

ADMINISTRATIVE PROCEDURES	
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ADMINISTRATIVE PROCEDURE TITLE

Safe Schools - Suspension, Expulsion, and Appeal

1.0 ADMINISTRATIVE PROCEDURE

1.1 The reasons for the principal or persons designated under legislation (a through f) and Board policy (g through u) to consider suspension are as follows:

- (a) uttering a threat to inflict serious bodily harm on another person;
- (b) possessing alcohol or illegal drugs;
- (c) being under the influence of alcohol;
- (d) swearing at a teacher or at another person in a position of authority;
- (e) committing an act of vandalism that causes extensive damage to school property at the pupil's school or the property located on the premises of the pupil's school;
- (f) bullying;
- (g) persistent truancy;
- (h) persistent opposition to authority;
- (i) habitual neglect of duty;
- (j) use of profane or improper language;
- (k) use of tobacco that contravenes applicable legislation or Board policy;
- (l) theft and/or extortion;

- (m) aid or incite harmful behaviour;
- (n) physical assault and/or fighting;
- (o) being under the influence of illegal drugs;
- (p) sexual, racial, and/or personal harassment;
- (q) possession of any harmful substances;
- (r) prejudice, bias or hate-motivated violence;
- (s) development and/or distribution of hate material;
- (t) inappropriate use of computer equipment, websites, electronic media or communication devices;
- (u) serious breach of the Board's Code of Conduct or flagrantly opposed to the aims of Catholic education as a ministry of the Roman Catholic Church.

1.2 The Principal shall suspend

- (a) a student for bullying and consider referring that student for expulsion if ,
 - (i) the student has previously been suspended for bullying,
and
 - (ii) the student's continuing presence in the school creates, in the principal's opinion, an unacceptable risk to the safety of another person.

When both of these conditions are met, the principal shall suspend the student and consider referring the student for an expulsion hearing.

- (b) a student, and consider referring that student for expulsion, for any incident including bullying, that is motivated by bias, prejudice, or hate – based on race, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, sexual orientation, gender identity, gender expression, or any other similar factor (e.g., socio-economic status, appearance).

- 1.3 Principals and school staff will ensure that progressive discipline and intervention are in place to redirect student behaviour positively.
- 1.4 The principal will conduct an investigation in accordance with the legislated requirements outlined in detail in the PVNCCDSB Safe Schools Resources and Procedures Manual and consider suspension along with mitigating factors, student's history, and other relevant factors. The principal will consult with the appropriate superintendent of schools about a suspension from school greater than five days.
- 1.5 The reasons for suspension are outlined in Board policy.
- 1.6 Written notification about suspension will comply with the requirements of legislation regarding time lines, information, homework for short-term suspensions, or learning programs for long-term suspensions/expulsions, and the appeal process. Specific information about reports and forms is found in the PVNCCDSB Safe Schools Resources and Procedures Manual.
- 1.7 Teachers will provide suspended students with schoolwork and homework.
- 1.8 A parent or student over the age of 18, or a student who is 16 or 17 and has withdrawn from parental control or a legal guardian, who is considering appealing a suspension may meet with the appropriate superintendent of schools to discuss matters related to the suspension.
- 1.9 A parent or student over the age of 18, or a student who is 16 or 17 and has withdrawn from parental control or a legal guardian, may appeal a suspension by writing to the Director of Education within ten school days of the commencement of the suspension.
- 1.10 Upon receipt of an appeal request from a parent, the Director will advise the appropriate supervisory officer and the Superintendent of Schools – Safe Schools.
- 1.11 The appropriate supervisory officer will review the suspension details. Subject to the legislated provisions surrounding the record related to suspensions which have required the completion of a Safe Schools Incident Report Form or which involve bullying, the appropriate supervisory officer may:
 - (a) confirm the suspension and the duration of the suspension;

- (b) confirm the suspension, but shorten the duration of a suspension two days or more in length and amend the record of the suspension accordingly; or
 - (c) quash the suspension and expunge the record of the suspension even if the suspension that is under appeal has already been served.
- 1.12 If a settlement of the appeal is achieved between the parent and the appropriate supervisory officer as outlined in 1.11, it will be documented in a letter issued by the appropriate supervisory officer and the appeal will be deemed to have been remedied.
- 1.13 The Board, upon receipt of an appeal, will establish an Appeal Committee and this Committee will convene within 15 days subject to a mutual agreement for a later date. The Appeal Committee will consist of three trustees who have had no prior involvement in the matter under appeal.
- 1.14 The Superintendent of Schools - Safe Schools will provide the parties with information (e.g. procedural requirements, order of presentation, who may attend, and time lines for rendering a decision) about the appeal process as detailed in the PVNCCDSB Safe Schools Resources and Procedures Manual.
- 1.15 Subject to the legislated provisions surrounding the record related to suspensions which have required the completion of a Safe Schools Incident Report Form or which involve bullying, the Appeal Committee may:
 - (a) confirm the suspension and the duration of the suspension;
 - (b) confirm the suspension, but shorten the duration of a suspension two days or more in length, even if the suspension that is under appeal has already been served, and order that the record of the suspension be amended accordingly; or
 - (c) quash the suspension and order that the record of the suspension be expunged, even if the suspension that is under appeal has already been served.
- 1.16 The decision of the Appeal Committee will be the decision of the Board and it is final.
- 1.17 If a student commits an infraction for which the principal must issue a suspension of up to 20 days with a recommendation for possible expulsion, the following procedures will prevail.

- 1.15 The reasons for a 20 day suspension pending possible expulsion under legislation (a through g) and under Board policy (h through j) 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 in illegal drugs
 - (f) Committing robbery
 - (g) Bullying (if the student has been previously suspended for engaging in bullying and the student's continuing presence in the school creates an unacceptable risk to the safety of another person)
 - (h) Any activity that is motivated by bias, prejudice, or hate
 - (i) Giving alcohol to a minor
 - (j) possession of an explosive substance;
 - (k) serious or repeated misconduct;
 - (l) serious breach of the Board's Code of Conduct or flagrantly opposed to the aims of Catholic education as a ministry of the Roman Catholic Church;
- 1.16 The principal will conduct an investigation in accordance with the legislated requirements outlined in detail in the PVNCCDSB Safe Schools Resources and Procedures Manual and consider a 20 day suspension and the recommendation for a possible expulsion along with mitigating factors, student's history, past use of progressive discipline, prior intervention plans, impact on the student's education, age of the student, and the student's special needs as detailed in the Individual Education Plan, among other relevant factors.
- 1.17 The principal will consult with the appropriate superintendent of schools about a suspension from school greater than five days. If there is consideration of a possible expulsion, the principal will issue a 20 day suspension which may be shortened if so warranted by the principal's investigation.
- 1.18 The principal will consult with the appropriate superintendent of schools and the Superintendent of Schools - Safe Schools or the Director of Education about a suspension over five days in length and a recommendation for a possible expulsion.

- 1.19 If the principal does not recommend consideration of expulsion to the Board, the principal will inform the parent, or student over the age of 18, or a student who is 16 or 17 and has withdrawn from parental control or a legal guardian, that the suspension may be appealed.
- 1.20 If the principal imposes a 20-day suspension and decides to recommend to the Board that the pupil be expelled, the principal will prepare a report with specified components outlined in the PVNCCDSB Safe Schools Resources and Procedures Manual. The principal will provide a copy of the report to every person whom the principal was required to give notice of suspension. A person entitled to the principal's report may respond in writing to the principal and the Board.
- 1.21 The principal will provide written notification about the 20 day suspension in accordance with the procedures manual and additionally, the principal will provide written notice of possible expulsion to the same parties who received the notice of suspension.
- 1.22 The written notice will provide details about the reason for recommending expulsion to the Board, along with details about the expulsion hearing and the process to render a decision.
- 1.23 The appropriate superintendent of schools, upon receipt of the recommendation for a possible expulsion, will provide this information to the Superintendent of Schools - Safe Schools.
- 1.24 The Superintendent of Schools - Safe Schools will provide the parties with information (e.g. procedural requirements, order of presentation, who may attend, and time lines for rendering a decision) about the Expulsion Hearing as detailed in the PVNCCDSB Safe Schools Resources and Procedures Manual.
- 1.25 The Board, upon receipt of a recommendation for possible expulsion, will establish an Expulsion Committee. The Expulsion Committee will consist of five trustees who have had no prior involvement in the matter under consideration for expulsion.
- 1.26 The Expulsion Committee may:
 - (a) not expel the student, confirm the 20 day suspension, shorten its duration or withdraw it, and provide information about the right to appeal the suspension at this point;
 - (b) expel the student from his/her school and assign the student to another school; or

- (c) expel the student from all schools of the Board and assign the student to a program for expelled pupils.
- 1.27 The decision of the Expulsion Committee will be the decision of the Board.
- 1.28 If the Board does not expel the pupil, the decision of the Board is final.
- 1.29 If the Board decides to expel the pupil, the decision may be appealed by a party outlined in Bill 212 to the Child and Family Services Review Board.
- 1.30 The Board will provide a website link for the PVNCCDSB Safe Schools Resources and Procedures Manual along with communication materials related to Safe Schools.
- 1.31 Matters related to record retention will align with the most current policy of the Ministry of Education. The Safe Schools Incident Report form and details related to matters of bullying will be kept in the OSR for a minimum of one year.
- 1.32 If the principal has identified the incident as violent (“violent” defined as possessing a weapon, including possessing a firearm; physical assault causing bodily harm requiring medical attention; sexual assault; robbery; using a weapon to cause or to threaten bodily harm to another person; extortion; hate and/or bias-motivated occurrences and if the student engaged in the incident is a student of the school, the reporting form must be retained in that student’s OSR for:
- one year, if the student’s suspension was quashed or withdrawn and the record of suspension expunged. Documentation of any other action taken (other than suspension or expulsion) must also be retained for this period;
 - three years, if the student was suspended for the violent incident;
 - five years, if the student was expelled for the violent incident.

2.0 TERMS AND DEFINITIONS

2.1 SUSPENSION

Suspension is the withdrawal of a student from a specific school and from engaging in school-related activities if the pupil commits any infraction for which suspension must be considered under section 306 of the Education Act and the policies of the Board for a period of one to 20 days beginning on the day after the infraction took place.

2.2 EXPULSION

An expulsion is the withdrawal of a student from one school where the infraction took place or from all the schools of the Board. The suspension preceding a recommendation to the Board for expulsion will usually be 20 days in length. It can be appealed if the principal does not recommend expulsion to the Board or once the Expulsion Committee has rendered its decision.

2.3 NEXUS

The umbrella for “school behaviour” includes matters which fall under the category of “nexus”. Nexus means “relevant”. The student’s behaviour off school property and/or outside the school day may have a relevant and related impact on the safety and well-being of the school community.

2.4 APPEAL

Appeal is the legislated right of a person to have a decision reviewed by another person in authority or a committee formed for such a purpose. The appeal of a suspension may be launched in accordance with the Education Act, Section 309. An appeal does not affect the implementation of the suspension which the student must serve.

2.5 AUTHORITY TO SUSPEND

A principal has the authority to suspend a student for up to 20 school days in accordance with Board policy and legislation. An appropriate supervisory officer (defined as the supervisory officer responsible for the supervision of the school in his or her family of schools) may act in place of the principal during a visit to the school in accordance with Regulation 298, Section 26 (1): The appropriate supervisory officer, in addition to the duties under the Act, may, during a visit to the school, assume any authority and responsibility of the principal of the school. A vice-principal may perform the duties of the principal in accordance with Regulation 298, Section 12, Subsections (2) and (3): A vice-principal shall perform such duties as are assigned to the vice-principal by the principal. In the absence of the principal of the school, a vice-principal, where a vice-principal has been appointed for the school, shall be in charge of the school and shall perform the duties of the principal.

2.6 MITIGATING FACTORS

Education Act Regulation 37/01

- (a) the pupil does not have the ability to control his or her behaviour;
- (b) the pupil does not have the ability to understand the foreseeable consequences of his or her behaviour; or
- (c) the pupil's continuing presence in the school does not create an unacceptable risk to the safety of any person.

2.7 BALANCE OF PROBABILITIES

The term "balance of probabilities" refers to a process of arriving at a decision or judgement by weighing the factors to determine the most likely sequence of actions and decisions taken to arrive at an already effected outcome. It answers the question, "What is this person most likely to have done in order to achieve this outcome?"

2.8 BULLYING

"Bullying" means aggressive and typically repeated behaviour by a pupil where,

- (a) the behaviour is intended by the pupil to have the effect of, or the pupil ought to know that the behaviour would be likely to have the effect of,
 - (i) causing harm, fear or distress to another individual, including physical, psychological, social, or academic harm, harm to the individual's reputation, or harm to the individual's property, or
 - (ii) creating a negative environment at a school for another individual, and
- (b) the behaviour occurs in a context where there is a real or perceived power imbalance between the pupil and the individual based on factors such as size, strength, age, intelligence, peer group power, economic status, social status, religion, ethnic origin, sexual orientation, family circumstances, gender, gender identity, gender expression, race, disability, or the receipt of special education;

Bullying

For the purposes of the definition of "bullying" in this section, behaviour includes the use of any physical, verbal, electronic, written, or other means.

Cyber-bullying

For the purposes of the definition of “bullying” in subsection (1), bullying includes bullying by electronic means (commonly known as cyber-bullying), including,

- (a) creating a web page or a blog in which the creator assumes the identity of another person;
- (b) impersonating another person as the author of content or messages posted on the internet; and
- (c) communicating material electronically to more than one individual or posting material on a website that may be accessed by one or more individuals.

3.0 REFERENCES/RELATED DOCUMENTS

Bill 212, An Act to amend the Education Act in respect of behaviour, discipline and safety, June 4, 2007

Ministry of Education Policy/Program Memoranda (PPM) 128, 130, 141, 142, 144, 145

Ontario First Nation, Métis, and Inuit Education Policy Framework, 2007

Municipal Freedom of Information and Protection of Privacy Act

Ontario Human Rights Code

Violence-Free Schools Policy, Second Printing, 1994

Education Act

Ontario Regulation 298

Ontario Regulation 472/07

PVNCCDSB Safe Schools Resources and Procedures Manual

PVNCCDSB Records Management Manual

Provincial Code of Conduct

PVNCCDSB Code of Conduct

Religious and Family Life Education Programs

Catholic Virtues in Action

Special Education: A Guide for Educators

4.0 RELATED ADMINISTRATIVE PROCEDURES

AP-S-802, Safe Schools - Progressive Discipline and Promoting Positive Student Behaviour

AP-S-803, Safe Schools - Bullying Prevention and Intervention

AP-PRC-709, Safe Schools - Code of Conduct

AP-PRC-706, Valuing Diversity

5.0 RELATED FORMS

Safe Schools Forms (See PVNCCDSB Safe Schools Resources and Procedures Manual)
Safe Schools Incident Report Form

6.0 ADMINISTRATIVE PROCEDURE REVIEW DATE

October 2018

7.0 APPROVED BY BOARD

June 26, 2001

8.0 EFFECTIVE DATE

October 22, 2013

9.0 REVIEW BY

Superintendent of Schools - Safe Schools

10.0 LAST REVISION DATE

October 22, 2013