

**POLICY**

It is the policy of the Upper Grand District School Board to create a safe, caring, and effective teaching and learning environment in which every pupil can reach his or her full potential, and to ensure a positive school climate for all members of the school community.

The Board will strive to eliminate all forms of bullying through prevention and intervention strategies which foster positive learning environments, support academic achievement and help students to reach their full potential.

The Upper Grand District School Board considers homophobia, gender based violence, and harassment on the basis of sex, gender identity, sexual orientation, race, colour, ethnicity, culture, citizenship, ancestry, origin, religion, creed, family status, socio-economic status, disability and/or any other immutable characteristic or ground protected by the Human Rights Code, as well as inappropriate sexual behaviour, unacceptable.

The Board supports the use of positive practices including prevention and early intervention as well as consequences for inappropriate behaviour. This includes Progressive Discipline, and suspension and expulsion where necessary. However, before applying disciplinary measures, the discriminatory and disproportionate impacts of disciplinary decisions on pupils protected by the Human Rights Code shall be considered.

Pupils who are suspended or expelled shall be given an opportunity to continue their education.

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**Administrative Detail**

1. It is the responsibility of the appropriate Superintendent(s) of Education to administer and monitor the implementation of this policy.
2. It is the responsibility of Principals to implement this policy in schools and to inform pupils and parents of this policy on an annual basis.
3. It is the responsibility of the Board to communicate this policy to all members of the school community.
4. It is the responsibility of all Board employees who work directly with students, including administrators, teachers, and non-teaching staff, to respond to breaches of the Provincial, the Board's and individual schools'

Codes of Conduct in a manner consistent with The Human Rights Code, the Education Act and its Regulations and this policy.

5. This policy applies to all infractions that occur during a school-related activity or event, or in circumstances where the infraction has an impact on the school climate, including those that occur off school property.
6. It is the responsibility of the Board to establish an Equity and Inclusive Schools Committee.
7. It is the responsibility of the Board to establish a Discipline Committee of Trustees to hear appeals of suspensions and to conduct expulsion hearings in accordance with the Student Discipline Procedures Manual #503-A, and the Education Act and its Regulations.
8. It is the responsibility of the Board to establish at least one program for pupils on long-term suspension and expelled pupils in accordance with the Education Act and its Regulations.
9. This policy will be reviewed as required.
10. The Human Rights Code of Ontario has primacy over all Provincial legislation, including the Education Act and its Regulations, the Ministry of Education's Policy and Program Memoranda, and Board policies and procedures. All are subject to, and shall be interpreted and applied in accordance with, the Human Rights Code of Ontario.
11. This policy operates in conjunction with the following: the Education Act and its Regulations, the Provincial Code of Conduct, the Ministry of Education's Policy and Program Memoranda 144/145 and the Municipal Freedom of Information and Protection of Privacy Act.
12. This policy also operates in conjunction with related Board Policies, Protocols and Handbooks, and local Collective Agreements.
13. Resources to support and implement this policy can be found in the Safe and Inclusive Schools Binder.

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**A. DEFINITIONS**

For the purposes of these procedures, the following definitions apply.

1. Administrator

An administrator includes a Superintendent, Principal or Vice-Principal with responsibility for the school in question.

2. Adult Pupil

An adult pupil is a pupil who is eighteen (18) years old, or is sixteen (16) or seventeen (17) years old and is removed from parental control.

3. Board Employees who Work With Pupils

A Board employee who works with pupils includes administrators, teachers, educational assistants, child and youth workers, social workers, psychologists, speech language pathologists and other professional and para-professional staff who have regular and direct contact with the Board's pupils.

4. Bullying

Bullying is typically a form of 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.

Bullying takes on different forms and contexts with age. It can be physical, verbal, social/emotional or through the use of technology. Bystanders contribute to bullying by doing nothing to prevent it or by becoming actively involved in supporting it.

5. Designated Supervisory Officer

A Designated Supervisory officer is the Superintendent of Education with responsibilities for the school the pupil attends, or a designate, as appointed by the Director of Education.

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6. Disproportionate Impact

Disproportionate impact is created when discipline impacts a pupil to a greater degree in comparison to his or her peers as a result of factors related to grounds protected by the Human Rights Code.

7. Emergency Administrator

An Emergency Administrator is a Superintendent or Principal identified by the Principal of the school as the emergency contact should the administrator of the school not be available in emergency situations.

8. Harassment

Harassment is engaging in a course of vexatious conduct that is known or ought to reasonably be known to be unwelcome. Harassment is words, conduct or action that is directed at an individual and serves no legitimate purpose. This may include remarks, jokes, threats, name-calling, the display of material(s), touching or other behaviour that an individual knows or ought to know, insults, intimidates, offends, demeans, annoys, alarms or causes that individual emotional distress, and may constitute discrimination when related to grounds protected by the Human Rights Code.

9. Immutable Characteristics

Immutable characteristics are characteristics that an individual cannot change or that an individual cannot alter about themselves (such as height).

10. Immediate Risk

Immediate risk occurs when an individual (a Board employee or other staff, pupils, or members of the community) might be impacted as a result of the behaviour being exhibited, or because the Board employee who works with pupils cannot leave another pupil(s) unattended in order to respond.

11. Official Date of Receipt of Notice

Where notice is given to a person under this policy, it shall be considered to have been received by the person in accordance with the following rules:

- a) if the notice is sent by mail or another method in which an original document is sent, the notice shall be considered to have been received by the person to whom it was sent on the fifth school day after the day on which it was sent, and
- b) if the notice is sent by fax or another method of electronic transmission, the notice shall be considered to have been received by the person to whom it was sent on the first school day after the day on which it was sent.

12. Primacy of the Code

In a circumstance in which there is a conflict between Provincial law, such as the Education Act and Regulations, Policy Program Memoranda; school Board policies and procedures, and the Human Rights Code of Ontario, the Human Rights Code is deemed to be more important. The inferior law must be applied in a manner consistent with the Human Rights Code (unless there is an explicit exception contained within the other law for such a circumstance). The principle of primacy of the Human Rights Code also requires school board policies and procedures to be interpreted and applied in a manner consistent with the Human Rights Code.

13. Progressive Discipline

Progressive Discipline is a whole school approach that makes use of a continuum of proactive measures, interventions, supports and consequences to promote positive behaviours. In developing a Progressive Discipline approach, preventative practices, corrective and supportive strategies are used to reinforce positive behaviours.

14. School Climate

A positive school climate is the sum of all the personal relationships within a school and exists when all members of the school community feel safe, comfortable and accepted.

15. Teacher-in-Charge

A teacher-in-charge is a teacher delegated authority by the Principal to undertake specified duties with respect to pupil discipline in the absence of administration.

**B. BULLYING PREVENTION AND INTERVENTION**

1. Bullying is a serious issue that has far-reaching consequences. Bullying adversely affects:
  - a) students' ability to learn;
  - b) healthy relationships and the school climate, and
  - c) a school's ability to educate its students.
2. Bullying will not be accepted on school property, at school-related activities, on school buses, or in any other circumstances (e.g., online) where engaging in bullying will have a negative impact on the school climate.
3. The Board's Equity and Inclusive Schools Committee will:
  - a) be composed of the appropriate Superintendent, school administrators, teachers, support staff, students, and parents, and will seek input from members of the local community as appropriate.
  - b) meet at least three times a year to review the implementation and monitor the effectiveness of the Student Discipline and Bullying Prevention and Intervention Policy 503-A, bullying prevention and intervention programs, and review training opportunities for members of the school community on bullying prevention and intervention, including cultural sensitivity and respect for diversity.
4. School Responsibilities
  - a) Each school will establish an Equity and Inclusive Schools Committee composed of at least one student (where appropriate), one parent, one teacher, one support staff member, one community partner, and at least one school administrator. The Committee will be chaired by a staff member. An existing school committee can assume this role.
  - b) Each school will develop a Bullying Prevention and Intervention Plan as part of its School Improvement Plan. In developing the plan, the school will analyze the school climate through an anonymous survey of students, staff members and parents.

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5. The Bullying Prevention Plan

The Bullying prevention plan will include:

- a) the definition of bullying as outlined in this policy;
- b) bullying prevention and intervention education programs and activities throughout all grades that focus on developing healthy relationships and provide leadership opportunities for students within the school;
- c) prevention and intervention strategies for staff and students to deal with bullying;
- d) strategies for supporting and educating students who have been bullied, students who have bullied others, and students who have been affected by observing and/or encouraging bullying (bystanders);
- e) procedures for students, parents, school staff, and school volunteers to report incidents of bullying;
- f) procedures to address the issue of protection from retaliation for those who report incidents of bullying;
- g) steps the school will take in response to all incidents of bullying through a Progressive Discipline approach. Strategies could range from early intervention to more intensive intervention in cases of persistent bullying, with possible referral to community or social service agencies. Ongoing interventions may be necessary to sustain and promote positive student behaviour;
- h) the responsibility and roles of teachers, parents and students towards bullying prevention and intervention;
- i) training strategies for members of the school community, and
- j) communication and outreach strategies that will inform students, staff, and parents throughout the school year about the Board's Student Discipline Policy #503, and the consequences for bullying.

6. Communication and outreach information may be outlined in the school/student handbook and through other means such as:
  - a) the school's Code of Conduct;
  - b) school newsletters and other in-house publications;
  - c) assemblies and announcements;
  - d) bulletin board postings;
  - e) School Council meetings and publications;
  - f) staff meetings;
  - g) integration into classroom instruction;
  - h) school website, and
  - i) school activities, etc.
7. The School's Bullying Prevention and Intervention Plan will be reviewed on an annual basis.
8. At least every two years, the school will reassess the school climate through an anonymous survey of students, staff members and parents and update the school's Bullying Prevention Plan accordingly.

### **C. PROGRESSIVE DISCIPLINE**

1. Use of Progressive Discipline supports a safe learning and teaching environment in which every pupil can reach his or her full potential.
2. The range of Progressive Discipline interventions, supports, and consequences used by the Board and all schools must be clear and developmentally appropriate, and must include learning opportunities for pupils in order to reinforce positive behaviours and help them make good choices. For pupils with special education needs, interventions, supports and consequences must be consistent with the expectations in the student's IEP and his/her demonstrated abilities.
3. It is the expectation of the Board that, all staff who work directly with pupils on a regular basis, shall respond to any such inappropriate and

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disrespectful behaviour in accordance with Board procedures. This includes any behaviour that causes a negative school climate or for which a suspension or expulsion may be imposed. Staff shall report behaviours which they have observed or heard during the course of their duties or otherwise while on school property or during a school related event.

4. The Board and school administrators must consider all mitigating and other factors, as required by the Education Act, set out in Ontario Regulation 472/07 and reflected in student discipline settlements with the Human Rights Commission.
5. In order to promote and support appropriate and positive pupil behaviours, the Board supports the use of positive practices for: prevention and positive behaviour management. The Board also encourages Principals/designates to review and amend, as appropriate, Individual Education Plans, Behaviour Management Plans and Safety Plans at regular intervals and following an incident, to ensure that every student with special education needs is receiving appropriate accommodation up to the point of undue hardship.
6. The Board recognizes that, in some circumstances, positive practices might not be effective or sufficient to address inappropriate pupil behaviour. In such circumstances, the Board supports the use of consequences.
7. In circumstances where a pupil will receive a consequence for his/her behaviour, it is the expectation of the Board that the principle of Progressive Discipline, consistent with the Human Rights Code, Ministry of Education direction and PPM 145, will be applied, as appropriate.

8. The Role of the Board

The Board will:

- a) provide information and support for schools to develop Progressive Discipline policies and procedures that include a range of strategies, interventions and supports with appropriate application of consequences, including suspensions and expulsions as warranted;
- b) develop communication and information sharing strategies to help pupils, parents, staff, and others in the school community

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understand and support the Board's and schools' Progressive Discipline policies and procedures;

- c) consult with school councils, Principals and other staff, pupils, parents (Parent Involvement Committee, Special Education Advisory Committee), community partners, social service agencies, members of Aboriginal and faith communities, and other stakeholders, as appropriate;
- d) enhance and develop partnerships and protocols, as appropriate and possible, with community agencies, organizations and other members of the community including Police Services and Public Health, to facilitate the delivery of services, including prevention and intervention programs and referrals in support of pupils and their families;
- e) develop training strategies and opportunities for administrators, teachers, school support and other staff on Progressive Discipline and this policy, and
- f) establish performance indicators for monitoring, reviewing and evaluating the effectiveness of this policy and Progressive Discipline procedures (e.g. school climate surveys and analysis).

9. The Role of the School

The school will:

- a) develop and implement a school-wide Progressive Discipline policy that includes a range of procedures that are consistent and in alignment with this policy, and the Board's Code of Conduct and outlines circumstances where short-term suspensions, long-term suspensions or expulsions may be the response required;
- b) provide opportunities for pupils to improve the school climate by assuming leadership roles through such activities as peer mediation, mentorship, and other programs;
- c) ensure that the response for pupils with special education needs is consistent with the expectations in the pupil's Individual Education Plan (IEP);

- d) consider all factors including the particular pupil and the circumstances, the nature and severity of the behaviour, and the impact on the school climate when responding to inappropriate behaviour;
- e) encourage teachers, support staff and others, including school councils and volunteers to support and implement the school's Progressive Discipline policy and to be involved, as appropriate, in its development and ongoing review;
- f) build on existing partnerships and, where appropriate and possible, build new partnerships with community agencies, including local Police Services, to support pupils and their families, and
- g) involve and engage parents in the Progressive Discipline approach and ongoing dialogue on pupil achievement and behaviour.

#### 10. Consequences

- a) The Education Act, the Provincial Code of Conduct, the Upper Grand District School Board's Code of Conduct and individual schools' Codes of Conduct include expectations for all persons on school property.
- b) Appropriate and consistent action must be taken to address inappropriate behaviours within the practice of Progressive Discipline.
- c) Progressive Discipline creates the expectation that the degree of disciplinary action is in proportion to the severity of the behaviour exhibited, and that a pupil's previous discipline history and other relevant factors will be taken into account.
- d) It is understood that short-term and long-term suspensions and expulsions are consequences within Progressive Discipline, and in some circumstances, may be an appropriate first consequence. In the case of a serious incident, there may be required consequences for inappropriate behaviours.
- e) The Board interprets the provisions of the Education Act and Regulations in a broad and liberal manner consistent with the Human Rights Code. The Principal or designate shall consider

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whether or not the discipline will have a disproportionate impact on a pupil protected by the Human Rights Code and/or exacerbate the pupil's disadvantaged position in society.

11. Mitigating Factors

The mitigating factors to be considered by the Principal are:

- a) whether the pupil has the ability to control his or her behaviour;
- b) whether the pupil has the ability to understand the foreseeable consequences of his or her behaviour; and
- c) whether the pupil's continuing presence in the school does or does not create an unacceptable risk to the safety of any other individual at the school.

12. Other Factors to be Considered

Other factors to be considered include:

- a) the pupil's academic, discipline and personal history;
- b) whether other Progressive Discipline has been attempted with the pupil, and if so, the Progressive Discipline approach(es) that has/have been attempted and any success or failure;
- c) whether the infraction for which the pupil might be disciplined was related to any harassment of the pupil because of race, colour, ethnic origin, place of origin, religion, creed, disability, gender or gender identity, sexual orientation or harassment for any other reason;
- d) the impact of the discipline on the pupil's prospects for further education;
- e) the pupil's age;
- f) where the pupil has an IEP or special education needs:
  - whether the behaviour causing the incident was a manifestation of the pupil's disability;

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

13. Record

The Principal or Vice-Principal should keep a record for each pupil with whom Progressive Discipline approach(es) are utilized. The record should include the:

- a) name of the pupil;
- b) date of the incident or behaviour;
- c) nature of the incident or behaviour;
- d) considerations taken into account;
- e) Progressive Discipline approach used;
- f) outcome; and
- g) contact with the pupil's parent/guardian (unless the pupil is an adult pupil).

**D. MONITORING AND REVIEW**

1. Safe and Inclusive Schools Teams will monitor and review effectiveness of safe schools policies and procedures and recommend improvement, where necessary.
2. Every two years each school will conduct a school climate survey to evaluate the effectiveness of its safe school policies and procedures.

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3. Climate Surveys shall:
    - a) include parents, school staff and pupils;
    - b) be anonymous;
    - c) include questions about bullying, harassment related to immutable characteristics including those protected by the *Human Rights Code*, gender-based violence, and sexual assault;
    - d) accommodate special needs pupils to provide an opportunity for response, and
  4. School improvement plans will address issues of bullying, gender based violence, homophobia, sexual, racial and special needs related harassment and inappropriate sexual behaviour.
  5. The results of climate surveys shall be shared with Safe and Inclusive School Teams in order to assist the Teams to build strategies in school improvement plans and to improve the school climate deficits identified.

#### **E. DELEGATION OF AUTHORITY**

1. Whenever possible, the Board will attempt to have an administrator present on school property.
2. A Principal may delegate authority for discipline matters to a Vice-Principal or teacher-in-charge.
3. A delegation of authority to a teacher-in-charge will only come into effect if there are no administrators present on school property.

##### Delegation of Authority to a Vice-Principal

When a Vice-Principal is delegated the authority of a Principal, that authority does not include the final decision regarding student suspensions exceeding five school days or a recommendation to the Board to expel a student.

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Delegation of Authority to Teacher-in-Charge

1. A teacher-in-charge, if delegated authority:
  - a) shall receive reports about suspension and expulsion infractions and inform the Principal, Vice-Principal, or the Superintendent as the earliest opportunity;
  - b) shall contact the Police in an emergency or in the event of an incident requiring police involvement;
  - c) may provide information to the parent/guardian of a victim, who is not an adult pupil, where the teacher-in-charge is not of the opinion that informing the parent/guardian would put the pupil at risk of harm;
  - d) may inform the parent/guardian that an administrator will provide them with further information about the activity causing harm and the steps that will be taken to support the victim and ensure the victim's safety.
  - e) may inform a parent/guardian of an adult pupil if that pupil consents to the disclosure of information;
  - f) may conduct an investigation when an infraction has occurred requiring further information before action can be taken except when the incident might result in a suspension or recommendation for expulsion;
  - g) may consider and implement Progressive Discipline measures following the investigation of an incident that does not warrant an investigation for consideration or a suspension or recommendation for expulsion, and
  - h) shall provide a report to the Principal/vice-Principal when an infraction may lead to a suspension or expulsion
2. A teacher-in-charge shall not be delegated authority to:
  - a) share with the parent/guardian of a victim the name of the suspected perpetrators and/or the discipline measures that might be taken by the school to address the infraction, and

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- b) suspend a pupil.
  3. If a teacher-in-charge is uncertain or uncomfortable about the duties that have been delegated and/or the possible application of the *Human Rights Code*, an administrator or the Superintendent should be contacted immediately.
  4. Delegation of authority must be provided in writing and include a time frame and resources available.
  5. All members of the school must be notified of the delegate's name and the time frame for the delegation.

#### **F. RESPONDING TO INCIDENTS OF INAPPROPRIATE BEHAVIOUR**

1. Provided that there is no immediate risk of physical harm to any individual, responses to inappropriate behaviour shall be made in a timely, supportive and sensitive manner and in an effort to stop and correct the behaviour. Responses must be developmentally appropriate and take into consideration any special education needs that the pupil might exhibit, or about which the employee might be aware. Responses may include one or more of the following:
  - a) ask the pupil to stop the behaviour;
  - b) identify the behaviour as inappropriate and disrespectful;
  - c) explain the impact of the behaviour on others and the school climate;
  - d) model appropriate communication;
  - e) ask the pupil for a correction of the behaviour by restating or rephrasing the comments;
  - f) ask the pupil to apologize for the behaviour;
  - g) ask the pupil not to repeat the behaviour;
  - h) ask the pupil to explain why and how a different choice with respect to the behaviour would have been more appropriate and respectful; and

- i) where applicable, identify the application of the Human Rights Code.
2. A response by the staff to the incident shall not prevent or preclude the Principal or Vice-Principal from imposing appropriate Progressive Discipline, up to and including a recommendation for expulsion from all schools.
3. Where, in the opinion of the Board employees who work with pupils, the behaviour observed or heard might lead to suspension or suspension and a recommendation for expulsion, the employee must report the behaviour verbally to the Principal or designate at the earliest opportunity and again in writing before the end of the school day.
4. The employee shall follow the procedures outlined for reporting incidents when reporting in writing.
5. For all other behaviour, the employee will report the behaviour to the Principal/Vice-Principal/teacher-in-charge at the earliest convenient opportunity.
6. The Principal/Vice-Principal shall consider whether or not further discipline is appropriate in the circumstances.

**G. SUSPENSION & EXPULSION INFRACTIONS**

1. The infractions for which a suspension may be imposed by the Principal include:
  - a) uttering a threat to inflict serious bodily harm on another person;
  - b) possessing alcohol or illegal drugs;
  - c) being under the influence of alcohol;
  - d) swearing at a teacher or at another person in a position of authority;
  - e) committing an act of vandalism that causes extensive damage to school property at the pupil's school or to property located on the premises of the pupil's school;
  - f) bullying (including cyber bullying);

- g) any act considered by the Principal to be injurious to the moral tone of the school;
  - h) any act considered by the Principal to be injurious to the physical or mental well-being of members of the school community;
  - i) persistent opposition to authority;
  - j) habitual neglect of duty, or
  - k) a serious breach of the Board's or school's Code of Conduct.
2. The infractions for which a Principal may consider recommending to the Board that a pupil be expelled from the pupil's school or from all schools of the Board include:
- a) possessing a weapon, including possessing a firearm;
  - b) using a weapon to cause or to threaten bodily harm to another person;
  - c) committing physical assault on another person that causes bodily harm requiring treatment by a medical practitioner;
  - d) committing sexual assault;
  - e) trafficking in weapons or illegal drugs;
  - f) committing robbery;
  - g) giving alcohol to a minor;
  - h) 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;
  - i) a pattern of behaviour that is so inappropriate that the pupil's continued presence is injurious to the effective learning and/or working environment of others;
  - j) activities engaged in by the pupil on or off school property that cause the pupil's continuing presence in the school to create an

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unacceptable risk to the physical or mental well-being of other person(s) in the school or Board;

- k) activities engaged in by the pupil on or off school property that have caused extensive damage to the property of the Board or to goods that are/were on Board property;
- l) the pupil has demonstrated through a pattern of behaviour that s/he has not prospered by the instruction available to him or her and that s/he is persistently resistant to making changes in behaviour which would enable s/he to prosper;
- m) any act considered by the Principal to be a serious violation of the requirements for pupil behaviour and/or a serious breach of the Board or school Code of Conduct, or
- n) where a pupil has no history of discipline or behaviour intervention, or no relevant history, a single act, incident or infraction considered by the Principal to be a serious violation of the expectations of pupil behaviour and/or a serious breach of the Board or school Code of Conduct.

#### **H. REPORTING SUSPENSION & EXPULSION INFRACTIONS TO THE PRINCIPAL**

1. The purpose of reporting incidents is to ensure that the Principal/Vice-Principal is aware of the behaviour.
2. When a Board staff member or transportation provider (the reporter) becomes aware of any infractions for which a suspension may be imposed by the Principal or any infractions for which a Principal may consider recommending to the Board that a pupil be expelled, s/he must report the infraction and any details to the Principal/Vice-Principal/teacher-in-charge at the earliest, safe opportunity and no later than the end of the school day, or end of a transportation run, if reported by a transportation provider.
3. Where two (2) or more Board staff and/or transportation providers become aware of the same incident, each shall make a report to the Principal/Vice-Principal or teacher-in-charge.
4. Wherever possible, it is expected that the reporter will provide a verbal report to the Principal/Vice-Principal or teacher-in-charge at the earliest, safe opportunity.

5. A written report on the *Safe Schools Incident Report Form – Part 1* must be submitted to the Principal/Vice-Principal or teacher-in-charge, when it is safe to do so and no later than the end of the school day or the end of the transportation run.
6. A teacher-in-charge who receives the *Safe Schools Incident Report Form – Part 1* shall provide it to an administrator at the earliest opportunity.
7. Once the *Form* is received, the Principal/Vice-Principal will assign a report number to the *Form*.
8. The receipt of the *Form* will be acknowledged in writing by completing and returning *Safe Schools Incident Report Form- Part 2* it to the reporter. On the *Form* the Principal or Vice-Principal will identify whether or not action was taken. No information identifying pupils will be included.
9. When *Form – Part 2* identifies that no action has been taken, the reporter shall destroy their copy of the *Form - Part 2*.
10. The Principal/Vice-Principal shall retain their copy of the *Form – Part 1* for a minimum of one year. After that time, it shall be destroyed unless the matter has become the subject of a court proceeding. In this case, *Form – Part 2* shall be retained until the proceeding is finally decided.
11. Where the *Form – Part 2* indicates that action has been taken, the reporter may destroy the *Form – Part 2*. If they choose to retain it, it must be retained in a secure location for a minimum of one year.
12. In circumstances where disciplinary action is taken by the Principal or Vice-Principal a copy of *Form – Part 1* shall be filed in that pupil's Ontario Student Record (OSR). The form shall be retained for a minimum of one year.
13. The Principal/Vice-Principal shall ensure that all information contained in the *Form – Part 1* that could identify other pupils has been redacted (removed/blacked-out) before it is filed in the OSR of the pupil who has been disciplined. When action is taken against more than one pupil, the *Form – Part 1* shall be filed in each pupil's OSR, as above.
14. Where the victim has also demonstrated inappropriate behaviour resulting in Progressive Discipline short of suspension, the *Form – Part 1* should only be filed in the victim's OSR if the parents of the victim have been

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informed. Where the parents have not been informed a copy of the Form – Part 1 shall not be filed in the victim's OSR.

15. Where the victim has not demonstrated any inappropriate behaviour the Form – Part 1 shall only be filed in the victim's OSR with the consent of the victim's parent/guardian. If the victim is an adult pupil, the victim's consent is required before Form – Part 1 is filed in his/her OSR.
16. If Form – Part 1 has been filed in the victim's OSR, it should be retained for a minimum of one year.
17. In circumstances where Form – Part 1 is destroyed, it must be destroyed in accordance with the Board's Records Management Manual.
18. In circumstances where Form – Part 1 is retained but not filed in a pupil's OSR, it must be stored in a secure location, and measures must be taken to ensure access is limited and that all personal information is protected.
19. Where a proceeding has been undertaken or an application has been made to the Human Rights Tribunal of Ontario, the Form – Part 1 shall be retained until such proceeding or application has been finally resolved.
20. Each year the Principal shall review with all staff their duty to report as outlined above. This review shall include instructions regarding the completion of the Form – Part 1 and the receipt and destruction of the Form – Part 2.

## I. NOTIFICATION

### Notifying the Parent/Guardian

1. Incidents for which a suspension, or a recommendation for expulsion are being considered, the Principal or Vice-Principal shall provide information to the parent/guardian of the victim, unless in the opinion of the Principal or Vice-Principal this would put the victim at risk of harm, and would not be in the victim's best interest.
2. Where the victim is an adult pupil, the Principal or Vice-Principal shall inform the parent/guardian only with the victim's consent.
3. When notifying the parent/guardian of a victim of an incident, the Principal or Vice-Principal shall:

- a) identify the nature of the incident;
  - b) identify the nature of the harm to the pupil, and
  - c) provide information on the steps being taken by the school to protect the pupil's safety, including the nature of any discipline in response to the incident.
4. Where the victim has been harassed, bullied or suffered violence because of one or more immutable characteristics, or has been sexually assaulted, the Principal or Vice-Principal shall share contact information about community contacts/professional supports available to the parent/guardian/student.
  5. A written list will be made available to the victim and/or the victim's parent/guardian.
  6. Supports will also be posted on the Board's website.
  7. The Principal or Vice-Principal may inform the victim's parent/guardian:
    - a) whether or not formal discipline was imposed on the pupil(s) disciplined, excluding any personal information;
    - b) specific disciplinary measures that might have been imposed;
    - c) if the pupil(s) disciplined shall no longer be attending the same school as the victim.
  8. If the parent/guardian is not satisfied with the measures being taken to protect and support the victim, the parent/guardian may contact the Superintendent to request a review of the measures being taken by the school.

#### Not Notifying a Parent/Guardian

1. Where, in the opinion of the Principal/Vice-Principal/teacher-in-charge, providing information to the victim's parent/guardian would put the victim at risk of harm, or where the victim is an adult pupil and does not consent to his/her parent/guardian being informed, the Principal/Vice-Principal/teacher-in-charge shall not inform the victim's parent/guardian.

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2. The Principal or Vice-Principal shall:
    - a) consider, as a result of the victim's disclosure, whether or not the victim is a child in need of protection and, if so, make a report to the Family and Children's Services (FCS) , and if in doubt, make a no-names call to inquire about the appropriateness of making a report;
    - b) document in Maplewood why the parent/guardian was not notified;
    - c) inform the school Superintendent that the parent/guardian was not informed and why;
    - d) inform the employee who reported the potential of harm that the parent/guardian was not informed and why;
    - e) inform other staff working to support the pupil, as appropriate, and
    - f) inform the victim of the steps being taken by the school to protect the victim's safety, supports available.

## K. SUSPENSION OF STUDENTS

The Board supports the use of suspensions where a pupil has committed one or more of the infractions outlined on pages 15, 16, and 17.

1. Suspension Considerations
  - a) A Principal may not suspend a pupil for any suspension infractions more than once for the same occurrence.
  - b) In considering whether to suspend a pupil, a Principal shall take into account the following mitigating factors:
    - i) the pupil does not have the ability to control his or her behaviour;
    - ii) the pupil does not have the ability to understand the foreseeable consequences of his or her behaviour, or
    - iii) the pupil's continuing presence in the school does not create an unacceptable risk to the safety of any person.

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- c) If mitigating factors i) and/or ii) exist, the Principal shall consider other disciplinary actions. Where mitigating factor iii) exists, the Principal may or may not suspend a pupil based on the severity of the infraction.
  - d) Notwithstanding (c) above, where a pupil's presence in the school creates an unacceptable risk, a short-term suspension may be imposed in order to arrange for appropriate accommodations of the pupil.

## 2. Length of Suspension

- a) A pupil may be suspended for an infraction for a minimum of one (1) school day and a maximum of twenty (20) school days.
- b) Where the pupil is able to control his/her behaviour and is able to understand the foreseeable consequences of his/her behaviour, the Principal will consider whether the following factors mitigate the length of a suspension or the decision to apply a suspension as a form of discipline for the pupil:
  - i) the pupil's history;
  - ii) whether a Progressive Discipline approach has been used with the pupil;
  - iii) whether the activity for which the pupil may be or is being suspended or expelled was related to any harassment of the pupil because of his or her race, ethnic origin, religion, disability, gender or sexual orientation or to any other harassment;
  - iv) how the suspension or expulsion would affect the pupil's ongoing education;
  - v) the age of the pupil, and
  - vi) in the case of a pupil for whom an Individual Education Plan (IEP) has been developed:
    - whether the behaviour was a manifestation of a disability identified in the pupil's Individual Education Plan (IEP);

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- whether appropriate individualized accommodation has been provided, and
  - whether the suspension or expulsion is likely to result in an aggravation or worsening of the pupil's behaviour or conduct.
- c) In consideration of the length of a suspension, the Principal will consult with the appropriate Superintendent when considering a suspension for more than five (5) days.
- d) Suspensions of ten (10) days or longer will be reported to the Board by the Superintendent of Education.
3. Programs for Suspended Pupils
- a) Homework packages will be made available for the pupil who is suspended for one (1) day or longer.
- b) A pupil suspended for more than five (5) days will be referred to a Long-Term Suspension Program. The Principal of the school, in consultation with the pupil's teacher will develop a Student Action Plan (SAP) to direct the activities and learning involved in the program. Cooperation with the pupil and the pupil's parents will be sought in developing the Student Action Plan (SAP).
- c) Attendance in the recommended program is not mandatory.
- d) Should a pupil choose not to attend a recommended program, homework packages will continue to be available only on request, and following the completion of previously provided assignments.
4. Procedural Steps
- a) Within 24 hours of the decision to suspend, the Principal will make all reasonable efforts to inform the adult pupil or the pupil's parent/guardian.
- b) The Principal shall inform the pupil's teachers of the suspension.

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- c) The Principal shall prepare a written notice of suspension to include:
- the reason for the suspension;
  - the duration of the suspension;
  - information about any program for the suspended pupil (if the suspension is for more than five (5) days), and
  - information about the right to appeal, including the relevant parts of the policy pertaining to the appeal of suspensions and the name of the appropriate supervisory officer.
- d) Where the pupil has committed to attend a suspension program, a Principal will prepare a Student Action Plan (SAP), prior to the first day of the program.
- e) The written notice of the suspension will be promptly sent to the adult pupil or the pupil's parent/guardian.
- f) Where the incident is a serious violent incident, a Violent Incident Report shall be completed, and police involved as per the Police/School Board Protocol.

5. Conditions for Pupils Under Suspension

- a) Pupils under suspension are not allowed to be on the property of any school or engaged in any school-related activities, unless required by the attendance in a suspension program, or approved by the Principal.
- b) A pupil who has an assignment due during the suspension period, must make arrangements for the assignment to be delivered to the school by the due date.
- c) Tests missed due to a suspension will be rescheduled or excluded from the final evaluation of the pupil, at the discretion of the Principal.

**6. Re-entry from Suspension**

- a) A pupil may return to his/her school on the school day following the last date of the suspension.
- b) The pupil will report to the Principal or Vice-Principal to discuss the prevention of further misconduct. The parent/guardian of the pupil may be invited at the discretion of the Principal or Vice-Principal.
- c) A re-entry meeting will be held for the return of a pupil from a suspension program of more than ten (10) days.

**7. Suspension Appeals**

Note: The appeal of a suspension does not stay the suspension.

**a) Right to Appeal**

- i) The adult pupil or the pupil's parent/guardian may appeal a suspension.
- ii) A suspension pending a consideration of an expulsion cannot be appealed while the incident is under investigation.

**b) Notice of Appeal**

- i) A person who has the right to appeal must give written notice of his/her intention to appeal to the Superintendent of Education within ten (10) days of the commencement of the suspension.
- ii) Where the suspension was imposed as an alternative to an expulsion, an appeal may be filed within five (5) days of receipt of the said notice.
- iii) The Superintendent will acknowledge receipt of the appeal and provide a date on which the Board's Discipline Committee will hear the appeal.

c) Appeal Hearing

- i) The Discipline Committee of the Board will hear the appeal within fifteen (15) days of the receipt of the notice of appeal unless the parties to the appeal agree to an extension.
- ii) Suspension appeals will be heard, In Camera (closed session), by the Discipline Committee of the Board.
- iii) The pupil (whether a party to the appeal or not) may speak for up to five (5) minutes to the appeal at the meeting of the Discipline Committee.
- iv) The appeal hearing will proceed in spite of the absence of the appellant.

d) Appeal Procedures

- i) The Superintendent of Education will provide information on the relevant parts of the legislation, Board Policies, and Board and School Codes of Conduct.
- ii) The adult pupil or the pupil's parent/guardian will have up to (5) five minutes to outline the reasons for the appeal.
- iii) The Principal will state the reasons for the suspension and provide background information in support of the decision to suspend.
- iv) Members of the Committee may question both the appellant and the Principal for clarity.
- v) The Committee will retire to make a determination.
- vi) The Committee may:
  - confirm the suspension and its duration; or
  - confirm the suspension but shorten its duration; or
  - quash the suspension and order the record be expunged.
- vii) The decision of the Board on suspension appeals is final.

**J. SUSPENSION INVESTIGATION AND POSSIBLE EXPULSION**1. Suspension Pending Consideration of Expulsion

- a) When a Principal has reasonable grounds to believe that a pupil has committed one or more infractions outlined on pages 15, 16, and 17 the Principal will suspend the pupil.
- b) Should the Principal believe that the pupil is unable to control his/her behaviour or is unable to understand the foreseeable consequences of his/her behaviour, the Principal may choose not to suspend, and therefore not to proceed to an expulsion.
- c) Notwithstanding (b) above, where a pupil's presence in the school creates an unacceptable risk, a short-term suspension may be imposed in order to arrange for appropriate accommodations of the pupil.
- d) Where a Principal has suspended a pupil for an infraction listed on pages 15, 16, or 17, the Principal will conduct an investigation to determine whether to recommend an expulsion to the Board.

2. Expulsion Consideration

- a) In consideration of whether to recommend a pupil for expulsion the Principal shall consider the gravity of the offence and the effect of the pupil's presence on the welfare of other students and staff.
- b) The following factors, if considered mitigating by the Principal, may cause the Principal not to recommend an expulsion and may alter the length of the suspension imposed:
  - i) the pupil's continued presence in school does not create an unacceptable risk to the safety of any other person;
  - ii) the pupil's history;
  - iii) whether a progressive discipline approach has been used with the pupil;
  - iv) whether the activity for which the pupil may be, or is being suspended or expelled, was related to any harassment of the pupil because of his or her race, ethnic origin, religion,

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disability, gender or sexual orientation, or to any other harassment;

- v) how the suspension or expulsion would affect the pupil's ongoing education;
- vi) the age of the pupil, and
- vii) in the case of a pupil for whom an Individual Education Plan (IEP) has been developed:
  - whether the behaviour was a manifestation of a disability identified in the pupil's Individual Education Plan (IEP);
  - whether appropriate individualized accommodation has been provided, and
  - whether the suspension or expulsion is likely to result in an aggravation or worsening of the pupil's behaviour or conduct.

### 3. Principal's Investigation

- a) The Principal will conduct an investigation promptly following the suspension of the pupil under #2 above.
- b) As part of the investigation, the Principal will:
  - i) interview the pupil and where the pupil is not an adult the pupil's parent/guardian;
  - ii) interview witnesses who the Principal believes can contribute relevant information;
  - iii) review the pupil's past history of discipline, including steps taken in progressive discipline;
  - iv) consider the effect of the pupil's presence on the welfare of others in the school;
  - v) consult with special education staff when dealing with an identified pupil, and

- vi) consult with the school Superintendent to ensure that proper procedures have been followed.

5. Principal's Determination

- a) Following the investigation, the Principal will determine whether to recommend an expulsion to the Board.
- b) The Principal may recommend:
  - i) an expulsion from all schools of the Board, or
  - ii) an expulsion from the school the pupil was attending with a recommendation for an alternate school.
- c) If the Principal decides not to recommend an expulsion, the Principal may:
  - i) uphold the suspension imposed including the length of the suspension;
  - ii) uphold the suspension and modify the length of the suspension, or
  - iii) withdraw the suspension and expunge the record.

6. Principal Notification

Following the investigation, the Principal will promptly notify, in writing, the adult pupil or the parent/guardian of his/her decision.

- a) Where the Principal has decided to recommend that the Board consider an expulsion, the notification will include:
  - i) a copy of the Board's Discipline Policy, and
  - ii) contact information for the Superintendent of Education.
- b) Where the Principal has decided not to recommend an expulsion, but instead, modify or uphold the suspension, the notification will include information about the right to appeal the suspension.

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7. Superintendent's Review

Following receipt of the recommendation of the Principal by the Superintendent of Education, the Superintendent may offer the parent an opportunity to review the Principal's decision and the evidence supporting that decision.

8. Expulsion Hearing

- a) Where the Principal has decided to recommend to the Board that the pupil be expelled, the Discipline Committee of the Board will conduct a hearing within twenty (20) days of the first day of the suspension, unless the parties to the expulsion agree otherwise.
- b) The Superintendent of Education will notify the parties to the hearing of the date and time of the hearing, including information about the proceedings.

9. Principal's Report

Where the Principal recommends an expulsion to the Board, the Principal shall prepare a report including:

- a) a summary of the findings of the investigation;
- b) a recommendation of whether to expel from the school or all the schools of the Board, and either:
  - i) a recommendation for placement of the pupil, should the expulsion recommendation be from the school only, or
  - ii) a recommendation for a program for expelled pupils if expelled from all the schools of the Board.

10. Notification of Hearing

- a) The Superintendent of Education will notify the adult pupil or the pupil's parent/guardian of the time and place of the hearing.
- b) Included in the notification will be:
  - i) the Principal's report to the Board;

- ii) a copy of the relevant parts of the Student Discipline (Progressive Discipline, Suspension, Expulsion) Policy dealing with expulsion hearings;
- iii) a statement that the adult pupil or the pupil's parent/guardian may respond to the Principal's report in writing, and
- iv) the name and contact of the Superintendent of Education.

#### 11. The Expulsion Hearing

- a) Parties to the expulsion hearing will be the Principal or designate the adult pupil or the pupil's parent/guardian and the pupil should she/he choose to make a submission to the Board.
- b) The procedures for the hearing shall be in the following order:
  - i) the Superintendent of Education will review the relevant regulations and policies governing student behaviour including those governing student discipline;
  - ii) the Principal will present the report and may call evidence in respect to the infraction;
  - iii) the adult pupil or the pupil's parent/guardian shall present his/her report (if submitted), or have up to five (5) minutes to verbally present his/her point of view on the discipline of the pupil including possible consequences for the behaviour.
  - iv) the non-adult pupil may have up to five (5) minutes to present information;
  - v) the Committee may ask questions of all parties to the expulsion hearing, and
  - vi) the Committee will retire In Camera (closed session) to consider the outcome of the hearing.
- c) The expulsion hearing will proceed in spite of the absence of the adult pupil and/or the pupil's parent or guardian.

**12. Committee Determination**

- a) The Committee will consider the following in making its determination:
  - i) all evidence and information provided by the parties to the hearing;
  - ii) the gravity of the misconduct;
  - iii) the effect of the continued presence of the pupil in the school or other schools;
  - iv) whether progressive discipline was or should have been employed;
  - v) any mitigating factors that may apply, and
  - vi) other such matters as deemed appropriate by the Discipline Committee.
  
- b) Upon deliberation, the Committee may:
  - i) expel the pupil from all the schools of the Board;
  - ii) expel the pupil from the school the pupil was attending and recommend another school within the Board;
  - iii) not expel the pupil but uphold the suspension;
  - iv) not expel the pupil and modify the suspension, or
  - v) not expel the pupil and quash the suspension and expunge the record of the suspension.

**13. Committee Notification**

- a) The decision of the Committee shall be communicated promptly in writing to all parties of the expulsion hearing.
  
- b) Where the Committee has decided to expel the pupil, the notice shall include:

- i) the reasons for the expulsion, and
- ii) information about the right to appeal.

14. Appeal

- a) If the Committee decides to expel a pupil, the adult pupil or the pupil's parent/guardian may appeal the expulsion to the Child and Family Services Review Board.
- b) If the Committee decides to uphold or modify, or quash the suspension, the decision of the Committee is final.
- c) An appeal of the Committee's decision to expel does not stay the expulsion.

15. Program

- a) Where the Committee decides to expel a pupil from all schools of the Board, the Committee shall assign the pupil to a program for expelled pupils.
- b) A Student Action Plan (SAP) will be developed for the pupil and will include both academic and non-academic objectives.

16. Conditions under Expulsion

- a) A Pupil under expulsion from all schools of the Board is not allowed to engage in any school-related activities, and is not allowed to be on the property of any school, unless required by the attendance in a suspension/expulsion program.
- b) A Pupil under expulsion from his/her their original schools, is not allowed to engage in any related activities of that school, and is not allowed to be on the property of that school.

17. Re-entry from an Expulsion

- a) Where a pupil is expelled from the school he/she was attending, the adult pupil or the pupil's parent/guardian may apply to the Superintendent of Education to be re-admitted to that school. The student must demonstrate his readiness to prosper in the

instruction at that school and that his/her presence in that school will no longer be detrimental to the welfare of others.

- b) Where a pupil is expelled from all schools of the Board, the pupil will be re-admitted upon the successful completion of the program outlined in the Student Action Plan (SAP) as determined by the Principal and/or Superintendent responsible for the program.
- c) Should an expelled pupil not successfully complete the program, the pupil may apply for re-admission to the Schools of the Board by demonstrating to the Superintendent of Education that the Student Action Plan (SAP) objectives designated for that pupil have been met.
- d) The decision of the Superintendent of Education is appealed by requesting to delegate to the Board.