

## Progressive Discipline and Safety in Schools

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## Purpose

These procedures support the application of the HCDSB's Code of Conduct and the Standards of Behaviour described in the Ontario Code of Conduct, and the Education Act as amended.

## Application and Scope

These procedures describe the application of the Halton Catholic District School Board Code of Conduct to all students of the HCDSB on school property, including virtual learning environments, at school/HCDSB authorized activities, while using school/HCDSB authorized transportation services, and under certain conditions to a student's conduct in the community that adversely affects the moral tone of the school.

## References

[Canadian Charter of Rights and Freedoms](#)

[Child, Youth and Family Services Act](#)

[Education Act](#)

[Halton Police & School Board Protocol](#)

[Halton Catholic District School Board Code of Conduct and Standards of Behaviour](#)

[Ontario School Code of Conduct](#)

[PPM 119 Developing and Implementing Equity and Inclusive Education Policies in Ontario Schools](#)

[PPM 128 Provincial Code of Conduct and School Board Codes of Conduct](#)

[PPM 141 School Board Programs for Students on Long Term Suspension](#)

[PPM 142 School Board Programs for Expelled Students](#)

[PPM 144 Bullying Prevention and Intervention](#)

[PPM 145 Progressive Discipline and Promoting Positive Student Behaviour](#)

[PPM 166 Keeping Students Safe: Policy Framework for School Board Anti-Sex Trafficking Protocols](#)

[Reg. 472/07 Suspension and Expulsion of Pupils](#)

[Ontario Human Rights Code](#)

[Statutory Powers Procedure Act](#)

## Definitions

The following definitions apply for the purposes of student discipline.

**Adult Student** - is a student who is 18 years or older or 16 or 17 and has removed themselves from parental/guardian control.

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

**Bullying** - Bullying is defined as a form of (typically) repeated, persistent, and aggressive behaviour directed at an individual or individuals that is intended to cause (or should be known to cause) fear and distress and/or harm to another person's body, feelings, self-esteem, or reputation. Bullying occurs in a context where there is a real or perceived power imbalance.

A power imbalance may occur between a pupil and the individual based on factors such as size, strength, age, intelligence, peer group power, economic status, social status, religion, sexual orientation, family circumstances, gender, gender identity, gender expression, race, disability, or receipt of special education. Bullying usually happens when one or more students tease, threaten, spread rumours about, exclude, hit, shove, or hurt another person.

Bullying can take different forms. These include:

- **Physical:** unwanted sexual touching, hitting, shoving, stealing or damaging property.
- **Verbal:** inappropriate/harmful epithets, remarks, jokes or innuendos, name calling, mocking, making sexist, sexualized, racist, homophobic, transphobic, and/or derogatory or profane comments.
- **Social:** excluding others from a group or spreading gossip or rumours about them.
- **Electronic (commonly known as cyberbullying):** spreading rumours, innuendos, hurtful comments, inappropriate/harmful images, cartoons, or jokes, using mobile phones, email, text messaging, gaming platforms and/or through social media.

**Daily Care** – a person with daily care is an adult person (18 years or older) who is not the parent(s)/guardian(s) of a student who is less than 18 years old but is a person who cares for the student daily and is known by the school to provide daily care, for example a grandparent, aunt, uncle, or older sibling.

**Discipline Committee** – a committee of three (3) or more Trustees designated to determine suspension appeals and recommendations for expulsion.

**Harassment** – language, 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(s)/guardian(s)** – where there is a reference to involving or informing a parent(s)/guardian(s) it means the custodial parent or guardian of a minor child who is not an Adult Student.

**Impact on School Climate** – an incident or activity which has a negative impact on the school community.

**School Climate** – the collective whole of the personal relationships within a school. A positive climate exists when all members of the school community feel safe, comfortable, and accepted.

**School Community** – the school community is composed of staff, students, parents/guardians, parish and volunteers 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 neighbourhood of the school.

**School Expulsion** – is an expulsion from the school of the HCDSB that the student was attending at the time of the incident.

**Violent Incident** – a violent incident is defined as any one of the following or the occurrence of a combination of any of the following:

- possessing a weapon, including possessing a firearm
- physical assault causing bodily harm requiring medical attention
- sexual assault
- robbery

- using a weapon to cause or to threaten bodily harm to another person
- extortion
- hate and/or bias-motivated occurrences

**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, and weapons.

## Requirements

### A. Progressive Discipline

Progressive discipline is a whole-school approach that uses a continuum of corrective and supportive interventions, supports and consequences to address harmful behaviour and to build upon strategies that promote positive behaviours. Consequences and interventions, include learning opportunities for reinforcing positive behaviour and assisting students to make good choices.

Prevention and early intervention are important for assisting students to achieve their potential and for maintaining a positive school environment. A positive school environment is promoted 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.

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

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

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

See Appendices 1 and 2.

#### Early and Ongoing Intervention Strategies

A teacher or the principal or designate, as appropriate, may utilise early and/or ongoing intervention strategies to prevent unsafe or harmful behaviours. These may include:

- Contact with student;
- Contact with student's parent(s)/guardian(s);
- Reminders;
- Review of expectations;
- Written performance task addressing the behaviour, that has a learning component;
- Volunteer services to the school community;
- Use of social stories/narratives;

- Recess re-shaping strategies;
- Conflict mediation and resolution;
- Peer mentoring;
- Referral to counselling; and/or
- Consultation (SERTs, CYC, Social Worker, etc.);
- Grade Assembly to address school expectations and climate;
- Restorative Practices;
- Learning Modules.

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

The teacher, principal, or designate must keep a record for each student with whom intervention strategies are utilized. The record should include:

1. Name of the student;
2. Date of the incident or behaviour;
3. Location of the incident or behaviour;
4. Nature of the incident or behaviour;
5. Progressive discipline approach used;
6. Outcome;
7. Contact with the student's parent(s)/guardian(s) (unless the student is an adult student); and
8. These details should be recorded in the HCDSB's Safe Schools Incident Reporting Form and/or current student information system as a log entry by the school administrator as appropriate.

### Reporting to the Principal

- All HCDSB employees including teaching and non-teaching staff must report these incidents to the principal.
- Boards must also include bus driver reporting requirements in their transportation policies and contracts.
- All non-board employees who come into direct contact with students on a regular basis shall report such matters to the principal.
- Reporting requirements must be clearly communicated to HCDSB employees, bus drivers, students, and parents/guardians.
- When reporting, HCDSB employees must:
  - Consider the safety of others and the urgency of the situation in reporting the incident as soon as reasonably possible (no later than the end of the school day).

Confirm all reports to the principal in writing using the HCDSB's current Safe Schools Incident Reporting Form Part I (see Appendix 14A)

- Boards are expected to:
  - Outline for HCDSB employees how to complete the Safe Schools Incident Reporting Form on a yearly basis.
  - Outline a process for employees to obtain acknowledgement of receipt of their report from the principal using the Safe Schools Incident Reporting Form Part 2 (Appendix 14B)
  - Ensure that a report number is assigned to each report.
- After a report is submitted, the principal must:
  - Complete Part 2 in the HCDSB's current Safe Schools Incident Reporting Form.
  - Investigate any matter reported.
  - Verbally communicate the results of the investigation to the person who reported the incident:
    - a) If the matter was reported by a teacher, that teacher; or
    - b) If the matter was reported by an employee who is not a teacher, that employee unless, in the principal's opinion, it would not be appropriate to do so. When communicating, the principal shall not disclose more personal information than is reasonably necessary for the purpose of communicating the results of the investigation.
- Possible actions taken can include anything on the progressive discipline continuum e.g. warning, contacting parent(s)/guardian(s), removal of privileges, suspensions.
  - If no further action is taken by the principal, there is no requirement to retain the report and it should be destroyed.
  - If action is taken, the form and documentation must be kept in the student's Ontario Student Record (OSR) for a minimum of one (1) year unless the HCDSB requires a longer period.
  - This will result in a complete documentation of the progressive discipline that has been applied to the student.
- If a principal decides that action is required because of an incident:
  - a copy of the form with documentation indicating the action taken will be filed in the appropriate student's Ontario Student Record (OSR).
  - the names of all the other students appearing on the form (aggressors and victims) must be removed except the name of the student in whose OSR the form is going.
- If no action is taken towards the aggressor, the report is not required to be retained in the student's OSR.

- Nothing about the incident, except the student's Safety Support Plan, is to go into the victim's OSR unless the adult victim or parent(s)/guardian(s) of the victim specifically request that this is done.

Note: This formal report does not replace conversations between the employee and the principal. The principal and the employee are encouraged to talk about the incident regardless of action taken.

### **Addressing Harmful Behaviour**

If a student has displayed harmful behaviour, the principal or designate may utilize a range of interventions, supports, and consequences that are (1) developmentally appropriate, and (2) include opportunities for students to focus on improving their behaviour. The principal or designate will assist the student to understand the reasons that the behaviour was deemed harmful.

Harmful behaviour includes any behaviour that disrupts the positive school climate and/or has a negative impact on the school community.

If a student has engaged in harmful behaviour, the principal or designate may choose to use a progressive discipline strategy to address the infraction.

Interventions may include:

- Meeting with the student's parent(s)/guardian(s), student and principal;
- Referral to a community agency for, counselling/intervention;
- Extending staff support to the student and parent(s)/guardian(s);
- Providing education or module support to students;
- Detentions;
- Withdrawal of privileges;
- Withdrawal from class;
- Restitution for damages;
- Restorative practices; and
- Transfer with support.

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

### **Delegation of Authority/Student Discipline**

- In accordance with the *Education Act* and Policy and Program Memorandum 145, a principal of a school may delegate authority to a teacher assigned to the school to carry out only the required actions under the *Act* with the conditions outlined herein.
- A principal shall not delegate authority to a teacher without their written consent. The HCDSB assumes all liability associated with the delegation of authority to a teacher under Part XIII of the *Education Act*.

- Principals shall select one teacher to delegate authority and a second person to serve as a replacement should the original teacher selected not be available.
- A principal shall only delegate authority to a teacher if the principal and vice-principal(s) are on an unplanned absence from the school or in the case of an emergency requiring all administrators to be absent from the school.
- The teacher who is delegated authority shall be provided with the emergency contact numbers of the principal, vice-principal(s) and supervisory officer. The administrators shall be available through this contact number while there is no administrator in the school.
- No teacher shall be delegated any authority regarding suspension decisions or recommendations regarding the expulsion of students.
- The teacher shall contact the principal, vice-principal or supervisory officer in situations where the police and/or emergency services have been called. A principal/vice-principal/supervisory officer shall be available at the school in such cases where the police have been called.
- Teachers who are delegated authority by the principal shall receive at least one (1) day of in-service on a school day each school year prior to a principal being able to delegate such authority.
- Remuneration for Teacher Delegated Authority (“Teacher in Charge”) is indicated in the Elementary and Secondary Collective Agreements.
- A principal may only delegate this 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.
- Identify a process for providing support to individuals who have been delegated authority, e.g. contact information of available HCDSB supervisory officer.
- The principal must provide the name of a Teacher Delegated Authority and a substitute to the Executive Officer, Human Resources Services by September 20<sup>th</sup> of each school year.

#### Vice-Principals:

- Delegation may include all authority of the principal under Part XIII of the *Education Act* except the final decision regarding a recommendation to the Board to expel a student and suspensions for more than five (5) days.

#### Teachers:

- 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(s)/guardian(s) 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 parent(s)/guardian(s) 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/ guardian the teacher should contact the principal or supervisory officer for direction. The principal or vice-principal will follow up with the parent(s)/guardian(s) as soon as possible.

#### **Agreements with Third Parties Regarding Use of Schools**

- Any person or group entering into an agreement in respect to the use of a school operated by the HCDSB shall follow the standards that are consistent with the Provincial and HCDSB Code of Conduct.

#### **Factors to Consider Before Deciding to Utilize a Progressive Discipline Approach to Address Harmful Behaviour**

Before applying any progressive discipline consequence, the principal/vice-principal shall consider whether the progressive discipline consequence might have a disproportionate impact on a student protected by the *Human Rights Code*, and/or exacerbate the student's disadvantaged position in society, and whether accommodation to the point of undue hardship is required.

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

1. Consider the particular student and circumstances, including considering the mitigating and other factors;
2. Consider the nature and severity of the behaviour;
3. Consider the impact of the harmful behaviour on the school climate; and
4. Consult with the student's parent(s)/guardian(s) (unless the student is an adult student).

#### **Mitigating Factors**

The mitigating factors to be considered by the principal before deciding whether to use a progressive discipline approach to address the harmful behaviour are:

1. Whether the student has the ability to control personal behaviour;
2. Whether the student has the ability to understand the foreseeable consequences of personal behaviour; and
3. Whether the student's continuing presence in the school does or does not create an unacceptable risk to the safety of any other individual at the school.

#### **Other Factors**

1. The student's academic, discipline and personal history; including mental health;
2. Whether other progressive discipline has been attempted with the student, 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 student might be disciplined was related to any harassment or discrimination of the student 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 student's prospects for further education;
5. The student's age;
6. Where the student has an Individual Education Plan (IEP) or disability related needs,
  - a) Whether the behaviour causing the incident was a manifestation of the student's disability;
  - b) Whether appropriate individualized accommodation has been provided; and
  - c) Whether a suspension is likely to result in aggravating or worsening the student's behaviour or conduct or whether a suspension is likely to result in a greater likelihood of further harmful behaviour; and
7. Whether or not the student's continuing presence at the school creates an unacceptable risk to the safety of anyone in the school.

If the student'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.

Additional Factors as per

#### Human Rights and Equity Factors

The Ontario Human Rights Commission's Report on the Ontario Safe Schools Act states that in the Greater Toronto Area (GTA) and other parts of Ontario, there is some empirical evidence that the Act and school board policies have a disproportionate impact on racialized students. More recently, Ontario's Education Equity Action Plan (2017), and research data collected in several district boards across the GTA point to the evidence that suspensions and expulsions have a disproportionate impact on students with disabilities, and Indigenous, racialized and Black students. When considering mitigating factors, the principal and other decision makers should intentionally review factors that influence decision making, such as systemic racism, socio-economic status, and the family circumstances of students. Decision makers must also consider their own social location and be cognizant of stereotypes and prejudices.

#### Record

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

1. Name of the student;
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;

7. Contact with the student's parent(s)/guardian(s) (unless the student is an adult student); and
8. The principal or designate will record the incident and method of progressive discipline in the HCDSB's electronic Behaviour Management Tracking System.

### **Notice to Parents/Guardians**

Following an incident for which the principal shall consider imposing a suspension or making a recommendation for expulsion, the principal or vice-principal shall provide information to the parent(s)/guardian(s) of the victim, unless in the opinion of the principal or vice-principal providing information to the victim's parent(s)/guardian(s) would put the victim at risk of harm and would not be in the victim's best interest, or where the victim is an adult student. Where the victim is an adult student, the principal or vice-principal shall inform the parent(s)/guardian(s) only with the victim's consent.

The Education Act states that the principal shall disclose,

- (a) the nature of the activity that resulted in harm to the student;
- (b) the nature of the harm to the student;
- (c) the steps taken to protect the student's safety, including the nature of any disciplinary measures taken in response to the activity; and
- (d) the supports that will be provided for the student in response to the harm that resulted from the activity.

The Education Act states that the principal shall not disclose the name of or any other identifying or personal information about a student who engaged in the activity that resulted in the harm.

The principal or vice-principal may communicate to the victim's parent(s)/guardian(s) any school wide initiatives that have been or will be implemented as a result of the incident and/or other similar incidents. Where the student(s) disciplined shall no longer be attending the same school as the victim, this fact may be confirmed.

In addition, where the victim has been harassed, bullied or suffered violence because of one or more immutable characteristics, including on any grounds protected by the Ontario *Human Rights Code*, or has been sexually assaulted, the principal or vice-principal shall share contact information about professional supports such as community agencies, public health facilities and telecommunications forums, such as a help-phone-line or website, that the victim and the victim's parent(s)/guardian(s) may access for information, assistance and support. The principal or vice-principal shall, as appropriate, recommend a referral for the student to receive social work support.

A written list of community contacts will be made available to the victim and/or the victim's parent(s)/guardian(s). This list shall also be available on the HCDSB's website. If the victim requires support based on language barriers, disability or culturally responsive programming, this will be provided in a form accessible to the victim and/or the victim's parent(s)/guardian(s).

The principal or vice-principal shall also inform the parent(s)/guardian(s) that, if the parent(s)/guardian(s) is not satisfied with the measures being taken to protect and support the victim, the parent(s)/guardian(s) may contact the superintendent to request a review of the measures being taken by the school.

### Not Notifying a Parent(s)/guardian(s)

Where, in the opinion of principal/vice-principal/teacher-in-charge, providing information to the victim's parent(s)/guardian(s) would put the victim at risk of harm, such that notification would not be in the victim's best interests, or where the victim is an adult student and does not consent to their parent(s)/guardian(s) being informed, the principal/vice-principal/teacher-in-charge shall not inform the victim's parent(s)/guardian(s). A teacher-in-charge shall report to the Administration at the earliest opportunity the reason(s) why notification was not provided to the parent(s)/guardian(s). The Principal or Vice-Principal shall:

1. Consider, as a result of the victim's disclosure, whether or not the victim is a child in need of protection and, if so, follow the Duty to Report procedure and contact the Children's Aid Society;
2. Document in the Student Information System why the parent(s)/guardian(s) was not notified;
3. Inform their Superintendent that the parent(s)/guardian(s) was not informed and explain why;
- 4.
5. Inform the teacher or other professional or para-professional staff person, if that individual informed the principal or vice-principal of the potential for harm, that the parent(s)/guardian(s) was not informed and explain why; and
6. Inform other staff working to support the student, as appropriate.

The principal or vice-principal shall inform the victim of the steps being taken by the school to protect the victim's safety. These measures might include a Safety Plan and the implementation of prevention strategies identified in this procedure.

Where the victim has been harassed, bullied or suffered violence as a result of one or more immutable characteristics, including any grounds protected by the Ontario *Human Rights Code*, or has been sexually assaulted, the principal or vice-principal shall provide the victim with contact information about professional supports, such as community agencies, public health facilities and telecommunications forums, such as a help-phone-line or website, that the victim may access for information, assistance and support. Supports might include *Kids Help Phone* and the *Lesbian, Gay, Bisexual and Transgendered Youth Line*. A written list of community contacts shall be provided to the victim and the victim shall be informed that the list is available on the HCDSB's website. Where the victim requires support based on language barriers, disability or culturally responsive programming, information about community supports that are available shall also be shared with the victim in a form most accessible to the victim.

Where the student who has been disciplined shall no longer be attending the same school as the victim, this fact may be confirmed.

### Response by HCDSB Employees

- An employee of the HCDSB who observes a student behaving in a way that is likely to have a negative impact on school climate is required to respond to the behaviour.
  - These behaviours include bullying/cyberbullying, racist, sexual, sexist, or homophobic comments, slurs, and jokes or graffiti, as well as activities for which suspension and expulsion must be considered or as reported in the Safe Schools Incident Reporting form.

- This requirement applies to all HCDSB employees who work directly with students. This includes, but is not limited to, teachers, non-teaching staff in social work, child and youth work, psychology, and related areas, as well as educational assistants (PPM 145).
  - Responding may include asking a student to stop the harmful behaviour, naming the type of behaviour and explaining why it is harmful and/or disrespectful, and asking the student for a change in future behaviour.
- An employee is not required to respond if responding would, in the employee's opinion, cause immediate physical harm to themselves or to that of a student or another person.
  - The employee is expected to verbally inform the principal as soon as possible if they do not immediately respond.

## B. Suspension of a Student

### Suspension Infractions

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

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

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

1. Uttering a threat to inflict serious bodily harm on another person;
2. Possessing alcohol, illegal drugs or, unless the student is a medical cannabis user, cannabis; being under the influence of alcohol, and/or illegal or restricted drugs/substances, and/or, unless the student is a medical cannabis user, cannabis
3. Swearing at a teacher or at another person in a position of authority;
4. Committing an act of vandalism that causes extensive damage to school property at the student's school or to property located on the premises of the student's school;
5. Bullying;
6. Any activity motivated by bias, prejudice or hate;
7. Any other activity that is an activity for which a principal may suspend a student under a policy of the HCDSB:
  - a) Any act considered by the principal to be injurious to the moral tone of the school;
  - b) Any act considered by the principal to be injurious to the physical or mental well-being of members of the school community; or
  - c) Any act considered by the principal to be contrary to the HCDSB or School Code of Conduct including but not limited to the following:

- academic dishonesty – attempting to deceive by cheating, copying or plagiarizing
- opposition to authority – refusal to comply with persons in authority
- disorderly conduct – persistent opposition to authority, conduct injurious to the moral tone of the school or to the physical or mental well-being of others in the school
- explosive devices – use of or possession of explosive devices
- extortion – to take money, homework or property under threat of harm or duress
- fire setting, bomb threat, fire alarm – setting a fire or an act that places individuals, property or community at risk
- harassment – repeated comments or conduct that is known or ought to be known as unwelcome
- hate crimes – words or actions considered offensive in reference to a person's age, appearance, culture, disability, gender, race, or religion
- smoking/vaping in prohibited areas
- theft – taking, possessing property without the permission of the owner
- trespassing – unauthorized presence on school property
- truancy – persistent unexplained absence
- vehicle use – reckless or dangerous use of a vehicle, e.g. car, bicycle, motorcycle, etc.

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

These activities include incidents that occur while at school, at a school-related activity or in circumstances where the activity will have a negative impact on the school climate.

#### **Factors to Consider Before Deciding to Impose a Suspension**

Before deciding whether to impose a suspension, or some other form of discipline, a principal will make every effort to consult with the student, where appropriate, and the student's parent(s)/guardian(s) (if the student is not an adult student) to identify whether any mitigating and/or other factors might apply in the circumstances.

#### **Mitigating Factors**

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

1. Whether the student has the ability to control their behaviour;
2. Whether the student has the ability to understand the foreseeable consequences of their behaviour; and
3. Whether the student's continuing presence in the school creates an unacceptable risk to the safety of any other individual at the school.

If a student does not have the ability to control their behaviour or does not understand the foreseeable consequences of their behaviour, the principal will not suspend the student. Alternative discipline and/or other intervention may be considered by the principal in such circumstances. If the student 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 safety of students, staff, and others in the school.

### Other Factors

Where the student 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 student:

1. The student's academic, discipline and personal history; including mental health;
2. Whether progressive discipline has been attempted with the student, 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 student might be disciplined was related to any harassment of the student because of race, ethnic origin, religion, creed, disability, gender or gender identity, sexual orientation or harassment for any other reasons;
4. The impact of the discipline on the student's prospects for further education;
5. The student's age;
6. Where the student has an Individual Education Plan (IEP) or disability related needs,
  - a. Whether the behaviour causing the incident was a manifestation of the student's disability;
  - b. Whether appropriate individualized accommodation has been provided; and
  - c. Whether a suspension is likely to result in aggravating or worsening the student's behaviour or conduct or whether a suspension is likely to result in a greater likelihood of further harmful conduct; and
7. Whether or not the student's continuing presence at the school creates an unacceptable risk to the safety of anyone in the school.

### Human Rights and Equity Factors

The Ontario Human Rights Commission's Report on the Ontario Safe Schools Act states that in the Greater Toronto Area (GTA) and other parts of Ontario, there is some empirical evidence that the Act and school board policies have a disproportionate impact on racialized students. More recently, Ontario's Education Equity Action Plan (2017), and research data collected in several district boards across the GTA point to the evidence that suspensions and expulsions have a disproportionate impact on students with disabilities, and Indigenous, racialized and Black students. When considering mitigating factors, the principal and other decision makers should

intentionally review factors that influence decision making, such as systemic racism, socio-economic status, and the family circumstances of students. Decision makers must also consider their own social location and be cognizant of stereotypes and prejudices.

### **Progressive Discipline**

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

### **Factors Mitigating Decision to Suspend**

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

### **Consultation**

Before imposing a suspension of six (6) or more school days, the principal will consult with the Superintendent of Education regarding:

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

### Schoolwork

A student 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 schoolwork must be available to the adult student's designate or the student's parent(s)/guardian(s) or designate as soon as possible, if the student is suspended for one (1) school day. If this is not possible, the student must be given an opportunity to catch-up on missed schoolwork as part of the re-entry process. Where the student has been suspended for two (2) or more school days the principal/designate will ensure that the schoolwork provided to the student will be available as soon as possible.

In addition to receiving schoolwork for the first five (5) school days of suspension, a student who is subject to a suspension of six (6) or more school days must be offered an optional alternative program for students. A student participating in the Alternative Suspension Program is not considered to be engaging in school or school-related activities.

### Support for Students

- All HCDSB employees must take all allegations of gender-based violence, sexual harassment, and inappropriate/harmful sexual behaviour (PPM 145) and bullying (PPM 144) seriously and act in a timely, sensitive and supportive manner. See *"Pastoral Guidelines to Assist Students of Same-Sex Orientation"* in Policy II-45 Equity and Inclusive Education. *Boards must support students who are victims of serious student incidents and their parents/guardians by:*
- *including the development of specific Student Safety Support Plans to protect the victim; and*
- *outlining a process for parents to follow when they are not satisfied with the supports that their children receive.*
- *If the adult student or the student's parent/guardian is not satisfied with the supports that their child has received, the parent/guardian may contact the Family of Schools Superintendent to address concerns as soon as possible and no later than ten (10) school days after the Safety Support Plan comes into effect.*

*As per the Education Act, serious student incidents are incidents that must be considered for suspension (s.306. (1) or expulsion s.310. (1)).*

- Boards must refer students who are victims to a community agency that *is consistent with Catholic teachings where available and can provide the appropriate type of confidential support when their parents are not notified.*
- *When boards determine that it is necessary to separate students to preserve school safety or to protect a student, it is preferable that the victim not be moved.*
  - *Boards are expected to coordinate a transition meeting to support the student who is being moved which should include the receiving teacher and non-teaching staff.*
  - *Boards are expected to have clear policies for teaching/non-teaching staff regarding confidentiality of information shared at transition meetings when a student is moved.*

### **Prevention and Training**

- *Prevention and awareness raising strategies must be aimed at all members of the school community in areas including, but not limited to race, ethnicity, religious beliefs, sexual orientation, gender identity, ability and gender-based violence - harassment, inappropriate/harmful sexual behaviour, bullying (including cyberbullying), critical media literacy, and safe internet use.*

### **Boards/schools must:**

- *ensure that prevention and awareness raising planning is consistent with the requirements of Individual Education Plans (IEPs) for students with special needs, including requirements regarding accommodations and modifications; conduct anonymous school climate surveys of their students every two (2) years; promote a positive school climate that is inclusive and accepting of all -students, including students of any race, ancestry, place of origin, colour, -, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, marital status, family status or disability,*
- *promote the prevention of bullying/cyberbullying, and;*
- *share climate survey results with their Safe Schools Teams. The week beginning on the third Sunday in November in each year is proclaimed as Bullying Awareness and Prevention Week, which may include an annual theme as appropriate.*

### **Procedural Steps When Imposing a Suspension**

Where a principal has determined that it is appropriate in the circumstances to impose a suspension, the principal is required to affect the following procedural steps:

1. Within 24 hours of the decision to suspend, the principal must make all reasonable efforts to inform the adult student or the student's parent(s)/guardian(s) of the suspension;
2. The principal must inform the student's teacher(s) of the suspension;
3. The principal, in conjunction with the student's teacher(s), must organize schoolwork to be provided for the student to be completed during the duration of the student's suspension;

4. The principal must provide written notice of the suspension to the student, the student's parent(s)/guardian(s) (unless the student is an adult student), the Family of Schools Superintendent of Education, and the Superintendent of Safe and Accepting Schools;
  5. The written notice of suspension will include:
    - a) The reason for suspension;
    - b) The duration of the suspension;
    - c) Information about the Alternative Suspension Program the student is assigned to, where the student 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 of Safe and Accepting Schools.
- (See Appendix 5)
6. Every effort should be made to include schoolwork with the letter of suspension to the student and the student's parent(s)/guardian(s) (unless the student is an adult student) on the day the student is suspended. If it is not possible to provide the letter because the student and/or their parent(s)/guardian(s) is not available, the letter should be sent by regular/registered mail/courier service to the home address, or by password-protected email. If notice is sent by regular/registered mail or courier, it will be deemed to have been received on the fifth school day after it is sent. If the notice is sent by password-protected email, it will be deemed to have been received on the day it is sent.
  7. Where the incident is a violent incident, a Violent Incident Form must be completed and filed in the student's Ontario Student Record. Please see requirements for the reporting of Violent Incidents set out below.

### **Alternative Suspension Program**

Where a student has been suspended for six (6) or more school days the student will be provided with schoolwork for the first five (5) school days or until the Student Action Plan (Appendix 15) is implemented and will be assigned an alternative program for students subject to lengthy suspension.

A student cannot be compelled to participate in an Alternative Suspension Program. Should the adult student or the student's parent(s)/guardian(s) choose not to have the student participate in an Alternative Suspension Program, the student will continue to be provided with schoolwork consistent with the Ontario curriculum or that student's modified or alternative curriculum to be completed at home for the duration of the suspension. This schoolwork will be made available by the school to the adult student's designate or the student's parent(s)/guardian(s) or designate at regular intervals during the suspension period. Where schoolwork has not been received, the school should contact the adult student or the student's parent(s)/guardian(s) to determine how the schoolwork will be received. The principal should record the follow-up and response.

A Student Action Plan (SAP) will be developed for every student subject to a suspension of six (6) or more school days who agrees to participate in an Alternative Suspension Program.

Agreement or refusal to participate in an Alternative Suspension Program may be communicated to the school orally by the adult student or the student's parent(s)/guardian(s). Where the adult student or student's parent(s)/guardian(s) declines the offer to participate in an Alternative Suspension Program, the principal shall record the date and time of such refusal.

### **Planning Meeting**

For students subject to a suspension of six (6) or more school days who choose to participate in an Alternative Suspension Program, the principal of the school or designate will hold a planning meeting for the purpose of developing the Student Action Plan.

- The adult student or student's parent(s)/guardian(s) and the student as well as any administrator, teaching and support staff including community agencies where applicable will be invited to participate in the planning meeting.
- The planning meeting will be scheduled to occur within two (2) school days of the adult student or the student's parent(s)/guardian(s) informing the school that the student will participate in an Alternative Suspension Program.
- If the adult student or the student's parent(s)/guardian(s) are not available to participate in the planning meeting, the meeting will proceed in their absence and a copy of the Student Action Plan will be provided to them following the meeting.
- During the planning meeting the principal or designate will review the issues to be addressed in the student's Student Action Plan.

### **Student Action Plan**

A student subject to suspension for six (6) or more school days will be provided with both academic and non-academic supports, which will be identified in the student's Student Action Plan. Students subject to a suspension of fewer than eleven (11) school days may be offered non-academic supports where such supports are appropriate and available.

- The Student Action Plan will be developed under the direction of the principal of the school with assistance, as appropriate, from the principal of alternative programs, vice-principal of the school, guidance counsellor, special education teacher, classroom teacher, Child Youth Counsellor and/or social worker.
- The principal will make every effort to complete the Student Action Plan within five (5) school days following the adult student or the student's parent(s)/guardian(s) informing the school that the student will participate in an Alternative Suspension Program.
- This timeline will be communicated to the adult student and/or the student's parent(s)/guardian(s) if they are unable to attend the planning meeting for the purpose of providing input.
- The principal must ensure that the student is provided with schoolwork until the Student Action Plan is in place.
- Once completed, the Student Action Plan will be shared with the adult student, or the student's parent(s)/guardian(s) and the student and all necessary staff in order to facilitate implementation.

- A copy of the Student Action Plan will be stored in the student's Ontario Student Record.
- The Student Action Plan will identify:
  1. The incident for which the student 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 student 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 support(s) that might be provided to address those learning or other needs;
  7. The academic program to be provided to the student during the suspension period and details regarding how that academic program will be accessed by the student;
  8. Where the student has an Individual Education Plan, information regarding how the accommodations/modifications of the student's academic program will be provided during the period of suspension;
  9. The non-academic program and supports to be provided to the student, if applicable, during the suspension and details regarding how that non-academic program and those supports will be accessed; and
  10. The measurable goals the student will be striving to achieve during the period of suspension.

**Suspension Appeal Process** (see also Appendix 3 "Student Discipline Suspension Appeal Guidelines")

The adult student or the student's parent(s)/guardian(s) may appeal a suspension.

All suspension appeals will be received by the Superintendent of Safe and Accepting Schools.

- An appeal of a suspension does not remove the suspension.
- A person who intends to appeal a suspension must give written notice (email or letter) of their intention to appeal the suspension within ten (10) school days of the commencement of the suspension.
- The HCDSB must hear and/or determine the appeal within fifteen (15) school days of receiving the notice of intention to appeal (unless the parties agree to an extension).

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

1. Will promptly advise the school principal of the appeal;
2. Will invite the appellant to contact the Family of School's Superintendent to discuss any matter respecting the incident and/or appeal of the suspension;

3. May propose a meeting with the adult student or the student's parent(s)/guardian(s) and the principal to narrow the issues and try to affect a settlement and arrange a date for the appeal before the Discipline Committee. This meeting may include the Principal, appellant and Family of Schools Superintendent.
4. Where a settlement is not affected, the principal will prepare a Principal's Report that will be provided to the parent(s)/guardian(s) and the Superintendent of Safe and Accepting Schools.

The Superintendent of Safe and Accepting Schools will:

1. Coordinate the preparation of a written report for the HCDSB. 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; and
  - c) A copy of the letter requesting the Suspension Appeal.
2. Inform the adult student or the student's parent(s)/guardian(s) 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 7)
3. Ensure that the item is placed on the Discipline Committee's agenda.

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

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

#### **Suspension Appeal before the Discipline Committee of the Board**

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

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 student 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 student, where appropriate, questions of clarification.

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

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.

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

The Discipline Committee will consider, based on the written and/or oral submissions of both parties, whether 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

Withdraw the suspension and order that the record be expunged. The decision of the Discipline Committee is final. The decision shall be communicated to the appellant in writing. (see template letter Appendix 8A and 8B)

### **Re-Entry**

Following a suspension of six (6) or more school days, a re-entry meeting will be held with appropriate staff, the student, and the student's parent(s)/guardian(s) if possible, to provide positive and constructive redirection for the student. Where the student has participated in an Alternative Suspension Program, the student's success in achieving the goals outlined in the SAP will be reviewed with the adult student or the student's parent(s)/guardian(s) and student. Further programs and services might be recommended by the principal of the school for the purpose of achieving additional or greater success in meeting the goals outlined in the Student Action Plan.

### **C. Expulsion of Students**

If the principal has reasonable grounds to believe that a student 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 shall suspend the student.

The principal will also contact the police consistent with the Police and School Response Protocol if the infraction the student is suspected of committing requires such contact. When in doubt, the principal will consult with their Superintendent.

The infractions for which a expulsion may be imposed by the principal include:

1. Possessing a weapon, including possessing a firearm or a replica;
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 replica, illegal or restricted drugs;
6. Committing robbery; Bullying, if,
  - i. the student has previously been suspended for engaging in bullying, and/or
  - ii. the student's continuing presence in the school creates an unacceptable risk to the safety of another person.
7. Any activity listed in subsection 306 (i) that is motivated by age, bias, colour, gender expression, gender identity, mental or physical disability, language, national or ethnic origin, prejudice or hate based on race, religion, sex, sexual orientation, or any other similar factors;
8. Giving alcohol to a minor;
9. Any other activity that, under a policy of the HCDSB, is an activity for which a principal must suspend a student and, therefore in accordance with this Part, conduct an investigation to determine whether to recommend to the Board that the student be expelled:
  - a) 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;
  - b) A pattern of behaviour that is so harmful that the student's continued presence is injurious to the effective learning and/or working environment of others;
  - c) Activities engaged in by the student on or off school property that cause the student'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 HCDSB;
  - d) Activities engaged in by the student on or off school property that have caused extensive damage to the property of the HCDSB or to goods that are/were on HCDSB property;
  - e) The student has demonstrated through a pattern of behaviour that they have not prospered by the instruction available to them and that they are persistently resistant to making changes in behaviour which would enable them to prosper; or
  - f) Any act considered by the principal to be a serious violation of the HCDSB or School Code of Conduct.

**Factors to Consider to Determine Duration of Suspension Leading to a Possible Expulsion and Whether to Recommend Expulsion**

The Education Act requires the principal to consider mitigating and other factors set out below in determining the length of the suspension and in determining whether to recommend expulsion.

The principal will make every effort to consult with the student, where appropriate, and the student's parent(s)/guardian(s), if the student is not an adult student, to assist in identifying whether any mitigating factors might apply in the circumstances. However, despite consultation, the identification and consideration of mitigating and other factors remains the responsibility of the principal.

### **Suspension Pending Recommendation for Expulsion**

If the student is suspended pending an investigation to determine whether expulsion will be recommended, mitigating and other factors must be considered in determining the length of the suspension which can be for one (1) to (20) twenty school days.

The Education Act requires the principal to consider mitigating and other factors in determining the length of the suspension.

### **Procedural Steps When Imposing a Suspension Leading to a Possible Expulsion**

When imposing a suspension, the principal is required to ensure the following procedural steps are taken:

1. Within 24 hours of the decision to suspend, the principal must make all reasonable efforts to inform the adult student or the student's parent(s)/guardian(s) of the suspension;
2. The principal must inform the student's teacher(s) of the suspension;
3. The principal must provide written notice of the suspension promptly to the adult student or the student's parent(s)/guardian(s) and student 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 students the student 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. -If the principal decides not to recommend an expulsion, a statement that the suspension may be appealed to the Discipline Committee must be included within the letter. If the principal decides to recommend an expulsion, then the suspension may be addressed at the expulsion hearing.

(See the template letter at Appendix 9)
4. Every effort should be made to include schoolwork with the letter of suspension to the student and the student's parent(s)/guardian(s) (unless the student is an adult student) on the day the student is suspended. If it is not possible to provide the letter because the student and/or their parent(s)/guardian(s) is not available, the letter should be sent by regular/registered mail/courier service to the home address, or by password-protected email. If notice is sent by regular/registered mail or courier, it will be deemed to have been received on the fifth school day after it is sent. If the notice is sent by password-protected email, it will be deemed to have been received on the day it is sent.

Please see requirements for the reporting of Violent Incidents set out below.

### **Alternative Suspension Program**

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

A student cannot be compelled to participate in an Alternative Suspension Program. Should the adult student or the student's parent(s)/guardian(s) choose not to have the student participate in an Alternative Suspension Program, the student will be provided with schoolwork consistent with the Ontario curriculum or that student's modified and/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 student's designate or the student's parent(s)/guardian(s) or a designate at regular intervals to be determined by the principal during the suspension period as soon as possible and/or after the adult student or the student's parent(s)/guardian(s) declines the offer to participate in an Alternative Suspension Program.

A **Student Action Plan (SAP)** must be developed for every student who agrees to participate in an Alternative Suspension Program.

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

### **Planning Meeting**

For students subject to a suspension pending an investigation to determine whether to recommend an expulsion who choose to participate in an Alternative Suspension Program, the principal of the school or designate will hold a planning meeting for the purpose of developing the Student Action Plan.

- The adult student or the student's parent(s)/guardian(s) and student (where appropriate) as well as any appropriate teaching and support staff will be invited to participate in the planning meeting.
- The planning meeting will be scheduled to occur within two (2) school days of the adult student or the student's parent(s)/guardian(s) informing the school that the student will participate in an Alternative Suspension Program.
- If the adult student or the student's parent(s)/guardian(s) are not available to participate in the planning meeting, the meeting will proceed in their absence and a copy of the Student Action Plan will be provided to them following the meeting. Every effort should be made to include the student's parent(s)/guardian(s) by offering choice of timing, location, interpretation services, sign language, etc.
- During the planning meeting the principal or designate will review the issues to be addressed in the student's SAP.

### **Student Action Plan**

A student 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 student's Student Action Plan.

- The Student Action Plan will be developed under the direction of the principal of the school with assistance, as appropriate, from the principal of alternative programs, vice-principal of the school, guidance counsellor, special education teacher, classroom teacher, Child Youth Counsellor and/or Social Worker.
- The principal will make every effort to complete the Student Action Plan within five (5) school days following the adult student or the student's parent(s)/guardian(s) informing the school that the student will participate in an Alternative Suspension Program.
- This timeline will be communicated to the adult student or the student's parent(s)/guardian(s) if they are unable to attend the planning meeting for the purpose of providing input. Every effort should be made to include student's parent(s)/guardian(s) by offering choice of timing, location, interpretation services, sign language, etc.
- Once completed, the Student Action Plan will be shared with the adult student or the student's parent(s)/guardian(s) and student and all necessary staff to facilitate implementation.
- A copy of the Student Action Plan will be stored in the student's Ontario Student Record until such time as it is no longer conducive to the improvement of instruction of the student.

The Student Action Plan will identify:

1. The incident for which the student 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 student 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 student during the suspension period and details regarding how that academic program will be accessed by the student;
8. Where the student has an Individual Education Plan, information regarding how the accommodations/modifications of the student's academic program will be provided during the period of suspension;
9. The non-academic program and services to be provided to the student during the suspension and details regarding how that non-academic program and those services will be accessed; and
10. The measurable goals the student will be striving to achieve during the period of suspension.

#### Principal's Investigation

The principal will conduct an investigation promptly following the suspension of the student to determine whether to recommend to the Discipline Committee that the student be expelled. As part of the investigation, the principal will consult with the Superintendent of Education and/or

Superintendent of Safe and Accepting Schools regarding any issues of process and/or timing for conducting the investigation, which must be completed at the earliest opportunity as well as the substantive decision whether or not to recommend that the student be expelled. Should the decision be made to refer the student to the Discipline Committee with a recommendation for expulsion, the student must be referred to and addressed by the Discipline Committee within twenty (20) school days from the date of suspension (unless timelines are extended on mutual consent).

Any police investigation will be conducted separately from the principal's inquiry. The principal's investigation does not begin or continue (if already started) until the police investigation is complete.

As part of the investigation, the principal will:

1. Make all reasonable efforts to speak with the adult pupil/student or the pupil/student and the pupil/student's parent(s)/guardian(s). Every effort should be made to include the student's parent(s)/guardians(s) by offering choice of timing, location, interpretation services, sign language, and or other necessary supports.
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 student, or the student's parent(s)/guardian(s);
4. Make every reasonable effort to obtain a statement from the student; and
5. Consider the mitigating and other factors when determining whether to recommend to the Discipline Committee that the student be expelled.

### **Mitigating Factors**

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

1. Whether the student has the ability to control their behaviour;
2. Whether the student has the ability to understand the foreseeable consequences of their behaviour; and
3. Whether the student's continuing presence in the school does or does not create an unacceptable risk to the safety of any other individual at the school.

### **Other Factors**

The principal will also consider whether the following factors mitigate the length of a suspension and whether the student should be referred to the Discipline Committee on a recommendation for expulsion:

1. The student's academic, disciplinary and personal history;
2. Whether progressive discipline has been attempted with the student, 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 student might be disciplined was related to any harassment of the student 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 student's prospects for further education;
5. The student's developmental age;
6. Where the student has an Individual Education Plan or disability related needs,
  - a) Whether the behaviour causing the incident was a manifestation of the student's disability;
  - b) Whether appropriate individualized accommodation has been provided; and
  - c) Whether a suspension is likely to result in aggravating or worsening the student's behaviour or conduct or whether a suspension is likely to result in a greater likelihood of further harmful behaviour; and
7. Whether or not the student's continuing presence in the school creates an unacceptable risk to the safety of anyone in the school.

### Human Rights and Equity Factors

The Ontario Human Rights Commission's Report on the Ontario Safe Schools Act states that in the Greater Toronto Area (GTA) and other parts of Ontario, there is some empirical evidence that the Act and school board policies have a disproportionate impact on racialized students. More recently, Ontario's Education Equity Action Plan (2017), and research data collected in several district boards across the GTA point to the evidence that suspensions and expulsions have a disproportionate impact on students with disabilities, and Indigenous, racialized and Black students. When considering mitigating factors, the principal and other decision makers should intentionally review factors that influence decision making, such as systemic racism, socio-economic status, and the family circumstances of students. Decision makers must also consider their own social location and be cognizant of stereotypes and prejudices.

### Progressive Discipline

In reviewing whether progressive discipline approach(es) has/have been attempted with the student, 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 utilised early and/or ongoing intervention strategies to prevent unsafe or harmful behaviours, such as:
  - contact with the student's parent(s)/guardian(s);
  - oral reminders;
  - review of expectations;
  - educational resources;
  - written work assignments with a learning component;
  - assigning the student to volunteer services to the community;
  - conflict mediation and resolution;

- peer mentoring;
  - referral to counselling; and/or
  - consultation
2. Alternative practices in response to harmful behaviour for which a suspension could have been imposed, such as:
- meeting(s) with the student's parent(s)/guardian(s), student, and principal;
  - referral of student to a community agency for anger management or substance abuse counselling;
  - detentions;
  - educational modules;
  - withdrawal of privileges;
  - withdrawal from class;
  - restitution for damages;
  - restorative practices; and/or
  - transfer

### Conference

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

### Decision Not to Recommend Expulsion

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

- Consider whether progressive discipline is appropriate in the circumstances;
- Uphold the suspension and its duration;
- Uphold the suspension and shorten its duration and amend the record accordingly;
- Withdraw the suspension and expunge the record.

If the principal has decided not to recommend an expulsion of the student, the principal will provide written notice of this decision to the adult student or the student's parent(s)/guardian(s). 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. Information about the right to appeal the suspension to the Discipline Committee, including:

- a) A copy of the HCDSB policies and guidelines regarding suspension appeals;
- b) Contact information for the Superintendent of Safe and Accepting Schools;
- c) A statement that written notice of an intention to appeal must be given within five (5) school days following receipt by the party of notice of the decision not to recommend expulsion; or
- d) If the suspension has been reduced in length, the appeal is from the reduced suspension. (see the template letter at Appendix 10)

### **Recommendation to the Board for an Expulsion Hearing**

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

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

1. Prepare a report to be submitted to the Discipline Committee and provide the report to the student and the student's parent(s)/guardian(s) (unless the student is an adult student) 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 student if the student is subject to a school expulsion, or the type of program that might benefit the student if the student is subject to a Board expulsion.
2. Inquire with the Superintendent of Safe and Accepting Schools as to the date and location of the hearing and provide written notice of the expulsion hearing to the adult student or the student's parent(s)/guardian(s) and student. The notice shall include:
  - a) A statement that the student is being referred to the Discipline Committee to determine whether the student will be expelled for the activity that resulted in suspension;
  - b) A copy of the HCDSB's guidelines and rules governing the hearing before the Discipline Committee;
  - c) A copy of the HCDSB Code of Conduct and School Code of Conduct;
  - d) A copy of the suspension letter;
  - e) A statement that the student and/or their parent(s)/guardian(s) 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:

- i. If the Discipline Committee does not expel the student they will either confirm, confirm and shorten, or withdraw the suspension;
- ii. Parties have the right to make submissions with respect to the suspension;
- iii. Any decision with respect to the suspension is final and cannot be appealed;

If the student is expelled from the school, they will be assigned to another program or school;

- i. If the student is expelled from the HCDSB, they will be assigned to a program for expelled students;
  - ii. If the student is expelled there is a right of appeal to the Child and Family Services Review Board.
- g) The name and contact information for the Superintendent of Safe and Accepting Schools. (see the template letter at Appendix 11)

**The Family of School Superintendent of Education will:**

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

**The Superintendent of Safe and Accepting Schools:**

1. Will arrange a meeting with the adult student or the student's parent(s)/guardian(s) and student and the principal, as appropriate.
  - a. The Superintendent of Safe and Accepting Schools will review the Discipline Committee process for expulsion hearings, as well as respond to any questions or concerns the student or the student's parent(s)/guardian(s) may have regarding the process or incident; and
  - b. During the meeting the Superintendent of Safe and Accepting Schools 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 student or the student's parent(s)/guardian(s) 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 student or student's parent(s)/guardian(s).
4. Will confirm with the adult student or the student's parent(s)/guardian(s) 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

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

Parties before the Discipline Committee will be:

1. The student, adult student and the student's parent(s)/guardian(s) (may be accompanied by advocate/navigator/legal counsel);
2. The principal;
3. The Family of Schools Superintendent; and,
4. Superintendent of Safe and Accepting Schools.

The Discipline Committee may grant a person with daily care authority to make submissions on behalf of the student.

A student who is not a party to the hearing has the right to be present at the hearing and to make a statement on their behalf.

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

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

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

1. The mitigating and other factors:
  - a. Whether the student is able to control their behaviour;
  - b. Whether the student is able to understand the foreseeable consequences of their behaviour;
  - c. Whether the student's continuing presence in the school does or does not create an unacceptable risk to the safety of any other individual at the school;
  - d. The student's academic, disciplinary and personal history;
  - e. Whether progressive discipline has been attempted with the student, 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 student might be disciplined was related to any harassment of the student 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 student's prospects for further education;
  - h. The student's developmental age;
  - i. Where the student has an Individual Education Plan or disability related needs,
    - i. Whether the behaviour causing the incident was a manifestation of the student's disability;
    - ii. Whether appropriate individualized accommodation has been provided; and
    - iii. Whether an expulsion is likely to result in aggravating or worsening the student's behaviour or conduct or whether an expulsion is likely to result in a greater likelihood of further harmful behaviour; and
    - iv. Whether or not the student'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.

Where there is a conflict in the evidence presented by the parties on the issue of whether the student 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 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 student committed the infraction.

### **No Expulsion**

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

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

The Discipline Committee shall give written notice to all parties of the decision not to impose an expulsion and the decision with respect to the suspension.

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

### Expulsion

In the event the Discipline Committee decides to impose an expulsion on the student, the Discipline Committee must decide whether to impose a HCDSB 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 student has the ability to control their behaviour;
  - b. Whether the student has the ability to understand the foreseeable consequences of their behaviour;
  - c. Whether the student's continuing presence in the school does or does not create an unacceptable risk to the safety of any other individual at the school;
  - d. The student's academic, discipline and personal history;
  - e. Whether progressive discipline has been attempted with the student, 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 student might be disciplined was related to any harassment of the student 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 student's prospects for further education;
  - h. The student's age;
  - i. Where the student has an Individual Education Plan or disability related needs,
    - i. Whether the behaviour causing the incident was a manifestation of the student's disability;
    - ii. Whether appropriate individualized accommodation has been provided; and
    - iii. Whether a school or HCDSB expulsion is likely to result in aggravating or worsening the student's behaviour or conduct or whether it is likely to result in a greater likelihood of further harmful behaviour; and
  - j. Whether or not the student'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;
4. Such other matters as the Discipline Committee considers appropriate.

Where the Discipline Committee decides to impose a school expulsion, then the Discipline Committee must assign the student to another school in the HCDSB.

Where the Discipline Committee decides to impose a HCDSB expulsion, then the Discipline Committee must assign the student to a program for expelled students.

The Discipline Committee must promptly provide written notice of the decision to expel the student to all parties, and to the student, 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 HCDSB expulsion;
3. Information about the school or program to which the student 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 12A)

Once the principal of alternative programs has received notice that a student has been expelled, they must create a Student Action Plan in a manner consistent with the Board's policy and procedures for programs for expelled students.

An expelled student is a student of the HCDSB, if the student attends a program for expelled students offered by the HCDSB or by another board under an agreement between the boards, unless the student does not attend the program, or registers at another school board.

### **Re-entry Requirements Following an Expulsion**

Students who are subject to a HCDSB expulsion are entitled to apply in writing for re-admission to a school of the HCDSB once they have successfully completed the program for expelled students.

Completion of the program entails the fulfillment of the academic and non-academic goals established by the program staff in conjunction with the student. The goals will be established in the first month after entry into the program.

Upon completion of the established goals, the student's progress is reviewed. The membership of this committee includes, but is not limited to:

1. Superintendent of Safe and Accepting Schools
2. Family of School Superintendent
3. Vice Principal of Alternative Learning
4. Social Worker of Alternative Learning
5. Classroom Teacher of Alternative Learning

When students successfully meet all program expectations, the HCDSB shall re-admit the student and inform the student in writing of the re-admission.

For students who are subject to a school expulsion, application may be made in writing to the HCDSB to be re-assigned to the school from which they were expelled.

1. The HCDSB will consider whether re-attendance will have a negative impact on the school climate, including on any victims, where applicable;
2. Students will be required to demonstrate that they have learned from the incident and have sought counselling, where appropriate;
3. The student will be required to sign a Declaration of Performance form provided by the HCDSB (Appendix 13);
4. The HCDSB, in its sole discretion, may determine that a different school than the one from which the student was expelled is a more appropriate placement for the individual.

### **Appeal of Board Decision to Expel**

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

Written notice of appeal must be provided to the Child and Family Services Review Board within thirty (30) days of the date of receipt of notice of the decision to expel.

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

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

### **Building Partnerships**

Every school board must:

- work with police agencies and partners to establish a Police Protocol.
- direct schools to work with agencies/organizations that support Catholic teachings where available and who have knowledge/expertise in gender-based violence, sexual assault, sexual harassment, bullying (Cyberbullying) and inappropriate/harmful sexual behaviour to provide appropriate support to students, parents/guardians and teachers in addressing these issues;
- maintain an up-to-date contact list of other agencies/organizations that have professional expertise and knowledge in these areas;
- make the list available to staff and students of every school; and
- ensure that all publicly-funded schools provide access to Public Health Units to deliver their mandated public health curriculum.

### **Other Requirements**

- Schools must evaluate the effectiveness of their safe schools' policies and programs through the use of school climate surveys which are to be undertaken a minimum of every two (2) years.

The Ministry of Education's School Climate Surveys have been revised and can be used to fulfill this requirement. An online tool to help schools roll-up their survey results will be available.

### **Reporting of Violent Incidents**

The HCDSB shall report the total number of violent incidents on an annual basis to the Ministry of Education through the Ontario School Information System (OnSIS).

As set out in the definition section, a violent incident is defined as any one of the following or the occurrence of a combination of any of the following:

- possessing a weapon, including possessing a firearm
- physical assault causing bodily harm requiring medical attention
- sexual assault
- robbery

- using a weapon to cause or to threaten bodily harm to another person
- extortion
- hate and/or bias-motivated occurrences

All violent incidents that occur on school premises during school-run programs must be reported to the Ministry of Education, whether the violent incident was committed by a student, or by any other person.

Each school shall maintain a record of all violent incidents during each school year (including details of the incident and contact information for a Superintendent having knowledge of the situation.) (See Violent Incident Annual Report attached as Appendix 6C).

The Violent Incident Annual Report shall be remitted to the Superintendent of Safe and Accepting Schools by October 15<sup>th</sup> of the subsequent school year. In addition, the incidents shall be reported as violent incidents into the HCDSB's system through OnSIS.

The HCDSB will collect and analyze data on the nature of violent incidents to support the development of Board policies and to inform HCDSB and school information plans.

APPROVED: Regular Meeting of the Administrative Council

AUTHORIZED BY: \_\_\_\_\_  
*Director of Education and Secretary of the Board*

# APPENDICES

## Appendix 1

# Elementary Progressive Discipline & School Safety Chart

Gospel values will guide and frame the progressive discipline process. Progressive Discipline is a step-by-step intervention process that is a partnership approach with administration, staff, student and parents/guardians with the goal of assisting the student to change their behaviour.

### Suggested Classroom Teacher Intervention Options

- Ensure mitigating, other factors and human rights and equity factors are to be considered throughout the problem-solving, data collection and review processes (OSR, IEP, Student Safety Plan, Other pertinent documents)
- Problem solving/reflection sheet activity – sent home, signed by parents/guardians
- Speak with student – verbal reminder regarding appropriate behaviour
- Review Code of conduct/Behaviour
- Focus on teachable moments about cultural competencies to foster an inclusive learning environment
- Note in Agenda/Communication Book to parents/guardians
- Phone call to parents/guardians
- Reinforce/reward improved behaviour
- Detention
- Behaviour contract
- Loss of privilege, e.g. attending a school co-instructional activity
- Supervised area to complete work, if available

### Office Consultation

- Discuss classroom interventions implemented
- Discuss alternative discipline options/interventions

### Office Referral

- Office referral form completed that includes classroom interventions that have been implemented

### Principal/Vice Principal Intervention Options

- Ensure mitigating, other factors and human rights and equity factors are to be considered throughout the investigative and data collection process (OSR, IEP, Student Safety Plan, Other pertinent documents)
- Administrator speaks with student
- Review Code of Conduct with student and/or parents/guardians
- Phone call home to parents/guardians
- Letter to parents/guardians outlining concerns
- Office detention
- Supervised independent study – in school
- Logical consequence put in place
- Behaviour contract
- Consultation with support staff (SERT, CYC, Social Work, Psych services, Human Rights and Equity Office, Indigenous Education Office)
- Meeting with parents/guardians and student
- Meeting with parents/guardians and support staff
- Referral to support staff and/or community agency
- Mitigating Factors have been considered
- May suspend or recommend expulsion

### Suspension

- Uttering a threat to inflict serious bodily harm on another person
- Possessing alcohol, illegal drugs, or unless the student is a medical cannabis user, cannabis
- Smoking/vaping in prohibited areas
- Being under the influence of alcohol, and/or illegal or restricted drugs/substances, and/or, unless the student is a medical cannabis user, cannabis
- Bullying
- Swearing at a teacher or at another person in a position of authority
- Committing an act of vandalism that causes extensive damage to school property or to property located on school premises
- Other as outlined in Board policy
- Expressing harmful language, behavior or unfair treatment based on a person's race, gender identity, gender expression, disability, sex, sexual orientation, creed, age, or any other ground protected by the Ontario Human Rights Code.

### Expulsion

- Possessing a weapon, including possessing a firearm or a replica
- Using a weapon to cause or threaten bodily harm to another person
- Committing physical assault on another person that causes bodily harm requiring treatment by a medical practitioner
- Committing sexual assault
- Trafficking in weapons or replica, illegal and/or restricted drugs
- Committing robbery
- Giving alcohol/illegal drugs or cannabis to a minor
- Bullying
- Other as outlined in Board policy
- Expressing harmful language, behavior or unfair treatment based on a person's race, gender identity, gender expression, disability, sex, sexual orientation, creed, age, or any other ground protected by the Ontario Human Rights Code.

## Appendix 2

### Secondary - Progressive Discipline Chart

Gospel values will guide and frame the progressive discipline process. Progressive Discipline is a step-by-step intervention process that is a partnership approach with administration, staff, student and parents/guardians with the goal of assisting the student to change their behaviour.

#### Classroom Teacher Interventions

- Ensure mitigating, other factors and human rights and equity factors are to be considered throughout the problem-solving, data collection and review processes (OSR, IEP, Student Safety Plan, Other pertinent documents)
- Expectations communicated to student and parents/guardians
- Verbal reminder of appropriate behaviour
- Review Code of Conduct
- Problem solving/reflective activity
- Contact with parents/guardians
- Supervised, quiet area to work
- Loss of privilege
- Update call to parents/guardians
- Detention
- Behaviour contract
- Consult with Guidance, Special Education, and/or Student Success teacher

#### Office Consultation

- Discuss classroom interventions implemented
- Discuss alternative discipline options

#### Office Referral

- Office referral form completed that includes classroom interventions that have been implemented.

#### Principal/Vice Principal Interventions

- Ensure mitigating, other factors and human rights and equity factors are to be considered throughout the investigative and data collection process (OSR, IEP, Student Safety Plan, Other pertinent documents)
- Administrator(s) speaks with student
- Review the Code of Conduct with student and/or parents/guardians
- Behaviour sheet completed by student and signed by parents/guardians
- Phone call to parents/guardians, encouraging the student to be present
- Letter to parents/guardians outlining concerns
- Office detention
- Withdrawal from class – specified length of time
- Behaviour contract
- Meet with parents/guardians and student
- Consultation with support staff (SERT, CYC, Social Work, Psych services, Human Rights and Equity Office, Indigenous Education Office)
- Meeting with parents/guardians, student and support staff
- Referral to support staff and/or community agency
- Mitigating factors have been considered

#### Suspension

- Uttering a threat to inflict serious bodily harm on another person
- Possessing alcohol, illegal drugs, or unless the student is a medical cannabis user, cannabis
- Smoking/vaping in prohibited areas
- Being under the influence of alcohol, and/or illegal or restricted drugs/substances, and/or, unless the student is a medical cannabis user, cannabis
- Bullying
- Swearing at a teacher or at another person in a position of authority
- Committing an act of vandalism that causes extensive damage to school property or to property located on school premises
- Other as outlined in Board policy
- Expressing harmful language, behavior or unfair treatment based on a person's race, gender identity, gender expression, disability, sex, sexual orientation, creed, age, or any other ground protected by the Ontario Human Rights Code

#### Expulsion

- Possessing a weapon, including possessing a firearm or a replica
- Using a weapon to cause or threaten bodily harm to another person
- Committing physical assault on another person that causes bodily harm requiring treatment by a medical practitioner
- Committing sexual assault
- Trafficking in weapons or replica, illegal and/or restricted drugs
- Committing robbery
- Giving alcohol/illegal drugs or cannabis to a minor
- Bullying
- Other as outlined in Board policy
- Expressing harmful language, behavior or unfair treatment based on a person's race, gender identity, gender expression, disability, sex, sexual orientation, creed, age, or any other ground protected by the Ontario Human Rights Code.

## Appendix 3

### STUDENT DISCIPLINE

#### SUSPENSION APPEAL GUIDELINES

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Gospel values will guide and frame the progressive discipline process. Progressive Discipline is a step-by-step intervention process that is a partnership approach with administration, staff, student and parents/guardians with the goal of assisting the student to change their behaviour.

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#### GENERAL INFORMATION

- The Suspension Appeal shall be held in accordance with sections 309 and 311, Safe Schools Policy and the *Education Act*, the Board's Student Discipline Policy and Student Discipline Procedures.
- Appeals of Suspensions will be heard by the Discipline Committee sitting as a committee of three (3) Trustees appointed by the Board. One of the appointed Trustees will be elected Chair of the Discipline Committee. Appeals will be scheduled by the Superintendent of Safe and Accepting Schools. Please be aware that an appeal does not stay the suspension.
- An adult student is a student who is 18 years old or older or who is 16 or 17 years old and has withdrawn from parental/guardian control.
- A suspension may be appealed by an adult student or the student's parent(s)/guardian(s) (the "Appellant").
- Parties to a Suspension Appeal, shall include the adult student or the student's parent(s)/guardian(s) and the Principal. The student may also attend the Suspension Appeal.
- The Superintendent of Safe and Accepting Schools, will act as Secretary to the Discipline Committee to facilitate the Appeal, ensure that a copy of the Principal's Report is forwarded to the Appellant prior to the Appeal and provided to the Discipline Committee at the beginning of the Appeal. The Superintendent will also ensure that any documents, reports and/or submissions prepared by the Appellant are provided to the Principal at the earliest opportunity and to the Discipline Committee at the beginning of the Appeal.
- A lawyer or advocate/navigator may represent the Appellant. Prior notice of a lawyer's or an agent's attendance at the Appeal must be provided to the Superintendent of Safe and Accepting Schools. If prior notice is not provided, the Suspension Appeal may be rescheduled.
- The Discipline Committee and/or the Principal may exercise the right to legal counsel.
- The Principal will prepare a Report summarizing the incident, the evidence relied upon and the rationale for discipline, including the student's disciplinary and academic history, any progressive discipline strategies that have been used and any mitigating, other, and human rights and equity factors that may be applicable.
- The Discipline Committee of the Board shall decide that:
  - a. the suspension was justified and should be upheld; or

- b. the suspension was justified but that the number of days imposed was too many, in which case the Discipline Committee may reduce the length of the suspension and amend the record of suspension accordingly;
  - c. the suspension was not justified, in which case the record of suspension will be expunged, and the student will be permitted to return to school, if the suspension remains outstanding;
- When making their determination the Discipline Committee shall consider:
  - a. the Principal's Report and submissions;
  - b. the submissions and any other information provided by the Appellant; and
  - c. the analysis and application of the mitigating, other, and human rights and equity factors, which may or may not be applicable in the circumstances.

#### **SUSPENSION APPEAL MEETING**

The Discipline Committee will wait for thirty (30) minutes after the time communicated for the commencement of the Suspension Appeal. If the Appellant(s) or their representative have not yet attended and notice that they may be late has not been provided, the Discipline Committee may proceed to hear the Appeal or dismiss the Appeal in their absence.

- The Superintendent of Safe and Accepting Schools will invite the parties into the Discipline Committee meeting room and will introduce the parties to the Discipline Committee.
- The Superintendent of Safe and Accepting Schools will introduce the Discipline Committee and will indicate:
  - a. that they have been appointed by the Board to hear the matter;
  - b. that they are not connected as Trustees to the school in question;
  - c. that they have had no prior involvement with the matter that has come before them;
  - d. that this matter will be heard *In Camera* (in private); and
  - e. that the decision of the Discipline Committee is final.
- The Superintendent of Safe and Accepting Schools will call the Suspension Appeal meeting to order.
- The Superintendent of Safe and Accepting Schools will outline:
  - a. the process to be followed during a Suspension Appeal;
  - b. the matter on appeal before the Discipline Committee, including the Suspension that was imposed and the infraction for which the student was suspended.
- The Superintendent of Safe and Accepting Schools will distribute copies of the Principal's Report and any documents submitted by or to be submitted by the Appellant to the Discipline Committee. The Discipline Committee may choose to have a brief recess in order to read the reports and documents.
- The Appellant will be invited to make an oral presentation.
  - a. Trustees may ask questions of clarification through the Chair.

- b. The Principal/Designate may ask questions of clarification through the Chair.
- The student will be invited to make a statement on their own behalf to the Discipline Committee.
  - a. Trustees may ask questions of clarification through the Chair.
  - b. The Principal/Designate may ask questions of clarification through the Chair.
- The Administration will be invited to make a presentation.
  - a. Either the Principal or the Superintendent of Education will review the Report provided to the Discipline Committee and the Appellant and provide any response to the Appellant's presentation.
  - b. Trustees may ask questions of clarification through the Chair.
  - c. The Appellant may ask questions of clarification through the Chair.
- The Appellant will be invited to respond to the Principal/Designates presentation, but only with respect to issues the Appellant has not previously addressed.
- At the conclusion of both presentations, the Appellant and the Principal/Designate will be invited to make summary statements but may not introduce new issues. The Discipline Committee may choose to have a brief recess prior to hearing the summary statements.
- Trustees may ask final questions of clarification.
- The Superintendent of Safe and Accepting Schools will explain that:
  - a. all persons, except the Discipline Committee, will be asked to leave the room while the Trustees deliberate and make their decision;
  - b. the Superintendent of Safe and Accepting Schools will be informed of the decision by the Discipline Committee and will relay this decision to the parties at the earliest opportunity.
- The Superintendent of Safe and Accepting Schools will contact the parties involved by phone the next day with the decision of the Discipline Committee. Written notice shall also be provided to the adult student or the student's parent(s)/guardian(s) informing them of the decision of the Discipline Committee.
- The decision of the Discipline Committee is final.

## Appendix 4

### STUDENT DISCIPLINE EXPULSION HEARING GUIDELINES

Gospel values will guide and frame the progressive discipline process. Progressive Discipline is a step-by-step intervention process that is a partnership approach with administration, staff, student and parents/guardians with the goal of assisting the student to change their behaviour.

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#### GENERAL INFORMATION

- The expulsion hearing shall be held in accordance with section 311 of the Safe Schools Policy, the *Education Act* and the Board's Student Discipline Policy and Student Discipline Procedures.
- Expulsions will be heard by the Discipline Committee sitting as a committee of three (3) Trustees appointed by the Board. One of the appointed Trustees will be elected Chair of the Discipline Committee. Expulsions will be scheduled by the Superintendent of Safe and Accepting Schools.
- An adult student is a student who is 18 years old or older or who is 16 or 17 years old and has withdrawn from parental/guardian control.
- A parent(s)/guardian(s) refers to a custodial parent or guardian of the student.
- Parties to an expulsion shall include the adult student or the student's parent(s)/guardian(s) and the Principal. The student may also attend the expulsion.
- The Superintendent of Safe and Accepting Schools will act as Secretary to the Discipline Committee to facilitate the expulsion, ensure that a copy of the Principal's Report is forwarded to the parent(s)/guardian(s)/student prior to the expulsion and provided to the Discipline Committee at the beginning of the expulsion, the Superintendent will also ensure that any documents, reports and/or submissions prepared by the parent(s)/guardian(s)/student are provided to the Principal at the earliest opportunity and to the Discipline Committee at the beginning of the expulsion.
- A lawyer or advocate/navigator may represent the parent(s)/guardian(s)/adult student. Prior notice of a lawyer's or an agent's attendance at the Expulsion must be provided to the Superintendent of Safe and Accepting Schools. If prior notice is not provided, efforts may be made to reschedule the expulsion hearing to allow for an opportunity for the Discipline Committee and/or the Principal to arrange to have legal counsel present.
- The Principal will prepare a Report summarizing the incident, the evidence relied upon and the rationale for expulsion, including the student's disciplinary and academic history, any progressive discipline strategies that have been used and any mitigating and other factors that may be applicable.
- When making their determination the Discipline Committee shall consider:
  - a. the Principal's Report and submissions;
  - b. the submissions and any other information provided by the parent(s)/guardian(s)/adult student; and
  - c. the analysis and application of the mitigating, other, human rights and equity factors,

which may or may not be applicable in the circumstances.

- d. or such other order as the Discipline Committee considers appropriate.

#### Decision Not to Expel

- If the Discipline Committee decides not to expel the student, it will decide whether to:
  - a. confirm the suspension and the duration of the suspension;
  - b. confirm the suspension but shorten its duration, and order that the record of the suspension be amended accordingly; or withdraw the suspension and order that the record of the suspension be expunged.

#### Decision to Expel

If the Discipline committee decides to impose an expulsion, it may:

- a. Expel the student from all schools of the HCDSB and assign the student to an expulsion program; or,
- b. Expel the student from their school and assign that student to another school as deemed appropriate by the Administration.

#### EXPULSION HEARING

- The Discipline Committee will wait for thirty (30) minutes after the time communicated for the commencement of the Expulsion. If the parent(s)/guardian(s)/adult student or their representative has not yet attended and notice that they may be late has not been provided, the Discipline Committee may proceed with the Expulsion.
- The Superintendent of Safe and Accepting Schools will invite the parties into the Discipline Committee meeting room and will introduce the parties to the Discipline Committee.
- The Superintendent of Safe and Accepting Schools will introduce the members of the Discipline Committee and will indicate:
  - a. that they have been appointed by the Board to hear the matter;
  - b. that they are not connected as Trustees to the school in question;
  - c. that they have had no prior involvement with the matter that has come before them; and
  - d. that this matter will be heard *In Camera* (in private).
- The Superintendent of Safe and Accepting Schools will call the Expulsion to order.
- The Superintendent of Safe and Accepting Schools will outline:
  - a. the process to be followed during an Expulsion;
  - b. the matter before the Discipline Committee, including the suspension that was imposed, the infraction for which the student was suspended and the form of expulsion that the Principal is seeking (expulsion from all schools or school only).
- The Superintendent of Safe and Accepting Schools will distribute copies of the Principal's

Report and any documents submitted by or to be submitted by the parent(s)/guardian(s)/adult student to the Discipline Committee. The Discipline Committee may choose to have a brief recess in order to read the reports and documents.

- The Administration will be invited to make a presentation.
  - a. Either the Principal or the Superintendent of Education will review the Report provided to the Discipline Committee and the parent(s)/guardian(s)/adult student, including the reason for the referral for expulsion and an analysis of the application of the mitigating and other factors.
  - b. Trustees may ask questions of clarification through the Chair.
  - c. The parent(s)/guardian(s)/adult student may ask questions of clarification through the Chair.
- The parent(s)/guardian(s)/adult student will be invited to make an oral presentation.
  - a. Trustees may ask questions of clarification through the Chair.
  - b. The Principal/Designate may ask questions of clarification through the Chair.
- The student will be invited to make a statement on their own behalf to the Discipline Committee.
- The Principal/Designate and the parent(s)/guardian(s)/adult student will be invited to respond to any new issues raised and provide a brief summary statement.
- The Discipline Committee may choose to have a brief recess prior to hearing the summary statements.
- Trustees may ask final questions of clarification.
- The Superintendent of Safe and Accepting Schools will explain that:
  - a. all persons, except the Discipline Committee, will be asked to leave the room while the Trustees deliberate and make their decision;
  - b. the Superintendent of Safe and Accepting Schools will be informed of the decision by the Discipline Committee and will relay this decision to the parties at the earliest opportunity.
- The Superintendent of Safe and Accepting Schools will contact the parties involved by phone the next day with the decision of the Discipline Committee. Written notice shall also be provided to the parent(s)/guardian(s)/adult student informing them of the decision of the Discipline Committee.
- The decision of the Discipline Committee may be appealed to the Child and Family Services Review Board (tribunal) by the parent(s)/guardian(s)/adult student.

**Appendix 5**  
**Suspension Letter**  
**[on the Letterhead of the School]**

[Date]

[Adult Student/Parent(s)/guardian(s)]

[Address]

Dear [Adult Student's Name/Parent's/Guardian's Name]:

**Re: Suspension of [Student's Name], [DOB] from [Name of School]**

[You/Student's Name] [have/has] been suspended from [Name of School] and from engaging in all school related activities from [Effective Date of Suspension] to [Last Day of Suspension] inclusive, i.e. [number] school days. This suspension applies to all learning environments, school buildings, grounds, school buses, school functions, activities and trips. [You/Student's Name] may return to school on [Date] at [Time]. [You/Student's Name] must report to the office before returning to school.

This suspension is imposed in accordance with the *Education Act*, the Board's Safe School Policy and [Name of School] Code of Conduct.

The reason for the suspension is [use infraction applicable]. Namely, my findings indicate that [you/student's name] [describe incident with particulars].

Schoolwork [has been delivered to you / is available at the office; please make arrangements to have it picked up.]

If the suspension is 6 school days or longer, [student's name] has the opportunity to participate in an Alternative Suspension Program with an assigned teacher. Should a student suspended for 11 or more days wish to participate in the Alternative Suspension Program, they will also work with an assigned social worker.

Please confirm [your/student's] participation in an Alternative Suspension Program at your earliest opportunity by contacting the School. As soon as notice of [your/student's] participation is received a planning meeting will be scheduled.

Should you wish to appeal this suspension, you must provide written notice of your intention to appeal to the Superintendent of Safe and Accepting Schools, [Contact Information], within 10 school days of the commencement of the suspension, i.e. before [Insert Date]. You may then contact the Superintendent of Safe and Accepting Schools to discuss the appeal. Please be aware that an appeal does not stay the suspension.

A copy of the Board's Student Discipline Policy, Procedure and Suspension Appeal Guideline are enclosed.

Sincerely,

Principal

cc      Teacher(s) of student  
         Superintendent of Education  
         Superintendent of Safe and Accepting Schools  
         Ontario Student Record

## Appendix 6A

### VIOLENT INCIDENT FORM

#### PRINCIPAL'S INVESTIGATION/TRACKING FORM

To be completed upon suspension/expulsion of a violent incident. This form is to be held by the principal in their notes (and not in the OSR) for 3 years for a violent incident leading to suspension and 5 years for a violent incident leading to expulsion.

<b>School Name</b>	<b>Principal/Designate</b>
<b>Date of Incident (d/m/y)</b>	<b>Time of Incident (am/pm)</b>
<b>Location of Incident:</b> _____	
<b>Incident Reported by:</b> _____	

Serious Violent Incident	
<b>Involvement:</b>	<input type="checkbox"/> Student – Student <input type="checkbox"/> Student – School Personnel
<b>Type of Incident:</b>	<div style="display: flex; flex-wrap: wrap;"> <div style="width: 50%;"> <input type="checkbox"/> Harassment/Threats of Serious Physical Injury                 </div> <div style="width: 50%;"> <input type="checkbox"/> Hate Motivated Violence                 </div> <div style="width: 50%;"> <input type="checkbox"/> Physical Assault causing serious Bodily Harm                 </div> <div style="width: 50%;"> <input type="checkbox"/> Possession of Weapon                 </div> <div style="width: 50%;"> <input type="checkbox"/> Robbery and Extortion                 </div> <div style="width: 50%;"> <input type="checkbox"/> Use of Weapon                 </div> <div style="width: 50%;"> <input type="checkbox"/> Sexual Assault                 </div> <div style="width: 50%;"> <input type="checkbox"/> Other                 </div> <div style="width: 100%;"> <input type="checkbox"/> Vandalism/Arson causing Extensive Damage to School Property                 </div> </div>
<b>Description of Incident:</b> _____	

<b>Alleged Perpetrator:</b>	<input type="checkbox"/> Student (Grade ____) <input type="checkbox"/> Other _____
<b>Name:</b> _____	<b>D. O. B. (d/m/y)</b> ____/____/____ <b>Age:</b> ____
<b>Address:</b> _____	<b>Phone #:</b> _____

<b>Complainant/Victim:</b>	<input type="checkbox"/> Student (Grade ____) <input type="checkbox"/> Other _____
----------------------------	---

Name: _____	D. O. B. (d/m/y) ____/____/____ Age: _____
Address: _____	Phone #: _____

Witness: <input type="checkbox"/> Student (Grade ____)	<input type="checkbox"/> Other _____
Name: _____	D. O. B. (d/m/y) ____/____/____ Age: _____
Address: _____	Phone #: _____

Witness : <input type="checkbox"/> Student (Grade ____)	<input type="checkbox"/> Other _____
Name: _____	D. O. B. (d/m/y) ____/____/____ Age: _____
Address: _____	Phone #: _____

Witness: <input type="checkbox"/> Student (Grade ____)	<input type="checkbox"/> Other _____
Name: _____	D. O. B. (d/m/y) ____/____/____ Age: _____
Address: _____	Phone #: _____

Complainant/Victim Injury: <input type="checkbox"/> No <input type="checkbox"/> Yes (Describe below)	
<div style="border-bottom: 1px solid black; margin-bottom: 5px;"></div> <div style="border-bottom: 1px solid black; margin-bottom: 5px;"></div>	
Medical Treatment:	<input type="checkbox"/> School First Aid <input type="checkbox"/> Personal Physician <input type="checkbox"/> Hospital Treatment <input type="checkbox"/> Hospitalization <input type="checkbox"/> Treatment Refused

School Response to Incident			
Alleged Perpetrator:	Suspension? <input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Number of Days? _____	

<b>Police Contact:</b>	<b>Officer</b> _____	<b>Occurrence Report #</b> _____
<b>Follow-Up Action:</b> _____		
_____		

Record of Parties Contacted		
People Contacted:		Date/Time:
<input type="checkbox"/> Alleged Perpetrator's Parent(s)/guardian(s): _____		_____
<input type="checkbox"/> Complainant/Victim's Parent(s)/guardian(s): _____		_____
<input type="checkbox"/> Superintendent: _____		_____
<input type="checkbox"/> Police Officer: _____		_____
<input type="checkbox"/> Children's' Aid Society: _____		_____
<input type="checkbox"/> Medical Caregiver: _____		_____
<input type="checkbox"/> Spouse/Relative: _____		_____
<input type="checkbox"/> Other: _____		_____

# VIOLENT INCIDENT FORM

THIS FORM IS TO BE KEPT IN THE O.S.R. FOR 3 YEARS FOR INCIDENTS LEADING TO SUSPENSION AND 5 YEARS LEADING TO EXPULSION.

**A. DESCRIPTION OF VIOLENT INCIDENT:**

[illegible]

1. Date of Contact (d/m/y)	2. Date of police investigation at school (d/m/y)	3. Name of investigating officer(s):
----------------------------	---	--------------------------------------

1. ☐ Suspension    2. ☐ Expulsion    3. ☐ Other \_\_\_\_\_

Date of inclusion in OSR (d/m/y/)	Principal's/Designate signature
-----------------------------------	---------------------------------

## This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

## Appendix 7

### Notice of Suspension Appeal

[on the letterhead of the Board]

[Date]

[Adult Student/Parent(s)/guardian(s)]

[Address]

Dear [Adult Student's Name/ Parent's/Guardian's Name]:

**Re: Appeal of Suspension of [Student's Name], [DOB] from [Name of School]**

You have appealed the decision of Principal [Name] to suspend [you/student's name] from [Name of School].

The Appeal will be heard by the Discipline Committee of the Board of Trustees at [insert time and date] at [insert location].

You will find enclosed a copy of the Information Package that will be relied on by the administration of the Board and will be provided to the Discipline Committee. The Information Package includes a copy of the suspension letter, the Principal's Report of the Incident as well as your email requesting the appeal. For further information, please refer to the HCDSB's *Administrative Procedure VI-44 Progressive Discipline and Safety in Schools* available on our HCDSB's website [www.hcdsb.org](http://www.hcdsb.org). The Discipline Committee's determination will be provided to you in writing.

Please note suspension appeals will be heard orally, *in camera*, by the Discipline Committee of Trustees, as per page 19 of the *Progressive Discipline and Safety in Schools Procedure VI-44*, therefore recording of this meeting is prohibited.

Please advise me at your earliest opportunity if you intend to bring legal representation to the appeal. Should prior notice not be provided, it may be necessary for steps to be taken to reschedule the Suspension Appeal.

Please also be advised that if you fail to attend on time, the Discipline Committee will wait for 30 minutes and may then proceed to decide the matter in your absence.

Should you have any questions about the appeal process, please contact me [contact information].

Sincerely,

Superintendent of Safe and Accepting Schools

cc: Superintendent of Education  
Principal  
Ontario Student Record

**Appendix 8A**  
**Suspension Appeal Decision**  
[on the letterhead of the Board]

[Date]

[Adult Student/Parent(s)/guardian(s)]  
[Address]

Dear [Adult Student's Name/ Parent's/Guardian's Name]:

Re:     Decision of Discipline Committee  
       Suspension Appeal of [Student Name], [DOB]  
       [Name of School]

Attached, please find a copy of the Decision of the Discipline Committee regarding your suspension appeal, dated [insert date].

The decision of the Discipline Committee is final and is not subject to further appeal.

Should you have any questions, please contact me at [insert contact information].

Sincerely,

Superintendent of Safe and Accepting Schools

Encl.

cc:     Superintendent of Education  
       Principal  
       Ontario Student Record

## Appendix 8B

### Suspension Appeal Decision of the Discipline Committee [on the letterhead of the Board]

#### SUSPENSION APPEAL DECISION

IN THE MATTER OF Section 309  
of the *Education Act*, as amended

-and-

IN THE MATTER OF an appeal by  
[Name of Appellant], of the suspension  
of [Student Name], a student of [School Name]

#### Decision

UPON being satisfied that the Discipline Committee has jurisdiction to conduct the appeal pursuant to section 309 of the *Education Act*;

AND UPON being satisfied that the proper parties to the appeal are [Name of Appellant and relationship to student] and [Principal Name] as Principal of [School Name];

AND UPON being satisfied that the parties received reasonable notice of the appeal;

AND UPON having provided an opportunity to the appellant to make submissions, having heard the submissions of the Principal, having read the materials submitted by the parties, and having retired to consider the matter;

THE DISCIPLINE COMMITTEE does hereby [confirm the suspension / confirm the suspension but shorten its duration to [number] school days and amend the record accordingly / quash the suspension and expunge the record / confirm the suspension but expunge the record on [insert date or event].

THE DECISION OF THE DISCIPLINE COMMITTEE is final.

DATED this [day] of [Month], [Year] and signed on behalf of the Discipline Committee and Board of Trustees by the Chair of the Discipline Committee.

[Board Name]

By \_\_\_\_\_  
Chair

## Appendix 9

### Suspension Pending Possible Recommendation for Expulsion [on the letterhead of the School]

[Date]

[Adult Student/Parent(s)/guardian(s)]

[Address]

Dear [Adult Student's Name/Parent's/Guardian's Name]:

Re: Suspension of [Student's Name], [DOB] from [Name of School]

[You/Student's Name] [have/has] been suspended from [Name of School] and from engaging in all school related activities from [Effective Date of Suspension] to [Last Date of Suspension] inclusive, i.e. twenty (20) school days. This suspension applies to all school buildings, grounds, school buses, school functions, activities and trips.

Please be advised that this suspension is made in accordance with the *Education Act*, the Board's Safe School Policy and [Name of School] Code of Conduct.

The reason for the suspension is [use the infraction applicable]. Namely, my findings indicate that [you/Student's Name] [describe incident with particulars].

Please be advised that I am continuing my investigation of this matter in order to determine whether to recommend to the Discipline Committee of the Board of Trustees that [you/Student's Name] be expelled. The investigation may include [... refer to Checklist and identify your next steps...]. An expulsion may be from [Name of School] or from all schools of the HCDSB. You will be informed of the results of my investigation in writing.

The HCDSB is committed to the education and future of its students. [You/Student's name] [have/has] been assigned to an Alternative Suspension Program, a program for suspended students. An Alternative Suspension Program provides students with the opportunity to continue academic work and receive support for self-management. Please find enclosed information about Alternative Suspension Programs. Please contact the School at your earliest opportunity to confirm [your/student's participation] in an Alternative Suspension Program. As soon as notice of [your/student's] participation is received a planning meeting will be scheduled.

You do not have the right to appeal the suspension at this time. Should it be determined at the conclusion of the investigation that a recommendation for expulsion will not be made, you will be entitled to appeal the suspension to the Discipline Committee of the Board of Trustees. Should it be determined that a recommendation for expulsion is warranted, then you may address the suspension before the Discipline Committee at the expulsion hearing.

Sincerely,

Principal

Encl.

cc: Superintendent of Education  
Superintendent of Safe and Accepting Schools  
Ontario Student Record

## Appendix 10

### Decision Letter Not to Recommend Expulsion [on the letterhead of the School]

[Date]

[Adult Student/Parent(s)/guardian(s)]

[Address]

Dear [Adult Student's Name/Parent's/Guardian's Name]:

**Re: [Student's Name], [DOB] [Name of School] - Expulsion Not Recommended**

I am writing to you to report the result of my investigation following [your/ student's name] suspension. I have decided not to recommend to the Discipline Committee that [you/student's name] be expelled.

As part of my investigation, I have reviewed [your/student's name] suspension, and I have determined that the suspension should be [confirmed / confirmed but shortened to [INSERT NUMBER] school days and the record amended accordingly / withdrawn and the record expunged].

**[\*Unless the suspension is withdrawn:]** Should you wish to appeal the suspension, you must provide written notice of your intention to appeal the suspension to the Superintendent of Student Discipline, [contact information], within 5 school days of the receipt of this notice.

If you provide notice of your intention to appeal, you may contact the Superintendent of Safe and Accepting Schools to discuss the appeal. If the suspension has been reduced in length, the appeal is from the reduced suspension. Please be aware that an appeal does not stay the suspension.

A copy of the Board's Student Discipline Policy, Procedures and Suspension Appeal Guideline are enclosed.

Sincerely,

Principal

Encl.

cc: Superintendent of Education  
Superintendent of Safe and Accepting Schools  
Ontario Student Record

**Appendix 11**  
**Notice of Recommendation for Expulsion**  
**[on the letterhead of the School]**

[Date]

[Adult Student/Parent(s)/guardian(s)]

[Address]

Dear [Adult Student's Name/Parent's/Guardian's Name]:

**Re: [Student's Name], [DOB], [Name of School] Investigation**

I am writing to you following my investigation to determine whether to recommend an expulsion. As a result of my investigation, I have decided to recommend to the Discipline Committee of the Board of Trustees that [you/student's name] be expelled.

A copy of my Report to the Discipline Committee Recommending Expulsion is enclosed. You may respond to this Report in writing to the Discipline Committee or to me. A copy of your written submissions should be provided to the Superintendent of Safe and Accepting Schools [insert contact information].

The hearing by the Discipline Committee to decide whether [you/student's name] should be expelled will be held on [date] at [location] [to be determined by Superintendent of Safe and Accepting Schools]. Enclosed please find [copies /excerpts] of the Board's Student Discipline Policy, Student Discipline Procedures, [Expulsion Hearing Guidelines and Discipline Committee Rules](#).

You will be provided with an opportunity to make a presentation to the Discipline Committee about whether [you/student's name] should be expelled, and whether, if [you/student's name] [are/is] expelled, [you/s/he] should be expelled from [School Name] or from all schools of the HCDSB and, if no expulsion is imposed, your position with respect to the suspension.

The Discipline Committee will determine whether [you/student's name] should be expelled, and whether [your/student's name] expulsion should be from [School Name] or from all of the schools of the HCDSB.

If [you/student's name] [are/is] expelled from [School Name], the Discipline Committee will assign [you/student's name] to a program provided at another school of the HCDSB. If [you/student's name] [are/is] expelled from all schools of the HCDSB, the Discipline Committee will assign [you/student's name] to a program for expelled students.

Information about both the program that will be provided at another school and the program for expelled students is enclosed. Both the program that will be provided at another school and the program for expelled students will provide [you/student's name] with an opportunity to pursue academic work and receive additional supports.

Should the Discipline Committee decide not to expel [you/student's name], the Discipline Committee will review the suspension. The Discipline Committee may confirm the suspension, confirm but shorten the suspension and amend the record accordingly, or withdraw the suspension and expunge the record. The decision of the Discipline Committee with respect to the suspension is final and is not subject to appeal.

You may bring legal counsel to represent you before the Discipline Committee, which might be funded by Legal Aid, depending upon your circumstances. If you intend to bring legal counsel, please provide the Superintendent of Safe and Accepting Schools with notice at your earliest opportunity.

## Procedure No. VI-44 | Progressive Discipline and Safety in Schools

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Please note that the Discipline Committee will wait for thirty (30) minutes for your arrival on [Month], [Day], [Year] and, should you fail to attend in a timely manner, the Discipline Committee may proceed in your absence.

The Superintendent of Safe and Accepting Schools, [Name and Contact Information], will contact you to review the hearing process and answer any questions that you might have.

Sincerely,

Principal

Encl.

cc:      Superintendent of Education  
         Superintendent of Safe and Accepting Schools  
         Ontario Student Record

## Appendix 12A

### Expulsion Decision [on the letterhead of the Board]

[Date]

[Adult Student/Parent(s)/guardian(s)]  
[Address]

Dear [Adult Student's Name/ Parent's/Guardian's Name]:

Re: Decision of Discipline Committee  
Expulsion Hearing – [Student Name], [DOB]  
[Name of School]

**Re: Expulsion Decision**

Attached, please find the Decision of the Discipline Committee, dated [insert date].

Should you wish to appeal this decision, you may contact the Child and Family Services Review Board at 416-327-4673 or 1-888-728-8823 within 30 days of receipt of this notice.

**If the student has been expelled:** Please also find attached information regarding the educational program offered by the HCDSB at [insert name of alternative school / program for students expelled from all schools of the HCDSB].

Should you have any questions, please contact the undersigned at [insert contact information].

Sincerely,

Superintendent of Safe and Accepting Schools

Encl.

cc: Superintendent of Education  
Principal  
Ontario Student Record

## Appendix 12B

### Recommendation for Expulsion Decision of the Discipline Committee [on the letterhead of the Board]

#### RECOMMENDATION for EXPULSION DECISION

[School Board Name]

IN THE MATTER OF Section 311.3  
of the *Education Act*, as amended

-and-

IN THE MATTER OF a recommendation by  
[Name of Principal], [School Name] for the expulsion of  
[Student Name], a student of [School Name]

#### Decision

UPON being satisfied that the Discipline Committee has jurisdiction to conduct the hearing pursuant to section 311.3 of the *Education Act*;

AND UPON being satisfied that the proper parties to the hearing are [Name of Appellant and relationship to student] and [Principal Name], Principal of [School Name];

AND UPON being satisfied that the parties received reasonable notice of the hearing;

AND UPON having provided an opportunity to the Appellant to make submissions, having heard the submissions of the Principal, having read any materials submitted by the parties, having considered the facts and any mitigating and/or other factors referred to by the parties, and having retired to consider the matter;

THE DISCIPLINE COMMITTEE does hereby impose an expulsion from [School Name] and assign the student to an educational program at [School Name] for the following reason:[INSERT REASON FOR EXPULSION]

\*OR

THE DISCIPLINE COMMITTEE does hereby impose an expulsion from all schools of the HCDSB; assign the student to the program for expelled students; and require that the student successfully complete and meet the objectives of the program for expelled students before being re-admitted to a regular day school program in Ontario for the following reason:[INSERT REASON FOR EXPULSION].

\*OR

THE DISCIPLINE COMMITTEE does not hereby impose an expulsion; and does hereby confirm the suspension imposed by [Principal Name] / confirm the suspension imposed by [Principal Name] but shorten its duration to [number] school days and amend the record accordingly / quash the suspension and expunge the record.

DATED this [day] of [Month], [Year] and signed on behalf of the Discipline Committee and Board of Trustees by the Chair of the Discipline Committee.

[Board Name]

By \_\_\_\_\_

Chair

## Appendix 13

**Declaration of Performance**  
**[on the Letterhead of the School]**

[Date]

[Student Name]

I agree to comply with the following expectations on my return as a student to [insert the name of School]:

1. I agree to comply with the expectations of the [insert name of school] Code of Conduct and the [insert HCDSB] Code of Conduct.
2. I agree to work diligently in a positive manner and to be attentive to my teachers and classmates in an effort to accomplish the goals of my educational program.
3. I agree to be punctual and prepared for class.
4. I agree to be active and participate in the extra-curricular life of the School.
5. [insert if applicable] I agree to seek guidance and ask for help from School staff when I feel overwhelmed or anxious.
6. [insert if applicable] I agree to seek assistance from School staff when needed in order to assist me to solve problems in a constructive manner.
7. [insert if applicable] I agree to refrain from [insert one or more: using violence/restricted substances to solve my problems].

\_\_\_\_\_  
Signature [Insert name of student]

\_\_\_\_\_  
Date

## APPENDIX 14A

### KICS Safe Schools Incident Reporting Form – Part 1

**Staff Member**

Name of School and Student

Location of Incident

Date/Time of Incident

Type of Incident (check all that apply)

Report Contact Information

**Halton Catholic District School Board: Safe Schools Incident Reporting Form – Part 1 & 2 - (2021-2022)**

**Name of School and Student**

Name of School

Name of Student(s) involved (if known)

[Add Another Answer](#)

**Location of Incident**

Location

☐ At a location in the school or on school property (please specify)

☐ At a school-related activity (please specify)

☐ On a school bus (please specify route number)

☐ Other (please specify)

Specify (please provide additional information)

**Date/Time of Incident**

Date and Time of Incident

Date

Time  ☐ New

**Type of Incident (check all that apply)**

Type of Incident - Activities for which intervention is required and may lead to additional considerations for progressive discipline as per the Ontario Human Rights Code (OHRC) and PPM 119

☐ Expressing harmful language, behavior or unfair treatment based on a person's race, gender identity, gender expression, disability, sex, sexual orientation, creed, age, or any other ground protected by the Ontario Human Rights Code.

☐ Uttering epithets, remarks, jokes or innuendoes related to a person's race, gender identity, gender expression, disability, sex, sexual orientation, creed, age, or any other ground.

☐ Posting or circulating offensive pictures, graffiti or materials in print form, via e-mail or other electronic means.

☐ Humiliating, demeaning and/or ridiculing (teasing or humor) a person because of characteristics that are related to a ground of discrimination (e.g. comments about a person's dress, speech or other practices that may be related to their sex, race, gender identity or creed).

☐ Exhibiting behaviour or making comments amounting to sexual harassment (e.g. gender-related comments about an individual's physical characteristics or mannerisms; unwelcome physical contact, suggestive or offensive remarks or innuendoes about members of a specific gender).

[Note: Harmful language or behaviour may be direct or indirect, intentional or unintentional. The Ontario Human Rights Code focuses on impact. Even if a person does not explicitly object to the comment or behavior, it can be construed as harassment and must be addressed appropriately.]

Type of Incident - Activities for which suspension must be considered under subsection 306(1) of the Education Act (check all that apply)

☐ Uttering a threat to inflict serious bodily harm on another person

☐ Possessing alcohol, illegal drugs or, unless the pupil is a medical cannabis user, cannabis

☐ Being under the influence of alcohol and/or illegal or restricted drugs/substances, and/or, unless the pupil is a medical cannabis user, cannabis

☐ Swearing at a teacher or at another person in a position of authority

☐ Committing an act of vandalism that causes extensive damage to school property at the student's school or to property located on the premises of the student's school

☐ Bullying

☐ Any activity that is motivated by bias, prejudice, or hate

☐ Any other activity for which a student may be suspended under board policy

**Report Contact Information**

Report Submitted By (First Name)

Report Submitted By (Last Name)

Contact Information - Location

Contact Information - Telephone Number

Signature

Date of Report

Submitted To (Principal's First Name)


Submitted To (Principal's Last Name)

**New Form**  
Not Yet Stored

**New Form**  
Not Yet Stored

## APPENDIX 14B

### KICS Safe Schools Incident Reporting Form – Part 2


**Halton Catholic District School Board: Safe Schools Incident Reporting Form – Part 1 & 2 - (2021-2022)**

**Staff Member**

Name of School and Student

Location of Incident

Date/Time of Incident

Type of Incident (check all that apply)

Report Contact Information

**Principal**

**Name of School and Student**

Name of School

Name of Student(s) involved (if known)

☒

**Location of Incident**

Location

At a location in the school or on school property (please specify)

Specify (please provide additional information)

☒

**Date/Time of Incident**

Date and Time of Incident

2021/11/11 12:14 pm

**Type of Incident (check all that apply)**

Type of Incident - Activities for which intervention is required and may lead to additional considerations for progressive discipline as per the Ontario Human Rights Code (OHRC) and PPM 119

[Note: Harmful language or behaviour may be direct or indirect, intentional or unintentional. The Ontario Human Rights Code focuses on impact. Even if a person does not explicitly object to the comment or behavior, it can be construed as harassment and must be addressed appropriately.]

Type of Incident - Activities for which suspension must be considered under subsection 306(1) of the Education Act (check all that apply)

Type of Incident - Activities for which expulsion must be considered under subsection 310(1) of the Education Act (check all that apply)

**Report Contact Information**


Report Submitted By (First Name)


☒

Report Submitted By (Last Name)

☒

**Partially Completed**  
A-25-165-C49C3

 Exit

 Next

**Contact Information - Location**

☒

**Contact Information - Telephone Number**

(000) 400-0800 x000

**Signature**

**Date of Report**


2021/11/11


**Submitted To (Principal's First Name)**

☒

**Submitted To (Principal's Last Name)**

☒

 Exit Form

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## Appendix 15

### New Hope: Student Action Plan



#### New Hope: Student Action Plan



Student Surname		Student OEN	
Student First Name		DOB (yy/mm/dd)	Gender
Home School		Exceptionality	
Suspension Start (yy/mm/dd)		Return Date (yy/mm/dd)	
Total # of Days		School Contact	
Parent/Guardian Name		Parent Contact Number	

#### Section A: Suspension Reason

Please provide a brief description of the events leading to the suspension:

<input type="checkbox"/>	The parent/guardian has accepted the offer to have his/her child attend an Alternative Suspension Program during the suspension/expulsion	<input type="checkbox"/>	The parent/guardian has declined the offer to have his/her child attend an Alternative Suspension Program during the suspension/expulsion
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Is this student being brought to the board for possible expulsion?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Was this student charged by Police in relation to the incident leading to this suspension/expulsion?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Does a court order exist with conditions that prevent this student's return to the sending school following the suspension?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Does a court order exist with conditions that affect this student's placement in the Alternative Suspension Program?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Is a Risk Assessment required to admit the student in the Alternative Suspension Program?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>

Parent(s)/Guardian(s) Signature	Contacted by Principal/Vice Principal	Date (yy/mm/dd)

### Section B: Documents

Attach the following documents to this form:

Timetable, Credit Counseling Summary, Attendance Report, Index Card (Short), IEP/Accommodations, School Work from Teachers.

### Non – Academic Focus (11 – 20 Days)

This student would benefit from programming/supports in the following areas:

<input type="checkbox"/>	Respect for authority	<input type="checkbox"/>	Conflict resolution	<input type="checkbox"/>	Peer Relationships
<input type="checkbox"/>	Respect for diversity	<input type="checkbox"/>	Anger management	<input type="checkbox"/>	Cyber issues
<input type="checkbox"/>	Respect for school property	<input type="checkbox"/>	Stress management	<input type="checkbox"/>	Addiction
<input type="checkbox"/>	Respect for others property	<input type="checkbox"/>	Bullying	<input type="checkbox"/>	Career Exploration
<input type="checkbox"/>	Respect for other rights	<input type="checkbox"/>	Taking responsibility	<input type="checkbox"/>	Other:

Comments:

Has there been previous suspensions?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Is this student receiving CYC or Social Worker support in the school?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Is the student receiving non – academic support from community agencies?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>

Please describe below:



Administrators Checklist for  
Student Referral



Dear Administrator,

As part of the referral process to the New Hope Program, the following documents are required:

- New Hope Agreement Form
- Short Index Card (or PowerSchool equivalent) with up – to – date phone and email
- Credit counselling summary (or PowerSchool equivalent)
- Timetable with teacher name
- Individual Education Plan (IEP)
- Privacy letter (as attached below on final page)
- Verbal Consent to share information regarding student with Thomas Merton Social Worker/CYC if 11 or more days

Please return to the attention of:

Vice-Principal of Alternatives Programs, Thomas Merton CSS



Dear Parents/Guardians,

The Thomas Merton Alternative Education offers four learning programs for secondary school students under the age of 18, who are struggling with their academic and non-academic needs at their home school.

The goal of these innovative programs is to share the academic/non-academic responsibility of the student with the home school. Program teachers deliver curriculum for students' academic needs using various strategies. The non-academic component is led by the school-based Social Worker and/or Child and Youth Counsellor.

Information gathered at the intake interview includes personal information and personal health information about your child and family. This information will be used to assess your child and the program that will best suit their needs in the Halton Catholic District School Board's Alternative Learning Programs.

Parents/Students may withdraw their consent, verbally or in writing, at any time. The information on the application is collected for the purposes of ensuring the Halton Catholic District School Board and the Thomas Merton Alternative Learning Program has the correct information regarding your child participating in the Crossroads and/or New Hope Program(s).

Personal health information, as defined by *Personal Health Information Protection Act* (PHIPA) is collected under the authority of the *Education Act*, and in accordance with the provisions of PHIPA.

If you have any questions and or concerns about these forms please contact the Manager, Privacy, Records and Information Management, at the Board office at 905.632.6314 x 233 or at [privacy@hcdsb.org](mailto:privacy@hcdsb.org)

This is to confirm that I consent to the sharing of the personal information stated above for the purpose of consideration for admission to the most appropriate alternative learning program offered by the Halton Catholic District School Board.

Student Name		Date	
Student Signature		Student School	
Parent/Guardian Signature		Date	
Principal/Designate Signature		Date	