



| <b>ADMINISTRATIVE PROCEDURE</b>  |  |
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| <i>Approval Date</i><br><b>2013</b>  | <i>Replacing</i><br><b>All previous procedures</b> |
| <i>Review Date</i><br><b>2018</b>  | <i>Page</i><br><b>1 of 67</b>                      |
| <i>Contact Person/Department</i><br><b>Superintendent Responsible<br/>for Safe Schools</b> | <i>Identification</i><br><b>OP-6021</b>            |

## **CODE OF CONDUCT**

### **1.0 PURPOSE**

Trillium Lakelands District School Board believes that a safe, caring and respectful working and learning environment is essential for all members of the school community to reach their full potential.

The code of conduct provides the guiding principles, standards of behaviour, preventative measures, and consequences related to generating and maintaining this inclusive environment.

- 1.1 The purpose of the Trillium Lakelands District School Board Code of Conduct is as follows:
- 1.1.1 to ensure that all members of the school community are treated with respect and dignity;
  - 1.1.2 to promote responsible citizenship by encouraging appropriate participation in the civic life of the school community;
  - 1.1.3 to maintain an environment where conflict and difference can be addressed in a manner characterized by respect and civility;
  - 1.1.4 to encourage the use of non-violent means to resolve conflict;
  - 1.1.5 to promote the safety of people in the schools;
  - 1.1.6 to discourage the use of alcohol and illegal drugs.

### **2.0 REFERENCES AND RELATED DOCUMENTS**

- 2.1. TRILLIUM LAKELANDS DISTRICT SCHOOL BOARD POLICIES AND PROCEDURES
- Policy HR-4519 and Procedure HR-4520 Safe Schools: Responding to Student Violence Towards Staff;
  - Policy BU-3554 and Procedure BU-3555 Incident/Accident/Injury Reporting and Investigation;
  - Policy OP-6539 and Procedure OP-6540 Code Red – Lockdown (Violent Emergency Response Plan);
  - Policy BU-3035 and Procedure BU-3036 Appropriate Use of Information/Communication Technology and Technology Services;
  - Policy HR-4010 and Procedure HR-4011 Ontario Human Rights Code – Prevention of Employee Discrimination and Harassment ;

- Policy OP-6519 and Procedure OP-6520 Emergency Preparedness – Schools and Worksites;
- Policy OP-6550 and Procedure OP-6551 Physical Intervention Guidelines for Responding to Injurious and Self Injurious Behaviour of Students;
- Policy HR-4534 and Procedure HR-4535 - Progressive Discipline (Staff);
- Policy HR-4030 and Procedure HR-4031 Ontario’s Occupational Health and Safety Act: Prevention and Resolution of Workplace Harassment.
- Policy OP-6216 and Procedure OP-6215 Bullying Prevention and Intervention

## 2.2. EDUCATION ACT AND MINISTRY OF EDUCATION DOCUMENTS

### 2.2.1. THE EDUCATION ACT, RSO 1990

- Bill 13 Accepting Schools Act;
- Bill 212 An Act to amend the Education Act in respect of behaviour, discipline and safety;
- Bill 157 An Act to amend the Education Act (Keeping our Kids Safe at School).

### 2.2.2. MINISTRY OF EDUCATION POLICY AND PROGRAM MEMORANDA

- PPM 128 The 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 (revised December 2012);
- PPM 144 Bullying Prevention and Intervention (Revised October 2009);
- PPM 145 Progressive Discipline and Promoting Positive Student Behaviour (revised December 2012).

### 2.2.3. OTHER RELATED STATUTES

- The Ontario Human Rights Code;
- The Child and Family Services Act;
- The Criminal Code of Canada;
- The Municipal Freedom of Information and Protection of Privacy Act;
- The Occupational Health and Safety Act.

## 3.0 TERMS AND DEFINITIONS

### 3.1 SCHOOL

The term “school” in this document includes school property, school buildings, school buses, field trips, athletic trips and all other in-school and out-of-school related activities for which the Board is responsible.

### 3.2 SCHOOL COMMUNITY

The School Community includes Trustees, school board employees, students, parents, visitors, volunteers, contractors, community members on school premises, or any other person attending on Board property (including schools) for any reason while on Board property (including schools), while on school buses, at school-related events or activities, or in any other circumstances that could have an impact on the climate of a school.

## 4.0 ADMINISTRATIVE PROCEDURE

The Ministry of Education's provincial Code of Conduct (PPM 128) sets clear standards of behaviour. These standards apply to everyone in the school community whether they are on school property, on school buses, at school-related events or activities, or in other circumstances that could have an impact on the school climate.

PPM 128 is posted on the Ontario Ministry of Education website.

4.1 TLDSB will carry out the following steps to develop, communicate, and maintain the Board Code of Conduct:

- 4.1.1 all stakeholders through the Board webpage;
- 4.1.2 review the TLDSB Code of Conduct every three years, including consultation with students, staff, parents, volunteers, and the community;
- 4.1.3 establish a process that clearly communicates the provincial Code of Conduct, TLDSB Code of Conduct, and School Codes of Conduct to all parents, students, staff members, and members of the school community in order to obtain their commitment and support;
- 4.1.4 develop effective intervention strategies and respond to all infractions related to the standards for respect, civility, responsible citizenship, and safety;
- 4.1.5 provide opportunities for all of the staff to acquire the knowledge, skills, and attitudes necessary to develop and maintain academic excellence in a safe learning and teaching environment;
- 4.1.6 collaborate, where possible, to provide coordinated prevention and intervention programs and services, and share effective practices.

### 4.2 SCHOOL CODE OF CONDUCT

Every Elementary and Secondary School shall have a School Code of Conduct. The School Code of Conduct shall set clear standards of behaviour which apply to all members of the school community.

- 4.2.1 Schools may add additional detail to their School Code of Conduct tailored expressly to each school environment and community at large. These codes must set out clearly what is acceptable and what is unacceptable behaviour for all members of the elementary or secondary school community (e.g., parents, students, staff, visitors, volunteers).

- 4.2.2 The school Principal will carry out the following steps to develop, communicate, and maintain the School Code of Conduct:
- a) seek input and consider the views of the School Council;
  - b) seek input from students, staff, parents, and members of the school community;
  - c) establish a communication plan by which students will be advised of the School Code of Conduct regularly (e.g. assemblies, newsletters, orientation plan for new students, etc.);
  - d) publish and communicate the School Code of Conduct annually to students, parents and staff;
  - e) submit a copy of the School Code of Conduct annually (September), or when any revisions are made, to the School Superintendent.

### 4.3 ROLES AND RESPONSIBILITIES

All members of the school community have a responsibility to ensure that the standards of this Code of Conduct are met.

#### 4.3.1 Principals

Principals take a leadership role in the daily operation of a school. Bill 157 permits a principal of a school to delegate his or her powers under Part XIII of the Education Act (Behaviour, Discipline and Safety) to a vice-principal of the school or a teacher employed in the school. Principals provide this leadership by:

- a) demonstrating care for the school community and a commitment to academic excellence in a safe and caring learning environment;
- b) holding everyone under their authority accountable for his or her behaviour and actions;
- c) empowering students to be positive leaders in their school and community;
- d) communicating regularly and meaningfully with all members of their school community;
- e) fulfilling their obligation to investigate reports of incidents that may have a negative impact on school climate: including, but not limited to, racist or sexist comments that are unacceptable in our schools;
- f) fulfilling their obligation to investigate reports by Board employees of a student who may have engaged in an activity for which the student must be considered for suspension or expulsion;
- g) informing the parents of victims of such incidents unless the victim is 18 years old or older; the victim is 16 or 17 years old and had withdrawn from parental control; or in the opinion of the principal, doing so would put the victim at risk of harm from the parent.

#### 4.3.2 Teachers and Other School Staff Members

Under the leadership of the principal, teachers, and other school staff members maintain order in the school and are expected to hold everyone to the highest standard of respectful and responsible behaviour. As role models, teachers and school staff uphold these high standards when they:

- a) help students work to their full potential and develop their sense of self-worth;
- b) empower students to be positive leaders in their classroom, school, and community;
- c) communicate regularly and meaningfully with parents;
- d) maintain consistent standards of behaviour for all students;
- e) demonstrate respect for all students, staff, parents, volunteers, and the members of the school community;
- f) prepare students for the full responsibilities of citizenship;
- g) respond to incidents that may have a negative impact on school climate: including, but not limited to, racist or sexist comments;
- h) fulfill their duty to report to the principal if they become aware that a student may have engaged in an activity for which the student must be considered for suspension or expulsion.

#### 4.3.3 Students

Students are to be treated with respect and dignity. In return, they must demonstrate respect for themselves, for others, and for the responsibilities of citizenship through acceptable behaviour. Respect and responsibility are demonstrated when a student:

- a) comes to school prepared, on time, and ready to learn;
- b) attends classes regularly;
- c) is diligent in attempting to master such studies as are part of the program in which the student is enrolled;
- d) shows respect for himself or herself, for others, and for those in authority;
- e) refrains from bringing anything to school that may compromise the safety of others;
- f) follows the established rules and takes responsibility for his or her own actions;
- g) accepts such discipline as would be exercised by a kind and judicious parent.

#### 4.3.4 Parents / Guardians

Parents play an important role in the education of their children, and can support the efforts of school staff in maintaining a safe and respectful learning environment for all students. Parents fulfill their role when they:

- a) show an active interest in their child's school work and progress;
- b) communicate regularly with the school;
- c) help their child be neat, appropriately dressed, and prepared for school;
- d) ensure that their child attends school regularly and on time;
- e) promptly report to the school their child's absence or late arrival;
- f) show that they are familiar with the provincial Code of Conduct, the Board's Code of Conduct, and school rules;
- g) encourage and assist their child in following the rules of behaviour;
- h) assist school staff in dealing with disciplinary issues involving their child.

#### 4.3.5 All Board Employees

All Board Employees who work directly with children can support the efforts of school staff in maintaining a safe and respectful learning environment for all students. Board employees fulfill their role when they:

- a) respond to incidents that may have a negative impact on school climate. This behaviour includes but is not limited to racist or sexist comments;
- b) report to the principal if they become aware that a student may have engaged in an activity for which the student must be considered for suspension or expulsion.

#### 4.3.6 Community Partners and The Police

- a) Through outreach, partnerships already in place may be enhanced and new partnerships with community agencies and members of the community (e.g., Aboriginal Elders) may also be created. Community agencies are resources that boards can use to deliver prevention or intervention programs. Protocols are effective ways of establishing linkages between boards and community agencies and of formalizing the relationship between them. These partnerships must respect all applicable collective agreements.
- b) The police play an essential role in making our schools and communities safer. The police investigate incidents in accordance with the protocol developed with the local school board. These protocols are based on a provincial model that was developed by the Ministry of the Solicitor General and the Ministry of Education. The full Police Protocol is contained in Appendix B. (*See Appendix II: Police Protocol*).

#### 4.4 STANDARDS OF BEHAVIOUR

All School Codes of Conduct will set out the basic information contained in the following standards of behaviour:

##### 4.4.1 All members of the school community must:

- a) respect and comply with all applicable federal, provincial, and municipal laws;
- b) demonstrate honesty and integrity;
- c) respect differences in people, their ideas, and their opinions;
- d) treat one another with dignity and respect at all times, and especially when there is disagreement;
- e) respect and treat others fairly, regardless of, for example, race, ancestry, place of origin, colour, ethnic origin, citizenship, religion, gender, sexual orientation, age, or disability;
- f) respect the rights of others;
- g) show proper care and regard for school property and the property of others;
- h) take appropriate measures to help those in need;
- i) seek assistance from a member of the school staff, if necessary, to resolve conflict peacefully;
- j) respect all members of the school community, especially persons in positions of authority;
- k) respect the need of others to work in an environment that is conducive to learning and teaching;
- l) not swear at a teacher or at another person in a position of authority.

##### 4.4.2 All members of the school community **must not**:

- a) engage in bullying behaviours;
- b) commit sexual assault;
- c) traffic weapons or illegal or restricted drugs;
- d) give alcohol to a minor;
- e) commit robbery;
- f) be in possession of any weapon, including firearms;
- g) use any object to threaten or intimidate another person;
- h) cause injury to any person with an object;
- i) be in possession of, or be under the influence of, or provide others with alcohol or illegal or restricted drugs;
- j) inflict or encourage others to inflict bodily harm on another person;
- k) smoke on school property, including the use of e-cigarettes or vapourizers;
- l) sell or supply tobacco, e-cigarettes or vapourizers;
- m) engage in hate propaganda and other forms of behaviour motivated by hate or bias;

- n) commit an act of vandalism that causes damage to the school property (as defined in 3.0 TERMS AND DEFINITIONS);
- o) engage in any behaviour that would be considered as conduct injurious to the moral tone of the school and to the physical and mental wellbeing of others in the school;
- p) create a disturbance in a school or on school property which interrupts or disquiets the proceedings of the school or class or otherwise disrupts the operation of a school or the learning environment.

#### 4.5 STUDENT BEHAVIOUR EXPECTATIONS

The following standards of behaviour apply specifically to students. School Codes of Conduct may contain additional standards. A student must:

- 4.5.1 be diligent in attempting to master such studies as are part of the program in which the pupil is enrolled;
- 4.5.2 exercise self-discipline and respect for him or herself;
- 4.5.3 accept such discipline as would be exercised by a kind, firm, and judicious parent;
- 4.5.4 attend classes regularly and on time;
- 4.5.5 be respectful of others;
- 4.5.6 be clean in person and habits;
- 4.5.7 take such tests and examinations as are required by teachers;
- 4.5.8 show respect for school property.
- 4.5.9 Attend school:
  - a) until they reach their 18<sup>th</sup> birthday or until June of the year in which they reach their 18<sup>th</sup> birthday;
  - b) unless they are ill or have a medical, dental, or legal appointment. In addition, “a student may be excused by the principal from attendance at school temporarily at any time at the written request of a parent of the student or student where the student is an adult”. Reg. 262 – Section 23 (3);
  - c) follow established school policies in accounting for absences from school and in signing in or out of school.
- 4.5.10 Fulfil their academic obligations:
  - a) complete all assigned work to the best of their ability. Refusing to do so or habitually failing to do so shall be considered to be “habitual neglect of duty”;
  - b) be present for scheduled testing except where an absence falls within the stated exceptions found under the attendance section of this policy;
  - c) demonstrate honesty and integrity on school work. Cheating on tests, examinations or assignments shall be treated as a serious breach of this Code of Conduct.
- 4.5.11 Obey authority:
  - a) obey any reasonable order by any school staff or administrator;
  - b) obey all reasonable classroom policies of teachers;

- c) speak privately to a teacher, to school counsellors, or administrators if they feel they have been treated unfairly.
- 4.5.12 Be responsible for loss or damage to school property:
- a) return school property, including textbooks, library books, and other equipment at the proper time and in reasonable condition as established by the school;
  - b) reimburse the school for all or part of the cost of replacement materials and labour that is not covered by existing insurance in the event of accidental damage to school property;
  - c) reimburse the school in the event of deliberate damage to property (vandalism, etc.).
- 4.5.13 Dress appropriately:
- a) comply with the requirements of the school code of conduct which clarifies dress expectations.
- 4.5.14 Behave appropriately and safely on school buses:
- a) additional detail related to behaviour on buses is outlined in existing Transportation Policy BU-3025 Section 11.0 and Transportation Procedure BU-3026 Section 9.0).

#### 4.6 STUDENTS MUST NOT

- 4.6.1 use profane or improper language themselves, against another student or against school personnel;
- 4.6.2 use threats, threatening gestures or physical assault against another student or against school personnel or their property;
- 4.6.3 engage in inappropriate displays of affection (such as kissing, embracing, fondling);
- 4.6.4 engage in the harassment of others (any verbal, physical or electronic device/internet actions intended to inflict physical or psychological harm on targeted person(s)) including:
  - a) sexual harassment;
  - b) bullying;
  - c) intimidation or discrimination based on:
    - racial background
    - ethno cultural background;
    - religion;
    - linguistic differences;
    - sexual orientation;
    - disability;
    - class/income level or occupation;Any unacceptable behaviour, targeting any member of the school community, will be interpreted as impacting on the moral tone of the school.
- 4.6.5 use drugs, alcohol, or tobacco on school property or at school activities or events;
- 4.6.6 smoke or use any other tobacco product, including e-cigarettes or vaporizers on school property, school buses, or at school activities or events,
- 4.6.7 be in possession of, use, sell or give alcohol, tobacco (including e-cigarettes or vaporizers), illegal drugs, or restricted (e.g.

- Prescription) drugs sold illegally for non-medical purposes, on school buses, field trips, or school property at any time;
- 4.6.8 use alcohol or illegal drugs in another location and then be on school buses, field trips, or school property at any time while these substances are still detectable;
- 4.6.9 steal or vandalize the property of others.

#### 4.7 APPROPRIATE USE OF INFORMATION/COMMUNICATION TECHNOLOGY AND TECHNOLOGY SERVICES

Use of internet and electronic devices must not violate the Code of Conduct standards or impact negatively on safe, caring, and orderly schools.

##### 4.7.1 STUDENTS MUST:

- a) adhere to the TLDSB Appropriate Use of Information/Communication Technology and Technology Services Policy BU-3035 and Procedure BU-3036;
- b) use cellular phones and electronic devices only in times and locations as determined by school policy;
- c) be personally responsible for their own devices and any activity and content on those devices or the internet accessed by their passwords;
- d) be accountable for the content of any memory storage devices (e.g. USB memory sticks) and use them with the knowledge that staff has a right to request to see the content;
- e) alert a staff member if they have knowledge of harmful or harassment types of behaviours targeting any of their classmates via the use of electronic devices or internet sites;
- f) be accountable for off-school property behaviour using internet sites or electronic devices which have a negative impact on the school environment.

##### 4.7.2 STUDENTS MUST NOT:

- a) use the camera capabilities of electronic devices in areas where there is an expectation of privacy (i.e. washrooms, change rooms) or any other situation where there is a known objection to taking pictures;
- b) use the internet or other technologies to threaten, harass or demean another member of the school community, especially when those actions interfere with that member's safety or ability to function in the school;
- c) access inappropriate websites.

##### 4.7.3 Loss, Theft, and / or Confiscation Of Devices

- a) The school is not responsible for students' personal electronic devices in the event of loss, damage or theft.

- b) Where a student violates any of the student responsibilities outlined in this document, the device may be temporarily confiscated by staff and returned to the parent or guardian (or adult student ) after the instructional day, or as deemed appropriate by the school administration.

#### 4.8 PROMOTING POSITIVE STUDENT BEHAVIOUR AND THE USE OF PROGRESSIVE DISCIPLINE

4.8.1 The promotion of positive student behaviour is a primary goal of educators. Safe and caring learning environments are not achieved through a single emphasis on disciplining inappropriate behaviours. It is the responsibility of all staff to build a supportive learning environment through appropriate interaction between all members of the school community.

4.8.2 The emphasis on the development of positive student behaviour aligns with the outcome goals of Ministry and Board initiatives for Character Development, Restorative Practices, and Student Success.

4.8.3 The Positive Behaviour Supports initiative emphasizes the need to put in place universal practices for all students that teach, acknowledge and provide opportunities to practice those positive behaviours. There will always be the need to develop a smaller number of targeted opportunities to support those students finding it difficult to demonstrate positive behaviours as well as a very small number of intensive interventions to support students who find it extremely difficult to demonstrate positive behaviours.

#### 4.8.4 SCHOOL CLIMATE

- a) School climate is defined as the sum total of all the personal relationships within a school;
- b) Students and staff have a right to feel safe and cared for in a positive school climate and furthermore be contributing members to create and sustain this climate;
- c) School teams in every school assume the responsibility for consulting with stakeholders in a regular analysis of school climate and the development of plans to address concerns (see Bullying Prevention section 5.3 Appendix C).

#### 4.9 USE OF PROGRESSIVE DISCIPLINE: DISTRICT SUPPORTS AND PRACTICES

4.9.1 Progressive Discipline is a whole-school approach that utilizes a continuum of interventions, supports and consequences to address and correct inappropriate behaviour while maintaining a focus on providing learning opportunities to reinforce and increase positive behaviour.

4.9.2 Responses should be chosen from a range of consequences that include opportunities for the student to focus on improving their behaviour.

4.9.3 Early intervention is important in the prevention of reoccurrence of inappropriate behaviours.

#### 4.10 DUTY TO RESPOND

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

4.10.2 Board employees who work directly or indirectly with students – including administrators, teachers and non-teaching staff – must respond to any student behaviour that is likely to have a negative impact on the school climate. Such inappropriate and disrespectful behaviours are listed in section 4.2 of this procedure.

4.10.3 Responding may include asking the student to stop the inappropriate behaviour, naming the type of behaviour and explaining why it is inappropriate and/or disrespectful, and asking the student to correct the behaviour (e.g., to apologize for a hurtful comment and/or to rephrase the comment) and to promise not to do it again. By responding in this way, board employees immediately address inappropriate behaviour that may have a negative impact on the school climate. When board employees are aware that an incident involves a student with special education needs, they are expected to respond in a way that is appropriate.

4.10.4 Board employees are not required to respond to incidents when, in their opinion, responding would cause immediate physical harm to themselves or to a student or another person. However, for incidents for which suspension or expulsion must be considered, board employees must report these concerns to the principal in writing.

#### 4.11 DUTY TO REPORT TO PRINCIPALS

4.11.1 An employee of the Board who becomes aware that a student at a school of the Board may have engaged in an activity for which suspension or expulsion must be considered shall report the matter to the principal as soon as reasonably possible. The employee must consider the safety of others and the urgency of the situation in reporting the incident, but, in any case, must report to the principal no later than the end of the school day. In cases where immediate action is required, a verbal report to the principal may be made. A written report must be made when it is safe to do so.

- 4.11.2 All employee reports made to the principal must be confirmed in writing, using the “Safe Schools Incident Reporting Form – Part I” in Appendix I. The Principal must provide the person who submitted the report with written acknowledgement of receipt on the “Safe Schools Incident Reporting Form – Part II” in Appendix J and must specify whether action was taken or no action was required. If no action is required, the principal is not required to retain the report and should destroy it.
- 4.11.3 If the principal has decided that action must be taken as a result of any incident within the progressive discipline continuum, he or she will file a copy of the reporting form with documentation indicating the action taken in the Ontario Student Record (OSR) of the student whose behaviour was inappropriate. The names of all other students that appear on the form – both aggressor and victims – must be removed from the form before it is filed in the OSR. The form and documentation must be kept in the OSR for a minimum of one year.
- 4.11.4 The principal must also inform the parents of victims of such incidents unless the victim is 18 years old or older; the victim is 16 or 17 years old and had withdrawn from parental control; or in the opinion of the principal, doing so would put the victim at risk of harm from the parent.

#### 4.12 IMPLEMENTATION STRATEGIES

The Board will provide the following supports at the district level to support the implementation of progressive discipline strategies:

##### 4.12.1 Resources:

Training for Administrators, Teachers, and Other Staff  
Building Partnerships  
Communication  
Monitoring and Review

#### 4.13 SCHOOL PROGRESSIVE DISCIPLINE PLANS

Plans for positive behaviour supports and progressive discipline must be in place in all schools. These plans must outline school policies and practices in these areas. As well, these plans must incorporate bullying prevention and intervention programs and plans (See TLDSB Procedure on Bullying Prevention and Intervention)

- 4.13.1 While it is recognized that school plans will reflect a locally developed range of options, they must:
- support a safe learning and teaching environment;
  - be informed by the School Team;
  - be informed by community partnerships that include police;
  - be aligned with the District Code of Conduct;

- e) provide opportunities for staff training;
- f) connect to school climate and Bully Prevention plans;
- g) reflect Character Development and Restorative Practices;
- h) adhere to relevant legislation;
- i) provide a range of interventions, supports and consequences with clear delineation of when the more serious consequences of short or long term suspension or expulsion shall or must be considered;
- j) describe how student developmental needs and situational circumstances are considered, including those outlined in the Individual Education Plan or Safety Plan of students with special needs;
- k) describe how any mitigating or other factors are considered;
- l) consider the severity and nature of the student's inappropriate or unsafe behaviour;
- m) consider the impact on the school climate of the inappropriate or unsafe behaviour;
- n) document the consistent use of progressive disciplinary actions;
- o) address behaviours that are contrary to provincial and board code of conduct;
- p) Adhere to relevant legislation.

## 5.0 APPENDICES

- 5.1 Appendix 1 Expanded List of Terms and Definitions
- 5.2 Appendix 2 Local Police/School Board Protocol
- 5.3 Appendix 3 Suspension of a student
- 5.4 Appendix 4 Expulsion of a student
- 5.5 Appendix 5 Rules for Suspension Appeals and Expulsion Hearings
- 5.6 Appendix 6 Guidelines for Suspension Appeals and Expulsion Hearings
- 5.7 Appendix 7 Code of Conduct Committee for Suspension Appeals and Expulsion Hearings
- 5.8 Appendix 8 Safe Schools Incident Reporting form – Part I
- 5.9 Appendix 9 Safe Schools Incident Reporting form – Part II

## Expanded List of Terms and Definitions

This supplement is an expanded version of the terms and definitions in Section 2 of the procedure body.

**Adult Student** – is a student who is 18 years or older or, for the purposes of this procedure, 16 or 17 and has removed him/herself from parental control.

### **Assault**

- any direct or indirect intentional use of force against another person without his or her consent;
- any attempt or threat by act or by gesture to apply force to another person;
- the act of accosting or impeding another person while openly wearing or carrying a weapon or an imitation thereof.

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

**Bodily Harm** – is any injury to the complainant that interferes with the health or comfort of the complainant and that is more than merely transient or trifling in nature.

### **Bullying** – is

1. Subsection 1 (1) of the Education Act is amended by adding the following definition: “bullying” means aggressive and typically repeated behaviour by a student where,
    - a) the behaviour is intended by the student to have the effect of, or the student ought to know that the behaviour would be likely to have the effect of,
      - i) causing harm, fear or distress to another individual, including physical, psychological, social or academic harm, harm to the individual’s reputation or harm to the individual’s property or
      - ii) creating a negative environment at a school for another individual, and
    - b) the behaviour occurs in a context where there is a real or perceived power imbalance between the student and the individual based on factors such as size, strength, age, intelligence, peer group power, economic status, social status, religion, ethnic origin, sexual orientation, family circumstances, gender, gender identity, gender expression, race, disability or the receipt of special education; (“intimidation”)
  2. Section 1 of the Act is amended by adding the following subsections:

Bullying (1.0.0.1) For the purposes of the definition of “bullying” in subsection (1), behaviour includes the use of any physical, verbal, electronic, written or other means.

Cyber-bullying (1.0.0.2) For the purposes of the definition of “bullying” in subsection (1), bullying includes bullying by electronic means (commonly known as cyber bullying), including,
- a) creating a web page or a blog in which the creator assumes the identity of another person;
- b) impersonating another person as the author of content or messages posted on the internet; and
- c) communicating material electronically to more than one individual or posting material on a website that may be accessed by one or more individuals.

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

**Expulsion Hearing Committee** –a maximum of five (5) Trustees designated by the Board to determine recommendations for expulsion.

**Extortion** – obtaining or attempting to obtain anything without reasonable justification or excuse by threats, accusations, menaces or violence, inducing or attempting to induce any person, whether or not (s)he is the person threatened, accused or menaced or to whom violence is shown to do anything or cause anything to be done.

**1.1 Firearm** – *any barrelled weapon from which any shot, bullet or other missile can be discharged and that is capable of causing serious bodily injury or death to a person and includes any frame or receiver of such a barrelled weapon and anything that can be adapted for use as a firearm.*

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

### **Harassment**

- engaging in vexatious comment or conduct which is known or ought reasonably to be known to be unwelcome and which is linked to a protected ground under the Code;
- in general, persistent comments or conduct may include a single act ;
- the two most common forms of harassment are racial and sexual harassment; but harassment on any ground protected under the Criminal Code is prohibited;
- racial harassment occurs where a person engages in a course of activity or comment which refers to or emphasizes the race or other race-related characteristics of an individual and where it could be reasonably anticipated that such comment or conduct would be unwelcome;
- sexual harassment may be broadly defined as unwelcome conduct of a sexual nature based on gender or sexual orientation. Harassment, which is sexual in nature, may occur on its own or be combined with other forms of harassment, such as harassment based on race or disability.

**1.2 Hate-Motivated Violence** – violence involving racism or homophobia, where any person is physically, verbally, sexually or psychologically abused in an act of discrimination based on race, culture, religion, gender, language, disability, sexual orientation or any other attribute.

### **1.3 Illegal or Restricted Drugs**

- illicit drugs as defined in the following federal statutes: Food and Drug Act and Narcotic Control Act. Illicit drugs do not include tobacco and alcohol;
- prescription drugs sold illegally for non-medical purposes;
- reference: PPM 120 Reporting Violent Incidents.

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

### **1.4 Intimidation**

- wrongfully and without lawful authority, for the purpose of compelling another person to abstain from doing anything that the person has lawful right to do, or to do anything that the person has a lawful right to abstain from doing, by:
  - a) using violence or threats of violence to any person or to cause injury to the property of that person;
  - b) coercing or attempting to intimidate any person that violence or other injury will be done to or punishment inflicted on that person, or that the property of that person will be damaged;
  - c) persistently following any person about from place to place.

### **1.5 Mischief (Vandalism)**

- anyone commits mischief who wilfully:
  - a) destroys or damages property;
  - b) renders property dangerous, useless, inoperative or ineffective;
  - c) obstructs, interrupts or interferes with the lawful use, enjoyment or operation of property; or
  - d) obstructs, interrupts or interferes with any person in the lawful use, enjoyment or operation of property.

### **1.6 Possession of Weapons**

- knowingly having custody of a weapon on one's person or in one's personal belongings;
- having a weapon in any place, whether or not that place belongs to or is occupied by the person, for the use or benefit of that person or of another person;
- where one or two or more persons, with knowledge and consent of the rest, have a weapon in custody or possession, it shall be deemed in the possession of each and all of them.

**1.7 Refractory Conduct** – *conduct or a course of conduct that demonstrates a student’s unwillingness to respect or respond to authority and/or respect the rights or dignity of other members of the school community, despite having been given a reasonable opportunity to do so.*

### **1.8 Robbery**

- stealing, and for the purpose of extorting whatever is stolen or to prevent or overcome resistance to the stealing, uses violence or threats of violence to a person or property;
- stealing from any person and, at the time of stealing or immediately before or immediately thereafter, wounding, beating, striking or using any personal violence to that person;
- assaulting any person with intent to steal from that person;
- stealing from any person while armed with an offensive weapon or imitation or replica thereof.

### **1.9 School**

- the term “school” in this document shall include school property, school buildings, school buses, field trips, athletic trips and all other in-school and out-of-school activities for which the Board is responsible;
- it also includes student behaviours outside of those physical boundaries that have a direct and significant impact on the moral tone of the school.

**School Climate** – is the sum total of all 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 and parents of the school and 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 Board that the student was attending at the time of the incident.

**1.10 Sexual Assault** – *is an assault which is committed in circumstances of a sexual nature such that the sexual integrity of the victim is violated. This includes sexual assault with a weapon, threats to a third party or causing bodily harm and aggravated sexual assault.*

**1.11 Swearing** – *is using profane language*

### **1.12 Theft**

- fraudulently and without colour of right taking or fraudulently and without colour of right converting to his use or to the use of another person anything whether animate or inanimate with intent to:

- a) deprive temporarily or absolutely the owner of it or a person who has a special property or interest in it, of the thing or of his property or interest in it, pledge it or deposit it as security;
  - b) part with it under a condition with respect to its return that the person who parts with it may be unable to perform; or
  - c) deal with it in such a manner that it cannot be restored in the condition in which it was at the time it was taken or converted.
- A person commits theft when, with intent to steal anything, he moves it or causes it to move or to be moved, or begins to cause it to become movable. A taking or conversion of anything may be fraudulent notwithstanding that it is affected without secrecy or attempt to concealment.

**1.13 Uttering Threats** – *is in any manner, knowingly uttering, conveying or causing any person to receive a threat to cause death or bodily harm to that person.*

**1.14 Violent Activity** - *is characterized by:*

- verbal, physical or written threats, annoyance, molestation or harassment;
- actual or threatened use of physical force; may have underlying emotional, sexual or racial bias which has the effect of endangering or might have the effect of endangering the health and welfare of students or staff members;
- actual or threatened use of physical force or actual or threatened use of a weapon which has the effect of endangering students or staff members.

**1.15 Weapon**

- anything used or intended for use in causing death or injury to persons whether designated for that purpose or not, and without restricting the generality of the foregoing, includes any firearm;
  - this includes, but is not limited to knives, guns, replica guns, martial arts accessories, and animals

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## **Local Police/ School Board Protocol**

### **2. 1.1 SIGNATORIES TO THE PROTOCOL**

This protocol was developed through the collaborative efforts of the following partners and will be reviewed on a 5 year basis by representatives from the same organizations:

- City of Kawartha Lakes Police Services
- City of Kawartha Lakes Detachment, Ontario Provincial Police
- Haliburton Highlands Detachment, Ontario Provincial Police
- Bracebridge Detachment, Ontario Provincial Police
- Huntsville Detachment, Ontario Provincial Police
- Trillium Lakelands District School Board

In requesting police assistance and to initiate the proper response schools should provide as much information as possible to guarantee the safety of all involved.

### **3. 1.2 INTRODUCTION**

#### **3.1 1.2.1 PURPOSE**

The purpose of this document is to establish a protocol as directed by the Ministry of Community Safety and Correctional Services and the Ministry of Education between participating police services and school boards who are signatories to this protocol.

#### **3.2 1.2.2 THE PROTOCOL**

- outlines appropriate responses to incidents where police involvement and intervention are required or requested;
- assists in providing greater safety and protection of students, staff and volunteers in the schools in Trillium Lakelands DSB;
- encourages ongoing partnerships between police and the school community and facilitates the appropriate sharing and disclosure of information;
- will contribute to the ongoing working relationship between police and school boards;
- ensures that the obligations and requirements of both the education and law enforcement systems are met;
- promotes a consistent approach across the areas served by the signatory board as to how police and schools respond to school related occurrences.

#### **3.3 1.2.3 STATEMENT OF PRINCIPLES**

- students, staff and parents have a right to expect a safe, orderly and positive school environment;
- all incidents of violence will be treated seriously and investigated promptly and thoroughly. (School staff and Police);
- District School Board staff and police officers must work cooperatively and with the highest regard for the welfare of students, staff and the community when incidents of a criminal nature occur;

- the needs and rights of the total school community, which includes, but is not limited to, victims, witnesses and offenders, will be respected at all times;
- all information exchanged between police and school officials will be subject to the provisions of the Municipal Freedom of Information and Privacy Act;
- when an investigation is not relevant to the school, police officers will be encouraged to interview student witnesses before or after school hours off school property;
- students and their parents or guardians are free to seek police involvement to deal with incidents that fall outside the categories covered in this protocol or in cases where the school does not involve the police;
- the school principal has the responsibility to report violent incidents that involve any member of the school community including those that may occur at school sponsored events off school property and will assist police where possible.

### **3.4 1.2.4 ROLE AND MANDATE OF POLICE SERVICES**

It is the responsibility of the participating police services to:

- conduct criminal investigations;
- protect public safety and prevent crime;
- assist in the development of young people's understanding of good citizenship such as the community service programs, (e.g. VIP, DARE, Community Helpers);
- work in partnership with schools and other government and community based organizations to support positive youth development;
- assist in the preservation and promotion of a safe learning and working environment for the students, staff and others lawfully on school property;
- carry out any other duties as prescribed in the Police Services Act;
- enforce the federal, provincial and municipal legislation;
- some examples are:
  - a) Criminal Code
  - b) Controlled Drug and Substances Act
  - c) Safe Schools Act
  - d) Liquor License Act
  - e) Trespass to Property Act

### **3.5 1.2.5 ROLE AND MANDATE OF SCHOOL BOARDS AND ADMINISTRATION**

It is the responsibility of TLDSB to:

- abide by the legislated requirements under the Education Act and regulations to ensure a safe school environment;
- administer disciplinary actions (suspension and expulsion);
- implement the provincial Code of Conduct;
- ensure resources are available to assist school staff in promoting safe environments in schools;
- develop policies on how to respond to crises, including a media liaison plan;

- ensure that prevention and intervention strategies are available;
- provide staff with opportunities for gaining the necessary skills and knowledge to promote safe school environments; and
- develop a communication strategy for staff, students, parents and school councils.

### **3.6 1.2.6 DEFINITION / EXPLANATION**

To assist those who will be administering local protocols, definitions of selected terms will be provided. As the document is developed, terms that may be open to interpretation will be identified and defined.

Where a term is defined in a related document such as ministry, board, school or police policy document, the same definition should be used in the protocol where appropriate to maintain consistency among interrelated policies and protocols.

### **3.7 1.2.7 OCCURRENCES REQUIRING POLICE INVOLVEMENT IN RESPONSE**

As mandated by the Provincial Code of Conduct, police will be contacted to respond to the following:

- uttering a threat to inflict serious bodily harm;
- being in the possession of alcohol or illegal drugs;
- being under the influence of alcohol or illegal drugs;
- acts of vandalism causing extensive damage to school property or property located on school premises;
- gang-related incidents;
- hate and/or bias-motivated incidents: (violence involving racism or homophobia);
- possession of a weapon, including, but not limited to firearms;
- use of a weapon to cause bodily harm or to threaten serious harm;
- physical assault causing bodily harm requiring professional medical treatment;
- sexual assault;
- trafficking in drugs or weapons;
- robbery, extortion;
- providing alcohol to minors;
- false fire alarm;
- trespassing incidents (new provisions under the Access to School Premises Regulation [O. Reg. 474/00], and the Trespass to Property Act).

It is expected that all school related occurrences will be dealt with on a case-by-case basis.

## 1.3 INFORMATION SHARING AND DISCLOSURE

Information in the possession and custody of the school board is governed simultaneously by the Education Act and the Municipal Freedom of Information and Protection of Privacy Act.

### **3.8 1.3.1 EDUCATION ACT**

Under the Education Act and in accordance with the regulations and the guidelines issued by the Ministry of Education, a principal is responsible for collecting information for inclusion in a student's record.

The Ontario Student Record (OSR) contains information such as transcripts, report cards, and photographs. The OSR will also include, where applicable, a Violent Incident Form, containing:

- a description of the incident;
- a reference to the call to the police, if applicable;
- a reference to the school/board disciplinary response to the incident, if applicable; and/or
- a copy of the Board's letter(s) to the student and /or parent(s) or guardian(s) regarding the suspension or expulsion for violent behaviour.

Under this statute, information in the OSR is privileged for the information and use of supervisory officers and the Principal and teachers of a school for the improvement of instruction of a student. Disclosure of its contents to the police may be made in the following circumstances:

- with the written permission of the parent or guardian of the student or, where the student is an adult, with the written permission of the student;
- through a search warrant requiring the surrender of an OSR to the police; or
- through a subpoena or appropriate court order.

### **3.9 1.3.2 MUNICIPAL FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT**

Despite the restrictions contained in the Education Act, records of personal information whether or not contained in the OSR are subject to the provisions of the Municipal Freedom of Information and Protection of Privacy Act.

### **3.10 1.3.3 FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT (ONTARIO)**

The Freedom of Information and Protection of Privacy Act applies to Ontario's provincial ministries and agencies, boards and most commissions, as well as community colleges and district health councils and the Ontario Provincial Police.

### **3.11 1.3.4 YOUTH CRIMINAL JUSTICE ACT**

The Youth Criminal Justice Act protects the privacy and identity of young persons. The provisions of the Youth Criminal Justice Act prohibit all persons,

including police, youth courts and school board officials, from publishing or making public any report of an offence committed or alleged to have been committed by a young person or any report of hearing, adjudication, disposition or appeal concerning a young person in which the name of the young person, the victim or any witness is likely to be disclosed. A report should be interpreted to exclude virtually all information or publication that might disclose the identity of a young person.

This does not prevent:

- disclosures to ensure safety of staff, student or other persons;
- disclosures pursuant to a court order;
- principals and teachers from suspending students for the reasons set out in the Education Act; or
- boards from hearing the appeal of the parent/guardian or an adult student.

In addition, it does not prohibit school boards and Principals from exercising their rights to expel a student. In each of these cases, evidence of the events may be presented despite the existence of Youth Criminal Justice Act proceedings.

### **3.12**

#### **3.13 1.3.5 JUDICIAL PROCEEDINGS AFFECTING SCHOOLS**

In prosecutions of students under the Youth Criminal Justice Act and the Criminal Code, courts frequently impose obligations upon the accused students that also affect the schools themselves; for example, a bail or probation order may require the student to attend school or prohibit the student from returning to school, or require that the student not come closer than some minimal distance from the alleged victim. At the same time as the court action is proceeding, the school may be in process of suspending or expelling the student pursuant to the authority in the Education Act.

Unfortunately, the court often neglects to recognize this type of conflict, and that the school may not be in a position to honour the obligation thus imposed. Even if the school had the lawful authority and the facilities to observe the condition, most often, no provision is made for advising the school of any such restriction or obligation.

Accordingly, whenever charges are laid against a student, the police officers involved in the case should consult with school administrators before recommending release and/or probation conditions. Correspondingly, school administrators are encouraged to initiate discussions with the police regarding such conditions. In addition, police officers will endeavour to alert the school and seek to assist the school in its effort to accommodate the court probation order while at the same time continuing to exercise its power and fulfil its obligations under the Education Act. In cases where victim's rights may be jeopardized, if the alleged perpetrator returns to school, the police officer will notify the school administrators of any conditions for release in order to ensure appropriate school programs for both parties.

## 4. 1.4 SCHOOL REPORTING PROCEDURES

### 4.1 1.4.1 INCIDENT REPORTING

When a Principal has information indicating that a student in a school has committed a criminal offence or is likely to commit a criminal offence, the Principal will be expected to report the incident to the police and to cease any investigation of the complaint so as not to violate the student's rights. This will be in accordance with relevant Board and Ministry of Education policies and procedures, and in consideration of safety of the victim and the victim's perception of his/her own safety.

The Principal or designate will contact the police if there is an imminent threat to the safety of students and/or staff. (Violent Incident Emergency Response)

### 4.2 1.4.2 SCHOOL NOTES

It is recognized that events occurring at school in which police are or may become involved sometimes give rise to a subpoena to the witness to appear in court. With the passage of time, immediate recall of details of events may become difficult. There is wisdom, therefore, in recording these details contemporaneously with the events themselves. Such details when maintained should be kept in a secure file at the office of the Principal and available for reference when required; include dates, times, names of witnesses interviewed and any relevant observations; and, where appropriate, might also include a summary of any action taken by school administration.

### 4.3 1.4.3 INITIAL POLICE CONTACT

The police officer who responds to a report of a school-related incident is responsible for obtaining and thoroughly documenting information on the incident. If the focus of the investigation or complaint is on the Principal/designate, or under other exigent circumstances, the officer may not be required to follow the procedures set out below:

When a police officer arrives at the school in the course of his/her duties, the officer shall contact the principal or designate regarding the purpose of the visit.

The principal or designate shall maintain a journal of actions, including the name and badge number of the police officer and description of incident.

Upon request, the principal or designate shall provide the police with demographic information related to the student.

- The OSR record will not be disclosed to police. The record of a student is kept in accordance with the Education Act and Regulations--Section 266(2)(a) and (b); (TLDSB);
- In requesting police assistance and to initiate the proper response schools should provide as much information as possible to guarantee the safety of all involved.

## **5. 1.5 INVESTIGATING SCHOOL INCIDENTS BY POLICE**

When a police officer arrives at the school in the course of her/his duties, the officer shall contact the principal or designate regarding the purpose of the visit and the procedures that he/she are compelled to follow.

### **5.1 1.5.1 SCHOOL PROCEDURES**

- school personnel should advise students and parents/guardians that lockers and desks are the property of the school board and may be searched at any time pursuant to the Education Act;
- school personnel shall not have the authority to conduct searches of persons.

### **5.2 1.5.2 VICTIM'S ASSISTANCE**

Police will offer victims assistance in accordance with police service policy to victims 16 years of age and over. Those victims under the age of sixteen will be provided assistance through the appropriate Children's Aid Society.

Principal or designate shall offer victims assistance in accordance with appropriate board personnel and/or community services.

Consultation between school and police will continue in order to guarantee victim's rights and support.

### **5.3 1.5.3 NOTIFICATION TO SCHOOLS ABOUT THE DEATH OF A STUDENT OR A MAJOR INCIDENT INVOLVING THE FAMILY OF A STUDENT**

When a police officer investigates a fatality or incident of a serious nature involving any school-aged student, he/she shall make every effort to determine the school attended by the deceased or by the student whose family is involved.

Every effort will then be made to contact the Principal of the school involved. The principal will be provided with sufficient details of the incident in order to activate crisis counselling teams in a timely manner.

## **6. 1.6 POLICE INTERVIEWS OF STUDENTS (SUSPECT, ACCUSED OR WITNESS)**

### **6.1 1.6.1 GENERAL REQUIREMENTS**

- police will notify the principal or designate of their intention to interview a suspect student regarding a criminal investigation;
- police should request permission to conduct the interview on school property with as little disruption to the student's educational activities as possible;
- school staff should assist police in making the required preparations for a separate room so that the interview can be conducted without disruption and in private;

- details of events should be recorded contemporaneously with the events themselves. This may dictate that numerous interviews concerning a school related incident be conducted forthwith;
- it is the responsibility of the Principal or designate to assess the situation and determine the need for a police response; therefore it may be their responsibility to conduct preliminary interviews until such time as they determine that the event becomes a police matter. The Principal or designate will then record his/her actions as set out above and turn the investigation over to the police;
- police will conduct all interviews with respect to criminal investigations.

## **6.2 1.6.2 PARENTAL NOTIFICATION OF INTERVIEW (SUSPECT, ACCUSED OR WITNESS)**

- Police shall interview all young persons (under the age of 18) who are suspects or accused in accordance with the Youth Criminal Justice Act and the Charter of Rights and Freedoms and Police Service Policy (e.g. Right to Counsel, Caution, Secondary Caution, Notice to Parent).
- Because some situations will involve police investigation of a young offender, the principal/designate will make every effort to contact the parent/guardian. Where a parent/guardian cannot be contacted, the principal/designate should attend with the student during the police investigation if the student wishes that person to do so. Because the principal/designate is to act as a careful and prudent parent while the student is in his/her care, it obligates them to protect the young offender's rights.

## **6.3 1.6.3 INTERVIEW PREPARATIONS**

- Depending on the severity of the occurrence, a police officer shall use discretion in conducting interviews of victims or witnesses on school property. A situation may dictate the use of video equipment that will only be available at a police station or CAS building with properly equipped interview rooms. Police should then transport the victim or witness to the police station or CAS building.
- In the event that a young person must be taken to a police station or CAS facility to be interviewed as a victim or witness, the principal or designate will then notify the parent or guardian.
- Upon the arrest of a suspect or accused, interviews should be conducted at the police station.
- Police and the principal or designate shall consider the need for specialized resources for conducting interviews of victims, witnesses, suspects or accused persons who are known to have behavioural, cognitive, physical or learning disabilities or other special needs. (Teachers, parents, social workers, psychologists, interpreter or person trained in sign language, etc.).
- Police will decide the methodology of the interviews.
- Audio/video interviews will be conducted in accordance with police service policy and case law.

## **6.4 1.6.4 CONDUCTING INTERVIEWS**

All interviews of suspects or accused persons by police will be conducted in accordance with the Criminal Code, Charter of Rights and Freedoms Youth Criminal Justice Act, and the Canada Evidence Act.

## **7. 1.7 REPORTING UNDER THE CHILD AND FAMILY SERVICES ACT (S-72)**

Any employee or volunteer working in a school will inform the Principal if she/he has reasonable grounds to suspect that a child attending the school may be in need of protection. The employee or volunteer **MUST** report his/her suspicion to the Children's Aid Society. The call must be made promptly. This requirement overrides the provisions of any other provincial statute that may prohibit disclosure. Information shared should be in a manner that respects the vulnerabilities of children who may be in need of protection.

The person reporting would provide relevant family information and the details of the specific concern to the CAS intake worker. The Principal would request direction from the CAS intake worker.

Board administrative procedures would serve as a guide for information and direction. (Child and Family Services Act, TLDSB - Administrative Procedure - Reporting Suspected Child Abuse and Neglect -Jan 2001)

## **8. 1.8 INVESTIGATION INVOLVING STUDENTS WITH SPECIAL NEEDS**

Police and the principal or designate shall consider the need for specialized resources for conducting interviews of victims, witnesses, suspects or accused persons who are known to have behavioural, cognitive, physical or learning disabilities or other special needs. (Teachers, parents, social workers, psychologists, interpreter or person trained in sign language, etc.).

The student's parents/legal guardians will be notified where appropriate.

## **9. 1.9 OCCURRENCES INVOLVING CHILDREN UNDER 12 YEARS OF AGE**

Even though the police lack the legal authority to charge young children under the Youth Criminal Justice Act, the Provincial Offences Act or the Criminal Code, Principals should consult with police regarding any violent incidents that would be reported for students 12 years of age and older.

### **9.1 1.9.1 WHEN CONTACTED, POLICE MAY**

- investigate and document the circumstances surrounding the incident;
- check information system to determine any previous history;
- speak with the parent/legal guardian or other care giver and inform them that help is available from community agencies;

- if the child has committed a serious act and his/her parents/guardian refuses to co-operate with the voluntary services to receive help for their child, they have a legal obligation to contact the Children's Aid Society (CAS) which then has the authority under the Child and Family Services Act to begin an investigation.

## **9.2 1.9.2 SCHOOL OFFICIALS/COMMUNITY AGENCIES**

When school officials or community agencies have contact with a child under 12 years of age engaging in delinquent activities (e.g. stealing, shoplifting, vandalism, arson, assault or break and enter), they may inform the child's parent/guardian, caregiver that there is help available. In the event that the parent/guardian, caregiver of a child in need of protection refuses voluntary services, the Children's Aid Society must be contacted.

## **9.3 1.9.3 PROTOCOL EVALUATION PROCESS**

This protocol will be reviewed every five years for possible revisions during joint review meetings involving the parties to the protocol. However, if either party wishes to have changes made to this document, arrangements can be made to review those changes as necessary. A formal review of the local protocol will occur every five years.

## **10. 1.10 NON-INCIDENT RELATED POLICE INVOLVEMENT**

The school board and local police forces have initiated partnerships which involve regular contact and communication between police, school staff and students. Police provide a visible and positive image for law enforcement. They serve as a confidential source of counselling to students concerning problems they face. They bring expertise into schools that will help young people make more positive choices in their lives.

They also work to protect the school environment and to maintain an atmosphere where teachers feel safe to teach and students feel safe to learn. Police provide support to the school community by:

- providing presentations;
- providing programs;
- maintaining a presence at school events and during regular school hours;
- providing counselling;
- completing investigation of criminal or potential criminal activities on and off school property; and
- establishing standard practices (protocols).

## **11. 1.11 VIOLENCE PREVENTION PROGRAM**

Police work in partnership with school and other community agencies to administer programs such as peer mediation, mentoring, drug awareness and education, conflict resolution and High School Crime Stoppers. This protocol is one component of a broader partnership among schools and other essential community partners (including mental health providers, health care professionals and Children's Aid Societies) in the area of prevention. A great number of educational and preventative programs are in

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place in the school board. (A list of these programs may be found in the T.L.D.S.B. Safe Schools Binder.)

**12. 1.12 PHYSICAL SAFETY ISSUES/RISK ASSESSMENT**

When requested, police services should work in cooperation with local schools to assess the physical safety of buildings and/or school premises and assess risks.

**13. 1.13 EMERGENCY AND CRISIS RESPONSE PLAN**

District and School Emergency and Crisis Response Plans are structured in accordance with school board procedures.

**14. 1.14 SUMMARY**

It is the goal of the protocol to support the promotion and maintenance of a safe school. By its enactment, the needs and rights of the total school community which includes but is not limited to victims, witnesses and accused are recognized.

## SUSPENSION OF A STUDENT

### 1. STUDENT INFRACTIONS FOR WHICH A CONSEQUENCE OF SUSPENSION MAY BE CONSIDERED

- a. When a principal's investigation of an incident, which should include consultation with the adult student or parent/guardian and student, determines 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 will consider whether that student should be suspended, taking into account any mitigating and other factors that might be applicable in the circumstances.
- b. 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 his or her school superintendent.
- c. The infractions for which a suspension *may be considered* by the principal include:
  - i. uttering a threat to inflict serious bodily harm on another person;
  - ii. possessing alcohol or restricted drugs;
  - iii. being under the influence of alcohol;
  - iv. selling or supplying tobacco;
  - v. swearing at a teacher or at another person in a position of authority;
  - vi. 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 act considered by the principal to be injurious to the moral tone of the school;
    - any act considered by the principal to be injurious to the physical or mental well-being of any member of the school community; or
    - any act considered by the principal to be contrary to the Board or School Code of Conduct.
  - vii. A student may be suspended only once for an instance of an infraction and may be suspended for a minimum of one (1) school day and a maximum of twenty (20) school days.

### 2. SUSPENSION DECISION PROCESS

- a. Before deciding whether to impose a suspension, a principal will make every effort to consult with the student, where appropriate, and the student's parent/guardian to identify whether any mitigating or other factors might apply in the circumstances.
- b. The Mitigating Factors and Other Factors (See list p.25) must be considered prior to the determination of a decision to suspend a student. This consideration of factors must be supported by documentation.

- c. 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.
- d. Before imposing a suspension of ten (10) or more school days, the principal will consult with the school superintendent regarding:
  - i. the investigation undertaken;
  - ii. the circumstances of the incident;
  - iii. whether or not one or more of the factors outlined above are applicable in the circumstances; and
  - iv. the appropriate length of the suspension.

### **3. PROVISION OF SCHOOL WORK**

- a. A student who is subject to a suspension of five (5) or fewer school days must be provided with school work to complete at home while serving the suspension. The school work must be available to the adult student's designate or the student's parent/guardian or designate the day the student is suspended, 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 school work as part of the re-entry process.
- b. Where the student has been suspended for two (2) or more school days the principal will make reasonable efforts to arrange for the school work to be available to be picked up by the parent/guardian or designate of the adult student the day following the day the student was suspended.
- c. A student who is subject to a suspension of six (6) or more school days must be assigned to an alternative program for students subject to a lengthy suspension. A student participating in an alternative program is not considered to be engaging in school or school-related activities.

### **4. 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 ensure the following procedural steps:

- a. make all reasonable efforts to orally inform the adult student or the parent/guardian of the suspension within 24 hours of the decision;
- b. inform the student's teacher(s) of the suspension;
- c. in conjunction with the student's teacher(s) must organize school work to be provided for the student to be completed during the duration of the student's suspension, if fewer than six (6) school days;
- d. provide written notice of the suspension to the student, the student's parent/guardian (unless the student is an adult student) and the Superintendent of Education;
- e. provide a written notice of suspension that includes:
  - i. the reason for suspension;
  - ii. the duration of the suspension;

- iii. confirmation that the principal has considered the mitigating and other factors prescribed by regulation in reaching his/her decision;
- iv. information about the program for suspended students the student is assigned to, where appropriate;
- v. information about the right to appeal the suspension, including the relevant policies and guidelines and the contact information for the Superintendent Responsible for Student Discipline;
- f. every effort should be made to include the school work (unless the student is an adult student) with the letter of suspension to the student and the student's parent/guardian (unless the student is an adult student) on the day the student is suspended if the letter is provided to the student to take home. If this is not possible because the student and/or his/her parent/guardian is not available, the letter should be mailed, couriered, faxed or emailed to the home address that day;
- g. if notice is sent by mail, fax or email, the principal will ensure that the work provided to the student will be available for the student's parent/guardian (unless the student is an adult student) or designate to pick-up from the school the day the student is suspended or the following school day, if the suspension is between two (2) and five (5) school days;
- h. if notice is sent by mail or courier, it will be deemed to have been received on the fifth school day after it was sent;
- i. if notice is sent by fax or e-mail, it is deemed to have been received the first school day after it was sent;
- j. the principal will ensure that the school work will be available on the day the student is suspended or on the following school day;
- k. where the incident is a serious violent incident, including a credible threat to inflict serious bodily harm or vandalism causing extensive damage to board property or property located on board property, consideration should be given to filling out and filing a Violent Incident Form in the student's Ontario Student Record

## 5. SUSPENSIONS OF SIX OR MORE SCHOOLS DAYS

### Program for Suspended Students:

- a. Where a student has been suspended for *six (6) or more school days* the student will be assigned a program for suspended students. The principal will notify the teacher or administrator of the program of the student's intent to participate in the program. The student must be provided with school work sent home with the student or available for pick up by the parent/guardian or the adult student designate for the first five (5) days or until the Interim Learning Plan is implemented.
- b. A student cannot be compelled to participate in a program for suspended students. Should the adult student or his/her parent/guardian choose not to have the student participate in a program for suspended students, the student will be provided with school work consistent with the Ontario curriculum or that student's modified or alternative curriculum to be completed at home for the duration of his/her suspension.

This school work will be available at the school for pick-up by the student's parent/guardian or adult student's designate at regular intervals during the suspension period, beginning the school day after the student or the parent/guardian declines participation in the program for suspended students. Where school work has not been picked up, the school should contact the adult student or the parent or guardian to determine whether the school work will be picked up. The principal should record the follow up and response.

- c. An Interim Learning Plan (*Note: this is the "Student Action Plan" referred to in P.P.M. 141 and 142*) will be developed for every student subject to a suspension of six (6) or more school days who agrees to participate in a program for suspended students.
- d. Agreement or refusal to participate in a program for suspended students may be communicated to the school orally by the student or his/her parent/guardian (unless the student is an adult student). Where the student or his/her parent/guardian declines the offer to participate in a program for suspended students, the principal shall record the date and time of such refusal.

## 6. PLANNING MEETING TO DEVELOP INTERIM LEARNING PLAN

- a. For students subject to a suspension of six (6) or more school days who choose to participate in a program for suspended students, the principal of the school or designate will hold a planning meeting for the purpose of developing the Interim Learning Plan.
- b. The adult student or student's parent/guardian and the student (where appropriate) as well as any appropriate teaching and support staff will be invited to participate in the planning meeting.
- c. The planning meeting for the Interim Learning Plan will be scheduled to occur within two (2) school days of the adult student or the parent/guardian informing the school that the student will participate in an Alternative Suspension Program.
- d. If the adult student and/or the parent/guardian are not available to participate in the planning meeting, the meeting will proceed in their absence and a copy of the Interim Learning Plan will be provided to them following the meeting.
- e. During the planning meeting the principal or designate will review the issues to be addressed in the student's Interim Learning Plan.

## 7. INTERIM LEARNING PLAN

- a. The Interim Learning 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, or student services/attendance counsellor.
- b. A student subject to suspension for eleven (11) or more school days will be provided with both academic and non-academic supports, which will be identified in the student's Interim Learning Plan. Students subjected to a suspension of fewer than eleven (11) school days may be offered non-academic supports where such supports are appropriate and available.

- c. The principal will make every effort to complete the Interim Learning Plan within five (5) school days following the adult student or the parent/guardian informing the school that the student will participate in an Alternative Suspension Program. The principal must ensure that school work is available until the Interim Learning Plan is completed and implemented.
- d. This timeline will be communicated to the adult student and/or the parent/guardian if they are unable to attend the planning meeting for the purpose of providing input.
- e. Once completed, the Interim Learning Plan will be shared with the adult student, or the student's parent/guardian and the student and all necessary staff to facilitate implementation.
- f. A copy of the Interim Learning 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.
- g. The Interim Learning Plan will identify:
  - i. the incident for which the student was suspended;
  - ii. the progressive discipline steps taken prior to the suspension, if any;
  - iii. any alternative discipline measures imposed in addition to the suspension;
  - iv. any other disciplinary issues regarding the student that have been identified by the school;
  - v. any learning needs or other needs that might have contributed to the underlying infraction resulting in discipline;
  - vi. any program(s) or service(s) that might be provided to address those learning or other needs;
  - vii. 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;
  - viii. where the student has an IEP, information regarding how the accommodations/modifications of the student's academic program will be provided during the period of suspension;
  - ix. the non-academic program and services to be provided to the student, if applicable, during the suspension and details regarding how that non-academic program and those services will be accessed; (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.);
  - x. the measurable goals the student will be striving to achieve during the period of suspension.

## 8. SUSPENSION APPEAL PROCESS

- a. The adult student or parent/guardian may appeal a suspension.
- b. All suspension appeals will be received by the Director of Education or designate. The Director will notify the school superintendent, the superintendent responsible for Safe Schools or designate, and the principal of the appeal.
- c. An appeal of a suspension does not stay the suspension.

- d. A person who intends to appeal a suspension must give written notice of his/her intention to appeal the suspension *within ten (10) school days of the commencement of the suspension*.
- e. The Board must *hear and/or determine the appeal within fifteen (15) school days* of receiving the notice of intention to appeal (unless the parties agree to an extension).
- f. Upon receipt of written notice of the intention to appeal the suspension, the school superintendent or designate will:
  - i. promptly advise the school principal of the appeal;
  - ii. promptly advise the adult student or the parent/guardian that a review of the suspension will take place and invite the appellant to discuss any matter respecting the incident and/or appeal of the suspension;
  - iii. review the suspension (reason, duration, any mitigating or other factors);
  - iv. may consult with the principal and superintendent responsible for Safe Schools regarding modification or expunging the suspension;
  - v. will request a meeting with the adult student or the parent/guardian and the principal to narrow the issues and try to effect a settlement;
  - vi. will, where a settlement is not effected, provide notice of the review decision to the adult student or parent/guardian.
- g. Where the suspension is upheld on review and the parent chooses to continue with the appeal, the school superintendent will:
  - i. Inform the Director of Education and superintendent responsible for Safe Schools of the intent to continue with the appeal;
  - ii. Coordinate the preparation of a written report for the Board. This report will contain at least the following components:
    - a report of the incident and rationale for suspension prepared by the principal;
    - a copy of the original suspension letter;
    - a copy of the letter requesting the Suspension Appeal; and
    - a copy of the correspondence with respect to the decision of the school superintendent regarding the suspension review.
- h. The superintendent responsible for Safe Schools or designate will:
  - i. inform the adult student or the parent/guardian of the date of the Suspension Appeal; provide a guide to the process for the appeal, and a copy of the documentation that will go to the Suspension Appeal Committee;
  - ii. ensure that the item is placed on the Suspension Appeal Committee's agenda.

## **9. SUSPENSION APPEAL BEFORE THE SUSPENSION APPEAL COMMITTEE OF THE BOARD**

A Suspension Appeal will be conducted according to the Rules for Suspension and Expulsion Appeals (Appendix 5), and the Guidelines for Suspension and Expulsion Appeals (Appendix 6).

- a. The parties in an appeal to the Suspension Appeal Committee shall be:

- i. the principal; and
  - ii. the adult student or the parent/guardian, if they appealed the decision.
- b. Suspension appeals will be heard orally, *in camera*, by the Board Suspension Appeal Committee composed of Trustees. The Suspension Appeal Committee may grant a person with Daily Care authority to make submissions on behalf of the student.
- c. If a student is not a party, s/he has the right to be present at the expulsion hearing and to make submissions on his/her own behalf.
- d. Legal counsel for the Board may be present at the appeal if the appellant is represented by legal counsel or an agent.
- e. The Suspension Appeal 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 direction, a Trustee may call for the assistance of a police officer to enforce any such order or direction.
- f. Where any party who has received proper notice of the location, date and time of the appeal fails to attend the appeal or comply with the necessary time lines, the appeal may proceed in the absence of the party and the party is not entitled to any further notice of the proceedings.
- g. The Suspension Appeal 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:
  - i. confirm the suspension and its duration; or
  - ii. confirm the suspension but shorten its duration and amend the record, as necessary; or
  - iii. quash the suspension and order that the record be expunged;
  - iv. make such other appropriate order.
- h. The decision of the Suspension Appeal Committee is final. The decision shall be communicated to the appellant in writing.

## 10. RE-ENTRY TO SCHOOL

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 or guardian if possible, to provide positive and constructive redirection for the student. Where the student has participated in a program for suspended students, the student's success in achieving the goals outlined in the Interim Learning Plan will be reviewed with the adult student or the parent/guardian and student. Further programs and services might be recommended by the principal for the purpose of achieving additional or greater success in meeting the goals outlined in the Interim Learning Plan.

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## **EXPULSION OF A STUDENT**

### **STUDENT INFRACTIONS FOR WHICH A CONSEQUENCE OF SUSPENSION PENDING EXPULSION MUST BE CONSIDERED**

1. If a student is not a party, s/he has the right to be present at the expulsion hearing and to make submissions on his/her own behalf.
2. Subject to the factors to consider (mitigating and other factors) before deciding to impose a suspension, when a 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 will suspend the student.
3. 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 his or her school superintendent. The enumerated infractions are:
  - 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 or restricted drugs;
  - f. committing robbery;
  - g. selling or supplying tobacco;
  - h. giving alcohol or illegal or restricted drugs to a minor;
  - i. 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;
  - j. a pattern of behaviour that is so inappropriate that the student's continued presence is injurious to the effective learning and/or working environment of others;
  - k. activities engaged in by the student on or off school property that causes 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 Board;
  - l. activities engaged in by the student 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;
  - m. the student has demonstrated through a pattern of behaviour that s/he has not prospered by the instruction available to him or her and that s/he is persistently resistant to making changes in behaviour which would enable him or her to prosper;
  - n. any act considered by the principal to be a serious violation of the Board or school Code of Conduct; or
  - o. the student has engaged in conduct which is so refractory as to demonstrate that the student is unwilling to respect or respond to authority and/or to respect the rights or dignity of other members of the school community, despite having been given a reasonable opportunity to do so.

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## **SUSPENSION PENDING EXPULSION DECISION PROCESS**

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

1. Mitigating factors and other factors must be considered by the principal prior to a decision to suspend pending a possible recommendation for expulsion and proof of doing so must be supported by documentation.
2. The mitigating factors to be considered by the principal are:
  - a. whether the student has the ability to control his or her behaviour;
  - b. whether the student has the ability to understand the foreseeable consequences of his or her behaviour; or
  - 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.
3. The other factors which must be considered are:
  - a. the student's academic, discipline and personal history;
  - b. 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;
  - c. 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 reason;
  - d. the impact of the discipline on the student's prospects for further education;
  - e. the student's age;
4. Where the student has an 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 inappropriate conduct; or
5. Whether or not the student's continuing presence at the school creates an unacceptable risk to the safety of anyone in the school.

## **PROCEDURAL STEPS WHEN IMPOSING A SUSPENSION PENDING RECOMMENDATION FOR EXPULSION**

1. If the student is to be suspended pending an investigation, the student should be suspended for (20) twenty school days.
2. If the student has been suspended pending an investigation to determine whether the student will be recommended for expulsion, the principal must assign the student to a program for suspended students.
3. If the student has been suspended for twenty (20) school days, the principal must undertake an investigation to determine whether to recommend to the Expulsion Hearing Committee that the student be expelled.

4. When imposing a suspension the principal is required to effect the following procedural steps.
5. Within 24 hours of the decision, the principal must make all reasonable efforts to orally inform the adult student or the parent/guardian of the suspension;
6. The principal must inform the student's teacher(s) of the suspension;
7. The principal must provide written notice of the suspension to the adult student or the parent/guardian and student and the school superintendent. 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, and if the principal decides not to recommend an expulsion, a statement that the suspension may be appealed to the Expulsion Hearing Committee, and if the principal decides to recommend an expulsion that the suspension may be addressed at the expulsion hearing;
  - f. Every effort should be made to include the school work (unless the student is an adult student) with the letter of suspension to the student and the student's parent/guardian (unless the student is an adult student) *on the day the student is suspended* if the letter is provided to the student to take home. If this is not possible because the student and/or his/her parent/guardian is not available, the letter should be mailed, couriered, faxed or emailed to the home address that day;
  - g. if notice is sent by mail, fax or email, the principal will ensure that the work provided to the student will be available for the student's parent/guardian (unless the student is an adult student) or designate to pick-up from the school the day the student is suspended or the following school day, if the suspension is between two (2) and five (5) school days.
  - h. if notice is sent by mail or courier, it will be deemed to have been received on the fifth school day after it was sent.
  - i. if notice is sent by fax or e-mail, it is deemed to have been received the first school day after it was sent.
  - j. the principal will ensure that the school work will be available on the day the student is suspended or on the following school day.
8. Where the incident is a serious violent incident, such as possession of weapons, physical assault causing serious bodily harm, sexual assault, robbery, extortion or hate motivated violence; consideration should be given to filling out and filing a Violent Incident Form in the student's Ontario Student Record.

#### **PROGRAM FOR SUSPENDED STUDENTS**

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

1. A student cannot be compelled to participate in a program for suspended students. Should the adult student or the parent/guardian choose not to have the student participate in a program for suspended students, the student will be provided with school work consistent with the Ontario curriculum or that student's modified and/or alternative curriculum to be completed at home for the duration of his/her suspension. This school work will be available at the school for pick-up by the adult student designate or the parent/guardian or a designate at regular intervals during the suspension period beginning the school day after the adult student or the parent/guardian refuses to participate in an Alternative Program for Suspended Students.
2. An Interim Learning Plan will be developed for every student who agrees to participate in a program for suspended students. Agreement or refusal to participate in a program for suspended students may be communicated to the school orally by the adult student or the parent/guardian. Where the student or his/her parent/guardian declines the offer to participate in an Alternative Suspension Program, the principal shall record the date and time of such refusal.

### **PLANNING MEETING TO DEVELOP AN INTERIM LEARNING PLAN**

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

1. The adult student or the parent/guardian and student (where appropriate) as well as any appropriate teaching and support staff will be invited to participate in the planning meeting.
2. The planning meeting will be scheduled to occur within two (2) school days of the student or the parent/guardian informing the school that the student will participate in an Alternative Suspension Program.
3. If the adult student or the parent/guardian is not available to participate in the planning meeting, the meeting will proceed in their absence and a copy of the Interim Learning Plan will be provided to them following the meeting.
4. During the planning meeting the principal or designate will review the issues to be addressed in the student's Interim Learning Plan.

### **INTERIM LEARNING 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 Interim Learning Plan.

1. The Interim Learning 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, Student Services/Attendance Counsellor;
2. The principal will make every effort to complete the Interim Learning Plan within five (5) school days following the adult student or the parent/guardian informing the school that the student will participate in a program for suspended students.

3. This timeline will be communicated to the adult student or the parent/guardian if they are unable to attend the planning meeting for the purpose of providing input.
4. Once completed, the Interim Learning Plan will be shared with the adult student or the parent/guardian and student and all necessary staff to facilitate implementation.
5. A copy of the Interim Learning 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.
6. The Interim Learning Plan will identify:
  - a. the incident for which the student was suspended;
  - b. the progressive discipline steps taken prior to the suspension, if any;
  - c. any alternative discipline measures imposed in addition to the suspension;
  - d. any other disciplinary issues regarding the student that have been identified by the school;
  - e. any learning needs or other needs that might have contributed to the underlying infraction resulting in discipline;
  - f. any program(s) or service(s) that might be provided to address those learning or other needs;
  - g. 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;
  - h. where the student has an IEP, information regarding how the accommodations/modifications of the student's academic program will be provided during the period of suspension;
  - i. the non-academic program and services to be provided to the student, if applicable, during the suspension and details regarding how that non-academic program and those services will be accessed; and
  - j. the measurable goals the student will be striving to achieve during the period of suspension.

## **EXPULSION HEARING PROCESS**

### **1. PRINCIPAL'S INVESTIGATION**

- a. The principal will conduct an investigation promptly following the suspension of the student to determine whether to recommend to the Expulsion Hearing Committee that the student be expelled.
- b. As part of the investigation, the principal will consult with the Superintendent of Education and/or Superintendent Responsible for Safe Schools regarding any issues of process and/or timing for conducting the investigation, which must be completed at the earliest opportunity as well as the substantive decision whether or not to recommend that the student be expelled.
- c. Should the decision be made to refer the student to the Expulsion Hearing Committee with a recommendation for expulsion, the student must be referred to and dealt with by the Expulsion Hearing Committee within twenty (20) school days from the date of suspension (unless timelines are extended on consent).
- d. Any police investigation will be conducted separately from the principal's inquiry.
- e. As part of the investigation, the principal will:

- i. make all reasonable efforts to speak with the adult student or the parent/guardian and student;
- ii. include interviews with witnesses who the principal determines can contribute relevant information to the investigation;
- iii. make every reasonable effort to interview any witnesses suggested by the student ,or the parent/guardian; and
- iv. consider the mitigating and other factors when determining whether to recommend to the Expulsion Hearing Committee that the student be expelled.

## 2. CONSIDERATION OF MITIGATING FACTORS

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

- a. whether the student has the ability to control his or her behaviour;
- b. whether the student has the ability to understand the foreseeable consequences of his or her behaviour; or
- 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.

## 3. CONSIDERATION OF OTHER FACTORS

Where the student is able to control his/her behaviour and/or is able to understand the foreseeable consequences of his/her behaviour, the principal will consider whether the following factors mitigate the length of a suspension and whether further investigation should be undertaken to recommend that the student be expelled:

- a. the student's academic, discipline and personal history;
- b. 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;
- c. 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;
- d. the impact of the discipline on the student's prospects for further education;
- e. the student's age;
- f. where the student has an IEP 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 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 inappropriate conduct; or
- g. whether or not the student's continuing presence at the school creates an unacceptable risk to the safety of anyone in the school.

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#### **4. PAST USE OF PROGRESSIVE DISCIPLINE**

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

#### **5. CONSULTATION**

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

#### **6. DECISION NOT TO RECOMMEND EXPULSION**

- a.** Following the investigation and consideration of the mitigating and other factors, if the principal decides not to recommend to the Expulsion Hearing Committee that the student be expelled, the principal must:
  - i.** consider whether alternative discipline is appropriate in the circumstances;
  - ii.** uphold the suspension and its duration;
  - iii.** uphold the suspension and shorten its duration and amend the record accordingly; or
  - iv.** withdraw the suspension and expunge the record.

- b. 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 and the parent/guardian and student. The notice shall include:
  - i. a statement of the principal's decision not to recommend expulsion to the Expulsion Hearing Committee;
  - ii. a statement indicating whether the suspension has been upheld, upheld and shortened, or withdrawn;
- c. if the suspension has been upheld or upheld and shortened, information about the right to appeal the suspension to the Suspension Appeal Committee, including:
  - i. a copy of the Board policies and guidelines regarding suspension appeals;
  - ii. contact information for the Superintendent Responsible for Safe Schools or designate;
  - iii. 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
  - iv. if the length of the suspension has been shortened, notice that the appeal is of the shortened length of the suspension.

## **7. RECOMMENDATION TO THE BOARD FOR AN EXPULSION HEARING**

If a principal, in consultation with the school superintendent, determines that a referral for expulsion is warranted, the principal must refer the recommendation for expulsion to the Expulsion Hearing 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. See Appendix 6: Guidelines for Suspension Appeals and Expulsions.

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

- a. prepare a report to be submitted to the Expulsion Hearing Committee and provide the report to the student, the student's parent or guardian (unless the student is an adult student) prior to the hearing. The report will include:
  - i. a summary of the findings the principal made in the investigation;
  - ii. an analysis of which, if any, mitigating or other factors might be applicable;
  - iii. a recommendation of whether the expulsion should be from the school or from the Board; and
  - iv. 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.
- b. inquire through the Superintendent responsible for Safe Schools as to the date and location of the hearing and provide written notice of the expulsion hearing to the adult student or the parent/guardian. The notice shall include:



- v. will prepare a package of documents for the Expulsion Hearing Committee, which will include at least the following components:
  - a copy of the Principal's Report; and
  - a copy of the notice of expulsion sent to the adult student or student's parent/guardian.
- vi. will confirm with the adult student or the student's parent/guardian the date and location of the expulsion hearing, will provide a copy of the Expulsion Hearing Rules, and a copy of the package to go to the Expulsion Hearing Committee.

## 8. HEARING BEFORE THE EXPULSION HEARING COMMITTEE

An expulsion proceeding will be conducted according to the Rules for Suspension and Expulsion Appeals (Appendix 5), and the Guidelines for Suspension and Expulsion Appeals (Appendix 6).

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

Parties before the Expulsion Hearing Committee will be:

- a. the principal; and
- b. the adult student or the parent/guardian.

If a student is not a party, s/he has the right to be present at the expulsion hearing and to make submissions on his/her own behalf. The Expulsion Hearing Committee may grant the person with daily care authority to make submissions on behalf of the student.

The Expulsion Hearing Committee shall consider oral and written submissions, if any, of all parties;

The Expulsion Hearing Committee shall solicit and consider the views of all parties with respect to whether, if an expulsion is imposed, the expulsion should be a school expulsion or a board expulsion;

The Expulsion Hearing 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

Such other matters as the Expulsion Hearing Committee considers appropriate.

In determining whether to impose an expulsion the Expulsion Hearing Committee shall consider the following:

- c. the mitigating and other factors:
  - i. whether the student has the ability to control his or her behaviour;
  - ii. whether the student has the ability to understand the foreseeable consequences of his or her behaviour;

- iii. 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;
- iv. the student's academic, discipline and personal history;
- v. 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;
- vi. 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;
- vii. the impact of the discipline on the student's prospects for further education;
- viii. the student's age;
- d. where the student has an IEP 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 inappropriate conduct; and
- e. whether or not the student's continuing presence at the school creates an unacceptable risk to the safety of anyone in the school;
- f. the submissions and views of the parties;
- g. any written response to the principal's report provided before the completion of the hearing; and
- h. such matters as the Expulsion Hearing 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 Expulsion Hearing 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 Expulsion Hearing 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.

## 9. IF THE DECISION IS NO EXPULSION

- a. If the Expulsion Hearing Committee decides not to expel the **student**, the Board shall take the submissions of the parties into account, including mitigating and other factors, in determining whether to:
  - i. consider whether alternative discipline is appropriate in the circumstances;
  - ii. uphold the suspension and its duration;
  - iii. uphold the suspension and shorten its duration and amend the record accordingly; or
  - iv. quash the suspension and expunge the record such that no record of the suspension remains in the Ontario Student Record.

- b. The Expulsion Hearing Committee shall give written notice to all parties of the decision not to impose an expulsion and the decision with respect to the suspension.
- c. The Expulsion Hearing Committee's decision with respect to the suspension is final.

## 10. IF DECISION IS TO PROCEED WITH EXPULSION

In the event the Expulsion Hearing Committee decides to impose an expulsion on the student, the Expulsion Hearing Committee must decide whether to impose a board expulsion or a school expulsion. In determining the type of the expulsion, the Expulsion Hearing Committee shall consider the following factors:

- a. whether the student has the ability to control his or her behaviour;
- b. whether the student has the ability to understand the foreseeable consequences of his or her 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 IEP 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 board 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 inappropriate conduct; 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;
- k. all submissions and views of the parties;
- l. any written response to the principal's report provided before the completion of the hearing; and
- m. such other matters as the Expulsion Hearing Committee considers appropriate.

Where the Expulsion Hearing Committee decides to impose a school expulsion, then the Expulsion Hearing Committee must assign the student to another school.

Where the Expulsion Hearing Committee decides to impose a board expulsion, then the Expulsion Hearing Committee must assign the student to a program for expelled students

The Expulsion Hearing Committee must promptly provide written notice of the decision to expel the student to all parties, and the student, if he or she was not a party. The written notice shall include:

- n. the reason for the expulsion;
- o. a statement indicating whether the expulsion is a school expulsion or a board expulsion;
- p. information about the school or program to which the student has been assigned; and
- q. information about the right to appeal the expulsion, including the steps to be taken.

Once the principal of the program for expelled students has received notice that a student has been expelled, s/he must create an Interim Learning 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 Board, even where s/he attends a program for expelled students at another school board, unless s/he does not attend the program or registers at another school board.

## **11. RE-ENTRY REQUIREMENTS FOLLOWING AN EXPULSION**

A student who is subject to a board expulsion is entitled to apply in writing to the Director of the Board for re-admission to a school of the Board once s/he has successfully completed a program for expelled students and has satisfied the objectives required for completion of the program, as determined by the person who provides the program.

The Board shall re-admit the student and inform the student in writing of the re-admission.

A student who is subject to a school expulsion may apply in writing to the Director of the Board or designate to be re-assigned to the school from which s/he was expelled.

The Board will consider whether re-attendance will have a negative impact on the school climate, including on any victims, where applicable;

- a. The student will be required to demonstrate that they have learned from the incident and have sought counselling, where appropriate;
- b. The student will be required to sign a Declaration of Performance form provided by the Board;
- c. The Board, 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 student.

## **12. APPEAL OF BOARD DECISION TO EXPEL**

The adult student or the parent/guardian may appeal a board decision to the Child and Family Services Review Board.

The Child and Family Services Review Board are 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.

## Rules for Suspension Appeals and Expulsion Hearings

Trillium Lakelands District School Board

### RULES FOR SUSPENSION APPEALS AND EXPULSION HEARINGS

#### Part I — General

##### s. 1 — Application

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

##### s. 2 — Definitions

**Chair** – means the Suspension Appeal or Expulsion Hearing Committee Chair.

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

**Day** – means a school day.

**Rules** – means the Rules and their amendments as established by the Committee from time to time in accordance with the *Education Act*, Regulations and the *Statutory Powers Procedure Act*.

##### s. 3 — Interpretation

If required, these Rules should be interpreted and applied as board policy pursuant to the *Education Act, R.S.O. 1990* and the *Statutory Powers Procedure Act, R.S.O. 1990*.

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

##### s. 4 — Matters Not Dealt With

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

##### s. 5 — Substantial Compliance

Substantial compliance with the requirements of these Rules is sufficient.

##### s. 6 — Waiver of Rules

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

##### s. 7 — Waiver of Procedural Requirement

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

#### **s. 8 — Extension or Reduction of Time**

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

#### **s. 9 — Failure to Comply with Rules**

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

#### **s. 10 — Incapacity of Committee Member**

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

#### **s. 11 — Interim Matters**

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

#### **s. 12 — Parties**

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

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

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

#### **s. 13 — Representation**

A party to a proceeding may be represented by legal counsel or a licensed paralegal. Further, a parent/student may be assisted by a friend, family member or neighbour who accompanies and assists the parent on a volunteer basis, or such other person who is permitted to provide legal services without a license as set out in section 30 of By-law 4 made under s. 62(0.1) of the Law Society Act, R.S.O. 1990, c.L.8. A principal may be assisted by a supervisory officer. The Chair of the Committee must be notified of a party's representation by legal counsel, licensed paralegal or other person as defined above as soon as possible and no later than three (3) school days prior to the date scheduled for the hearing.

**s. 14 — Notice**

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

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

**Part II — Hearings**

**s. 15 — Hearings**

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

**s. 16 — Hearing Closed**

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

**s. 17 — Notice of Hearing**

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

**s. 18 — English**

The Committee shall conduct all proceedings in English. However, this shall not preclude the use of an interpreter where a party is unable to communicate adequately in English to ensure a fair hearing.

**s. 19 — Interpreter**

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

**s. 20 — Hearing**

The hearing shall be scheduled by the Committee for a set date

- within 15 school days in the case of a suspension appeal, or
- within 20 school days of the date of the suspension pending investigation in the case of a recommendation for an expulsion proceeding,

unless the parties to the suspension appeal or expulsion hearing agree on a later date.

The time allotted for a hearing will be 90 minutes. However, this time period may be extended under s. 8 of these Rules.

**s. 21 — Adjournment**

Where a party requests and all parties agree, the party may make a written request to postpone the hearing in accordance with the prescribed board form. The request must include reasons and a suggested new date.

## **s. 22 — Powers of Chair Upon Adjournment Request**

Upon request for adjournment the Chair may:

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

## **s. 23 — Hearing to Proceed**

If all of the parties are not in attendance at the time appointed to commence the hearing, the Committee will not proceed for at least 30 minutes after the time given for the commencement of the oral hearing if a party or a representative has not yet appeared, unless they have given notice that they will not be in attendance.

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

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

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

## **s. 24 — Electronic Hearings**

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

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

## **s. 25 — Arrangements for Electronic Hearings**

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

## **s. 26 — Written Hearings**

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

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

### **s. 27 — Procedure for Written Hearings**

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

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

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

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

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

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

### **s. 28 — Objection to Electronic or Written Hearings**

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

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

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

## **Part III — Preliminary Matters**

### **s. 29 — Motions**

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

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

**s. 30 — Motions**

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

**s. 31 — Summonses**

A party who wishes to require a witness in Ontario to attend an oral or electronic hearing may serve a summons in accordance with Appendix 3, available from the Chair. The party should obtain a *Request for Summons Form* from the Chair and return the completed Form. The summons will be signed by the Chair.

**s. 32 — Chair May Refuse Summons**

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

**s. 33 — Issued Summons**

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

**s. 34 — Service of Summons**

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

**s. 35 — Pre-Hearing Conference**

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

- (a) identify and simplify the issues;
- (b) identify facts or evidence the parties may agree upon or on which the Committee may make a binding decision;
- (c) obtain admissions that may simplify the hearing;
- (d) identify witnesses to be called;
- (e) provide directions for further disclosure;
- (f) deal with any other matter that may assist in a fair and quick resolution.

**s. 36 — Pre-Hearing Conference Order**

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

**s. 37 — Failure to Attend Pre-Hearing Conference**

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

**s. 38 — Cancellation of Pre-Hearing Conference**

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

**s. 39 — Order**

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

**Part IV — Corrections**

**s. 40 — Correcting Minor Errors**

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

**s. 41 — Reviews of Decisions**

The Committee may consider a party's request to review all or part of a decision provided that such request is made within 10 school days of the date the decision was issued. The request for review shall not stay the original decision. The Committee shall not consider a request where the party has appealed to the Child and Family Services Review Board or has made an application for judicial review. The party making the request must submit the following information:

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

**s. 42 — Reason for Review**

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

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

**s. 43 — Refusal of Review**

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

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

**s. 44 — Procedure on Review**

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

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

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

**s. 45 — Power of Committee on Motion**

On hearing the motion the Committee may:

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

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These Rules were passed by the following Board motion:

- 08-01-29     A. Cool / G. Irvine  
                  THAT THE BOARD APPROVE THE TRILLIUM LAKELANDS DISTRICT  
                  SCHOOL BOARD RULES FOR SUSPENSION APPEALS AND EXPULSION  
                  HEARINGS AND THAT THESE RULES CONSTITUTE THE RULES  
                  PURSUANT TO THE STATUTORY POWERS PROCEDURE ACT TO BE USED  
                  FOR SUSPENSION APPEALS AND EXPULSION HEARINGS.  
                  Carried.

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## Guidelines for Suspension Appeals and Expulsion Hearings

### 1. OVERVIEW

Suspension Appeals and Expulsion Hearings shall be held in accordance with the Education Act, R.S.O. 1990, the Statutory Powers Procedure Act, R. S.O. 1990, and the Board's Code of Conduct Policy OP-6020 and Code of Conduct Procedure OP-6021, and Appendix 7 Code of Conduct Committees for Suspension Appeals and Expulsion Hearings.

Suspension Appeals and Expulsion Hearings will follow the "*Rules for Suspension Appeals and Expulsion Hearings*" as approved by Board motion.

The following guidelines give further detail as to how Suspension Appeals and Expulsion Hearings will be conducted.

### 2. SUSPENSION APPEALS

#### Process Prior to the Meeting

The Board designates the Director of Education as responsible for receiving notices of intention to appeal a suspension. The Director will notify the Superintendent of Safe Schools or designate and School Superintendent as appropriate.

After receiving a notice of intention to appeal, the Superintendent Responsible for Safe Schools or designate will promptly contact every person entitled to appeal the suspension under subsection 309 (1) and inform him or her that a notice of intention to appeal has been received.

Trustee membership in suspension appeals will be as per Board Policy.

Appeals will be scheduled by the Superintendent Responsible for Safe Schools or designate.

An adult student is a student who is 18 years old or older or, for the purpose of this guideline, who is 16 or 17 years old and has withdrawn from parental control.

A suspension may be appealed by an adult student or the student's parent/guardian (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 Responsible for Safe Schools or designate, will act as Secretary to the Appeal 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 Appeal Committee at the beginning of the Appeal, and to ensure that any documents, reports and/or submissions prepared by the Appellant are provided to the Principal at the earliest opportunity and to the Appeal Committee at the beginning of the Appeal.

A lawyer or licensed paralegal may represent the Appellant. Further, a parent/student may be assisted by a friend, family member or neighbour who accompanies and assists the parent on a volunteer basis, or such other person who is permitted to provide legal services without a license as set out in section 30 of By-law 4 made under s. 62(0.1) of the Law Society Act, R.S.O. 1990, c.L.8. A principal may be assisted by a Supervisory Officer. Prior notice of a lawyer's, a paralegal's, or other person as described above's attendance at the Appeal must be provided to the Superintendent Responsible for Safe Schools or designate. If prior notice is not provided, the Suspension Appeal may be rescheduled.

The Appeal 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 and other factors that may be applicable.

### **Conducting the Appeal**

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

If a party fails to attend at the appointed start time for the Appeal hearing, the Appeal 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 Appeal Committee may proceed to hear the Appeal or dismiss the Appeal in their absence.

### **Introductions and Call to Order**

The Superintendent Responsible for Safe Schools or designate will invite the parties into the Suspension Appeal Committee meeting room and will introduce the parties to the Appeal Committee.

The Chair of the Appeal Committee will introduce the members of the Appeal Committee and will indicate:

- that they have been appointed by the Board to hear the matter;
- that they have had no prior involvement with the matter that has come before them;
- that this matter will be heard In Camera (in private); and
- that the decision of the Appeal Committee is final.

The Chair of the Appeal Committee will call the Suspension Appeal meeting to order.

The Chair of the Appeal Committee will outline:

- the process to be followed during a Suspension Appeal;
- the matter on appeal before the Appeal Committee, including the Suspension that was imposed and the infraction for which the student was suspended.

The Superintendent Responsible for Safe Schools or designate will distribute copies of the Principal's Report and any documents submitted by or to be submitted by the Appellant to the Appeal Committee. The Appeal Committee may choose to have a brief recess in order to read the reports and documents.

#### Order of Presentation

The Appellant will be invited to make an oral presentation which may include witnesses.

- The Administration may ask relevant questions of the Appellant.
- Trustees may ask questions of clarification through the Chair.
- The Administration may ask questions of clarification arising from the Trustees' questions through the Chair.

The student will be invited to make a statement on his/her own behalf to the Appeal Committee.

- The Administration may ask relevant questions of the student.
- Trustees may ask questions of clarification through the Chair.
- The Administration may ask questions of clarification arising from the Trustees' questions through the Chair.

The Administration will be invited to make a presentation, which may include witnesses.

- Either the Principal or the school superintendent will review the report provided to the Appeal Committee and the Appellant, and provide any response to the Appellant's presentation.
- The Appellant may ask relevant questions of the Principal.
- Trustees may ask questions of clarification through the Chair.
- The Appellant may ask questions of clarification arising from the Trustees' questions through the Chair.
- The Appellant will be invited to respond to the Administration's presentation, but only with respect to issues the Appellant has not previously addressed.

At the conclusion of both presentations, the Appellant and the Administration will be invited to make summary statements but may not introduce new issues. The Appeal Committee may choose to have a brief recess prior to hearing the summary statements.

Trustees may ask final questions of clarification.

#### **Deliberation Process**

The Chair of the Appeal Committee will explain that:

- all persons, except the Appeal Committee, will be asked to leave the room while the Trustees deliberate and make their decision;
- the Superintendent Responsible for Safe Schools or delegate will be informed of the decision by the Appeal Committee and will relay this decision to the parties at the earliest opportunity.

### **Determination of the Decision**

When making their determination the Appeal Committee shall consider:

- the Principal's report and submissions;
- the submissions and any other information provided by the Appellant; and
- the analysis and application of the mitigating and other factors, which may or may not be applicable in the circumstances.

The Appeal Committee of the Board may decide that:

- the Suspension was justified and should be upheld;
- the Suspension was justified but that the number of days imposed was too many, in which case the Appeal Committee may reduce the length of the Suspension and amend the record of suspension accordingly;
- the Suspension was justified, but that the record of Suspension be removed after a period of time if there are no further incidents requiring discipline;
- 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; or
- such other order as the Appeal Committee considers appropriate.

### **Notification of Decision**

The Superintendent Responsible for Safe Schools or designate will contact the parties involved by phone the next business day with the decision of the Appeal 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 Appeal Committee.

The decision of the Appeal Committee is final.

### **EXPULSION HEARINGS**

The Guidelines for Expulsion Hearings will follow the same procedures as suspension appeals with the following differences:

#### **Process Prior to the Meeting**

The Principal will prepare a report summarizing the incident, the evidence relied upon and the rationale for the Principal's recommendation 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.

#### **Order of Presentation**

At the Expulsion Hearing, the order of presentation is as follows:

The Administration will make an oral presentation, which may include witnesses.

- Either the principal or the school superintendent will review the report provided to the Expulsion Hearing Committee

- The parent, adult student, or representative may ask relevant questions of the Administration.
- Trustees may ask relevant questions of clarification through the chair.
- The parent, adult student, or representative may ask questions of clarification arising out of the Trustee questions through the Chair.

The parent, adult student, or representative will be invited to make a presentation, which may include witnesses.

- The Administration may ask questions of the parent, adult student, or representative.
- Trustees may ask questions of clarification through the Chair.
- The Administration may ask questions of clarification arising from the Trustees' questions through the Chair.

The student will be invited to make a statement on his/her own behalf to the Expulsion Hearing Committee.

- The Administration may ask relevant questions of the student.
- Trustees may ask questions of clarification through the Chair.
- The Administration may ask questions of clarification arising from the Trustees' questions through the Chair.

### **Determination of Decision**

The potential determinations of the decision of the Expulsion Hearing committee are outlined in detail in the Procedure 6021.

In summary, the Expulsion Hearing Committee can make the decision to:

- not impose an expulsion, but may confirm a suspension;
- to expel the student from the school and to assign the student to another school of the Board;
- to expel a student from all schools of the Board, and assign the student to a program for expelled students.

Further information on appeals of expulsion is covered in detail in the main procedure OP-6021.

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## Code of Conduct Committee for Suspension Appeals and Expulsion Hearings

The Board supports the need for policies and procedures that ensure a safe and caring environment in schools, and the need for carrying out these procedures sensitively and as expeditiously as possible.

The Board delegates its powers and duties to hear and determine suspension appeals to a Suspension Appeal Committee and delegates its powers to carry out expulsion proceedings to an Expulsion Hearing Committee.

Membership on these committees will be established annually following the Board's Annual Organizational Meeting.

A Suspension Appeal Committee or Expulsion Hearing Committee will be formed as the need arises to carry out a proceeding.

A Suspension Appeal or Expulsion Hearing Committee will consist of:

1. The Chair and Vice Chair of the Board;
2. Three (3) Trustees assigned to serve on such committees by the Board as follows:
  - a. Wherever possible, three (3) Trustees on any specific Suspension Appeal or Expulsion Hearing Committee must represent the three (3) regions of the Board (City of Kawartha Lakes, Haliburton, Muskoka). In the event that this is not possible, the Chair's Council will designate a Trustee to fill the remaining spot(s).

A Trustee must declare a conflict of interest and not be part of a Suspension Appeal or Expulsion Hearing Committee if he or she:

- a. has had prior involvement with the matter;
- b. has any other conflict that could bias or be perceived to bias the decision of the Committee.

The Chair of the Committee will be the Chair or Vice Chair of the Board. In the event that this is not possible, a Chair will be appointed by the Chair's Council.

A quorum will be achieved with three (3) Trustees.

The Director of Education, Superintendent Responsible for Safe Schools, and/or legal counsel may assist the Committee with procedural matters.

Whenever possible the Hearing will be held in the region of the Board in which the student attends school.

## Safe Schools Incident Reporting form – Part I

|   |   |
|---|---|
| <b>Report No:</b><br>_____                            | <b>CONFIDENTIAL</b><br><br><b>SAFE SCHOOLS INCIDENT REPORTING FORM – PART I</b>   |
| <b>Name of School</b>                                 | _____   |
| <b>1. Name of Student(s) Involved (if known)</b>      | _____<br>_____  |
| <b>2. Location of Incident (check one)</b>            | <input type="checkbox"/> At a location in the school or on school property (please specify)<br>_____<br><input type="checkbox"/> At a school-related activity (please specify)<br>_____<br><input type="checkbox"/> On a school bus (please specify route number)<br>_____<br><input type="checkbox"/> Other (please specify) _____   |
| <b>3. Time of Incident</b>                            | Date: _____ Time: _____   |
| <b>4. Type of Incident (check all that apply)</b>     | <p><b>Activities for which suspension must be considered under section 306(1) of the Education Act</b></p> <input type="checkbox"/> Uttering a threat to inflict serious bodily harm on another person<br><input type="checkbox"/> Possessing alcohol or illegal drugs<br><input type="checkbox"/> Being under the influence of alcohol<br><input type="checkbox"/> Swearing at a teacher or at another person in a position of authority<br><input type="checkbox"/> 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<br><input type="checkbox"/> Bullying<br><input type="checkbox"/> Any act considered by the Principal to be injurious to the moral tone of the school<br><input type="checkbox"/> Any act considered by the Principal to be injurious to the physical or mental tone of the school<br><p><b>Activities for which expulsion must be considered under section 310(1) of the Education Act</b></p> <input type="checkbox"/> Possessing a weapon, including possessing a firearm<br><input type="checkbox"/> Using a weapon to cause or to threaten bodily harm to another person<br><input type="checkbox"/> Committing physical assault on another person that causes bodily harm requiring treatment by a medical practitioner<br><input type="checkbox"/> Committing sexual assault<br><input type="checkbox"/> Trafficking in weapons or in illegal drugs<br><input type="checkbox"/> Committing robbery<br><input type="checkbox"/> Giving alcohol to a minor<br><input type="checkbox"/> 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>5. Report Submitted By:</b> Name: _____            |   |
| Signature: _____ Date: _____                          |   |
| Contact Information: Location: _____ Telephone: _____ |   |

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## Safe Schools Incident Reporting form – Part II

**SAFE SCHOOLS INCIDENT REPORTING FORM – PART II**  
**ACKNOWLEDGEMENT OF RECEIPT OF REPORT**

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Report No: \_\_\_\_\_

Report Submitted By: Name: \_\_\_\_\_ Date: \_\_\_\_\_

Action Taken                       No Action Required

Name of Principal: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

*Note: Only Part II is to be given to the person who submitted the report.*