Northeastern Catholic District School Board

SAFE SCHOOLS
SUSPENSION AND EXPULSION

Administrative Procedure Number: APE034-4

POLICY STATEMENT

The Northeastern Catholic District School Board (NCDSB) believes that all people are created in the image and likeness of God and that every person has the right to be treated with dignity, respect and fairness. The Board recognizes that a positive school climate exists when all members of the school community feel safe, included and accepted and actively promote positive behaviours and interactions. The NCDSB is committed to building and sustaining safe Catholic school communities where all members and stakeholders share the responsibility of eliminating violence and discrimination in accordance with our Catholic faith and gospel values.

The NCDSB believes that a safe, accepting, and inclusive learning environment enables students to reach their full academic and spiritual potential.

REFERENCES

Education Act
Human Rights Code
Policy Program Memorandum (PPM)
- 145 Progressive Discipline and Promoting Positive Student Behaviour

NCDSB Policy
- E-7 Delegation of Authority
- E-32 Equity and Inclusive Education
- E-34 Safe Schools

NCDSB Administrative Procedure
- APE007 Delegation of Authority
- APE032 Equity and Inclusive Education
- APE034-1 Safe Schools: Code of Conduct
- APE034-2 Safe Schools: Bullying Prevention and Intervention
- APE034-3 Safe Schools: Promoting Positive Student Behaviour
- APE034-5 Safe Schools: Expulsion Hearing Guidelines
- APE034-6 Safe Schools: Appeals-Student Discipline

DEFINITIONS

Progressive Discipline
An approach that makes use of a continuum of prevention programs, preventative actions, interventions, supports and consequences building upon strategies that promote positive behaviours.

PROCEDURES

1.0 GENERAL PRINCIPLES

1.1 Pursuant to the *Education Act*, principals are required to maintain proper order and discipline in schools. Students are responsible to the principal for their conduct and are required to accept such discipline as would be exercised by a reasonable, kind, firm and judicious parent.

1.2 A principal may delegate some disciplinary responsibilities to a vice-principal and/or teacher of the school in accordance with the *Education Act*, Ministry of Education policies and Board procedures. In such circumstances, the delegation of authority and the authority delegated will be clearly identified in Board procedures, as will the supports available to individuals in receipt of the delegation of authority.

1.3 To meet the goal of creating a safe, caring, and accepting school environment, the Northeastern Catholic District School Board supports the use of positive practices as well as consequences for inappropriate behaviour, including progressive discipline, which includes suspension and expulsion where necessary.

1.4 The Board considers homophobia, gender-based violence, and harassment on the basis of sex, gender identity, sexual orientation, race, colour, ethnicity, culture, citizenship, ancestry, origin, religion, creed, family status, socio-economic status, disability and/or any other immutable characteristic or ground protected by the Human Rights Code, as well as inappropriate sexual behaviour, unacceptable. Further, the Board supports the use of positive practices to prevent such behaviour and authorizes principals, or their delegates, to impose consequences in appropriate circumstances, up to and including a referral to the Discipline Committee of the Board for expulsion from all schools.

1.5 The Board does not support discipline measures that are solely punitive or the use of exclusion as a disciplinary measure. Exclusion pursuant to section 265(1) (m) of the *Education Act* is not acceptable for discipline purposes or as an alternative to discipline, and may only be imposed in accordance with the *Education Act* and Board procedures, and must be consistent with the Human Rights Code.

1.6 Schools are encouraged to implement proactive positive practices and corrective supportive practices when necessary. However, before applying disciplinary measures, the principal/designate and Discipline Committee of the Board shall consider the discriminatory impacts of disciplinary decisions on pupils protected by the Human Rights Code, including but not limited to race and disability, and whether or not accommodation is required.

2.0 INFRACTIONS AND RESPONSES

2.1 A principal shall consider whether to suspend a student in grades 4-12 if they believe that the student has engaged in any of the following activities while at school, at a school-related activity, or in other circumstances where engaging in the activity will have an impact on the school climate:

i) Uttering a threat to inflict serious bodily harm on another person;

ii) Possessing alcohol, illegal drugs, or cannabis (unless the student is an authorized medical cannabis user);
iii) Being under the influence of alcohol, illegal drugs, or cannabis (unless the student is a medical cannabis user);
iv) Swearing at a teacher or at another person in a position of authority;
v) Committing an act of vandalism that causes extensive damage to school board property;
vi) Bullying, including cyber-bullying;
vii) Engaging in a physical altercation with another person for the purpose of causing harm;
viii) Any act or behavior that is considered to be contrary to the Board Code of Conduct (APE020).

2.2 A principal shall suspend a student and consider recommending expulsion if they believe that the student has engaged in any of the following activities while at school, at a school-related activity, or in other circumstances where engaging in the activity will have an impact on the school climate:
i) Possessing a weapon, including possessing a firearm;
ii) Using a weapon to cause or to threaten bodily harm to another person;
iii) Committing physical assault on another person that causes bodily harm requiring treatment by a medical practitioner;
iv) Committing sexual assault;
v) Trafficking in weapons, illegal, or restricted drugs;
vi) Committing robbery;
vii) Giving alcohol or cannabis to a minor;
viii) Bullying, if the student has been previously suspended for engaging in bullying and the student's continuing presence in the school creates an unacceptable risk to the safety of another person;
ix) Any activity that could lead to a discretionary suspension (section 2.1) that is motivated by bias, prejudice, or hate;
x) A single act or repeated behaviour that is considered to be significantly injurious to the moral tone of the school and/or to the physical or mental well-being of others.

2.3 In considering whether to suspend or recommend expulsion in response to a student engaging in an activity described in subsection 2.1 or 2.2, a principal shall take into account any mitigating or other factors prescribed by Regulation 472/07 (Behavior, Discipline and Safety of Pupils). These factors can moderate the disciplinary response for an individual student.

2.4 A student may be suspended only once for an infraction and may be suspended for a minimum of one (1) school day and a maximum of twenty (20) school days. A suspension shall be in effect on the first school day following the infraction and shall prevent the student from engaging in all school-related activities. In determining the length of suspension, the principal shall take into account any mitigating or other factors.
i) Suspensions of up to five (5) days duration are the mandate of the school principal.

ii) Suspensions over five (5) days must be discussed with and approved by the Superintendent of Education before the student is suspended.

3.0 MITIGATING FACTORS

3.1 The following mitigating factors shall be taken into account in applying a disciplinary response:

i) Whether the student has the ability to control their behaviour;

ii) Whether the student has the ability to understand the possible consequences of their behaviour; and

iii) Whether the student's continuing presence in the school creates an unacceptable risk to the safety of any other person.

3.2 The following additional factors shall be taken into account in applying a disciplinary response:

i) The student's personal and educational history;

ii) Whether progressive discipline has been used with the student;

iii) Whether the behaviour was related to any harassment because of the student's race, ethnic origin, religion, disability, gender, gender identity, sexual orientation or any other type of harassment;

iv) The impact of the discipline on the student's ongoing education; and

v) The student's age.

3.3 If the student has special education needs and has an Individual Education Plan (IEP), the following shall also be taken into account:

i) Whether the behaviour causing the incident was a manifestation of a disability identified in the student's IEP;

ii) Whether appropriate accommodation has been provided; and

iii) Whether suspension is likely to aggravate or worsen the student's behaviour or conduct.

4.0 NOTICE OF SUSPENSION

4.1 A principal who suspends a student shall

i) inform the student's teacher of the suspension; and

ii) make all reasonable efforts to inform the student's parent or guardian of the suspension within 24 hours of the suspension being imposed, unless,

a. the pupil is at least 18 years old, or

b. the pupil is 16 or 17 years old and has withdrawn from parental control.

4.2 A principal who suspends a student shall ensure that written notice of the suspension is provided promptly to these individuals:

i) The student;

ii) The student's parent or guardian, unless,

a. the student is at least 18 years old, or

b. the student is 16 or 17 years old and has withdrawn from parental control;

iii) Superintendent of Education.

4.3 The notice of suspension shall include the following information:

i) The reason for the suspension;

ii) The duration of the suspension;

iii) Information about any assigned programs for the suspended student;

iv) Information about the right to appeal the suspension under section 309 of the *Education Act* and in accordance with APE034-6 Safe Schools: Appeals-Student Discipline.

4.4 The notice of suspension can be given to the student at school, mailed or emailed to parents/guardians, and emailed to the Superintendent's office. A copy of the notice is also placed in the Ontario Student Record.

5.0 INVESTIGATION AND RECOMMENDATION OF EXPULSION

5.1 When a student engages in an activity described in section 2.2, the principal shall:

i) Immediately suspend the student for 20 days, if they are in grades 4-12, and provide notice in accordance with section 4.0;

ii) Consult with the Superintendent of Education;

iii) Notify the police for those infractions that require such notice, as described in the *Ontario North East Region Police and School Board Protocol*;

iv) Conduct an investigation within 5 school days of the incident to determine whether or not to suspend a student in Kindergarten to Grade 3, or whether or not to recommend expulsion for a student in grades 4-12. Mitigating factors described in section 3.0 must be considered in this process;

v) Maintain documentation of the investigation process and any information gathered throughout the investigation.

5.2 Upon completion of an investigation, should the principal elect not to recommend the student for expulsion, they must determine whether or not the suspension will be maintained at 20 days. The principal must then provide a new notice of suspension, following all regular notice procedures, to confirm the final suspension details.

5.3 Upon completion of an investigation, should the principal elect to recommend the student for expulsion to the Board, they will follow the procedures outlined in APE034-5 Safe Schools: Expulsion Hearings – Students. This includes:

i) Notifying the Superintendent of Education, within seven (7) school days of the suspension, of their intent to refer the matter to the Board for an expulsion hearing.

ii) Preparing an outline of the allegations which form the basis of the recommendation for expulsion, in consultation with the Superintendent of Education.

6.0 DISCIPLINE COMMITTEE

6.1 The Board authorizes the creation of a Discipline Committee of no fewer than three (3) Trustees to decide appeals of student suspensions and principal recommendations for student expulsion. For these purposes, the Discipline Committee will conduct the

suspension appeals and expulsion hearings in accordance with the appropriate administrative procedures.

6.2 In all cases where consequences might be imposed, teachers, administrators and the Board will consider the safety and dignity of all pupils, and the impact of the activity on the school climate.

6.3 The Discipline Committee shall have the powers as set out in the *Education Act* and any other powers necessary and shall consider the Human Rights Code of Ontario prior to implementing any appropriate Order.

7.0 RELATED FORMS AND DOCUMENTS

DOCUMENT: APE034-5 Safe Schools: Expulsion Hearing Guidelines
DOCUMENT: APE034-6 Safe Schools: Appeals – Student Discipline

Chief Executive Officer: *Tricia Stefanic Weltz*
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