principal from imposing appropriate progressive discipline.

5. DISCLOSURE OF STUDENTS' PERSONAL INFORMATION

Pursuant to *Section 266* of the *Education Act*, a student's Ontario Student Record ('OSR') is privileged and only available to the supervisory officer, the principal, teachers and designated early childhood educators for the improvement of instruction and other education of the pupil. The contents of a student's OSR may only be disclosed for any other purpose with the consent of the pupil's parent/guardian or the Adult Pupil.

6. REPORTING SUSPENSION & EXPULSION INFRACTIONS TO THE PRINCIPAL

The infractions for which a suspension may be imposed by the principal are as follows:

1. Uttering a threat to inflict serious bodily harm on another person;
2. Possessing alcohol, recreational cannabis, illegal and/or restricted drugs;
3. Being under the influence of alcohol;recreational cannabis, illegal and/or restricted drugs;
4. Swearing at a teacher or at another person in a position of authority;
5. Committing an act of vandalism that causes extensive damage to school property at the 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 members of the school community;
9. Any act considered by the principal to be contrary to the Board or school *Code of Conduct*;
10. An activity that is motivated by bias, prejudice or hate based on race, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, sexual orientation, gender identity, gender expression, or any other similar factor;
11. Opposition to authority;
12. Habitual neglect of duty;
13. Fighting;
14. Swearing and/or the use of profane language; and/or,
15. Smoking and/or vaping on school property.

The infractions for which a principal may consider recommending to the Board that a pupil be expelled from the pupil's school or from all schools of the Board are as follows:

1. Possessing a weapon, including possessing a firearm or knife;
2. Using a weapon to cause or to threaten bodily harm to another person;
3. Committing physical assault on another person that causes bodily harm requiring treatment by a medical practitioner;
4. Committing sexual assault;
5. Trafficking in weapons, illegal or restricted drugs;
6. Committing robbery;
7. Giving alcohol, recreational cannabis, illegal and/or restricted drugs to a minor;
8. Bullying if,
 - i. the student has previously been suspended for engaging in bullying, and
 - ii. the student's continuing presence in the school creates an unacceptable risk to the safety of another person
9. Any activity listed in subsection 305 (1) of the Education Act that is motivated by bias, prejudice or hate based on race, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, sexual orientation, gender identity, gender expression, or any other similar factor.
10. An act considered by the principal to be significantly injurious to the moral tone of the school and/or to the physical or mental well-being of others;
11. A pattern of behaviour that is so inappropriate that the pupil's continued presence is injurious to the effective learning and/or working environment of others;
12. Activities engaged in by the pupil on or off school property that cause the pupil's continuing presence in the school to create an unacceptable risk to the physical or mental well-being of other person(s) in the school or Board;
13. Activities engaged in by the pupil on or off school property that have caused extensive damage to the property of the Board or to goods that are/were on Board property;
14. The pupil has demonstrated through a pattern of behaviour that they have not prospered by the instruction available to them and that they persistently resistant to making changes in behaviour which would enable them to prosper;

15. Any act considered by the principal to be a serious violation of the requirements for pupil behaviour and/or a serious breach of the Board or school Code of Conduct; or,
16. Where a pupil has no history of discipline or behaviour intervention, or no relevant history, a single act, incident or infraction considered by the principal to be such a serious and egregious violation of the expectations of pupil behaviour and/or a serious breach of the Board or school Code of Conduct that no other disciplinary response would be appropriate.

Any employee of the Board who becomes aware that a pupil of a school of the Board may have engaged in an activity for which a suspension may be imposed under the *Act* shall report the matter to the principal of the school at the earliest opportunity.

Early childhood educators in board-operated extended-day programs, as well as employees and contractors of third-party operators must report an infraction to the principal as soon as reasonably possible.

A written report in the form [Appendix 2A Safe Schools Incident Reporting Form – Part 1](#) must be submitted to the principal or acting delegate when it is safe to do so and no later than the end of the school day or the end of the transportation run, if reported by a transportation provider. An acting delegate who receives the Form – Part 1 shall provide it to the principal at the earliest opportunity.

Once the Form is received, the principal will assign a report number to the Form and acknowledge the receipt of the Form in writing by returning to the employee or transportation provider [Appendix 2B Safe Schools Incident Reporting Form – Part 2](#). On the Form the principal will identify whether or not action was taken. No information identifying pupils will be included on Form - Part 2.

Where the Form - Part 2 indicates that action has been taken, the employees, including the principal or transportation provider, may destroy the Form – Part 2, but if they choose to retain it, it must be retained in a secure location for at least twelve (12) months. The principal/vice-principal shall retain their copy of the Form – Part 1 for the balance of the school year, and the following school year, at which time it shall be destroyed unless the matter has become the subject of a legal proceeding, including an Application to *The Human Rights Tribunal of Ontario*, or the Child and Family Services Review Board in which case Form – Part 2 shall be retained until the proceeding is finally decided.

In circumstances in which action is taken by the principal or vice-principal with respect to the alleged incident, and pupil who has been disciplined, a copy of Form – Part 1 shall be filed in that pupil's Ontario Student Record (OSR) for at least the balance of the school year and for the following school year, unless the Form – Part 1 is removed from the OSR in accordance with s.266 of the *Education Act*, or as the result of a suspension withdrawal, suspension overturned on appeal, expulsion appeal, or settlement or final determination of an appeal / review / proceeding / action / claim / application. The principal/vice-principal shall ensure that all information contained in the Form – Part 1 that could identify other pupils has been redacted (removed/blacked-out) before it is filed in the OSR of the pupil who has been disciplined. When action is taken against more than one pupil, the Form – Part 1 shall be filed in each pupil's OSR, as above, with all identifying information about other pupils redacted.

Where the victim has NOT demonstrated any inappropriate behaviour during the incident, the Form – Part 1 shall only be filed in the victim’s OSR, with the consent of the victim’s parent/guardian or if the victim is an adult pupil, the victim’s consent is required before Form – Part 1 is filed in the pupil’s OSR.

In circumstances where Form – Part 1 is destroyed, it must be destroyed in a manner that protects the privacy of all personal information that may be contained therein.

In circumstances where Form – Part 1 is retained but not filed in a pupil’s OSR, it must be stored in a secure cabinet, and measures must be taken to ensure access is limited and that all personal information is protected as private. Where a proceeding has been undertaken, the Form – Part 1 shall be retained until such proceeding or application has been finally resolved.

If the principal has identified the incident as violent, and if the student engaged in the incident is a student of the school, the reporting form must be retained in that student’s OSR for:

- one year, if the student’s suspension was quashed or withdrawn and the record of suspension expunged. Documentation of any other action taken (other than suspension or expulsion) must also be retained for this period;
- three years, if the student was suspended for the violent incident;
- five years, if the student was expelled for the violent incident.

Each year the principal shall review with all staff their duty to report as outlined above. This review shall include instructions regarding the completion of the Form – Part 1 and the receipt and destruction of the Form – Part 2.

7. NOTIFICATION

Notifying the Parent/Guardian

Following an incident for which the principal shall be considering imposing a suspension under *Section 306* of the *Act*, or a suspension pending investigation into whether to recommend expulsion under *Section 310* of the *Act*, the principal shall provide information to the parent/guardian of the victim, unless in the opinion of the principal providing information to the victim’s parent/guardian would put the victim at risk of harm and would not be in the victim’s best interest, or the victim is an Adult Pupil. Where the victim is an Adult Pupil, the principal shall inform the parent/guardian only with the victim’s consent.

When notifying the parent/guardian of the pupil who has been the victim of an incident, the principal shall identify the nature of the incident that caused the pupil harm, the nature of the harm to the pupil. The principal shall outline steps being taken by the school to protect the pupil’s safety, including the nature of any disciplinary measures taken in response to the activity, and the supports that will be provided to the pupil in response to the harm that resulted from the activity. These measures might

include the development of a Safety Plan and/or prevention strategies identified in this procedure. The principal shall, as appropriate, recommend a referral for the pupil to receive counselling support.

In addition, where the victim has been harassed, bullied or suffered violence or has been sexually assaulted, the principal or vice-principal shall share contact information about professional supports such as community agencies, public health facilities that the victim and the victim's parent/guardian may access for information, assistance and support. A written list of community contacts will be made available to the victim and/or the victim's parent/guardian. This list shall also be available on the Board's website. If the victim requires support for linguistic, ethno-cultural or disability related needs, information about community supports that are available shall also be shared with the victim and/or the victim's parent/guardian in a form accessible to the parent/guardian.

The principal may communicate to the victim's parent/guardian any school wide initiatives or preventative progressive discipline measures that have been, or will be, implemented as a result of the incident and/or other similar incidents. The principal may communicate whether or not formal discipline was imposed on the pupil(s) disciplined. The principal or vice-principal shall NOT identify the names of the pupil(s) disciplined, or confirm the identity of the pupil(s) disciplined nor shall the principal provide other personal information about the pupil(s) disciplined such that their personal identity might be determined or confirmed.

The information about supports for the pupil provided to the parent/guardian shall be summarized in written form, which shall also include a copy of the contact information for the superintendent.

A copy of the written summary, including a copy of any Safety Plan, shall be provided to the parent/guardian and the superintendent.

Principal or vice-principal is required to notify the parent/guardian of a student who has engaged in an activity that has resulted in harm. A principal shall not notify the parent/guardian of an Adult Pupil without the pupil's consent, or where the principal is of the opinion that to notify a parent/guardian would put the pupil at risk or harm from their parent/guardian. Principals shall disclose the following information:

- the nature of the activity that resulted in harm to the other student
- the nature of the harm to the other student
- The steps taken to protect the pupil's safety, including the nature of any disciplinary measures taken in response to the activity
- the supports that will be provided for the student in response to the harm that resulted from the activity.

When notifying parent/guardian of these incidents, the principal or vice-principal must invite parent/guardian to have a discussion with them about the supports that will be provided to their child.

8. **EXCLUSION**

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

A temporary exclusion from a class or 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, the *Ontario Human Rights Code* in instances where in the principal's judgement the student's presence in the school or classroom would be detrimental to the physical or mental well-being of the pupils.

An exclusion under *S.265(1)(m)* of the *Act* is a temporary and extraordinary measure that should only be imposed as a last resort, after all available strategies to facilitate the student's continued attendance have been exhausted. An exclusion shall be for the minimum time necessary for the school to develop a safe return-to-school plan. The Board has an ongoing obligation to provide educational services to students who are temporarily excluded from attending their class or school.

A pupil is NOT excluded from a class or from the school pursuant to *section 265(1)(m)* of the *Education Act* in circumstances where the parent/guardian and the principal, in consultation with the superintendent, AGREE that, as an accommodation and in the best interests of the pupil, the pupil's educational program should be modified such that the pupil is not participating in one or more specific class(es) or is excused from attending school for part or all of the school day during a specific period of time and/or during a specific school event or series of school events.

A pupil is NOT excluded from a class pursuant to *section 265(1)(m)* of the *Education Act* by virtue of serving a detention or in-school suspension in another part of the school as part of progressive discipline that has been imposed by the principal or designate.

Refer to Exclusion Appeal Process in Section L below.

9. **MONITORING & REVIEW**

Schools and their Safe Schools Teams have an important role in assisting with monitoring, review and improvement of the effectiveness of safe schools policies and procedures.

Every two years schools are required to address issues of bullying, gender based violence, homophobia, sexual, racial and disability related harassment and inappropriate sexual behaviour in their school improvement plans and to evaluate the effectiveness of safe schools policies, procedures and programs through the use of school climate surveys.

Climate surveys shall be conducted by the school every two years to provide parents/guardians, school staff and pupils in accordance with the *Education Act* and Ministry of Education guidelines.

The results of climate surveys shall be shared with Safe and Accepting School Teams in order to assist the Teams to build strategies in school improvement plans to improve the school climate deficits identified. Safe School Teams must include one non-teaching staff member and the chair of the team must be a staff member, and may be the principal or vice-principal.

10. **DELEGATION OF AUTHORITY**

Whenever possible, the Board will attempt to have an administrator present on school property.

A principal may delegate in writing authority for student discipline matters to a vice-principal, teacher-in-charge or an early childhood educator, as further outlined below.

Those who are delegated authority for discipline matters must respect and implement their duties and decisions and any restrictions or limitations imposed on the scope of duties delegated, in accordance with the *Education Act*, Board policies and procedures and the *Ontario Human Rights Code*.

Delegation of Authority to a Vice-Principal

Vice-principals may be delegated authority by the principal to receive oral and written reports of suspension and expulsion infractions from Board employees and transportation providers in accordance with this procedure, and to report infractions to the Police in accordance with the Police/School Board Protocol.

Vice-principals may be delegated authority by the principal to conduct an investigation and/or inquiry when an infraction has occurred requiring further information before further action can be taken.

A vice-principal may be delegated authority to consider and implement progressive discipline measures following the investigation of an incident, which has occurred on school property, or during a school activity or in circumstances having an impact on the school climate and that by its nature does not require the principal to consider imposing a suspension and does not require the principal to consider imposing a suspension pending an inquiry for the purposes of recommending an expulsion.

A vice-principal may be delegated authority to impose a suspension of five (5) or fewer days in accordance with these procedures.

A vice-principal may be delegated authority to create and facilitate all aspects of the Student Action Plan process when a pupil has been suspended for five (5) or more days or when a pupil who is referred to the Discipline Committee of the Board for expulsion.

A vice-principal may be delegated authority to notify a parent/guardian of a pupil who has been the victim of an incident in accordance with the notification provisions outlined in these procedures, including an incident that might lead to a suspension or recommendation for expulsion. The vice-principal may communicate the supports being provided for the victim, such as a Safety Plan, as

well as any other Board and community supports in accordance with these procedures. A vice-principal may be delegated authority to develop a victim's Safety Plan.

A vice-principal may be delegated authority to develop a Transition Plan for a pupil where a decision has been made by the superintendent in consultation with the principal that the pupil must be transferred to another school in accordance with these procedures following an incident. The vice-principal may also be delegated responsibility for organizing and conducting the transfer meeting.

The principal may delegate the performance of one or more of the above noted responsibilities to a vice-principal to be performed by the vice-principal despite the principal's presence in the school.

Despite authority to conduct investigations and inquiries, as noted above, where, in the vice-principal's opinion, the allegations might attract discipline requiring a suspension of five (5) or more days, the vice-principal shall consult with and/or receive direction from the principal or superintendent throughout the investigation process.

A vice-principal may not be delegated the power to impose a suspension of more than five (5) days or make the final decision with respect to recommending to the Board that a pupil be expelled.

Delegation of Authority to Teacher-In-Charge

Written delegation of authority to a teacher-in-charge will only come into effect if the principal and vice principal(s) are absent from the school property.

A teacher-in-charge may be delegated authority by the principal to receive reports about suspension and expulsion infractions from Board employees and transportation providers, in which case, the teacher-in-charge shall at the earliest opportunity inform the principal and, in the absence of the principal (where the principal is unavailable for 3 or more days), inform the superintendent.

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

A teacher-in-charge may be delegated authority by the principal to conduct an initial investigation when an infraction has occurred requiring further information before action can be taken and report their findings to the principal at the earliest opportunity. When it appears that the incident might attract discipline in the form of suspension or expulsion, the teacher-in-charge shall NOT proceed to investigate, but shall at the earliest opportunity provide the principal, and in the absence or unavailability of the principal the superintendent, with a detailed written and oral account of the steps taken and information determined up to that point.

All incidents on school property occurring during a school related activity or having an impact on school climate that might result in suspension or suspension and a recommendation for expulsion shall be reported by the teacher-in-charge to the principal, at the earliest opportunity, and in the absence or unavailability of the principal for 3 or more days, the superintendent.

In such circumstances, the teacher-in-charge may be delegated authority to provide information to the parent/guardian of a pupil, who is NOT an adult pupil and where the teacher-in-charge is NOT of the opinion that informing the parent/guardian would put the pupil at risk of harm, about the fact that harm has been caused and the nature of the harm that has occurred. The teacher-in-charge shall also inform the parent/guardian that, at the earliest opportunity, an administrator will contact the parent/guardian to provide further information about the activity causing harm and the steps that will be taken to support the victim and ensure the victim's safety. The teacher-in-charge may inform a parent/guardian of an adult pupil if that pupil consents to the disclosure of information.

A teacher-in-charge shall NOT be delegated authority to share with the parent/guardian of a victim the name of the suspected perpetrators and/or the discipline measures that might be taken by the school to address the infraction.

The teacher-in-charge may be delegated authority to consider and implement progressive discipline measures following the investigation of an incident, which has occurred on school property, during a school activity, or in circumstances having an impact on the school climate, that by its nature does not require the principal to consider imposing a suspension and does not require the principal to consider imposing a suspension pending an inquiry for the purposes of recommending an expulsion.

A teacher-in-charge shall not be delegated authority to suspend a pupil.

If at any time the teacher-in-charge is uncertain or uncomfortable about the duties that have been delegated, the teacher-in-charge should take immediate steps to contact an administrator. In emergency circumstances, where an administrator is not available, the teacher-in-charge shall contact the emergency administrator who has been identified as a resource.

Written notice identifying the authority being delegated to the teacher-in-charge, the timeframe for the delegation of the authority and the resources available to the teacher in charge must be provided.

When a teacher-in-charge has been identified to assume duties for a particular time frame, communication by internal electronic mail shall be provided to all staff members of the school, who are anticipated to be in attendance during the particular timeframe, identifying the name of the teacher-in-charge and the timeframe for the administration's absence.

Board-Operated Extended-Day Programs

The principal's authority under Part XIII of the *Education Act* may only be delegated in writing to early childhood educators (ECEs) working in board-operated extended-day programs and their supervisors, in the absence of the principal and vice-principal. The delegated authority is only exercised with respect to a student enrolled in an extended-day program in the school, and is only exercised during

the time that the extended-day program is operated in the school. The delegation of authority must respect the terms of all applicable collective agreements.

ECEs working in board-operated extended-day programs, and their supervisors, may be delegated the authority to initially deal with situations involving activities that occur that must be considered for suspension or expulsion. The most important consideration in these circumstances is the safety of those involved. Any initial investigation must be undertaken according to board direction. The ECE or supervisor must report all details of the initial investigation to the principal as soon as possible.

The ECE or supervisor must report to the principal any activities that must be considered for suspension or expulsion that are received from staff or others during the principal's absence. ECEs working in board-operated extended-day programs, and their supervisors, may not be delegated authority regarding suspension decisions or recommendations regarding expulsion of students.

ECEs working in board-operated extended-day programs, and their supervisors, may be delegated limited authority to contact the parent/guardian of a student who has been harmed as the result of a serious student incident and the parent/guardian of the student who has engaged in the activity. The information provided to the parent/guardian by the ECE or supervisor must be limited to the nature of the harm to the student and the nature of the activity that resulted in the harm. The ECE or supervisor must not be delegated the authority to discuss the nature of any disciplinary measures taken in response to the activity.

If the ECE or supervisor is not sure whether they should call the parent/guardian, they should contact the principal or supervisory officer for direction. The principal or vice-principal will follow up with the parent/guardian as soon as possible.

11. SUSPENSION OF PUPIL

Suspension Infractions under Section 306(1) of the Education Act

When a principal investigation of an incident, which should include consultation with the adult pupil or the pupil's parent/guardian and pupil, determines that a pupil has committed one or more infractions outlined below on school property, during a school-related activity or event, and/or in circumstances where the infraction has an impact on the school climate, a principal will consider whether that pupil should be suspended, taking into account any mitigating and other factors that might be applicable in the circumstances.

A student in Junior Kindergarten, Kindergarten or Grade 1, 2 or 3 shall not be suspended under *section 306* of the *Act* for engaging in an activity described in *subsection 306 (1)* of the *Education Act*; infractions are listed below.

The principal will also contact the police consistent with the Police-School Protocol if the infraction the pupil is suspected of committing requires such contact. When in doubt, the principal will consult with their superintendent.

The infractions for which a suspension under this section may be imposed by the principal include:

1. Uttering a threat to inflict serious bodily harm on another person;
2. Possessing alcohol, recreational cannabis, illegal and/or restricted drugs;
3. Being under the influence of alcohol, recreational cannabis, illegal and/or restricted drugs;
4. Swearing at a teacher or at another person in a position of authority;
5. Committing an act of vandalism that causes extensive damage to school or board 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;
9. Any act considered by the principal to be contrary to the Board or school Code of Conduct;
10. An activity that is motivated by bias, prejudice or hate based on race, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, sexual orientation, gender identity, gender expression, or any other similar factor;
11. Opposition to authority;
12. Habitual neglect of duty;
13. Fighting;
14. Swearing and/or the use of profane language; and,
15. Smoking and/or vaping on school property.

A pupil may be suspended only once for each incident of an infraction and may be suspended for a minimum of one (1) school day and a maximum of twenty (20) school days. Suspensions should be applied in the least restrictive manner possible to be effective and so as not to add to the historical disadvantage of racialized pupils and/or pupils with disabilities.

Principals must suspend a student for bullying and consider referring that student for expulsion if (1) the student has previously been suspended for bullying, and (2) the student's continuing presence in the school creates, in the principal's opinion, an unacceptable risk to the safety of another person. When both of these conditions are met, the principal must suspend the student and consider referring the student for an expulsion hearing.

Principals must also suspend a student, and consider referring that student for expulsion, for any incident under subsection 306(1) of the *Education Act*, including bullying, that is motivated by bias, prejudice, or hate based on race, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, sexual orientation, gender identity, gender expression, or any other similar factor (e.g. socio-economic status, appearance).

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 (if the pupil is not an adult pupil) to identify whether any mitigating and/or other factors might apply in the circumstances.

Mitigating Factors

The mitigating factors to be considered by the principal before deciding whether to impose a suspension and the length of a suspension are:

1. Whether the pupil has the ability to control their behaviour;
2. Whether the pupil has the ability to understand the foreseeable consequences of their 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 their behaviour or does not understand the foreseeable consequences of their behaviour. Other progressive 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 shall consult with their 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

The following other factors shall be taken into account if they would mitigate the seriousness of the activity for which the pupil may be or is being suspended:

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, place of origin, religion, creed, disability, gender or gender identity, sexual orientation or other immutable characteristic or harassment for any other reason;
4. The impact of the discipline on the pupil's prospects for further education;
5. The pupil's age;
6. Where the pupil has an IEP or disability related needs:
 - a. Whether the behaviour causing the incident was a manifestation of the pupil's disability;

- b. Whether appropriate individualized accommodation has been provided to the point of undue hardship; and
 - c. Whether a suspension is likely to result in aggravating or worsening the pupil's behaviour or conduct or whether a suspension is likely to result in a greater likelihood of further inappropriate conduct; and,
7. Whether or not the pupil's continuing presence at the school creates an unacceptable risk to the safety of anyone in the school.

Progressive Discipline

In reviewing whether progressive discipline approach(es) has/have been attempted with the pupil, and if so, the progressive discipline approach(es) that has/have been attempted and any success or failure, the principal shall consider the following:

1. Whether early and/or ongoing intervention strategies have been used to prevent unsafe or inappropriate behaviours, such as:
 - contact with the pupil's parent/guardian;
 - oral reminders;
 - review of expectations;
 - written work assignments with a learning component;
 - assigning the pupil to volunteer services to the community;
 - conflict mediation and resolution;
 - peer mentoring;
 - referral to counselling; and/or,
 - consultation between two (2) or more of the parties.
2. Whether a progressive discipline approach has been used to address inappropriate behaviour for which a suspension could have been imposed, such as:
 - meeting(s) with the pupil's parent/guardian, pupil, and principal;
 - referral of pupil to a community agency for anger management or substance abuse counselling;
 - detentions;
 - withdrawal of privileges;
 - withdrawal from class;
 - restitution for damages;
 - restorative practices; and/or,
 - transfer to another class or school.

Factors Mitigating Decision to Suspend

The mitigating and other factors, noted above, may be applied to mitigate the decision to suspend or may be applied to mitigate the length of the suspension imposed. In circumstances where one or more of the factors above mitigate the decision to apply a suspension as a form of discipline for the pupil, the principal may consider whether other progressive discipline and/or other intervention is appropriate in the circumstances.

Consultation

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

1. Whether or not accommodation pursuant to the Human Rights Code has been considered, and where applicable, applied to the point of undue hardship;
2. The investigation undertaken;
3. The circumstances of the incident;
4. Whether or not one or more of the factors outlined above are applicable in the circumstances; and,
5. The appropriate length of the suspension.

School Work

A pupil who is subject to a suspension of five (5) or fewer school days must be provided with school work to complete at home while serving the suspension. The school work must be available as of 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 two (2) or more school days the principal shall ensure that the school work provided to the pupil will be available the day the pupil is suspended or the following school day.

In addition to receiving school work for the first five (5) school days of suspension, a pupil who is subject to a suspension of six (6) or more school days must be assigned to a Long-Term Suspension Program (LSP). A pupil participating in an LSP 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 effect the following procedural steps:

1. Within 24 hours of the decision, the principal must make all reasonable efforts to orally inform the adult pupil or the pupil's parent/guardian of the suspension;

2. The principal must inform the pupil's teacher(s) of the suspension;
3. The principal in conjunction with the pupil's teacher(s) must organize school work to be provided for the pupil to be completed during the duration of the pupil's suspension;
4. The principal must provide written notice of the suspension to the pupil, the pupil's parent/guardian (unless the pupil is an adult pupil) and the superintendent;
5. The written notice of suspension will include:
 - a) The reason for suspension;
 - b) The duration of the suspension, including the pupil's date of return to school;
 - c) Information about the LSP the pupil is assigned to, where the pupil is suspended for six (6) or more school days; and,
 - d) Information about the right to appeal the suspension, including the relevant policies and guidelines and the contact information for the *Superintendent of Safe Schools*; (see suspension letter template attached as [Appendix 1](#))

Every effort should be made to include the school work with the letter of suspension to the pupil and the pupil's parent/guardian (unless the pupil is an adult pupil) on the day the pupil is suspended. If it is not possible to provide the letter because the pupil and/or the pupil's parent/guardian is not available, the letter should be mailed, couriered, faxed or emailed to the home address that day and school work should be made available for the adult pupil's designate or pupil's parent/guardian or designate to pick-up from the school the following school day.

- 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.

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 a principal shall complete Safe Schools Incident Reporting Form in the pupil's Ontario Student Record. (attached as [Appendix 2A](#) & [Appendix 2B](#))

Alternative Suspension Program

Where a pupil has been suspended for six (6) or more school days the pupil will be provided with school work for the first five (5) school days or until the LSP commences, whichever is earlier, and will be assigned an alternative program for pupils subject to lengthy suspension (Long-Term Suspension Program or LSP). The principal shall communicate to the adult pupil or parent/guardian the purpose and nature of the LSP.

A pupil cannot be compelled to participate in an LSP. Should the adult pupil or a pupil's parent/guardian choose not to have the pupil participate in an LSP, the pupil will continue to be provided with school work consistent with the Ontario curriculum or that pupil's modified or alternative curriculum to be completed at home for the duration of **the** suspension. This school work will be available at the school for pick-up by the adult pupil's designate or the pupil's parent/guardian or

designate at regular intervals during the suspension period. In circumstances where the school work is not picked up, the principal should contact the adult pupil or the pupil's parent/guardian to determine whether the school work will be picked up. The principal should record the follow-up and response.

A Student Action Plan (SAP) shall be developed for every pupil subject to a suspension of six (6) or more school days who agrees to participate in an LSP.

Agreement or refusal to participate in an LSP may be communicated to the school orally by the adult pupil or the pupil's parent/guardian. Where the adult pupil or pupil's parent/guardian declines the offer to participate in an LSP, 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 LSP, the principal of the school shall hold a planning meeting for the purpose of developing the SAP:

- The adult pupil or pupil's parent/guardian and the pupil (where appropriate) as well as any appropriate teaching and support staff (where available and appropriate) will be invited to participate in the planning meeting. The adult pupil or pupil's parent/guardian shall be invited for the purpose of providing input;
- The planning meeting will be scheduled to occur within two (2) school days of the adult pupil or the pupil's parent/guardian informing the school that the pupil will participate in an LSP;
- If the adult pupil or the pupil's parent/guardian are not available to participate in the planning meeting, the meeting will proceed in their absence and a copy of the SAP will be provided to them following the meeting;
- During the planning meeting the principal shall review the issues to be addressed in the pupil's SAP.

Student Action Plan

A pupil subject to suspension for eleven (11) or more school days will be provided with both academic and non-academic supports, which shall be identified in the pupil's SAP. Pupils subject to a suspension of fewer than eleven (11) school days may be offered non-academic supports where such supports are appropriate and available.

- The SAP shall be developed under the direction of the principal of the school with assistance, as appropriate, from the vice-principal of the school, guidance counsellor, special education teacher, classroom teacher(s), Chaplaincy Team Leader (secondary schools), and/or social worker/school counsellor or other appropriate person(s).
- The principal will make every effort to complete the SAP within five (5) school days following the adult pupil or the pupil's parent/guardian informing the school that the pupil will participate in an LSP.

- This timeline will be communicated to the adult pupil and/or the pupil's parent/guardian if they are unable to attend the planning meeting for the purpose of providing input.
- The principal must ensure that the pupil is provided with school work until the SAP is in place.
- Once completed, the SAP will be shared with the adult pupil, or the pupil's parent/guardian and the pupil and all necessary staff to facilitate implementation.
- A copy of the SAP will be stored in the pupil's Ontario Student Record until such time as it is no longer conducive to the improvement of instruction of the pupil.
- The SAP will identify:
 1. The incident for which the pupil was suspended;
 2. The progressive discipline steps taken prior to the suspension, if any;
 3. Any other discipline measures imposed in addition to the suspension;
 4. Any other disciplinary issues regarding the pupil that have been identified by the school;
 5. Any learning needs or other needs that might have contributed to the underlying infraction resulting in discipline;
 6. Any program(s) or service(s) that might be provided to address those learning or other needs;
 7. The academic program to be provided to the pupil during the suspension period and details regarding how that academic program will be accessed by the pupil;
 8. Where the pupil has an IEP and/or disability related needs, information regarding how the accommodations/modifications of the pupil's academic program will be provided during the period of suspension;
 9. The non-academic program and services to be provided to the pupil, if applicable, during the suspension and details regarding how that non-academic program and those services will be accessed; and,
 10. The measurable goals the pupil will be striving to achieve during the period of suspension.

Suspension Appeal Process

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

All suspension appeals will be received in writing by the *Superintendent of Safe Schools*.

- An appeal of a suspension does not stay the suspension.
- A person who intends to appeal a suspension must give written notice of their intention to appeal the suspension within ten (10) school days of the commencement of the suspension.
- The superintendent may extend the 10 school day appeal deadline if the person appealing requests an extension to accommodate their disability.
- The board must hear and/or determine the appeal within fifteen (15) school days of receiving the notice of intention to appeal (unless the parties agree to an extension).

Upon receipt of written notice of the intention to appeal the suspension, the *Superintendent of Safe Schools*:

1. Will promptly advise the school principal of the appeal;
2. Will promptly advise the adult pupil or the pupil's parent/guardian that a review of the suspension will take place and invite the appellant to contact the *Superintendent of Safe Schools* to discuss any matter respecting the incident and/or appeal of the suspension;
3. Will review the suspension (reason, duration, any mitigating or other factors, and whether or not the Human Rights Code should be or was appropriately applied);
4. May consult with the principal and superintendent regarding modification or expunging the suspension;
5. Will request a meeting with the adult pupil or the pupil's parent/guardian and the principal to narrow the issues and try to effect a settlement, and arrange a date for the appeal before the Discipline Committee; and
6. Will, where a settlement is not effected, provide notice of the review decision to the adult pupil or pupil's parent/guardian. (see the template letter Suspension Review Decision at [Appendix 4](#))

Where the suspension is upheld on review and the adult pupil or pupil's parent/guardian chooses to continue with the appeal, the *Superintendent of Safe Schools* will:

1. Coordinate the preparation of the principal's written report for the Board. This report will contain at least the following components:
 - a) A report prepared by the principal regarding the incident, detail of their investigation, their consideration of mitigating and other factors, and their rationale for suspension and the length of suspension;
 - 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 Safe Schools* regarding the suspension review.
2. Inform the adult pupil or the pupil's parent/guardian of the date of the Suspension Appeal, provide a guide to the process for the appeal, and a copy of the documentation that will go to the Discipline Committee. (see the template letter Notice of Suspension Appeal attached as [Appendix 5](#))
3. Ensure that the item is placed on the Discipline Committee's agenda. The parties in an appeal to the Discipline Committee shall be:
 - I. The principal; and
 - II. The adult pupil or the pupil's parent/guardian.

Suspension Appeal before the Discipline Committee of the Board

Suspension appeals will be heard orally, in camera, by the Discipline Committee of Trustees. The Discipline Committee may grant a person with daily care the authority to make submissions on behalf of the pupil. An adult pupil or pupil's parent/guardian may bring legal counsel, an advocate or support person with them to the appeal:

1. The appellant and/or the person with daily care will proceed first by making oral submissions and/or providing written submissions regarding the reason for the appeal and the result desired;
2. The pupil will be asked if they would like to make a statement on their own behalf;
3. The principal will make oral submissions including a response to any issues raised in the appellant's submissions. The superintendent/principal may rely on the report prepared for the Discipline Committee;
4. The appellant may make reply submissions responding to any issues raised in the administration's presentation that were not previously addressed by the appellant; and
5. The Discipline Committee may ask any party, or the pupil, where appropriate, questions of clarification.

Legal counsel for the Board may be present at the appeal if the appellant is represented by legal counsel or an agent.

The Discipline Committee may give procedural such directions at an appeal as it considers necessary for the maintenance of order at the appeal. Should any person disobey or fail to comply with any such direction, the Chair of the Discipline Committee may call for a recess or adjournment of the proceeding.

Where any party who has received proper notice of the location, date and time of the appeal fails to attend the appeal or comply with the necessary timelines, the appeal may proceed (after 30 minutes) in the absence of the party and the party is not entitled to any further notice of the proceedings.

The Discipline Committee will consider, based on the written and/or oral submissions of both parties, whether or not the suspension should be upheld 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 the template letter Suspension Appeal Decision at [Appendix 6A](#) or [Appendix 6B](#))

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 LSP, the pupil's success in achieving the goals outlined in the SAP will be reviewed with the adult pupil or the pupil's parent/guardian and pupil. Further programs and services might be recommended by the principal for the purpose of achieving additional or greater success in meeting the goals outlined in the SAP.

Transfer to Another School

Following an incident at the school, it might be necessary to transfer to another school the pupil who has been disciplined or victim for safety reasons and/or for compliance with an Order of the Court or police restrictions. To the extent possible, the pupil who has been disciplined rather than the victim should be transferred.

The decision to transfer a student to another school shall only be made by a superintendent in consultation with the sending and receiving school principals, and shall be made only where it is consistent with the *Ontario Human Rights Code*.

In cases where students are being transferred to another school in order to preserve school safety, boards are required to coordinate a "transfer meeting" between the school from which the student is being transferred and the receiving school. In cases where the transfer is necessary to protect a student, it is preferable that the student who has been harmed not be moved. The purpose of the transfer meeting is to put in place a transition strategy to identify any additional supports and resources that the student may require (e.g., supports provided by school-based employees of the board, by board personnel, or through a community-based service provider, including mental health services).

The meeting must include the teachers and other school staff that will have regular direct contact with the student. The student that is being moved and their parent/guardian should also be invited to the transfer meeting. Schools must make reasonable efforts to accommodate parent/guardian participation at this meeting. The transfer meeting must occur prior to the day or on the day the student is transferred. When the meeting occurs on the day the student is transferred, it must occur before the student attends class. The receiving school must also be in possession of the student's OSR prior to the occurrence of the transfer meeting, and the OSR must be available to be consulted at the meeting.

When it has been determined that a student be transferred to another school, the principal/vice-principal shall ensure that a transition plan is developed identifying any additional supports and resources required to ensure a successful transition, which may include, referrals for social work support, and/or support from community agencies as well as the development of a transitional IEP. Where the student has been subject to suspension, the transition plan shall be consistent with and coordinated with the SAP developed for suspension purposes. Where a suspendable or expellable incident has taken place that is considered to pose a potential threat of

harm to staff, a safety plan will be created through the student information system. Prior to the student commencing attendance at the new location, this safety plan will be shared with all staff as per the regular routine for sharing safety plans.

All individuals attending the meeting must be informed by the principal at the outset that the information shared during the meeting is personal information that must be kept confidential pursuant to the *Municipal Freedom of Information and Protection of Privacy Act* and/or *Education Act*.

12. **SUSPENSION PENDING POSSIBLE RECOMMENDATION FOR EXPULSION OF PUPILS**

Suspension Infractions under Section 310(1) of the Education Act

A principal *shall* suspend a pupil if they believe that the pupil has engaged in any of the enumerated activities listed below while at school, at a school-related activity or in another circumstances where engaging in the activity will have an impact on the school climate:

Notwithstanding the generality of the foregoing, the principal shall not suspend a pupil in junior kindergarten, kindergarten or grade 1, 2 or 3 for engaging in an activity enumerated in this section unless the principal has conducted an investigation respecting the allegations. Section 8(i) below does not apply to a student in JK - grade 3.

The principal shall also contact the police consistent with the Police/School Board Protocol if the infraction the pupil is suspected of committing requires such contact. The principal shall consult with their superintendent.

The enumerated activities are:

1. Possessing a weapon, including possessing a firearm or knife;
2. Using a weapon to cause or to threaten bodily harm to another person;
3. Committing physical assault on another person that causes bodily harm requiring treatment by a medical practitioner;
4. Committing sexual assault;
5. Trafficking in weapons, illegal and/or restricted drugs;
6. Committing robbery;
7. Giving alcohol, recreational cannabis, illegal and/or restricted drugs to a minor;
8. Bullying, if:
 - i. The pupil has previously been suspended for engaging in bullying; and
 - ii. The pupil's continuing presence in the school creates an unacceptable risk to the safety of another person
9. Any activity listed in subsection 306(1) of the Education Act that is motivated by bias, prejudice or hate based on race, national or ethnic origin, language, colour religion, sex age, mental or

- physical disability, sexual orientation, gender identity, gender expression, or any other similar factor.
10. An act considered by the principal to be significantly injurious to the moral tone of the school and/or to the physical or mental well-being of others;
 11. A pattern of behaviour that is so inappropriate that the pupil's continued presence is injurious to the effective learning and/or working environment of others;
 12. Activities engaged in by the pupil on or off school property that cause the pupil's continuing presence in the school to create an unacceptable risk to the physical or mental well-being of other person(s) in the school or Board;
 13. Activities engaged in by the pupil on or off school property that have caused extensive damage to the property of the Board or to goods that are/were on Board property;
 14. The pupil has demonstrated through a pattern of behaviour that they have not prospered by the instruction available to them and that they are persistently resistant to making changes in behaviour which would enable them to prosper; or
 15. Any act considered by the principal to be a serious violation of the requirements for pupil behaviour and/or a serious breach of the Board or school Code of Conduct.
 16. Where a pupil has no history of discipline or behaviour intervention, or no relevant history, a single act, incident or infraction considered by the principal to be a serious violation of the expectations of pupil behaviour and/or a serious breach of the Board or school Code of Conduct.

A pupil who is suspended under this section is suspended from their school and from engaging in all school-related activities.

Factors to Consider Before Deciding to Impose a Suspension Pending Possible Expulsion

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, and the pupil's parent/guardian, if the pupil is not an adult pupil, as part of their investigation and to assist in identifying whether any mitigating and other factors should be considered. However, despite consultation, a determination of the weight to be given to mitigating and other factors remains the responsibility of the principal.

Mitigating Factors

The mitigating factors to be considered by the principal before deciding the length of a suspension pending possible expulsion and whether to recommend expulsion, are:

1. Whether the pupil has the ability to control their behaviour;
2. Whether the pupil has the ability to understand the foreseeable consequences of their 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 their behaviour and does not understand the foreseeable consequences of their behaviour, other progressive 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 shall consult with their 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

The following other factors shall be taken into account if they would mitigate the seriousness of the activity for which the pupil is being suspended:

1. The pupil's academic, discipline and personal history;
2. Whether progressive discipline has been attempted with the pupil, and if so, the progressive discipline approach(es) that has/have been attempted and any success or failure;
3. Whether the infraction for which the pupil might be disciplined was related to any harassment of the pupil because of race, ethnic origin, religion, creed, disability, gender or gender identity, sexual orientation or any other immutable characteristic or harassment for any other reason;
4. The impact of the discipline on the pupil's prospects for further education;
5. The pupil's age;
6. Where the pupil has an IEP or disability related needs,
 - a) Whether the behaviour causing the incident was a manifestation of the pupil's disability;
 - b) Whether appropriate individualized accommodation has been provided to the point of undue hardship; and
 - c) Whether a suspension is likely to result in aggravating or worsening the pupil's behaviour or conduct or whether a suspension is likely to result in a greater likelihood of further inappropriate conduct; and,
7. Whether or not the pupil's continuing presence at the school creates an unacceptable risk to the safety of anyone in the school.

Suspension Pending Recommendation for Expulsion

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

The principal must undertake an investigation to determine if the alleged infraction has been committed, the length of the suspension and 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 effect the following procedural steps:

1. Within 24 hours of the decision, the principal must make all reasonable efforts to orally inform the adult pupil or the pupil's parent/guardian of the suspension;
2. The principal must inform the pupil's teacher(s) of the suspension;
3. The principal must provide written notice of the suspension to the adult pupil or the pupil's parent/guardian and pupil, the superintendent and *Superintendent of Safe Schools*. The written notice of suspension will include:
 - a) The reason for suspension;
 - b) The duration of the suspension;
 - c) Information about the program for suspended pupils the pupil is assigned to;
 - d) Information about the investigation the principal is conducting to determine whether to recommend expulsion; and,
 - e) A statement that there is no immediate right to appeal the suspension. Any appeal must wait until the principal decides whether to recommend an expulsion, and if the principal decides not to recommend an expulsion, a statement that the suspension may be appealed to the Discipline Committee, and if the principal decides to recommend an expulsion that the suspension may be addressed at the expulsion hearing. (see the template letter Suspension Pending Possible Recommendation for Expulsion at [Appendix 7](#))
4. Every effort should be made to include the school work with the letter of suspension to the pupil and the pupil's parent/guardian (unless the pupil is an adult pupil) on the day the pupil is suspended if the letter is provided to the pupil to take home. If it is not possible to provide the letter because the pupil and/or their parent/guardian is not available, the letter should be mailed, couriered, faxed or emailed to the home address that day and school work should be made available for the adult pupil's designate or the pupil's parent/guardian or designate to pick-up from the school the following school day.
 - If notice is sent by mail or courier, it will be deemed to have been received on the fifth school day after it was sent.
 - If notice is sent by fax or e-mail, it is deemed to have been received the first school day after it was sent.
5. Where the incident is a serious violent incident, such as possession of weapons, physical assault causing serious bodily harm, sexual assault, robbery, extortion or hate motivated violence, the principal shall complete a Violent Incident Form in the pupil's Ontario Student Record. (see the Safe Schools Incident Reporting Form attached as [Appendix 2A](#) and [Appendix 2B](#))

Alternative Suspension Program

Where a pupil has been suspended pending an investigation to determine whether to recommend an expulsion, the principal will offer to the parent/guardian/adult pupil the opportunity to participate in a Long-Term Suspension Program (LSP). The principal shall communicate to the adult pupil or the pupil's parent/guardian the purpose and nature of the LSP.

A pupil cannot be compelled to participate in an LSP. Should the adult pupil or the pupil's parent/guardian choose not to have the pupil participate in an LSP, 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 their suspension. This school work will be available at the school for pick-up by the adult pupil's designate or the pupil's parent/guardian or a designate at regular intervals during the suspension period beginning the school day after the adult pupil or the pupil's parent/guardian refuses to participate in an LSP.

A Student Action Plan (SAP) will be developed for every pupil who agrees to participate in an LSP.

Agreement or refusal to participate in an LSP may be communicated to the school orally by the adult pupil or the pupil's parent/guardian. Where the pupil or their parent/guardian declines the offer to participate in an LSP, the principal shall record the date and time of such refusal.

Planning Meeting

For pupils subject to a suspension pending an investigation to determine whether to recommend an expulsion, who choose to participate in an LSP, the principal of the school or designate will hold a planning meeting for the purpose of developing the SAP.

- The adult pupil or the pupil's parent/guardian and pupil (where appropriate) as well as any appropriate teaching and support staff will be invited to participate in the planning meeting.
- The planning meeting will be scheduled to occur within two (2) school days of the adult pupil or the pupil's parent/guardian informing the school that the pupil will participate in an LSP.
- If the adult pupil or the pupil's parent/guardian are not available to participate in the planning meeting, the meeting will proceed in their absence and a copy of the SAP will be provided to them following the meeting.
- During the planning meeting the principal or vice-principal shall review the issues to be addressed in the pupil's SAP.

Student Action Plan

A pupil subject to suspension pending an investigation to determine whether to recommend an expulsion will be provided with both academic and non-academic supports, which will be identified in the pupil's SAP.

- The SAP will be developed under the direction of the principal of the school with assistance, as appropriate, from the vice-principal of the school, guidance counsellor, special education teacher, classroom teacher, school counsellor and/or social worker.
- The principal will make every effort to complete the SAP within five (5) school days following the adult pupil or the pupil's parent/guardian informing the school that the pupil will participate in an LSP.
- This timeline will be communicated to the adult pupil or the pupil's parent/guardian if they are unable to attend the planning meeting for the purpose of providing input.
- Once completed, the SAP will be shared with the adult pupil or the pupil's parent/guardian and pupil and all necessary staff to facilitate implementation.
- A copy of the SAP will be stored in the pupil's Ontario Student Record until such time as it is no longer conducive to the improvement of instruction of the pupil.

The SAP will identify:

1. The incident for which the pupil was suspended;
2. The progressive discipline steps taken prior to the suspension, if any;
3. Any other progressive discipline measures imposed in addition to the suspension;
4. Any other disciplinary issues regarding the pupil that have been identified by the school;
5. Any learning needs or other needs that might have contributed to the underlying infraction resulting in discipline;
6. Any program(s) or service(s) that might be provided to address those learning or other needs;
7. The academic program to be provided to the pupil during the suspension period and details regarding how that academic program will be accessed by the pupil;
8. Where the pupil has an IEP or disability related needs, information regarding how the accommodations/modifications of the pupil's academic program will be provided during the period of suspension;
9. The non-academic program and services to be provided to the pupil, if applicable, during the suspension and details regarding how that non-academic program and those services will be accessed; and
10. The measurable goals the pupil will be striving to achieve during the period of suspension.

Principal's Investigation

The principal shall conduct an investigation promptly following the suspension of the pupil to determine whether the student committed the alleged infraction and the length of the suspension and whether to recommend to the Discipline Committee that the pupil be expelled from their school or from all schools of the board. As part of the investigation, the principal will consult with the superintendent and/or *Superintendent of Safe Schools* regarding any issues of process and/or timing for conducting the investigation, which must be completed at the earliest opportunity as well as the substantive decision regarding the appropriate disciplinary response. Before referring a pupil to the Discipline Committee of the Board for expulsion, the administration shall consider whether or not the recommendation might have a disproportionate impact on a pupil protected by the Human Rights Code and whether or not accommodation is required. Should the decision be made to refer the pupil to the Discipline Committee with a recommendation for expulsion, the pupil must be referred to and dealt with by the Discipline Committee within twenty (20) school days from the date of suspension (unless timelines are extended on consent).

Any police investigation will be conducted separately from the principal's inquiry and shall proceed in accordance with the Board's Police Protocol.

As part of the investigation, the principal shall:

1. Make all reasonable efforts to speak with the adult pupil or the pupil's parent/guardian and the pupil;
2. Include interviews with witnesses who the principal determines can contribute relevant information to the investigation;
3. Make every reasonable effort to interview any witnesses suggested by the pupil, or the pupil's parent/guardian;
4. Consider the mitigating and other factors listed above when determining whether to recommend to the Discipline Committee that the pupil be expelled; and,
5. Consider whether or not the pupil is protected by the Human Rights Code, and evaluate the appropriateness of the accommodation if any was provided.

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 preventative strategies and positive practices have been used.

Preventative practices include:

- Human Rights strategy pursuant to PPM 119;
- Anti-bullying and violence prevention programs;
- Mentorship programs;

- Student success strategies;
- Character education;
- Citizenship development;
- Student leadership;
- Promoting healthy student relationships; and,
- Promoting healthy lifestyles.

Positive behaviour management practices include:

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

2. Whether early and/or ongoing intervention strategies have been used to prevent unsafe or inappropriate behaviours, such as:

- Contact with the pupil's parent/guardian;
- Oral reminders;
- Review of expectations;
- Written work assignments with a learning component;
- Assigning the pupil to volunteer services to the community;
- Conflict mediation and resolution;
- Peer mentoring;
- Referral to counselling; and/or,
- Consultation between two (2) or more parties.

3. Whether a progressive discipline approach has been used to address inappropriate behaviour for which a suspension could have been imposed, such as:

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

Consultation

Before making a decision, the principal will make every effort to meet 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 progressive discipline is appropriate in the circumstances;
2. Uphold the suspension and its duration;
3. Uphold the suspension and shorten its duration and amend the record accordingly; or,
4. Withdraw the suspension and expunge the record.

If the principal has decided not to recommend an expulsion of the pupil, the principal will provide written notice of this decision to the adult pupil or the pupil's parent/guardian and pupil. The notice shall include:

1. A statement of the principal's decision not to recommend expulsion to the Discipline Committee;
2. A statement indicating whether the suspension has been upheld, upheld and shortened, or withdrawn;
3. If the suspension has been upheld or upheld and shortened, information about the right to appeal the suspension to the Discipline Committee, including:
 - a) A copy of the Board policies and guidelines regarding suspension appeals;
 - b) Contact information for the *Superintendent of Safe Schools*;
 - 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 will be an appeal of the shortened length of the suspension. (see the template letter Decision Letter Not to Recommend Expulsion at [Appendix 8](#))

An appeal of a suspension shall be heard according to the suspension appeal rules outlined in the Suspension section of this Procedure.

Recommendation to the Board for an Expulsion Hearing

If a principal, in consultation with the superintendent, determines that a referral for expulsion is warranted, the principal must refer the recommendation for expulsion to the Discipline Committee to be heard within twenty (20) school days from the date the principal suspended the pupil, unless the parties to the expulsion hearing agree upon a later date.

For the purposes of the expulsion proceeding, the principal will:

1. Prepare a report to be submitted to the Discipline Committee and provide the report to the pupil and the pupil's parent/ 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;
 - c) A recommendation of whether the expulsion should be from the school or from all schools of the Board; and,
 - d) A recommendation regarding the type of school that would benefit the pupil if the pupil is subject to a school expulsion, or the type of program that might benefit the pupil if the pupil is subject to a Board expulsion.

2. Provide written notice of the expulsion hearing to the adult pupil or the pupil's parent/guardian and pupil. The notice shall include:
 - a) A statement that the pupil is being referred to the Discipline Committee to determine whether the pupil will be expelled for the activity that resulted in suspension;
 - b) A copy of this Procedure and any additional guidelines and rules governing the hearing before the Discipline Committee;
 - c) A copy of the Board Code of Conduct and school Code of Conduct;
 - d) A copy of the suspension letter;
 - e) A statement that the pupil and/or their parent/guardian has the right to respond to the principal's report in writing; and,
 - f) Information about the procedures and possible outcomes of the expulsion hearing, including that:
 - i. If the Discipline Committee does not expel the pupil they will either confirm, confirm and shorten, or withdraw the suspension;
 - ii. Parties have the right to make submissions with respect to the suspension;
 - iii. Any decision with respect to the suspension is final and cannot be appealed;
 - iv. If the pupil is expelled from the school, they will be assigned to another school;
 - v. If the pupil is expelled from the Board, they will be assigned to a program for expelled pupils; and,
 - vi. 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 Safe Schools (see the template letter Notice of Recommendation for Expulsion at [Appendix 9](#)).

The Superintendent will:

1. Advise the Superintendent of Safe Schools involved of the general details of the incident, including actions taken or pending; and
2. Submit the principal's Report for the Discipline Committee to the Superintendent of Safe Schools.

The Superintendent of Safe Schools:

1. Shall propose a meeting with the adult pupil or the pupil's parent/guardian and pupil and the principal, as appropriate:
 - a. If a meeting is arranged, the Superintendent of Safe Schools will review the Discipline Committee process for expulsion hearings, as well as respond to any questions or concerns the pupil or the pupil's parent/guardian may have regarding the process or incident; and
 - b. If a meeting is arranged, during the meeting the Superintendent of Safe Schools may assist to narrow the issues and identify agreed upon facts and explore whether the parties could make a joint recommendation with respect to mutually satisfactory resolution to the Discipline Committee
2. Will prepare a package of documents for the Discipline Committee, which will include at least the following components:
 - a. a copy of the Principal's Report; and
 - b. a copy of the original suspension letter and the notice of expulsion sent to the adult pupil or pupil's parent/guardian.
3. Will inform the adult pupil or the pupil's parent/guardian of the date and location of the expulsion hearing, will provide a copy of the Expulsion Hearing Rules, and a copy of the documentation to go to the Discipline Committee.
4. Will ensure that the item is placed on the Discipline Committee agenda.

Hearing before the Discipline Committee

If the principal recommends expulsion, the Discipline Committee shall hold a hearing. Parties before the Discipline Committee will be:

1. The principal; and,
2. The adult pupil or the pupil's parent/guardian.

If a pupil is not a party, the pupil has the right to be present at the expulsion hearing and to make submissions on their own behalf. The Discipline Committee may grant a person with daily care the

authority to make submissions on behalf of the pupil. An adult pupil or pupil's parent/guardian may bring legal counsel, and advocate or support person with them to the expulsion hearing.

The hearing will be conducted in accordance with the Rules of the Discipline Committee and the Guideline for Expulsion Hearings:

1. The Discipline Committee shall consider oral and written submissions, if any, of all parties;
2. The Discipline Committee shall 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.

In determining whether to impose an expulsion the Discipline Committee shall consider the mitigating and other factors as outlined above:

1. The submissions and views of the parties;
2. Any written response to the principal's report provided before the completion of the hearing.

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 shall make a determination and determine whether, on a balance of probabilities, it has been established that it is more probable than not that the pupil committed the infraction.

No Expulsion

If the Discipline Committee decides not to expel the pupil, the Discipline Committee shall take the submissions of the parties into account, including mitigating and other factors, in determining whether to:

1. Uphold the suspension and its duration;
2. Uphold the suspension and shorten its duration and amend the record accordingly;
3. Quash the suspension and expunge the record such that no record of the suspension remains in the Ontario Student Record.

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 shall assign the pupil to:

- a. In the case of a pupil expelled from their school only, another school of the board; and,
- b. In the case of a pupil expelled from all schools of the board, a program for expelled students.

In determining the type of the expulsion, the Discipline Committee shall consider mitigating and other factors as listed above.

The Discipline Committee must promptly provide written notice of the decision to expel the pupil to all parties, and the pupil, if the pupil was not a party. The written notice shall include:

1. The reason for the expulsion;
2. A statement indicating whether the expulsion is a school expulsion or a Board expulsion;
3. Information about the school or program to which the pupil has been assigned; and,
4. Information about the right to appeal the expulsion, including the steps to be taken. (see the template letter Expulsion Decision at [Appendix 10A](#))

Once the principal of alternative programs has received notice that a pupil has been expelled, the pupil 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 they attend a program for expelled pupils at another school board, unless the pupil 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 readmission to a school of the Board once they have 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 shall re-admit a pupil who has satisfied the requirements and shall inform the pupil in writing of the readmission.

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 they were 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 (see the template letter Declaration of Performance at [Appendix 11](#));

4. Following consideration of the principles of equity and inclusion, the Board, in its sole discretion, may determine that a different school than the one from which the pupil was expelled is a more appropriate placement for the pupil.

Appeal of Board Decision to Expel

The adult pupil or the pupil's parent/guardian may appeal a Board decision to expel the pupil to the Child and Family Services Review Board.

The Child and Family Services Review Board is designated to hear and determine appeals of school Board decisions to expel pupils.

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

13. EXCLUSION APPEAL PROCESS

The Simcoe Muskoka Catholic District School Board (the "Board") is committed to providing and maintaining safe and healthy environments for all students.

The Board recognizes the rights of students to attend school. However, in rare circumstances, a student may pose such a significant risk to the physical and/or mental well-being of themselves or other students that, as a last resort, the Principal may determine that it is necessary to temporarily exclude a student from school.

A Principal's authority to exclude a student from school is set out in *section 265(1)(m)* of the *Education Act, R.S.O. 1990, c.E.2*, as follows:

265. (1) It is the duty of a principal of a school, in addition to the principal's duties as a teacher,

(m) subject to an appeal to the board, to refuse to admit to the school or classroom a person whose presence in the school or classroom would in the principal's judgement be detrimental to the physical or mental well-being of the pupils;

An exclusion is not a disciplinary response to a student's behaviour, but rather a temporary measure invoked solely as a result of concern for student safety.

The Ministry of Education's *Policy/Program Memorandum 145, Progressive Discipline and Promoting Positive Student Behaviour* gives the following direction with respect to the exclusion of a student:

In Part X of the Education Act, section 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 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, they are 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).

A principal who has determined that in their judgement a student must be temporarily excluded shall immediately notify the parent¹ by telephone, and within one (1) day (if possible) shall issue a written notice of exclusion [Appendix 14: Exclusion Letter](#). Written notice/letter will include:

- a description of the behaviours that are putting the student and/or other students at risk;
- an invitation to discuss the learning support plan for the student while the student is excluded from school;
- a copy of [Appendix 15: Exclusion Appeal Process](#), including [Appendix 16: Exclusion Appeal Hearing Guide](#); and
- notice of the right to appeal the exclusion to the Board of Trustees.

Notice of Appeal

A parent must submit a notice of their intent to appeal an exclusion to the Superintendent of Safe Schools.

An appeal of an exclusion does not stay the exclusion, but will entitle the parent (henceforth the "Appellant") to a hearing at which the Principal's decision to exclude will be reviewed by the Board of Trustees.

Upon receipt of a Notice of Appeal, the Superintendent of Safe Schools will forthwith contact the Appellant in writing to:

- confirm that the Notice of Appeal has been received,
- advise that the Superintendent of Safe Schools will review the exclusion; and
- request a Pre-Appeal Hearing Meeting.

Pre-Appeal Hearing Meeting

Prior to an appeal hearing, the Superintendent of Safe Schools will invite the Appellant to a meeting in order to provide the Appellant with an opportunity to share any additional relevant information, discuss the learning plan in place for the student during the exclusion, and discuss the steps underway to facilitate the student's return to school.

The Superintendent of Safe Schools and Appellant will attempt to narrow the issues, and effect a resolution to the appeal.

¹ "parent" includes a legal guardian, and means an adult student, if the student is 18 years of age, or 16 or 17 and has withdrawn from parental control.

If a resolution cannot be reached, the Superintendent of Safe Schools will discuss dates for an appeal hearing, to be held at the earliest opportunity, giving consideration to the ability of all of the parties to provide written submissions, and the soonest availability of the Board of Trustees.

Principal's Exclusion Report

Following notification of an exclusion, the Principal shall prepare an Exclusion Report, to include the following:

- the act, conduct and/or behaviours on which the decision to exclude was based;
- all school and board supports provided and attempts made to create a safe environment, and the student's response;
- a summary of the student's professional assessments, information about the implementation of the recommendations made in the assessments and if not implemented, why any recommendations were not implemented, a copy of the last IEP, Safety and/or Behaviour Plan, and any challenges implementing these recommendations and supports;
- information regarding alternative learning environments, if any, and the impact on the student's learning and behaviour; and/or psychological risk assessment conducted (where applicable);
- the student's learning support plan while excluded;
- re-entry plan requirements being investigated by the Board to facilitate the student's return at the earliest opportunity;
- details of exclusion monitoring, including the student's academic performance and behaviour while excluded;
- a copy of the original exclusion letter issued by the Principal, and the Notice of Appeal.

Notice of Appeal Hearing

Upon confirming the Appellant's availability, the Superintendent of Safe Schools will issue a written Notice of Appeal to the Appellant and the Principal (the "Parties"), stating:

- the date, time, and place of the appeal hearing
- the Appellant's right to attend with a legal representative, provided that two (2) school days' notice is provided to the Superintendent of Safe Schools;
- Not fewer than five (5) days prior to the hearing, the Superintendent of Safe Schools will provide the Appellant with a copy of the Principal's Exclusion Report.
- Not fewer than three (3) school days before the appeal is scheduled to be heard, the Appellant may submit such written materials as they believe would assist the Board of Trustees in reviewing the decision to exclude.

The notice of Appeal Hearing will include a copy of this procedure, including the Exclusion Appeal Hearing Guide.

14. **EXCLUSION APPEAL HEARING GUIDE**

Exclusion appeals will be heard by the Board of Trustees.

The parties to an Exclusion Appeal Hearing are:

1. The student's parent, guardian, or the student if the student is 18 years of age, or 16 or 17 years old and has withdrawn from parental control (the "Appellant"); and
2. the Principal.

Where any party who has received proper notice of the location, date and time of the appeal hearing is not in attendance within thirty (30) minutes from the scheduled start time, the appeal may proceed in the absence of that party.

The Principal will proceed first, and may summarize the key factors outlined in the Exclusion Report and respond to any written submissions by the Appellant.

The Appellant will then have the opportunity to make any oral or written submissions regarding why they believe that the student can safely resume attending school.

The Board of Trustees may ask either party questions of clarification.

Each party will be given the opportunity to respond to the oral submissions of the other party, and make closing remarks.

The Board of Trustees will consider, based on the written and/or oral submissions of both parties, whether the decision to exclude the student was, on the balance of probabilities, reasonable under the circumstances, and shall either uphold the exclusion or overturn the exclusion and order that the student may resume attending school.

The Board of Trustees shall issue a decision to either uphold or overturn the exclusion. If the exclusion is overturned, the student shall be permitted to return to school within two (2) school days of the decision.

The Board of Trustees *may* communicate its decision orally following the conclusion of appeal hearing, and *shall* issue a written decision within 24 hours of the close of the hearing.

All written materials submitted to the Board of Trustees pursuant to the appeal hearing will be collected and destroyed, except that one copy will be kept by the Superintendent of Safe Schools.



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APPENDICES

[Appendix 1 - Suspension Letter](#)

[Appendix 2A - Safe Schools Incident Reporting Form Part 1](#)

[Appendix 2B - Safe Schools Incident Reporting Form Part 2](#)

[Appendix 3 - Notice of Suspension Review](#)

[Appendix 4 - Suspension Review Decision](#)

[Appendix 5 - Notice of Suspension Appeal](#)

[Appendix 6A - Suspension Appeal Decision](#)

[Appendix 6B - Suspension Appeal Decision of the Discipline Committee of the Board](#)

[Appendix 7 - Suspension Pending Possible Recommendation for Expulsion](#)

[Appendix 8 - Decision Letter Not to Recommend Expulsion](#)

[Appendix 9 - Notice of Recommendation for Expulsion](#)

[Appendix 10A - Expulsion Decision](#)

[Appendix 10B - Recommendation for Expulsion Decision of the Discipline Committee of the Board](#)

[Appendix 11 - Declaration of Performance](#)

[Appendix 12A - Delegation of Authority Teacher-in-Charge](#)

[Appendix 12B - Delegation of Authority Vice-Principal](#)

[Appendix 13A - Suspension Appeal Deadline Extension Waiver](#)

[Appendix 13B - Expulsion Deadline Extension Waiver](#)

[Appendix 14 - Exclusion Letter](#)

[Appendix 15 - Exclusion Appeal Process](#)

[Appendix 16 - Exclusion Appeal Hearing Guide](#)

REFERENCES

- [***Education Act, Ontario Regulation 472/07: Behaviour, Discipline and Safety of Pupils***](#)
- [***LE-05 SMCDSB Code of Conduct***](#)
- [***PPM 119 Developing and Implementing Equity and Inclusive Education Policies in Ontario Schools***](#)
- [***PPM 128 The Provincial Code of Conduct and School Board Codes of Conduct***](#)
- [***PPM 141 School Board Program for Long-Term Suspension***](#)
- [***PPM 142 School Board Programs for Expelled Students***](#)
- [***PPM 144 Bullying Prevention and Intervention***](#)
- [***PPM 145 Progressive Discipline and Promoting Positive Student Behaviour***](#)
- [***PPM 149 Protocol for Partnerships with External Agencies for Provision of Services by Regulated Health Professionals, Regulated Social Service Professionals, and Paraprofessionals***](#)
- [***Statutory Powers Procedure Act.***](#)
- [***The Ontario Human Rights Code***](#)



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Approved: Board Meeting #04-2008 (Wednesday, February 13, 2008)
Revised: Board Meeting #03-2010 (Wednesday, February 03, 2010)
Revised: Board Policy Review Committee (Wednesday, January 30, 2013)
Reviewed: Board Policy Review Meeting #04-2019 (Tuesday, May 21, 2019)
Reviewed: Board Policy Review Meeting #02-2022 (Wednesday, March 2, 2022)
Revised: Board Meeting #05-2022 (Wednesday, March 23, 2022)