



## OP-6021 CODE OF CONDUCT

**Approval Date: 2024**

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### 1. Purpose

Trillium Lakelands District School Board believes that a safe, caring, and inclusive school environment is essential for learning. This environment supports achievement and well-being and respects all human rights. The Code of Conduct establishes the foundation for creating a positive school climate by setting clear standards of behaviour for all members of the school community.

The Code of Conduct policy applies to the entire school community, including all individuals on school property, school buses, at school-related events or activities, virtual learning environments and any circumstances that impact the school climate. It is the expectation of all individuals to actively maintain a positive school climate.

The Code of Conduct procedure provides further detail related to expectations and acceptable behaviour in alignment with the Ministry of Education Policy/Program Memorandum 128.

### 2. References and Related Documents

#### TLDSB Reference Documents

- [Responding to Student Violence Towards Staff Policy](#)
- [BU-3035 & BU-3036 Appropriate Use of Technology and Technology Services](#)
- [HR-4521 Prevention and Resolution of Violence in the Workplace Policy](#)
- [OP-6550 Physical Intervention Guidelines Policy](#)
- [OP-6215 & OP-6216 Bullying Prevention and Intervention](#)
- [BU-3020 Cyber Protection Policy](#)
- Police/School Board Protocol 2016

#### External Reference Documents

- [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 \(Keeping our Kids Safe at School\)](#)
- [Bill 174 Cannabis, Smoke-Free and Road Safety Statute Law Amendment Act 2017](#)
- [PPM 120 Reporting Violent Incidents to the Ministry of Education](#)
- [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](#)
- [PPM 144 Bullying Prevention and Intervention](#)

- [PPM 145 Progressive Discipline and Promoting Positive Student Behaviour](#)
- [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](#)
- [The Child and Family Services Review Board \(CFSRB\)](#)
- [Smoke-Free Ontario Act](#)

### 3. Terms and Definitions

**Adult Student:** Is a student who is 18 years or older, or, for the purpose of this procedure, 16 or 17 years old and has withdrawn from parental control.

**Bullying:** Bullying can be via any physical, verbal, electronic, written or other means. Bullying means aggressive and typically repeated behaviour by a person where:

a) The behaviour is intended by the person to have the effect, or, the person ought to know that the behaviour would likely have the effect of,

- causing harm, fear or distress to another individual, including physical, psychological, social or academic harm, harm to the individual's reputation or harm to an individual's property or,
- creating a negative environment at school for another individual and,

b) The behaviour occurs in a context where there is a real or perceived power imbalance between individuals 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 specialized programming ("intimidation") (Subsection 1(1) of the Education Act).

c) Cyber-bullying is the act of engaging in bullying behaviors through electronic means such as social media platforms, email, text or direct messaging, digital gaming and/or communication applications. Including one to one electronic communications.

Cyberbullying includes, but not limited to:

\*creating electronic content in which the creator assumes the identity of another person

\*impersonating another person as the author of content or messages posted on the internet

\*communicating material electronically to more than one individual or posting material on a website/or social media platform that may be accessed by more than one or more individuals. (Section 1.0.0.2 of the Education Act)

**Expulsion:** An expulsion from attendance at all schools of the board for an indefinite period of time. An expulsion from the school refers to the school the student was attending at the time of the incident.

**Expulsion Hearing Committee:** A Committee that hears and determines suspension appeals and expulsion proceedings. Per the BD 2009 Committees for Suspension Appeals and Expulsion Hearings Procedure: A quorum will be achieved with three (3) trustees.

**Mitigating Factors:** Extenuating significant circumstances that may influence the culpability of an offence. The following should be taken into consideration:

- the pupil does not have the ability to control their behaviour
- the pupil does not have the ability to understand the foreseeable consequences of their behaviour
- the pupil's continuing presence in the school does not create an acceptable risk to the safety of any person

**Personal Mobile Device:** Refers to any personal electronic device that can be used to communicate or to access the Internet, such as a cellphone, tablet, laptop or smartwatch (as per PPM 128)

**Progressive Discipline:** Is a whole-school approach that utilizes a continuum of prevention programs, interventions, supports, and consequences to address inappropriate student behaviour and to build upon strategies that promote and foster positive behaviours.

**School Climate:** The learning environment and relationships found within a school and school community regardless of on or off school property.

**School Community:** The School Community includes students, school staff, parents/guardians, community partners and community members in relation to their involvement in the school or school related events, activities or actions.

**Student Action Plan (SAP):** Program plan for suspended or expelled students outlining the individually prepared program for the student that may include academic and non-academic goals and supports.

- Academic plan for students who have been suspended for more than 6 days; or
- Academic program and other supports for students who have been suspended 11-20 days; or
- Academic program and other supports for students who have been expelled

## 4. Administrative Procedure

### 4.1 Code of Conduct Standards

- Trillium Lakelands District School Board will align the board Code of Conduct and any school level expectations with the Ministry of Education's provincial Code of Conduct (PPM 128) standards of behaviour.
- The standards apply to the entire school community whether they are:
  - on school property
  - on school buses
  - at school-related events or activities
  - in a virtual learning environment
  - in other circumstances that could have an impact of the school climate (e.g., off property during school hours)
- In alignment with the Education Act and the Provincial Code of Conduct, the purposes of the TLDSB Code of Conduct are as follows:
  - ensure that all members of the school community, including people in positions of authority, are treated with respect and dignity.
  - promote responsible citizenship by encouraging appropriate participation in the civic life of the school community
  - maintain an environment where conflict and difference can be addressed in a manner characterized by respect and civility
  - encourage the use of non-violent means to solve conflict
  - promote the safety of people in the schools

- discourage the use of alcohol, illegal drugs and recreational cannabis, tobacco, e-cigarettes/vapes
- prevent bullying in schools

d) TLDSB will:

- review the TLDSB Code of Conduct and its appendices every three years, including consultation with members of the school community
- obtain commitment and support through clear communication of the provincial Code of Conduct, TLDSB Code of Conduct, and school level expectations to all members of the school community (e.g., board and school websites, newsletters, signage in school entrances)
- give annual notification to parents and students of the board code of conduct
- develop effective intervention strategies and respond to all infractions related to the standards for respect, civility, responsible citizenship, and safety
- give all members of the school community opportunities to learn about relevant knowledge, skills and attitudes (e.g., learning about responsible citizenship and developing healthy relationships)
- collaborate, where possible, to provide coordinated prevention and intervention programs and services, and share effective practices
- ensure that each step in addressing identified unacceptable behaviour be noted in a documentary record as per school procedure (e.g., PowerSchool logs, tracking sheets, google referral form)
- restrict access to all social media platforms on school networks and school devices

## 4.2 Roles and Responsibilities

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

### a) Principals

It is expected that Principals:

- demonstrate care for the school community and a commitment to student achievement and well-being in a safe, inclusive and accepting learning environment
- hold everyone under their authority accountable for their behaviour and actions
- empower students to be positive leaders in their school and community
- communicate regularly and meaningfully with all members of their school community
- model the standards of respect, civility and responsible citizenship

### b) Teachers and other School Staff

It is expected that teachers and staff:

- help students work to their full potential and develop their sense of self-worth
- empower students to be positive leaders in their classroom, school, and community
- communicate regularly and meaningfully with parents/guardians
- maintain consistent standards of behaviour for all students
- demonstrate respect for one another, all students, parents/ guardians, volunteers, and other members of the school community
- prepare students for the full responsibilities of citizenship, in particular the skill of respectful communication, both in person and online
- model the standards of respect, civility, and responsible citizenship. This includes modeling appropriate use of personal mobile devices. Educators are not to use personal mobile devices during instructional time, unless explicitly for work-related purposes

c) **Students**

It is expected that students:

- come to school prepared, on time, and ready to learn
- show respect for themselves, for others, and for those in authority
- refrain from bringing anything to school that may compromise the safety of others
- follow the established rules and take responsibility for their own actions

d) **Parents/Guardians**

It is expected that parents/guardians:

- are engaged in their child's schoolwork and progress
- communicate regularly with the school
- help their child be appropriately dressed and prepared for school
- ensure that their child attends school regularly and on time
- promptly report to the school their child's absence or late arrival
- become familiar with the Provincial Code of Conduct, the Board's Code of Conduct, and, if applicable, the School's Code of Conduct
- encourage and assist their child in following the rules of behaviour
- assist school staff in dealing with disciplinary issues involving their child

e) **Police:**

- 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 TLDSB and applicable legislation. These protocols are based on the Provincial Model for a Local Police/School Board Protocol, 2015, developed by the Ministry of the Solicitor General and the Ministry of Education.

f) **Community Partners:**

- Partnerships with members of the community and community-based service providers will be developed and enhanced. Community-based service providers are resources that the TLDSB can use to deliver prevention or intervention programs. These partnerships must respect all applicable collective agreements.

## 4.3 Standards of Behaviour

### Respect, civility, and responsible citizenship

a) All members of the school community **must**:

- comply with all applicable federal, provincial, and municipal laws
- comply with all Ministry of Education, school board and school policies
- demonstrate honesty and integrity
- treat one another with dignity and respect, both in person and online, especially when there is disagreement or difference
- respect and treat others fairly, regardless of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, marital status, family status or disability
- respect the rights of others
- respect differences in people, their ideas, and their opinions
- show proper care and regard for school property and the property of others

- take appropriate measures to help those in need
- seek assistance from a member of the school staff, if necessary, to resolve conflict peacefully
- refrain from using abusive language or swearing at another person
- use personal mobile devices in a manner that respects the privacy and dignity of others
- respect all members of the school community, especially persons in positions of authority
- respect the needs of others to work in an environment that is conducive to learning and teaching
- not use personal mobile devices during instruction time except under the following circumstances: for education purposes, as directed by an educator, for health and medical purposes (e.g., glucose monitor), to support special education needs (e.g., augmentative communication device as outlined in the student's Individual Education Plan)

## Safety

b) All members of the school community **must not**:

- engage in bullying behaviours, including cyberbully
- commit sexual assault or sexual harassment
- traffic in weapons or illegal drugs
- commit robbery or theft
- be in possession of any weapon, including firearms
- threaten or intimidate another person
- use abusive language or swear at another person
- swear at a teacher, support staff, or at another person in a position of authority
- be in possession of alcohol, cannabis or illegal drugs. For students, this would also include being in possession of electronic cigarettes, tobacco and nicotine products and their related products and accessories
- use, or be under the influence of alcohol, cannabis, tobacco, electronic cigarettes, illegal drugs or related products
- smoke or hold any lighted medical cannabis or lighted tobacco product, including e-cigarettes or vaporizers and their related products and accessories on school property, school buses, or at school activities or events
- provide others with alcohol, illegal drugs, tobacco, electronic cigarettes, cannabis and related products and accessories
- inflict or encourage others to inflict bodily harm on another person
- engage in hate propaganda and other forms of behaviour motivated by hate or bias
- commit an act of vandalism that causes damage to the school property, to property located on the premises of the school or to the property of a member of the school community
- record, take or share non-consensual recordings or photos of members of the school community
- engage in any behaviour that would be considered as conduct injurious to the moral tone of the school and to the physical and mental well-being of others in the school
- 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
- use personal mobile devices during instructional time unless use is for educational purposes (as directed by an educator), for health and medical purposes and/or to support special education needs

#### 4.4 Student Behaviour and Expectations

The following standards of behaviour and expectations apply specifically to students and are framed around respect, civility and responsible citizenship and apply whether students are on school property, in a virtual learning environment, on school busses, at school-related events or activities, in before and after school programs, or in other circumstances that have an impact on the school climate.

a) Standards of Behaviour dictate that the student **must**:

- be diligent in attempting to master such studies as are part of the program in which the pupil is enrolled
- exercise self-discipline and respect for themselves
- accept such discipline as would be exercised by a kind, firm, and judicious parent/guardian
- attend classes regularly and on time
- take such tests and examinations as are required by teachers
- attend school:
  - until they reach their 18th birthday or until June of the year in which they reach their 18th birthday; 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))
- follow established school policies in accounting for absences from school and in signing in or out of school
- fulfil their academic obligations:
  - 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”
  - be present for scheduled testing except where an absence falls within the stated exceptions found under the attendance section of this policy
  - 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
- obey authority:
  - obey any reasonable order by any school staff or administrator
  - obey all reasonable classroom policies of teachers
  - speak privately to a teacher, to school counsellors, or administrators if they feel they have been treated unfairly
- be responsible for loss or damage to school property:
  - return school property in reasonable condition, including technology devices and peripherals, textbooks, library books, and any other equipment at the designated time and place.;
  - 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;
  - reimburse the school for all or a portion of the cost of replacement of property in the event of intentional or unintentional damage, or misuse of board property which includes vandalism, mischief, etc.
- behave appropriately and safely on school buses:
  - additional detail related to behaviour on buses is outlined in existing Transportation Policy and Transportation Procedure.

b) Standards of Behaviour dictate students:

In addition to section 4.3 Standards of Behaviour, which applies to students and all members of the school community, the following standards of behaviour apply.

A student **must not**:

- use profane or improper language themselves, against another student or against school personnel
- use threats, threatening gestures or physical assault against another student or against school personnel or their property
- engage in inappropriate displays of affection
- 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:
  - sexual harassment
  - bullying
  - intimidation or discrimination based on:
    - racial background
    - ethno-cultural background
    - religion
    - linguistic differences
    - gender differences
    - sexual orientation
    - disability or differing abilities
    - class/income level or occupation
- unacceptable behaviour, targeting any member of the school community
- use, possess, provide, sell or supply others with tobacco, electronic cigarette, vaporizers, nicotine products, recreational cannabis, alcohol, illegal drugs or their related accessories on school property or at school activities, on school busses, field trips or events
- in the case of these substances being found in the possession of students, parents must be notified, and the student must surrender the item(s) to the educator or administrator

#### **4.5 Standards of Behaviour and Enforcement relating to Alcohol, Tobacco, Electronic Cigarettes, Recreational Cannabis and Related Products and Illegal Drugs**

- Students are banned from being in possession of (or using) tobacco products, e-cigarettes (vapes) and nicotine products at school. This includes accessories (e.g., vape juice, a pipe, lighter or rolling papers)
- The [Smoke-Free Ontario Act, 2017](#) prohibits smoking (tobacco and cannabis) and the use of electronic cigarettes (vaping) at schools, on school grounds, and all public areas within 20



metres of these grounds. Anyone smoking or vaping on school property is guilty of an offence and if convicted may result in a fine under the Smoke-Free Ontario Act, 2017

- The Smoke-Free Ontario Act, 2017 also prohibits the sale and supply of tobacco or e-cigarettes to anyone under 19 years of age
- Anyone who sells or supplies tobacco or an e-cigarette to a student under 19 years of age is guilty of an offence and if convicted may result in a fine under the Smoke-Free Ontario Act, 2017
- If students are found to be in possession of these substances, at minimum, parents will be notified, and the student must surrender the item(s) to the educator or administrator.
- School administrators will apply progressive discipline when determining further responses, including support to learn from inappropriate behaviours and make choices that support continuing their learning

#### **4.6 Standards of Behaviour and Enforcement of Restrictions to Student Personal Mobile Devices**

All members of the school community must not use personal mobile devices during instructional time except under the following circumstances

- for educational purposes, as directed by an educator
  - for health and medical purposes (e.g., Continuous glucose monitoring, student or staff with diabetes)
  - to support special education needs (e.g., Augmentative and alternative communication devices)
- For students in grades 7 to 12 personal mobile devices must be stored out of view and powered off or set to silent mode during instructional time, except when their use is explicitly permitted by the educator under the circumstances outlined above
  - For students in grade 6 and below, personal mobile devices must be stored out of view and powered off or set to silent mode throughout the full instructional day, except when their use is explicitly permitted by the educator under the circumstances outlined above
  - The student is responsible for their personal mobile device, how they use it, store it and the consequences of not following the TLDSB policy on personal mobile device use and TLDSB Code of Conduct

#### **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.

a) Students must:

- adhere to the TLDSB Appropriate Use of Information/Communication Technology and Technology Services Procedure
- be accountable for the content of any memory storage devices (e.g., USB memory sticks, Google accounts) and use them with the knowledge that staff has a right to request to see the content
- 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
- be accountable for off-school property behaviour using internet sites or electronic devices which have a negative impact on the school environment

b) Students must not:

- use the camera capabilities of electronic devices in areas where there is an expectation of privacy (e.g., washrooms, change rooms) or any other situation where there is a known objection to taking pictures
- 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
- access inappropriate websites
- use a personal mobile device during class unless permitted by an educator

#### **4.8 Surrendering of Personal Mobile Devices and Alcohol, Tobacco, e-Cigarettes, Recreational Cannabis and related products and Illegal Drugs**

- If a student is found to be in possession of alcohol, tobacco, e-cigarettes, recreational cannabis and related products or illegal drugs the item(s) must be surrendered to the educator or administrator and stored in a secure storage area designated by the principal.
- If a student neglects to respectfully comply with cell phone restrictions students will be asked to surrender their phone as per school behaviour processes. (e.g., office referral)
- If the student does not hand in the item when requested by the educator, they must be sent to the Principal's office. Principals will use their discretion, as outlined in PPM 145, *Progressive discipline and promoting positive student behaviour*, to consider a range of responses to address this behaviour including suspension.

#### **4.9 Progressive Discipline and Promoting Positive Student Behaviour**

- Safe and caring learning environments are achieved through the promotion of positive student behaviours
- It is the responsibility of all staff to build a supportive learning environment through appropriate interaction between all members of the school community
- Safe 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 as per TLDSB Bullying Prevention and Intervention Procedure, OP-6216
- All members of the school community are required to foster a positive school climate that supports student achievement and well-being through prevention and early intervention strategies to address inappropriate behaviour
- When inappropriate behaviour occurs, disciplinary measures should be applied within a framework that shifts the focus from one that is solely punitive to one that is both corrective and supportive
- Schools will use a range of interventions, supports, and consequences that are developmentally appropriate and include learning opportunities for reinforcing positive behaviour while helping students to make better choices. Interventions will take into account:
  - circumstances, including any mitigating or other factors
  - student's stage of development and growth
  - individualized needs of the student
  - nature and severity of the behaviour
  - safety and dignity of all students
  - impact on school climate
- Programs and supports will be offered to students who have been harmed or students who have engaged in serious student incidents, that emphasize a range of early, ongoing and proactive

positive and restorative practices (e.g., character education, peer mentoring, student leadership, bullying prevention and intervention, conflict prevention and intervention, restorative circles and questioning, counseling and social emotional learning), to promote, support and recognize appropriate and positive student behaviour

- Responses will be chosen from a range of consequences that include opportunities for the student to focus on improving their behaviour and could include:
  - a conversation with the student
  - a review of expectations for the student's behaviour
  - counselling from a social worker (e.g., life skills coaching or anger management)
  - an assignment that supports student learning (e.g., website or article around vaping, addictions, technology use)
  - detention
  - suspending or expelling the student from school

#### **4.10 Duty to Respond**

- a) The school community members will respond to incidents of inappropriate and disrespectful behaviour to stop and correct it immediately so that students involved can learn that it is unacceptable.
- b) 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. 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.
- c) 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 can be considered shall report the matter to the principal as soon as reasonably possible. A written report using the TLDSB Safe Schools Incident Reporting Form available via the board's online reporting system must be made when it is safe to do so. If the incident is deemed a violent incident per PPM 120, a copy of the Safe Schools Incident Reporting form must be printed and added to the student's OSR.
- d) An incident where an employee believes that there could be immediate physical harm to themselves, a student or another person they are not required to respond. However, for incidents for which suspension or expulsion must be considered, board employees must report these concerns to the principal in writing using the TLDSB Safe Schools Incident Reporting Form available via the board's online reporting system.

#### **4.11 Duty to Report to Principals**

- a) 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 can be considered shall report the matter to the principal as soon as reasonably possible.
- b) 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 using the TLDSB Safe Schools Incident Reporting Form available via the board's online reporting system must be made when it is safe to do so. If the incident is deemed a violent incident per PPM 120, a copy of the form must be printed and added to the student's OSR.

- c) The individual who submitted the report will receive an electronic acknowledgement of receipt via the board's online reporting system. The receipt will specify whether action was taken or no action was required.
- d) If the principal has decided that action must be taken as a result of any incident within the progressive discipline continuum, they 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.
- e) The names of all other students that appear on the form 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.
- f) 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 has 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:

- a) Training for administrators, teachers, and other staff
- b) Building partnerships
- c) Communication
- d) Monitoring and review

#### **4.13 School Bullying Prevention, Intervention and Response Plans**

- a) Plans for positive behaviour support and progressive discipline are in place in all schools.
- b) School plans will incorporate bullying prevention and intervention programs and plans (See TLDSB Procedure on Bullying Prevention and Intervention)
- c) While it is recognized that school plans will reflect a locally developed range of options, they must be aligned with the board Code of Conduct
- d) Refer to OP-6215 and OP-6216 Bullying Prevention and Intervention

## **5. Appendices**

5.1 Suspension of a Student

5.2 Expulsion of a Student

5.3 Rules for Suspension Appeals and Expulsion Hearings

5.4 Guidelines for Suspension Appeals and Expulsion Hearings

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## Suspension of a Student

### Appendix 5.1

## 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 / School Response Protocol if the infraction the student is suspected of committing requires such contact. When in doubt, the principal will consult with their 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, illegal drugs or, unless the pupil is a medical cannabis user, cannabis; this may also include being in possession of electronic cigarettes, tobacco and nicotine products;
  - iii. Being under the influence of alcohol or, unless the pupil is a medical cannabis user, cannabis;
  - iv. selling/supplying others with alcohol, illegal drugs, tobacco, electronic cigarettes, cannabis and related products;
  - 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;
  - vii. bullying;
  - viii. any act considered by the principal to be injurious to the moral tone of the school;
  - ix. any act considered by the principal to be injurious to the physical or mental well-being of any member of the school community; or
  - x. any act considered by the principal to be contrary to the Board or School Code of Conduct.
- d) A student may be suspended for a minimum of one (1) school day and a maximum of twenty (20) school days.
- e) A student will be issued only one suspension in a case where multiple infractions occur at the same time. Multiple infractions at the same time will be considered when determining the length of suspension.
- f) Students in junior kindergarten to Grade 3 cannot be suspended for activities listed in [subsection 306\(1\) of the Education Act](#).
  - i. These behaviours should be addressed with the appropriate positive behaviour supports in the school setting.
  - ii. Activities listed in subsection 310(1) will still be subject to mandatory suspensions, pending the results of an investigation.

### 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 must be considered prior to the determination of a decision to suspend a student. This consideration of factors must be supported by documentation.
  - i. The mitigating factors to be considered by the principal are:
    - o whether the student has the ability to control their behaviour;
    - o whether the student has the ability to understand the foreseeable consequences of their behaviour; or
    - o 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.
  - ii. The other factors which must be considered are:
    - o the student's academic, discipline and personal history;
    - o 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;
    - o 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, marital status, family status; or harassment for any other reason;
    - o the impact of the discipline on the student's prospects for further education;
    - o the student's age;
  - iii. Where the student has an IEP or disability related needs,
    - o whether the behaviour causing the incident was a manifestation of the student's disability;
    - o whether appropriate individualized accommodation has been provided; and
    - o 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,
  - iv. Whether or not the student's continuing presence at the school creates an unacceptable risk to the safety of anyone in the school.
- 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 a program for suspended students. 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) 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 school superintendent;
- 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 their 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 safe schools.
- 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 their 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 (per PPM 120), including:
  - i. possessing a weapon, including possessing a firearm;
  - ii. physical assault causing bodily harm requiring medical attention;
  - iii. sexual assault;
  - iv. robbery;
  - v. using a weapon to cause or to threaten bodily harm to another person;
  - vi. extortion;
  - vii. hate and/or bias-motivated occurrences;

the Violent Incident box must be checked when entering the suspension in the Board's student information system; a copy of the Safe School Incident Report, with the Violent Incident box checked off, must be printed from the electronic system and a copy must be put into the perpetrator's Ontario Student Record. .

## 5. Suspensions Of Six Or More School 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 termed a 'Student Action Plan' (SAP). 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 Student Action Plan (SAP) is implemented.
- b) A student cannot be compelled to participate in a program for suspended students. Should the adult student or their 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 their 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.
- c) 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 in the student information system log notes.
- d) A Student Action Plan (SAP) will be developed for every student subject to a suspension of six (6) or more school days who agrees to participate in a program for suspended students.
- e) Agreement or refusal to participate in a program for suspended students may be communicated to the school orally by the student or their parent/guardian (unless the student is an adult student). Where the student or their parent/guardian declines the offer to participate in a program for suspended students, the principal shall record the date and time of such refusal in the student information system log notes.

## 6. Planning Meeting To Develop Student Action Plan (SAP)

- 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 Student Action Plan (SAP).



- b) The adult student or student's parent/guardian and the student (where appropriate) as well as any appropriate teaching and support staff (which may include the local Program Teacher) will be invited to participate in the planning meeting.
- c) The planning meeting for the Student Action Plan (SAP) 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 a program for suspended students.
- 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 Student Action Plan (SAP) 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 Student Action Plan (SAP).

## **7. Student Action Plan (SAP)**

- a) The Student Action Plan (SAP) will be developed under the direction of the principal of the school with assistance, as appropriate, from the superintendent's designate, assigned program teacher, 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 Student Action Plan (SAP). 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 Student Action Plan (SAP) 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. The principal must ensure that school work is available until the Student Action Plan (SAP) 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 Student Action Plan (SAP) 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 Student Action Plan (SAP) 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 Student Action Plan (SAP) 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 their 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 (see appendix 5.4), and the Guidelines for Suspension and Expulsion Appeals (see appendix 5.4).

- 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, they have the right to be present at the hearing and to make submissions on their 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**

- a) 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.
- b) Where the student has participated in a program for suspended students, the student's success in achieving the goals outlined in the Student Action Plan (SAP) 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 Student Action Plan (SAP).

# **OP-6021 – Code Of Conduct**

## **Expulsion of a Student**

### **Appendix 5.2**

## **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, they have the right to be present at the expulsion hearing and to make submissions on their 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 / School Board Protocol if the infraction the student is suspected of committing requires such contact. When in doubt, the principal will consult with their 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, cannabis, 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 they have not prospered by the instruction available to him or her and that they are 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.

### **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.

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.

- i. The mitigating factors to be considered by the principal are:
  - o whether the student has the ability to control their behaviour;
  - o whether the student has the ability to understand the foreseeable consequences of their behaviour; or
  - o 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.
- ii. The other factors which must be considered are:
  - o the student's academic, discipline and personal history;
  - o 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;
  - o 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, marital status, family status; or harassment for any other reason;
  - o the impact of the discipline on the student's prospects for further education;
  - o the student's age;
- iii. Where the student has an IEP or disability related needs,
  - o whether the behaviour causing the incident was a manifestation of the student's disability;
  - o whether appropriate individualized accommodation has been provided; and
  - o 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
- iv. 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:
  - a) 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;
  - b) The principal must inform the student's teacher(s) of the suspension;

- c) 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:
- i. the reason for suspension;
  - ii. the duration of the suspension;
  - iii. Information about the program for suspended students the student is assigned to;
  - iv. information about the investigation the principal is conducting to determine whether to recommend expulsion;
  - v. 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;
  - vi. 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 their parent/guardian is not available, the letter should be mailed, couriered, faxed or emailed to the home address that day;
  - vii. 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;
  - viii. 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;
  - ix. if notice is sent by fax or e-mail, it is deemed to have been received the first school day after it was sent;
  - x. the principal will ensure that the school work will be available on the day the student is suspended or on the following school day.
5. Where the incident is a serious violent incident(as per PPM 120,, including:
- a) possessing a weapon, including possessing a firearm;
  - b) physical assault causing bodily harm requiring medical attention;
  - c) sexual assault;
  - d) robbery;
  - e) using a weapon to cause or to threaten bodily harm to another person;
  - f) extortion;
  - g) hate and/or bias-motivated occurrences;

the Violent Incident box must be checked when entering the suspension in the board's student information system; a copy of the Safe School Incident Report, with the Violent Incident box checked off, must also be printed from the electronic system and a copy must be put into the perpetrator'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 a program for suspended 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 their suspension.
2. 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 a program for suspended students.
3. A Student Action Plan (SAP) will be developed for every student who agrees to participate in a program for suspended students.
4. 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.
5. Where the student or their parent/guardian declines the offer to participate in a program for suspended students the principal shall record the date and time of such refusal.

### **Planning Meeting To Develop A Student Action Plan (SAP)**

For students who are subject to a suspension pending an investigation to determine whether to recommend an expulsion 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 Student Action Plan (SAP).

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 a program for suspended students.
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 Student Action Plan (SAP) 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 Student Action Plan (SAP).

### **Student Action Plan (SAP)**

A student subject to suspension pending an investigation to determine whether to recommend an expulsion will be provided with both academic and non-academic supports, which will be identified in the student's Student Action Plan (SAP).

1. The Student Action Plan (SAP) will be developed under the direction of the principal of the school with assistance, as appropriate, from the superintendent's designate, program teacher, 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 Student Action Plan (SAP) 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 Student Action Plan (SAP) 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 Student Action Plan (SAP) 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 Student Action Plan (SAP) 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 school superintendent 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 and follow the Police/School Board Protocol.
- 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 their behaviour;



- b) whether the student has the ability to understand the foreseeable consequences of their 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 their behaviour and/or is able to understand the foreseeable consequences of their behaviour, the principal will consider whether the following factors mitigate the length of a suspension and whether 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.

### 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 5.3: Rules for Suspension Appeals and Expulsion Hearings).

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:
  - i. a statement that the student is being referred to the Expulsion Hearing Committee to determine whether the student will be expelled for the activity that resulted in suspension;
  - ii. a copy of the board's policies and guidelines governing the hearing before the Expulsion Hearing Committee;
  - iii. a copy of the board Code of Conduct and school Code of Conduct if applicable;
  - iv. a copy of the suspension letter;
  - v. a statement that the student and/or their parent/guardian has the right to respond to the principal's report in writing;
  - vi. information about the procedures and possible outcomes of the expulsion hearing, including that:
    - if the Expulsion Hearing Committee does not expel the student they will either confirm, confirm and shorten, or withdraw the suspension;
    - parties have the right to make submissions with respect to the suspension;
    - any decision with respect to the suspension is final and cannot be appealed;
    - if the student is expelled from the school, they will be assigned to another school;
    - if the student is expelled from the Board, they will be assigned to a program for expelled students;
    - if the student is expelled there is a right of appeal to the Child and Family Services Review Board.
  - vii. the name and contact information for the superintendent responsible for safe schools.
- c) The school superintendent will:
  - i. advise the superintendent responsible for safe schools or designate and the Trustee(s) for the school involved of the general details of the incident, including actions taken or pending; and
  - ii. submit the principal's report for the Expulsion Hearing Committee to the superintendent responsible for safe schools.
- d) The superintendent responsible for safe schools:
  - i. may arrange a meeting with the adult student or the parent/guardian and student and the principal, as appropriate;
  - ii. may arrange for a meeting with the school superintendent and the parent/guardian or adult student to narrow the issues and identify agreed upon facts;
  - iii. if a meeting is arranged, the superintendent responsible for safe schools or designate will review the Expulsion Hearing Committee process for expulsion

- hearings, as well as respond to any questions or concerns the student or the parent/guardian may have regarding the process;
- iv. will ensure that the item is placed on the Expulsion Hearing Committee agenda for the date and time set out on the notice to the adult student or the student's parent/guardian and co-ordinate the attendance of the Trustees.
  - 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.

### **Hearing Before The Expulsion Hearing Committee**

An expulsion hearing proceeding will be conducted according to the Rules for Suspension and Expulsion Appeals, and the Guidelines for Suspension and Expulsion Appeals.

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, they have the right to be present at the expulsion hearing and to make submissions on their 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:

- a) the mitigating and other factors:
  - i. whether the student has the ability to control their behaviour;
  - ii. whether the student has the ability to understand the foreseeable consequences of their 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, marital status, family status 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;
- b) 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
- c) whether or not the student's continuing presence at the school creates an unacceptable risk to the safety of anyone in the school;
- d) the submissions and views of the parties;
- e) any written response to the principal's report provided before the completion of the hearing; and
- f) 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.

## 1. 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.

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

- a) the reason for the expulsion;
- b) a statement indicating whether the expulsion is a school expulsion or a Board expulsion;
- c) information about the school or program to which the student has been assigned; and
- d) information about the right to appeal the expulsion, including the steps to be taken.

Once the superintendent responsible for safe schools (or designate) has received notice that a student has been expelled, they must create a Student Action Plan (SAP) 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 they attend a program for expelled students at another school board, unless they do not attend the program or register at another school board.

### 3. 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 they have 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 they were 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 superintendent responsible for safe schools (or designate) will confirm that the Student Action Plan (SAP) requirements have been met and complete the *Program for Expelled Students- Verification of Successful Program Completion* form;
- 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

### 4. 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.

**OP-6021 – Code Of Conduct  
Rules For Suspension Appeals & Expulsion Hearings  
Appendix 5.3**

**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 C, 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

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.

Carrie



# **OP-6021 – Code Of Conduct Guidelines For Suspension Appeals And Expulsion Hearings Appendix 5.4**

## **Guidelines For Suspension Appeals and Expulsion Hearings**

### **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.

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.

### **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 responsible for safe schools or designate and the 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 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 their 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 their 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