



Peterborough Victoria
Northumberland and Clarington
Catholic District School Board

BOARD POLICY	
<i>Policy Section</i> STUDENTS	<i>Policy Number</i> 801
<i>Administrative Procedure Number</i> AP-S-801	<i>Page</i> Page 1 of 6

POLICY TITLE

Safe Schools - Suspension, Expulsion, and Appeal

1.0 PURPOSE

The Peterborough Victoria Northumberland and Clarington Catholic District School Board is committed to maintaining Catholic schools that provide safe, disciplined, respectful, and purposeful environments for learning and working.

2.0 POLICY

It is the policy of the Peterborough Victoria Northumberland and Clarington Catholic District School Board to support the use of suspension and expulsion in accordance with the progressive disciplinary measures and processes outlined in Board policy, the Education Act and its Regulations. The Board offers a Suspension Appeal process and an Expulsion Hearing procedure for careful consideration of matters under dispute or leading to expulsion respectively.

3.0 GUIDELINES

- 3.1 The Board shall be committed to the development of each student as a moral, faithful person created in the image of God.
- 3.2 The Board shall support the learning of each student and the safety of the Catholic school community.
- 3.3 The Board shall ensure that procedures are in place to uphold a fair and measured disciplinary process for each student based on the balance of probabilities.

- 3.4 The Board shall direct school staff, under the direction of the principal, to implement the PVNCCDSB Safe Schools Resources and Procedures Manual in accordance with the policies of the Board and the applicable legislation and direction from the Ministry of Education.
- 3.5 The Board shall outline the reasons for suspensions in the Administrative Procedure which flows from this Policy.
- 3.6 The Board shall outline the procedures for the investigation of infractions leading to a suspension of up to 20 days, consideration of mitigating factors and related matters, progressive discipline up to and including suspension, required components of the written notice, and rights and responsibilities to initiate the appeal process in the PVNCCDSB Safe Schools Resources and Procedures Manual.
- 3.7 The Board shall outline the reasons for a suspension of up to 20 days with recommendation for possible expulsion in the Administrative Procedure which flows from this Policy. Where the infraction gives cause for consideration of expulsion, the principal shall usually suspend the student for 20 days. This suspension may be shortened if warranted.
- 3.8 The Board shall detail the procedures for the investigation of infractions leading to a suspension of up to 20 days with a recommendation of possible expulsion to the Board, consideration of mitigating factors and related matters, progressive discipline up to and including suspension and expulsion, required components of the written notice, recommendation for expulsion to the Board, details for the Expulsion Hearing, and rights and responsibilities to initiate the appeal process in the PVNCCDSB Safe Schools Resources and Procedures Manual.
- 3.9 The Board shall establish an Appeal of Suspension Committee when there is an appeal of a suspension. The Appeal of Suspension Committee shall consist of three trustees with guidelines and procedures for the Appeal of Suspension Committee detailed in the PVNCCDSB Safe Schools Resources and Procedures Manual.
- 3.10 The Board shall establish an Expulsion Committee to hear recommendations for expulsion. The Expulsion Committee shall consist of five trustees. The guidelines and procedures for the Expulsion Committee are detailed in the PVNCCDSB Safe Schools Resources and Procedures Manual.

4.0 TERMS AND DEFINITIONS

4.1 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.

4.2 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.

4.3 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.

4.4 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.

4.5 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.

4.6 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.

4.7 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?"

4.8 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.

5.0 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

6.0 RELATED POLICIES

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

Policy 803, Safe Schools - Bullying Prevention and Intervention

Policy 709, Safe Schools - Code of Conduct

Policy 706, Valuing Diversity, PVNC Draft

7.0 RELATED FORMS

Safe Schools Forms (See PVNCCDSB Safe Schools Resources and Procedures Manual)

8.0 APPROVED BY BOARD

June 26, 2001

9.0 EFFECTIVE DATE

October 22, 2013

10.0 POLICY REVIEW DATE

October 2018

11.0 REVIEW BY

Superintendent of Schools - Safe Schools