


Windsor-Essex Catholic District School Board



Section: STUDENT

**ADMINISTRATIVE PROCEDURE:
PR ST: 05 STUDENT DISCIPLINE**

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EFFECTIVE:	Feb. 1, 2008
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RELATED POLICIES:	See References
REPEALS:	
REVIEW DATE:	2025-2026

1.0 Definitions

1.1 The following definitions apply for the purposes of pupil discipline:

Adult Pupil – is a pupil who is 18 years or older, or 16 or 17 and has removed themselves from parental control.

Board Expulsion – is an expulsion from all schools of the board.

“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 the 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.

For the purposes of the definition of “bullying” as detailed above, behaviour includes the use of any physical, verbal, electronic, written or other means.

Cyber-bullying for the purposes of the definition of “bullying” as detailed above, bullying includes bullying by electronic means (commonly known as cyber-bullying), including,

- (a) creating a web page or a blog in which the creator assumes the identity of another person;
- (b) impersonating another person as the author of content or messages posted on the

- internet; and
- (c) communicating material electronically to more than one individual or posting material on a website that may be accessed by one or more individuals.

Aggressive behaviour - may be intentional or unintentional, direct or indirect. It can take many forms, including physical, verbal, and social. If aggressive behaviour is physical, it may include hitting, pushing, slapping, and tripping. If it is verbal, it may include name calling, mocking, insults, threats, and sexist, racist, homophobic, or transphobic comments. If it is social, or relational aggression, it is more subtle and may involve such behaviours as gossiping, spreading rumours, excluding others from a group, humiliating others with public gestures or graffiti, and shunning or ignoring. Social aggression may also occur through the use of technology (e.g., spreading rumours, images, or hurtful comments through the use of e-mail, cell phones, text messaging, Internet websites, social networking, or other technology).

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, 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) Trustees designated to determine suspension appeals and recommendations for expulsion.

Harm - as used in this procedure, means harm that can be experienced in a number of ways, including physical, mental, emotional, and psychological.

Harassment – words, conduct or action that is directed at an individual and serves no legitimate purpose and which annoys, alarms or causes that individual emotional distress.

Parent/guardian – where there is a reference to involving or informing a parent/guardian it means the custodial parent or guardian of a minor child who is not an Adult Pupil.

Impact on School Climate - an incident or activity, which has a negative or positive impact on the school community.

School Climate – May be defined as the learning environment and relationships found within a school and school community. A positive school climate exists when all members of the school community feel safe, included, and accepted, and actively promote positive behaviours and interactions. Principles of equity and inclusive education are embedded in the learning environment to support a positive school climate and a culture of mutual respect. A positive school climate is a crucial component of bullying prevention.

School Community - the school community is composed of staff, pupils, parents, and pupils of the school and feeder schools / family of schools, as well as the community of people and businesses that are served by or located in the greater neighborhood 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.

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.

2.0 Positive Practices

2.1 A whole-school approach, which involves all members of the school community, is also important in supporting efforts to ensure that schools are safe, inclusive, and accepting. It is an effective approach to making systemic changes that will benefit all students and the broader community. Implementation of a whole-school approach needs to occur at all levels – the board, school, class, individual, family, and community. It involves the development of respectful and caring relationships between staff, between students, and between staff and students. All aspects of school life are included in a whole-school approach, such as curriculum, school climate, teaching practices, policies, and procedures. To improve the school climate, members of the school community need to share information to develop an awareness of factors that have an impact on the school climate and to provide information about the effectiveness of prevention and intervention strategies, practices, and programs in their school. A whole-school approach is also valuable in addressing such issues as racism, intolerance based on religion or disability, bullying, homophobia, and gender-based violence.

2.2 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.

2.3 Preventative practices include:

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

2.4 Positive behaviour management practices include:

- Program modifications or accommodations;
- Class placement;
- Positive encouragement and reinforcement;
- Individual, peer, and group counselling;
- Conflict resolution;
- Mentorship programs;

- Sensitivity programs;
 - Safety Plans;
 - Student Behaviour Support Plans;
 - School, Board and community support programs; and
 - Student success strategies.
- 2.5 The Board recognizes that, in some circumstances, positive practices might not be effective or sufficient to address inappropriate pupil behaviour. In such circumstances, the Board supports the use of consequences.
- 2.6 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 Ministry of Education direction and PPM 145, will be applied, if appropriate.

3.0 Progressive Discipline

- 3.1 Progressive discipline is a non-punitive, whole-school approach that uses a continuum of corrective and supportive interventions, supports, and consequences to address inappropriate behaviour and to build upon strategies that promote positive behaviours. Consequences include learning opportunities for reinforcing positive behaviour and assisting pupils to make good choices.
- 3.2 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.
- 3.3 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.
- 3.4 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.
- 3.5 The Board shall not support discipline measures that are solely punitive or use exclusion (section 265 (1) (m) of the Education Act) as a disciplinary measure. If a principal does decide that it is necessary to exclude a student from a school or classroom because the student's presence in the school or classroom would, in the principal's judgment, be detrimental to the physical or mental well-being of the pupils, the principal's actions shall be in accordance with the Education Act and must be consistent with the Human Rights Code. The Principal shall notify the student's parents of the exclusion as soon as possible in the circumstances, and inform them of their right to appeal under clause 265 (1) (m).

When addressing inappropriate behaviour, school staff should consider the particular pupil and circumstances, including any mitigating and other factors as set out in the Student Discipline Procedures, the nature and severity of the behaviour, and the impact on the school climate. Before applying disciplinary measures, the principal/designate and/or Discipline Committee of the Board shall consider the discriminatory impacts of decisions on pupils protected by the Human Rights Code, including but not limited to the impact to those students who may face discrimination based on race and disability, and whether or not accommodation is required.

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

Early and Ongoing Intervention Strategies

- 3.7 A teacher or the principal or designate, as appropriate, may utilize early and/or ongoing intervention strategies to prevent unsafe or inappropriate behaviours. These may include:
- Contact with pupil's parent(s)/guardian(s); Oral reminders;
 - Review of expectations;
 - Written work assignment addressing the behaviour, that have a learning component;
 - Volunteer services to the school community; Conflict mediation and resolution;
 - Peer mentoring;
 - Referral to counseling; and/or Consultation.
- 3.8 In all cases where ongoing intervention strategies are used, the pupil's parents/guardians should be consulted.
- 3.9 The teacher, principal or designate 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 Contact with the pupil's parent/guardian (unless the pupil is an adult pupil).

Addressing Inappropriate Behaviour

- 3.10 If a pupil has engaged in inappropriate behaviour the principal or designate may utilize a range of interventions, supports, and consequences that are (1) developmentally appropriate, and (2) include opportunities for pupils to focus on improving their behaviour.

- 3.11 Inappropriate behaviour includes any behaviour that disrupts the positive school climate and/or has a negative impact on the school community.
- 3.12 Inappropriate behaviour may also include, but is not limited to, one of the following infractions for which a suspension may be imposed:
1. Any act considered by the principal to be injurious to the moral tone of the school;
 2. Any act considered by the principal to be injurious to the physical or mental well-being of any member of the school community; and
 3. Any act considered by the principal to be contrary to the Board or school Code of Conduct.
- 3.13 If a pupil has committed an infraction listed above and it is the first time that the pupil has committed that infraction, the principal or designate may choose to use progressive discipline strategy to address the infraction.
- 3.14 Interventions may include:
- Meeting with the pupil's parent(s)/guardian(s), pupil and principal;
 - Referral to a community agency for anger management or substance abuse, counseling/intervention;
 - Detentions;
 - Withdrawal of privileges;
 - Withdrawal from class;
 - Restitution for damages;
 - Restorative practices; and
 - Transfer with support.
- 3.15 Progressively more serious consequences should be considered for inappropriate behaviour that is repeated or for progressively more serious inappropriate behaviour, taking into account mitigating and other factors.
- 3.16 In some cases, short-term suspension may also be considered a useful progressive discipline approach.

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

- 3.17 In all cases where progressive discipline is being considered to address an inappropriate behaviour, the principal or designate must:
1. Consider the particular pupil and circumstances, including considering the mitigating or other factors;
 2. Consider the nature and severity of the behaviour;

3. Consider the impact of the inappropriate behaviour on the school climate; and
4. Consult with the pupil's parent(s)/guardian (unless the pupil is adult pupil).

Mitigating Factors

3.18 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.

3.19 Other Factors to be Considered:

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

3.20 The principal or designate 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).

4.0 Responding to Incidents

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

5.0 Disclosure of Students' Personal Information

- 5.1 Given their obligation to respond to serious student incidents and all inappropriate and disrespectful student behaviour that is likely to have a negative impact on the school climate, Board employees (including occasional employees) who work directly with students may need to know, for any particular student, those behaviour(s) that may present a potential risk of physical harm to school staff or students as documented as part of progressive discipline in the student's Ontario Student Record (OSR). Principals are only permitted to share information documented in the OSR with Board employees who do not have access to the OSR, if disclosure is necessary, so that employees can carry out their

duties, including their duty to respond to inappropriate and disrespectful student behaviour. In such cases, principals may share only the necessary information pertaining to behaviour that may present risk of physical harm.

- 5.2 Prior to disclosure, the principal must inform staff that they must treat any information disclosed about a student or incident as confidential.

6.0 Reporting to Principals:

- 6.1 The following individuals are responsible for reporting to the principal as soon as reasonably possible, when they become aware that a student at a school may have engaged in an activity for which suspension or expulsion must be considered:

- i. Any employee of the Board;
- ii. Employees and contractors of third party transportation providers;
- iii. Employees and contractors of third party operators providing before and/or after school programs for full day kindergarten or operators of extended day and third party programs;
- iv. Early Childhood Educators (ECE) in Board operated extended day programs.

- 6.2 Those reporting must consider the safety of others and the urgency of the situation in reporting the incident, but, in any case, must report it to the principal no later than the end of the school day or the end of the transportation run, if a transportation provider. In cases where an immediate action is required, a verbal report to the principal may be made, but a written or electronic report must be completed (Appendix 1A) when it is safe to do so. Each report will be assigned a report number.

- 6.3 In certain situations, members of the College of Psychologists of Ontario or the Ontario College of Social Workers and Social Service Workers who are engaged in a clinical relationship with a student shall report incidents of behaviour for which suspension or expulsion must be considered to the principal as soon as it is, in their professional opinion, reasonably possible to do so without having a negative impact on the nature of the clinical relationship. They shall also report, in a manner that is consistent with the code of ethics and the standards of practice of their respective professions, matters that could result in the student's doing physical, emotional, or psychological harm to themselves or to others.

- 6.4 The principal must investigate all reports submitted by Board employees. Once the investigation is complete, the principal must communicate the results of the investigation to the teacher who made the report. If a Board employee who is not a teacher made the report, the principal will communicate the results of the investigation to that employee if the principal considers it appropriate. Communication between the principal and school staff about the investigation and the results of the investigation is a shared responsibility, and is an important factor in meeting student needs and fostering collaboration in the school.

- 6.5 The principal must not disclose more personal information than is reasonably necessary for the purpose of communicating the results of the investigation. This information must be provided in a timely manner so that school staff can work with the principal to best meet the needs of

students, support a positive school climate, and help prevent future inappropriate behaviour from taking place.

- 6.6 The principal must provide the person who submitted the report with a written or electronic acknowledgement of receipt on the “Safe Schools Incident Reporting Form – Part II (Appendix 1B) and must specify whether action has been taken or no action is required.
- 6.7 If no further action is taken by the principal, they are not required to retain the report, and should destroy it. Information that could identify the student(s) involved must not be part of the acknowledgement.
- 6.8 If the principal has decided that action must be taken as a result of any incident they will file a copy of the reporting form, with documentation indicating the action taken, in the OSR of the student whose behaviour was inappropriate. The names of all other students that appear on the form – both students who have engaged in the activity and students who have been harmed - must be removed from the form before it is filed in the OSR. Where the principal has taken action in the case of more than one student, a copy of the reporting form must be placed in the OSR of each student whose behaviour was inappropriate, removing the names of other students.
- 6.9 In the case of a student who has been harmed of an incident, no information should be placed in their OSR, unless the student or parent of the student expressly requests that it be placed in the OSR.
- 6.10 In situations where the student who has been harmed is also engaged in a serious student incident, information regarding the incident and the action taken will be placed in the student’s OSR.
- 6.11 The form and documentation must be kept in the OSR for a minimum of one year.

7.0 Supports for Students

- 7.1 Board employees must provide supports for all students who are affected by serious student incidents and all inappropriate behaviour, and for those who engage in these types of incidents, to assist them in developing healthy relationships, making choices that support continuing their learning, and achieving success. Supports may be provided through board programs and resource personnel, or through community-based service providers, including social service agencies and mental health services.
- 7.2 In responding to any incident, board employees who work directly with students must act in a timely, sensitive, and supportive manner.
- 7.3 Board employees who work directly with students are expected to support all students, including those who disclose or report such incidents, by providing them with contact information about professional supports (e.g. public health units, community agencies, help phone lines) and also by making this information readily available to students who wish to discuss issues of healthy relationships, gender identity, and sexuality.

- 7.4 If a parent is not satisfied with the supports received by their child who has been harmed or involved in of a serious student incident, they should contact the school principal with their concerns. If those concerns are not adequately addressed, the parent should then contact the Superintendent of Education.

8.0 Notifying Parents

- 8.1 If a principal believes that a pupil of the school has been harmed as a result of an activity described in sections 306 (1) or 310 (1) of the Education Act, the principal shall, as soon as reasonably possible, notify the parent or guardian of the pupil who has been harmed and the parent or guardian of the pupil who the principal believes has engaged in the activity that resulted in the harm, subject to the following:
- i. A principal shall not, without the pupil's consent, notify a parent or guardian of a pupil who is 18 years old or 16 or 17 years old and has withdrawn from parental control.
 - ii. A principal shall not notify a parent or guardian of a pupil if in the opinion of the principal doing so would put the pupil at risk of harm from a parent or guardian of the pupil, such that the notification is not in the pupil's best interest.
- 8.2 The Principal shall disclose the following information when providing notice to parents of students who have been harmed as a result of an activity described in sections 306(1) or 310 (1) of the Education Act:
- i. the nature of the activity that resulted in harm to the student;
 - ii. the nature of the harm to the student;
 - iii. the steps taken to protect the student's safety, including the nature of any disciplinary measures taken in response to the activity; and
 - iv. the supports that will be provided for the student in response to the harm that resulted from the activity.
- 8.3 The Principal shall disclose the following information when providing notice to parents of the pupil who the principal believes has engaged in the activity that resulted in the harm:
- i. the nature of the activity that resulted in harm to the other student;
 - ii. the nature of the harm to the other student;
 - iii. the nature of any disciplinary measures taken in response to the activity; and
 - iv. the supports that will be provided for the student in response to their engagement in the activity.
- 8.4 When a principal has decided not to notify parents of a victim, they must document the reason for the decision and notify both the teacher who reported the incident and the appropriate supervisory officer of this decision. Principals shall also, if they determine it is appropriate to do so, inform other Board employees of the decision. The principal shall ensure that supports are in place for the student including referrals to a community agency

that can provide the appropriate confidential support when the student's parents are not called.

- 8.5 In circumstances where board employees have reason to believe that a student may be in need of protection, board employees must call the Windsor-Essex County Children's Aid Society according to the requirements of the Child and Family Services Act.
- 8.6 When the principal determines that it is necessary to separate students to preserve school safety, Administration shall 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 or to protect a student, it is preferable that the student who has been harmed not be moved.
- 8.7 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 the student's parents should also be invited to the transfer meeting. Schools must make reasonable efforts to accommodate parent 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.
- 8.8 All participants must be made aware of the confidentiality requirements with respect to the information regarding the student and the incident disclosed within a transfer meeting. At a minimum, prior to the start of the transfer meeting, the principal must inform all staff in attendance that they must treat any information about the student and the incident disclosed at the meeting as confidential.

9.0 Suspension of Pupils

Suspension Infractions

- 9.1 When a principal's 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.
- 9.2 The principal will also contact the police consistent with the Police-School Protocol for Windsor-Essex County if the infraction the pupil is suspected of committing requires such contact. When in doubt, the principal will consult with their Superintendent.
- 9.3 The infractions for which a suspension may be imposed by the principal for students in

grades 4 to 12 include:

1. Uttering a threat to inflict serious bodily harm on another person;
2. Possessing alcohol, cannabis (unless the student is authorized to use cannabis for medical purposes), or illegal and/or restricted drugs;
3. Being under the influence of alcohol or cannabis (unless the student is authorized to use cannabis for medical purposes);
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, including cyber-bullying;
7. Any act considered by the principal to be injurious to the moral tone of the school;
8. Any act considered by the principal to be injurious to the physical or mental well-being of any member of the school community; or
9. Any act considered by the principal to be contrary to the Board or school Code of Conduct.

9.4 If a student in junior kindergarten to Grade 3 has engaged in any of the activities listed above the principal must consider what positive behaviour supports could be provided to the student. There are a number of interventions that can be utilized. For example:

- understanding the root causes of the behaviour,
- providing counselling and mental health supports (with parental permission),
- problem solving with students to identify alternative behaviour choices,
- communicating and teaching of behavioural expectations,
- helping students deal with conflict and learn how to manage emotions,
- using restorative practices to repair harm to people/relationships (with parental permission),
- resolving conflict through discussion and understanding the harm that has been caused to others because of the student's behaviour,
- a facilitated family/group conference to discuss the impact the behaviour had on others in the school,
- in-kind restitution (determined by the principal) that permits the student to help to restore or improve the school environment either by directly addressing the student's behavior (e.g., in cases of vandalism students can work to undo damage they have caused), or by having the student improve the school environment more broadly,
- equipping children with the social-emotional and communication skills needed to manage themselves, resolve conflict and develop healthy behavior.

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

Factors to Consider Before Deciding to Impose a Suspension

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

Mitigating Factors

- 9.7 The mitigating factors to be considered by the principal before deciding whether to impose a suspension are:
1. Whether the pupil has the ability to control 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.
- 9.8 If a pupil does not have the ability to control their behaviour or does not understand the foreseeable consequences of their behaviour, the principal will consider alternative discipline and/or other interventions in such circumstances. If the pupil poses an unacceptable risk to the safety of others in the school, the principal will consult with their Superintendent regarding appropriate accommodations and/or strategies that might be instituted to ensure pupil and staff safety.

Other Factors to be Considered

- 9.9 Where the pupil is able to control their behaviour and is able to understand the foreseeable consequences of their behaviour, the principal will consider whether the following factors mitigate the length of a suspension or the decision to apply a suspension as a form of discipline for the pupil:
1. The pupil's academic, discipline and personal history;
 2. Whether progressive discipline has been attempted with the pupil, and if so, the progressive discipline approach(es) that has/have been attempted and any success or failure;
 3. Whether the infraction for which the pupil might be disciplined was related to any harassment of the pupil because of race, ethnic origin, religion, creed, disability, gender or gender identity, sexual orientation or harassment for any other reason;
 4. The impact of the discipline on the pupil's prospects for further education;
 5. The pupil's age;
 6. Where the pupil has an Individual Education Plan (IEP) or disability related needs,
 - a) Whether the behaviour causing the incident was a manifestation of the pupil's disability;
 - b) Whether appropriate individualized accommodation has been provided; and
 - c) Whether a suspension is likely to result in aggravating or worsening the pupil's behaviour or conduct or whether a suspension is likely to result in a greater likelihood of further inappropriate conduct; and

7. Whether or not the pupil's continuing presence at the school creates an unacceptable risk to the safety of anyone in the school.

Progressive Discipline

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

1. Whether the teacher, principal or designate has utilized early and/or ongoing intervention strategies to prevent unsafe or inappropriate behaviours, such as:
 - contact with the pupil's parent(s)/guardian(s);
 - oral reminders;
 - review of expectations;
 - written work assignments with a learning component;
 - assigning the pupil to volunteer services to the community;
 - conflict mediation and resolution;
 - peer mentoring;
 - referral to counseling; and/or consultation.

2. Whether the principal or designate has used a progressive discipline approach to address inappropriate behaviour for which a suspension could have been imposed, such as:
 - meeting(s) with the pupil's parent(s)/guardian(s), pupil, and principal;
 - referral of pupil to a community agency for anger management or substance abuse counseling;
 - detentions;
 - withdrawal of privileges;
 - withdrawal from class;
 - restitution for damages;
 - restorative practices; and/or
 - transfer.

Factors Mitigating the Decision to Suspend

9.11 In circumstances where one or more of the factors above mitigate the decision to apply a suspension as a form of discipline for the pupil, the principal may consider whether alternative discipline and/or other intervention is appropriate in the circumstances.

Consultation

9.12 Before imposing a suspension of six (6) or more school days, the principal will consult

with the Superintendent of Education and/or the administrator of safe schools regarding:

1. The investigation undertaken;
2. The circumstances of the incident;
3. Whether or not one or more of the factors outlined above are applicable in the circumstances; and
4. The appropriate length of the suspension.

School Work

- 9.13 A pupil who is subject to a suspension of five (5) or fewer school days must be provided with schoolwork to complete at home while serving the suspension. The principal shall make reasonable efforts to have the schoolwork available to the adult pupil's designate or the pupil's parent/guardian or designate the day the pupil is suspended, if the pupil is suspended for one (1) school day. If this is not possible, the pupil must be given an opportunity to catch-up on missed schoolwork when the pupil returns. Where the pupil has been suspended for two (2) or more school days the principal will ensure that the schoolwork provided to the pupil will be available the day the pupil is suspended or the following school day.
- 9.14 In addition to receiving schoolwork 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 an alternative suspension program (ASP) for pupils subject to lengthy suspension. A pupil participating in an ASP is not considered to be engaging in school or school-related activities.

Procedural Steps When Imposing a Suspension

- 9.15 Where a principal has determined that it is appropriate in the circumstances to impose a suspension, the principal is required to affect the following procedural steps:
1. Within 24 hours of the decision, the principal must make all reasonable efforts to orally inform the adult pupil or the 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 of Education;
 5. The written notice of suspension will include:
 - a) The reason for suspension;
 - b) The duration of the suspension;
 - c) Information about the ASP the pupil is assigned to, where the pupil is suspended for six (6) or more school days;
 - d) Information about the right to appeal the suspension, including the relevant

policies and guidelines and the contact information for the Superintendent Responsible for Student Discipline;

(see suspension letter template attached as Appendix 2)

6. Every effort should be made to include the schoolwork 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 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.
7. Where the incident is a serious violent incident, including possessing a weapon including a firearm, physical assault causing bodily harm requiring medical attention, sexual assault, robbery, using a weapon to cause or threaten bodily harm to another person, extortion or hate and/or bias-motivated occurrences, consideration should be given to filling out and filing a Violent Incident Form in the pupil's Ontario Student Record.
(see the Board's Violent Incident Form attached as Appendix 3 (a) and (b))

Alternative Suspension Program (ASP)

- 9.16 Where a pupil has been suspended for six (6) or more school days the pupil will be provided with schoolwork for the first five (5) school days, or until the Student Action Plan is implemented, and will be assigned an alternative suspension program for pupils subject to lengthy suspension (Alternative Suspension Program or ASP).
- 9.17 A pupil cannot be compelled to participate in an ASP. Should the adult pupil or a pupil's parent/guardian choose not to have the pupil participate in an ASP, 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 their suspension. This schoolwork 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. Where schoolwork has not been picked up, the school should contact the adult pupil or the pupil's parent/guardian to determine whether the schoolwork will be picked up. The principal should record the follow-up and response.
- 9.18 A **Student Action Plan (SAP)** will be developed for every pupil subject to a suspension of six (6) or more school days who agrees to participate in an ASP.
- 9.19 Agreement or refusal to participate in an ASP 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 ASP, the principal shall record the

date and time of such refusal.

Planning Meeting

- 9.20 For pupils subject to a suspension of six (6) or more school days who choose to participate in an ASP, the principal of the school or designate will hold a planning meeting for the purpose of developing the SAP.
- 9.21 The adult pupil or pupil's parent/guardian and the pupil (where appropriate) as well as any appropriate teaching and support staff will be invited to participate in the planning meeting.
- 9.22 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 ASP.
- 9.23 If the adult pupil or the pupil's parent/guardian is not available to participate in the planning meeting, the meeting will proceed in their absence and a copy of the SAP will be provided to them following the meeting.
- 9.24 During the planning meeting the principal or designate will review the issues to be addressed in the pupil's SAP.

Student Action Plan (SAP)

- 9.25 A pupil subject to suspension for eleven (11) or more school days will be provided with both academic and non-academic supports, which will be identified in the pupil's SAP. Pupils subject to a suspension of fewer than eleven (11) school days may be offered non-academic supports where such supports are appropriate and available.
- 9.26 The SAP will be developed under the direction of the principal of the school with assistance, as appropriate, from the principal of alternative programs, vice-principal of the school, guidance counselor, special education teacher, classroom teacher, and/or Child and Youth Worker (CYW).
- 9.27 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 ASP. 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 schoolwork until the SAP is in place.
- 9.28 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.
- 9.29 A copy of the SAP will be stored in the pupil's Ontario Student Record (OSR) until such time as it is no longer conducive to the improvement of instruction of the pupil.

9.30 The SAP will identify:

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

Suspension Appeal Process

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

9.32 All suspension appeals will be received by the Superintendent Responsible for Student Discipline.

9.33 An appeal of a suspension does not stay the suspension.

9.34 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.

9.35 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).

9.36 Upon receipt of written notice of the intention to appeal the suspension, the Superintendent Responsible for Student Discipline:

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 Responsible for Discipline to discuss any matter respecting the incident and/or appeal of the suspension; (see the template letter at Appendix 4)

3. Will review the suspension (reason, duration, any mitigating or other factors);
4. May consult with the principal and Superintendent of Education regarding modification or expunging the suspension;
5. Will request a meeting with the adult pupil or the 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;
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 at Appendix 5)

9.37 Where the suspension is upheld on review and the adult pupil or pupil's parent/guardian chooses to continue with the appeal, the Superintendent Responsible for Student Discipline will:

1. Coordinate the preparation of a written report for the Board. This report will contain at least the following components:
 - a) A report of the incident and rationale for suspension prepared by the principal;
 - b) A copy of the original suspension letter;
 - c) A copy of the letter requesting the Suspension Appeal; and
 - d) A copy of the correspondence with respect to the decision of the Superintendent Responsible for Student Discipline 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 letter template attached as Appendix 6)
3. Ensure that the item is placed on the Discipline Committee's agenda.

9.38 The parties in an appeal to the Discipline Committee shall be:

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

Suspension Appeal Before the Discipline Committee of the Board.

9.39 Suspension appeals will be heard orally, *in camera*, by the Discipline Committee of Trustees. The Discipline Committee may grant a person with daily care authority to make submissions on behalf of the pupil.

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 to make a statement on their own behalf.
3. The Superintendent of Education for the school and/or the principal will make oral submissions on behalf of the administration, 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 further submissions addressing issues raised in the administration's presentation that were not previously addressed by the appellant.
5. The Discipline Committee may ask any party, or the pupil, where appropriate, questions of clarification.

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

9.41 The Discipline Committee may make such orders or give such directions at an appeal, as it considers necessary for the maintenance of order at the appeal. Should any person disobey or fail to comply with any such order and/or direction, a Trustee may call for the assistance of a police officer to enforce any such order or direction.

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

9.43 The Discipline Committee will consider, based on the written and/or oral submissions of both parties, whether the decision to discipline and the discipline imposed was reasonable in the circumstances, and shall either:

1. Confirm the suspension and its duration; or
2. Confirm the suspension but shorten its duration and amend the record, as necessary; or
3. Quash the suspension and order that the record be expunged; or
4. Make such other appropriate order.

9.44 The decision of the Discipline Committee is final. The decision shall be communicated to the appellant in writing. (See the template letter as Appendix 7A and 7B)

Re-Entry

9.45 Following a suspension of six (6) or more school days, a re-entry meeting will be held with appropriate staff, the pupil, and the pupil's parent/guardian if possible, to provide positive and constructive redirection for the pupil. Where the pupil has participated in an ASP, the pupil's success in achieving the goals outlined in the SAP will be reviewed with the adult pupil or the 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.

10.0 Expulsion of Pupils

10.1 Subject to the Factors to Consider Before Deciding to Impose a Suspension below, when

a principal has reasonable grounds to believe that a pupil has committed one or more infractions outlined below on school property, during a school-related activity or event, and/or in circumstances where the infraction has an impact on the school climate, the principal will suspend the pupil.

- 10.2 The principal will also contact the police consistent with the Police-School Protocol for Windsor-Essex County if the infraction the pupil is suspected of committing requires such contact. When in doubt, the principal will consult with their Superintendent.
- 10.3 If a student in junior kindergarten to Grade 3 engages in any of the activities listed below, the principal will conduct an investigation regarding the allegations to determine if the student should be suspended. Where a principal is suspending a student for bullying listed in the activities below, the requirement that “the pupil has previously been suspended for engaging in bullying” does not apply to students in junior kindergarten to Grade 3.
- 10.4 If a student in grade 4 to grade 12 has engaged in any of the activities listed below, the principal will immediately suspend the student and investigate the incident in order to determine whether the student should be expelled.

The enumerated activities are:

1. Possessing a weapon, including possessing a firearm;
2. Using a weapon to cause or to threaten bodily harm to another person;
3. Committing physical assault on another person that causes bodily harm requiring treatment by a medical practitioner;
4. Committing sexual assault;
5. Trafficking in weapons or illegal and/or restricted drugs;
6. Committing robbery;
7. Giving alcohol or cannabis 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 section 9.3 (above) 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 ~~has~~ 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 Board or school Code of Conduct.

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

- 10.5 When deciding whether or not to impose a suspension pending a possible recommendation for expulsion, the principal will make every effort to consult with the pupil, where appropriate, and the pupil's parent/guardian, if the pupil is not an adult pupil, to identify whether any mitigating factors might apply in the circumstances.

Mitigating Factors

- 10.6 The mitigating factors to be considered by the principal before deciding whether to impose a suspension pending a possible recommendation for 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.
- 10.7 If a pupil does not have the ability to control their behaviour and does not understand the foreseeable consequences of their behaviour, the principal will consider alternative discipline and/or other interventions in such circumstances.
- 10.8 If the pupil does not have the ability to control their behaviour and does not understand the foreseeable consequences of their behaviour, but poses an unacceptable risk to the safety of others in the school, the principal will consult with their Superintendent regarding appropriate accommodations and/or strategies that might be instituted to ensure pupil and staff safety.

Suspension Pending Recommendation for Expulsion

- 10.9 If the pupil is to be suspended pending an investigation, the pupil should be suspended for (20) twenty school days. If the pupil has been suspended pending an investigation to determine whether the pupil will be recommended for expulsion, the principal must assign the pupil to a program for suspended pupils (ASP).
- 10.10 If the pupil has been suspended for twenty (20) school days, the principal must undertake an investigation to determine whether to recommend to the Discipline Committee that the pupil be expelled.

Procedural Steps When Imposing a Suspension Pending a Possible Recommendation for Expulsion

10.11 When imposing a suspension pending a possible recommendation for expulsion 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 and the Superintendent of Education. 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;
 - 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 as Appendix 8)
4. Every effort should be made to include the schoolwork 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.

10.12 Where the incident is a serious violent incident, such as possession of weapons, physical assault causing serious bodily harm, sexual assault, robbery, using a weapon to cause or to threaten bodily harm, extortion or hate motivated violence; consideration should be given to filling out and filing a Violent Incident Form in the pupil's Ontario Student Record. (see the Board's Violent Incident Form attached as Appendix 3A)

Alternative Suspension Program (ASP)

- 10.13 Where a pupil has been suspended pending an investigation to determine whether to recommend an expulsion, the pupil will be assigned an alternative suspension program for pupils subject to lengthy suspension (ASP).
- 10.14 A pupil cannot be compelled to participate in an ASP. Should the adult pupil or the pupil's parent/guardian choose not to have the pupil participate in an ASP, the pupil will be provided with school work consistent with the Ontario curriculum or that pupil's modified and/or alternative curriculum to be completed at home for the duration of 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 ASP.
- 10.15 A **Student Action Plan (SAP)** will be developed for every pupil who agrees to participate in an ASP.
- 10.16 Agreement or refusal to participate in an ASP 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 ASP, the principal shall record the date and time of such refusal.

Planning Meeting

- 10.17 For pupils subject to a suspension pending an investigation to determine whether to recommend an expulsion and who choose to participate in an ASP, the principal of the school or designate will hold a planning meeting for the purpose of developing the SAP.
- 10.18 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.
- 10.19 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 ASP.
- 10.20 If the adult pupil or the pupil's parent/guardian is not available to participate in the planning meeting, the meeting will proceed in their absence and a copy of the SAP will be provided to them following the meeting.
- 10.21 During the planning meeting the principal or designate will review the issues to be addressed in the pupil's SAP.

Student Action Plan (SAP)

- 10.22 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.
- 10.23 The SAP will be developed under the direction of the principal of the school with assistance, as appropriate, from the principal of alternative programs, vice-principal of the school, guidance counselor, special education teacher, classroom teacher, and/or CYW.
- 10.24 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 ASP. 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.
- 10.25 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.
- 10.26 A copy of the SAP will be stored in the pupil's Ontario Student Record (OSR) until such time as it is no longer conducive to the improvement of instruction of the pupil.
- 10.27 The SAP will identify:
1. The incident for which the pupil was suspended;
 2. The progressive discipline steps taken prior to the suspension, if any;
 3. Any alternative discipline measures imposed in addition to the suspension;
 4. Any other disciplinary issues regarding the pupil that have been identified by the school;
 5. Any learning needs or other needs that might have contributed to the underlying infraction resulting in discipline;
 6. Any program(s) or service(s) that might be provided to address those learning or other needs;
 7. The academic program to be provided to the pupil during the suspension period and details regarding how that academic program will be accessed by the pupil;
 8. Where the pupil has an IEP, information regarding how the accommodations/modifications of the pupil's academic program will be provided during the period of suspension;
 9. The non-academic program and services to be provided to the pupil 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

- 10.28 The principal will conduct an investigation promptly following the suspension of the pupil to determine whether to recommend to the Discipline Committee that the pupil be expelled.

As part of the investigation, the principal will consult with the Superintendent of Education and/or Superintendent Responsible for Student Discipline 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 whether or not to recommend that the pupil be expelled. Should the decision be made to refer the pupil to the Discipline Committee with a recommendation for expulsion, the pupil must be referred to and dealt with by the Discipline Committee within twenty (20) school days from the date of suspension (unless timelines are extended on consent).

10.29 Any police investigation will be conducted separately from the principal's inquiry.

10.30 As part of the investigation, the principal will:

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; and
4. Consider the mitigating and other factors when determining whether to recommend to the Discipline Committee that the pupil be expelled.

Mitigating Factors

10.31 The mitigating factors to be considered by the principal before deciding whether to recommend an expulsion are:

1. Whether the pupil has the ability to control 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 to be Considered

10.32 Where the pupil is able to control their behaviour and/or is able to understand the foreseeable consequences of their behaviour, the principal will consider whether the following factors mitigate the length of a suspension and whether the pupil should be referred to the Discipline Committee on a recommendation for expulsion.

1. The pupil's academic, discipline and personal history;
2. Whether progressive discipline has been attempted with the pupil, and if so, the progressive discipline approach(es) that has/have been attempted and any success or failure;
3. Whether the infraction for which the pupil might be disciplined was related to any harassment of the pupil because of race, ethnic origin, religion, creed, disability,

- gender or gender identity, sexual orientation or to related harassment for any other reason;
4. The impact of the discipline on the pupil's prospects for further education;
 5. The pupil's age;
 6. Where the pupil has an Individual Education Plan (IEP) or disability related needs,
 - a) Whether the behaviour causing the incident was a manifestation of the pupil's disability;
 - b) Whether appropriate individualized accommodation has been provided; and
 - c) Whether a suspension is likely to result in aggravating or worsening the pupil's behaviour or conduct or whether a suspension is likely to result in a greater likelihood of further inappropriate conduct; and
 7. Whether or not the pupil's continuing presence at the school creates an unacceptable risk to the safety of anyone in the school.

Progressive Discipline

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

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

- transfer.

Consultation

10.34 Before making a decision the principal will make every effort to consult with the pupil and the pupil's parent/guardian (unless the pupil is an adult pupil).

Decision Not to Recommend Expulsion

10.35 Following the investigation and consideration of the mitigating and other factors, if the principal decides not to recommend to the Discipline Committee that the pupil be expelled, the principal must:

1. Consider whether alternative discipline is appropriate in the circumstances;
2. Uphold the suspension and its duration;
3. Uphold the suspension and shorten its duration and amend the record accordingly;
or
4. Withdraw the suspension and expunge the record.

10.36 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 Responsible for Student Discipline;
 - 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 from the shortened length of the suspension. (see the template letter at Appendix 9)

Recommendation to the Board for an Expulsion Hearing

10.37 If a principal, in consultation with the Superintendent of Education, determines that a referral for expulsion is warranted, the principal must refer the recommendation for expulsion to the Discipline Committee to be heard and dealt with 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.

10.38 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 or guardian (unless the pupil is an adult pupil) prior to the hearing. The report will include;
 - a) A summary of the findings the principal made in the investigation;
 - b) An analysis of which, if any, mitigating or other factors might be applicable;
 - c) A recommendation of whether the expulsion should be from the school or from the Board; and
 - d) A recommendation regarding the type of school that would benefit the pupil if the pupil is subject to a school expulsion, or the type of program that might benefit the pupil if the pupil is subject to a Board expulsion.

2. Inquire with the Superintendent Responsible for Discipline as to the date and location of the hearing and 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 the Board's 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;
 - f) Information about the procedures and possible outcomes of the expulsion hearing, including that:
 1. If the Discipline Committee does not expel the pupil they will either confirm, confirm and shorten, or withdraw the suspension;
 2. Parties have the right to make submissions with respect to the suspension;
 3. Any decision with respect to the suspension is final and cannot be appealed;
 4. If the pupil is expelled from the school, they will be assigned to another school;
 5. If the pupil is expelled from the Board, they will be assigned to a program for expelled pupils;
 6. If the pupil is expelled there is a right of appeal to the Child and Family Services Review Board;
 7. The name and contact information for the Superintendent Responsible for Student Discipline.
(see the template letter at Appendix 10)

10.39 The Superintendent of Education will:

1. Advise the Superintendent Responsible for Student Discipline and the Trustee(s) for the school 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 Responsible for Student Discipline.

10.40 The Superintendent Responsible for Student Discipline may:

1. Arrange 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 Responsible for Student Discipline 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 Responsible for Student Discipline may assist to narrow the issues and identify agreed upon facts.
2. Will ensure that the item is placed on the Discipline Committee agenda for the date and time set out on the notice to the adult pupil or the pupil's parent/guardian and co-ordinate the attendance of the Trustees.
3. 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 notice of expulsion sent to the adult pupil or pupil's parent/guardian.
4. Will confirm with the adult pupil or the pupil's parent/guardian the date and location of the expulsion hearing, will provide a copy of the Expulsion Hearing Rules, and a copy of the package to go to the Discipline Committee.

Hearing Before the Discipline Committee

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

10.42 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, they have 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 authority to make submissions on behalf of the pupil.

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

1. The Discipline Committee shall consider oral and written submissions, if any, of all parties;
2. The Discipline Committee shall solicit and consider the views of all parties with respect to whether, if an expulsion is imposed, the expulsion should be a school expulsion or a Board expulsion;
3. The Discipline Committee shall solicit and consider the views of all parties with respect to whether, if an expulsion is not imposed, the suspension should be confirmed, shortened or withdrawn; and
4. Such other matters as the Discipline Committee considers appropriate.

10.44 In determining whether to impose an expulsion the Discipline Committee shall consider the following factors:

1. The mitigating and other factors:
 - a. Whether the pupil has the ability to control their behaviour;
 - b. Whether the pupil has the ability to understand the foreseeable consequences of their behaviour;
 - c. Whether the pupil's continuing presence in the school does or does not create an unacceptable risk to the safety of any other individual at the school;
 - d. The pupil's academic, discipline, and personal history;
 - e. Whether progressive discipline has been attempted with the pupil, and if so, the progressive discipline approach(es) that has/have been attempted and any success or failure;
 - f. Whether the infraction for which the pupil might be disciplined was related to any harassment of the pupil because of race, ethnic origin, religion, creed, disability, gender or gender identity, sexual orientation or to related harassment for any other reason;
 - g. The impact of the discipline on the pupil's prospects for further education;
 - h. The pupil's age;
 - i. Where the pupil has an Individual Education Plan (IEP) or disability related needs,
 - i. Whether the behaviour causing the incident was a manifestation of the pupil's disability;
 - ii. Whether appropriate individualized accommodation has been provided; and
 - iii. Whether an expulsion is likely to result in aggravating or worsening the pupil's behaviour or conduct or whether an expulsion is likely to result in a greater likelihood of further inappropriate conduct; and
 - j. Whether or not the pupil's continuing presence at the school creates an unacceptable risk to the safety of anyone in the school.
2. The submissions and views of the parties.
3. Any written response to the principal's report provided before the completion of the hearing; and
4. Such matters, as the Discipline Committee considers appropriate.

10.45 Where there is a conflict in the evidence presented by the parties on the issue of whether the pupil committed the infraction, the Discipline Committee may request further evidence as set out in the Expulsion Hearing Rules, subject to the requirement that the hearing take place within twenty (20) school days, or the Discipline Committee may assess the evidence and determine whether, on a balance of probabilities, it has been established that it is more probable than not that the pupil committed the infraction.

No Expulsion

10.46 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. Consider whether alternative discipline is appropriate in the circumstances;
2. Uphold the suspension and its duration;
3. Uphold the suspension and shorten its duration and amend the record accordingly;
or
4. Quash the suspension and expunge the record such that no record of the suspension remains in the Ontario Student Record (OSR).
5. Make such other orders, as the Discipline Committee considers appropriate.

10.47 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.

10.48 The Discipline Committee's decision with respect to the suspension is final. Expulsion

10.49 In the event the Discipline Committee decides to impose an expulsion on the pupil, the Discipline Committee must decide whether to impose a Board expulsion or a school expulsion. In determining the type of the expulsion, the Discipline Committee shall consider the following factors:

1. The mitigating and other factors:
 - a. Whether the pupil has the ability to control their behaviour;
 - b. Whether the pupil has the ability to understand the foreseeable consequences of their behaviour;
 - c. Whether the pupil's continuing presence in the school does or does not create an unacceptable risk to the safety of any other individual at the school;
 - d. The pupil's academic, discipline and personal history;
 - e. Whether progressive discipline has been attempted with the pupil, and if so, the progressive discipline approach (es) that has/have been attempted and any success or failure;
 - f. Whether the infraction for which the pupil might be disciplined was related to any harassment of the pupil because of race, ethnic origin, religion, creed, disability, gender or gender identity, sexual orientation or to related harassment for any other reason;
 - g. The impact of the discipline on the pupil's prospects for further education;

- h. The pupil's age;
 - i. Where the pupil has an Individual Education Plan (IEP) or disability related needs,
 - i. Whether the behaviour causing the incident was a manifestation of the pupil's disability;
 - ii. Whether appropriate individualized accommodation has been provided; and
 - iii. Whether a school or Board expulsion is likely to result in aggravating or worsening the pupil's behaviour or conduct or whether it is likely to result in a greater likelihood of further inappropriate conduct; and
 - j. Whether or not the pupil's continuing presence at the school creates an unacceptable risk to the safety of anyone in the school;
2. All submissions and views of the parties;
 3. Any written response to the principal's report provided before the completion of the hearing; and
 4. Such other matters as the Discipline Committee considers appropriate.

10.50 Where the Discipline Committee decides to impose a school expulsion, then the Discipline Committee must assign the pupil to another school.

10.51 Where the Discipline Committee decides to impose a Board expulsion, then the Discipline Committee must assign the pupil to a program for expelled pupils.

10.52 The Discipline Committee must promptly provide written notice of the decision to expel the pupil to all parties, and the pupil, if they were 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 at Appendix 11A and 11B)

10.53 Once the principal of alternative programs has received notice that a pupil has been expelled, a SAP must be created in a manner consistent with the Board's policy and procedures for programs for expelled pupils.

10.54 An expelled pupil is a pupil of the Board, even where the pupil attends 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

10.55 A pupil who is subject to a Board expulsion is entitled to apply in writing for re-admission to a school of the Board once the pupil has successfully completed a program for expelled pupils and has satisfied the objectives required for completion of the program, as

determined by the person who provides the program. The Board shall re-admit the pupil and inform the pupil in writing of the re-admission.

- 10.56 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 the pupil was expelled.
1. The Board will consider whether re-attendance will have a negative impact on the school climate, including on any victims, where applicable;
 2. The pupil will be required to demonstrate that they have learned from the incident and have sought counseling, where appropriate;
 3. The pupil will be required to sign a Declaration of Performance form provided by the Board (see the template letter as Appendix 12);
 4. The Board, in its sole discretion, may determine that a different school than the one from which the pupil was expelled is a more appropriate placement for the pupil.

Appeal of Board Decision to Expel

- 10.57 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.
- 10.58 The Child and Family Services Review Board is designated to hear and determine appeals of school Board decisions to expel pupils.
- 10.59 The decision of the Child and Family Services Review Board is final.

11.0 Delegation of Authority Regarding Discipline

- 11.1 A principal may delegate powers, duties, or functions under Part XIII of the Education Act – Behaviour, Discipline and Safety to a vice-principal of the school and to a teacher employed in the school as follows:
- A principal may only delegate authority to a teacher if the principal and vice principal are absent from the school and must respect the terms of all applicable collective agreements;
 - The delegation must be in writing and subject to any restrictions, limitations, and conditions set out in the delegation;
 - The individual who has been delegated authority shall be provided with contact information for the appropriate Superintendent of Education and/or designate, who shall provide support to the individual;
 - Delegations to vice principals may include all authority under Part XIII except the final decision regarding a recommendation to the board to expel a student and suspensions for more than five (5) school days;
 - Teachers may be delegated the authority to initially deal with situations involving activities that occur that must be considered for suspension and/or expulsion;
 - A teacher may be delegated limited authority to contact the parent of a student who has been harmed as the result of an activity for which suspension or expulsion must

be considered. The information provided to the parents by a teacher must be limited to the nature of the harm to the student and the nature of the activity that resulted in the harm;

- The teacher must not be delegated the authority to discuss the nature of any discipline measures taken in response to the activity;
- If the teacher is not clear on whether to call the parent or guardian, the teacher should contact the principal or Superintendent of Education for direction. The principal or vice principal will follow-up with the parent as soon as possible.

12.0 Review and Development of Programs for Expelled Students and Those on Long-Term Suspension

Academic Component in Programs for Students on Long-Term Suspension or Expulsion

- 12.1 Specific locations shall be assigned so that all students in every jurisdiction will have an opportunity to continue their education. Teaching staff and educational assistants shall be allocated to provide instruction and support.
- 12.2 Every effort shall be made to continue a student's regular academic course work throughout the suspension or expulsion period. This will include assignments, homework, and any other work that is normally evaluated in their regular class. The academic component will include, but is not limited to, the provision for distance learning, e-learning, remedial help in literacy and numeracy, individual instruction, and/or other opportunities within the board. The program will follow the curriculum as outlined in Ontario curriculum policy documents.
- 12.3 Students that require special education needs will be provided with a program that will be consistent with their Individual Education Plan (IEP).

Non-Academic Component in Programs for Students on Long-Term Suspension or Expulsion

- 12.4 The purpose of the non-academic component is to assist students on a long-term suspension of more than ten (10) days in the development of positive attitudes and behaviours. Identifying and addressing the underlying causes of the student's behaviour will help reduce the risk that the student might re-offend in the future. The Board shall consider what type of support, if any, that a student might require if they are suspended for a length of 6 to 10 days and shall assist in making that support available.
- 12.5 The Board shall make appropriate support available and/or facilitate a student's referral to community agencies and/or provide support through other methods.
- 12.6 The Board will implement protocols with community agencies to facilitate the referral process and the provision of services to help support students and their parents and families.
- 12.7 Programs and agencies that are currently in place will be reviewed and every attempt will be made to increase the Board's capacity to respond to the needs of students on long-term

suspension.

Discipline and Safety in Programs for Students on Long-Term Suspension or Expulsion

- 12.8 There shall be clear, written guidelines and rules with respect to discipline and safety in Board programs. These shall include provisions setting out what constitutes unacceptable behaviour, consequences of such behaviour, and what measures will be taken to ensure a safe learning and teaching environment.
- 12.9 Students and parents will be provided with copies of the guidelines and rules prior to entry in a Board program.
- 12.10 Students participating in the Long-Term Suspension or Expulsion programs are required to comply with the Board's Code of Conduct, as well as the guidelines and rules of the programs, and are subject to progressive disciplinary measures.
- 12.11 The principal of the school in which the student is enrolled shall address any conduct requiring further disciplinary measures.
- 12.12 In the event that a student's conduct at the program is so detrimental to the program staff or other students that there is a safety risk, or where the conduct seriously affects the ability of the program staff to deliver the program, or seriously affects the ability of the other pupils in the program to learn and benefit from the program, the student shall forfeit their right to attend the program for the duration of the suspension if involved in a program for long term suspension, or if a program for expelled students, forfeit the right to attend the program for expelled students. This will be noted on the students Student Action Plan (SAP).