



STUDENT DISCIPLINE POLICY

POLICY #: F-48

AUTHORITY: 10-27

POLICY STATEMENT

The Northeastern Catholic District School Board (NCDSB) affirms the value and dignity of all of the students in its charge. The Board also accepts its responsibility to follow Christ's example of care, love, hope and forgiveness in its interactions with students and parents/guardians throughout the disciplinary process.

POLICY REGULATIONS

The Provincial Code of Conduct, the Northeastern Catholic District School Board Code of Conduct, the *Education Act*, Ontario Regulation 472/07, Policy Program Memorandum (PPM) 128 (Provincial and school board codes of conduct), 141 (programs for long term suspension), 142 (expulsion programs), 144 (bullying prevention) and 145 (progressive discipline), together with the Board's discipline policies and procedures create expectations for behaviour for all persons on school property, and outline strategies to be taken to reduce incidents and impose appropriate consequences for pupils. The *Human Rights Code* of Ontario has primacy over provincial legislation and school board policies and procedures, such that the *Education Act*, regulations, Ministry of Education Program Policy Memoranda, and Board policies and procedures are subject to, and shall be interpreted and applied in accordance with the *Human Rights Code* of Ontario.

It is important that all pupils have a safe, caring and accepting school environment in order to maximize their learning potential and to ensure a positive school climate for all members of the school community.

Pursuant to the *Education Act*, principals are required to maintain proper order and discipline in schools, and pupils are responsible to the principal for their conduct and are required to accept such discipline as would be exercised by a reasonable, kind, firm and judicious parent. A principal may delegate some disciplinary responsibilities to a vice-principal and/or teacher of the school in accordance with the *Education Act*, Ministry of Education policies and Board procedures. In such circumstances, the delegation of authority and the authority delegated will be clearly identified in Board procedures, as will the supports available to individuals in receipt of the delegated authority.

To meet the goal of creating a safe, caring, and accepting school environment, the Northeastern Catholic District School Board supports the use of positive practices as well as consequences for inappropriate behaviour, including progressive discipline, which includes suspension and expulsion where necessary. The Board considers homophobia, gender based violence, and harassment on the basis of sex, gender identity, sexual orientation, race, colour, ethnicity, culture, citizenship, ancestry, origin, religion, creed, family status, socio-economic status, disability and/or any other immutable characteristic or ground protected by the *Human Rights Code*, as well as inappropriate sexual behaviour unacceptable and supports the use of positive practices to prevent such behaviour and authorizes principals, or their delegates, to impose consequences in appropriate circumstances, up to and including a referral to the Discipline Committee of the Board for expulsion from all schools.

The Board does not support discipline measures that are solely punitive or the use of exclusion as a disciplinary measure.

Schools are encouraged to implement proactive positive practices and corrective supportive practices when necessary. However, before applying disciplinary measures, the principal/designate and Discipline Committee of the

Board shall consider the discriminatory impacts of disciplinary decisions on pupils protected by the *Human Rights Code*, including but not limited to race and disability, and whether or not accommodation is required.

This policy authorizes the creation of procedures for implementation, which might include requirements described in Ministry of Education PPMs as matters of policy, and any such procedures shall be considered guidelines pursuant to the *Education Act* and other relevant and/or related Ministry of Education materials and all of which will be sufficient for the purposes of implementing the requirements of Ministry of Education Policy Program Memoranda.

Progressive Discipline

The goal of this policy, with respect to progressive discipline, is to support a safe learning and teaching environment in which every pupil can reach his or her full potential. Appropriate action must consistently be taken by schools to address behaviours that are contrary to provincial, Board and school Codes of Conduct, which includes, but is not limited to, inappropriate sexual behaviour, gender-based violence, homophobia, and harassment on the basis of sex, gender identity, sexual orientation, race, colour, ethnicity, culture, citizenship, ancestry, origin, religion, creed, family status, socio-economic status, disability and/or any other immutable characteristic or ground protected by the *Human Rights Code*.

Progressive discipline is an approach that makes use of a continuum of prevention programs, preventative actions, interventions, supports, and consequences, building upon strategies that promote positive behaviours. The range of interventions, supports, and consequences used by the Board and all schools must be clear and developmentally appropriate, and must include learning opportunities for pupils in order to reinforce positive behaviours and help pupils make good choices. For pupils with special education and/or disability related needs, interventions, supports and consequences must be consistent with the expectations in the student's IEP and/or his/her demonstrated abilities.

It is the expectation of the Board that, provided that there is no immediate risk of physical harm to any individual, staff members who work directly with pupils on a regular basis, including administrators, teachers, educational assistants, social workers, child and youth workers, psychologists, and speech and language pathologists, shall, in accordance with Board procedures, respond to any such inappropriate and disrespectful behaviour or any other behaviour that causes a negative school climate or for which a suspension or expulsion may be imposed, which they have observed or heard during the course of their duties or otherwise while on school property or during a school related event.

The Board, and school administrators, must consider all mitigating and other factors, as required by the *Education Act*, set out in Ontario Regulation 472/07 and reflected in student discipline settlements with the Human Rights Commission.

Positive Practices

In order to promote and support appropriate and positive pupil behaviours that contribute to creating and sustaining safe, comforting and accepting learning and teaching environments that encourage and support students to reach their full potential, the Board supports the use of positive practices for: (1) prevention, and (2) positive behaviour management. The Board also encourages principals/designates to review and amend, as appropriate, Individual Education Plans, Behaviour Management Plans and Safety Plans at regular intervals and following an incident to ensure that every student with disability related needs is receiving appropriate accommodation up to the point of undue hardship.

Preventative practices include:

- Religious Education
- Human Rights strategy pursuant to PPM 119
- Anti-bullying and violence prevention programs;
- Mentorship programs;

- Student success strategies;
- Character development;
- Citizenship development;
- Student leadership; and
- Promoting healthy student relationships
- Healthy lifestyles.

Positive behaviour management practices include:

- Program modifications or accommodations;
- Class placement;
- Positive encouragement and reinforcement;
- Individual, peer and group counselling;
- Conflict resolution / Dispute resolution;
- Mentorship programs;
- Promotion of healthy student relationships
- Sensitivity programs;
- Safety Plans;
- School, Board and community support programs; and
- Student success strategies.

The Board recognizes that, in some circumstances, positive practices might not be effective or sufficient to address inappropriate pupil behaviour. In such circumstances, the Board supports the use of consequences.

In circumstances where a pupil will receive a consequence for his/her behaviour, it is the expectation of the Board that the principle of progressive discipline, consistent with the *Human Rights Code*, Ministry of Education direction and PPM 145, will be applied, if appropriate.

Progressive Discipline Consequences

Progressive discipline may include early and/or ongoing intervention strategies, such as:

- Contact with the pupil's parent(s)/guardian(s);
- Oral reminders;
- Review of expectations;
- Written work assignment with a learning component;
- Volunteer service to the school community;
- Peer mentoring;
- Referral to counselling;
- Conflict mediation and resolution; and/or
- Consultation.

Progressive discipline may also include a range of interventions, supports and consequences when inappropriate behaviours have occurred, with a focus on improving behaviour, such as one or more of the following:

- Meeting with the pupil's parent(s)/guardian(s), pupil and principal;
- Referral to a community agency for anger management or substance abuse counselling;
- Detentions;
- Withdrawal of privileges;
- Withdrawal from class;
- Restitution for damages;
- Restorative practices; and/or
- Transfer.

Progressive discipline is most effective when dialogue between the school and home regarding student achievement, behaviour and expectations is open, courteous and focused on student success.

When addressing inappropriate behaviour, school staff should consider the particular pupil and circumstances, including any mitigating and other factors as set out in the Student Discipline Procedures, the nature and severity of the behaviour, and the impact on the school climate.

The Board also supports the use of suspension and expulsion as outlined in Part XIII of the *Education Act* where a pupil has committed one or more of the 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.

Exclusion pursuant to section 265(1) (m) of the *Education Act* is not acceptable for discipline purposes or as an alternative to discipline, and may only be imposed in accordance with the *Education Act* and Board procedures, and must be consistent with the *Human Rights Code*.

Suspension

The infractions for which a suspension may be imposed by the principal include:

1. Uttering a threat to inflict serious bodily harm on another person;
2. Possessing alcohol, illegal and/or restricted drugs;
3. Being under the influence of alcohol;
4. Swearing at a teacher or at another person in a position of authority;
5. Committing an act of vandalism that causes extensive damage to school property at the pupil's school or to property located on the premises of the pupil's school;
6. Bullying;
7. Persistent opposition to authority;
8. Theft;
9. Any act considered by the principal to be injurious to the moral tone of the school;
10. Any act considered by the principal to be injurious to the physical or mental well-being of members of the school community; or
11. Any act considered by the principal to be contrary to the Board or school Code of Conduct.

A pupil may be suspended only once for an infraction and may be suspended for a minimum of one (1) school day and a maximum of twenty (20) school days. Any such infractions about which a board staff member or transportation provider becomes aware must be reported to the principal or designate in accordance with Board procedures at the earliest, safe opportunity and no later than the end of the school day, or end of a transportation run, if reported by a transportation provider. A written report in accordance with Board procedures must be made when it is safe to do so.

The principal or designate is required to provide information, in accordance with Board procedures, to the parent/guardian of a pupil who is less than 18 years of age, is not 16 or 17 and withdrawn from parental control and where the principal is not of the opinion that informing the parent/guardian would put the pupil at risk of harm and would not be in the pupil's best interests. The principal may inform a parent/guardian of a student 18 years or older or who is 16 or 17 and has withdrawn from parental control, if that student consents to the disclosure of information.

Mitigating and Other Factors

Before imposing a suspension, the principal, as required by the *Education Act*, must consider any mitigating and other factors and their application for the purpose of mitigating the discipline to be imposed on the pupil. For the purpose of the Student Discipline Policy and Procedures, the Board interprets the provisions of the *Education Act* and Regulations in a broad and liberal manner consistent with the *Human Rights Code*. The principal or designate shall consider whether or not the discipline will have a disproportionate impact on a pupil protected by the *Human Rights Code* and/or exacerbate the pupil's disadvantaged position in society.

Mitigating Factors

The mitigating factors to be considered by the principal are:

1. Whether the pupil has the ability to control his or her behaviour;
2. Whether the pupil has the ability to understand the foreseeable consequences of his or her behaviour; and
3. Whether the pupil's continuing presence in the school does or does not create an unacceptable risk to the safety of any other individual at the school.

Other Factors to be considered

1. The pupil's academic, discipline and personal history;
2. Whether other progressive discipline has been attempted with the pupil, and if so, the progressive discipline approach(es) that has/have been attempted and any success or failure;
3. Whether the infraction for which the pupil might be disciplined was related to any harassment of the pupil because of race, colour, ethnic origin, place of origin, religion, creed, disability, gender or gender identity, sexual orientation or harassment for any other reason;
4. The impact of the discipline on the pupil's prospects for further education;
5. The pupil's age;
6. Where the pupil has an IEP or disability related needs,
 - a) Whether the behaviour causing the incident was a manifestation of the pupil's disability;
 - b) Whether appropriate individualized accommodation has been provided; and
 - c) Whether a suspension is likely to result in aggravating or worsening the pupil's behaviour or conduct or whether a suspension is likely to result in a greater likelihood of further inappropriate conduct; and
7. Whether or not the pupil's continuing presence at the school creates an unacceptable risk to the safety of anyone in the school.

Expulsion

The infractions for which a principal may consider recommending to the Board that a pupil be expelled from the pupil's school or from all schools of the Board include:

1. Possessing a weapon, including possessing a firearm or knife;
2. Using a weapon to cause or to threaten bodily harm to another person;
3. Committing physical assault on another person that causes bodily harm requiring treatment by a medical practitioner;
4. Committing sexual assault;
5. Trafficking in weapons, illegal or restricted drugs;
6. Committing robbery;
7. Giving alcohol to a minor;
8. 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;
9. A pattern of behaviour that is so inappropriate that the pupil's continued presence is injurious to the effective learning and/or working environment of others;
10. Activities engaged in by the pupil on or off school property that cause the pupil'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;
11. Activities engaged in by the pupil 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;
12. The pupil has demonstrated through a pattern of behaviour that s/he has not prospered by the instruction available to him or her and that he or she is persistently resistant to making changes in behaviour which would enable him or her to prosper; or
13. Any act considered by the principal to be a serious violation of the requirements for pupil behaviour and/or a serious breach of the Board or school Code of Conduct.
14. Where a student has no history of discipline or behaviour intervention, or no relevant history, a single act, incident or infraction considered by the principal to be a serious violation of the expectations of student behaviour and/or a serious breach of the Board or school Code of Conduct.

The principal and/or Discipline Committee of the Board shall consider whether or not the discipline will have a disproportionate impact on a pupil protected by the *Human Rights Code* and/or exacerbate the pupil's disadvantaged position in society.

Any such infractions about which a board staff member or transportation provider becomes aware must be reported to the principal or designate in accordance with Board procedures at the earliest, safe opportunity and no later than the end of the school day, or end of a bus run, if reported by a transportation provider. A written report in accordance with Board procedures must be made when it is safe to do so.

The principal or designate is required to provide information, in accordance with Board procedures, to the parent/guardian of a pupil who is less than 18 years of age, is not 16 or 17 and withdrawn from parental control and where the principal is not of the opinion that informing the parent/guardian would put the pupil at risk of harm and would not be in the pupil's best interests. The principal may inform a parent of a student 18 years or older or who is 16 or 17 and has withdrawn from parental control, if that student consents to the disclosure of information.

Mitigating Factors and Other Factors

Before imposing a suspension pending an investigation to determine whether to recommend expulsion, the principal must consider any mitigating factors, outlined above, for the purpose of mitigating the discipline to be imposed on the pupil. For the purpose of the Student Discipline Policy and Procedures, the Board interprets the provisions of the *Education Act* and Regulations in a broad and liberal manner consistent with the Human Rights Code. The principal and/or Discipline Committee of the Board shall consider whether or not the discipline will have a disproportionate impact on a pupil protected by the *Human Rights Code* and/or exacerbate the pupil's disadvantaged position in society.

If the principal imposes a suspension pending an investigation to determine whether to recommend expulsion, the Principal must consider any mitigating and other factors, as set out above and in the Student Discipline Procedures, for the purpose of mitigation when determining whether to recommend an expulsion from the pupil's school or from all schools of the Board, as required by the *Education Act*. If the principal determines it is not appropriate to recommend an expulsion, the principal must consider mitigating and other factors in deciding whether to shorten the length of the suspension.

For the purpose of the Student Discipline Procedures, the Board interprets the provisions of the *Education Act* and Regulations in a broad and liberal manner consistent with the *Human Rights Code*.

Principal Investigation

Before recommending an expulsion from the pupil's school or from all schools of the Board, the principal must complete an investigation, consistent with the expectations of the *Human Rights Code* and as required by the *Education Act*, which is consistent with the expectations for principal investigations outlined in the Board's Student Discipline Procedures.

Appeal

Where a pupil's parent/guardian or the pupil, if 18 or older or 16 or 17 and has removed him/herself from parental control, disagrees with the decision of a principal to suspend the pupil that pupil's parent/guardian or the pupil, if 18 or older or 16 or 17 and removed from parental control, may appeal the principal's decision to suspend the pupil, in accordance with the *Human Rights Code*, the Board's Student Discipline Procedures and Suspension Appeal Guidelines.

Suspension appeals will not be conducted in accordance with or be subject to the *Statutory Powers Procedure Act*.

Superintendent Responsible for Student Discipline

The Superintendent Responsible for Student Discipline shall have the procedural powers and duties outlined in the Student Discipline Procedures.

Discipline Committee

The Board authorizes the creation of a Discipline Committee of no fewer than three (3) Trustees to decide appeals of principal suspensions and principal recommendations for expulsion. For these purposes, the Discipline Committee will conduct the suspension appeals and expulsion hearings in accordance with the Student Discipline Procedures, Suspension Appeal Guidelines, Expulsion Hearing Guidelines and Rules.

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

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

Victims of Serious Student Incidents

The Board supports pupils who are victims of serious incidents of pupil behaviour causing harm contrary to the provincial, Board, and school Codes of Conduct. The principal or designate is required to provide information, in accordance with Board procedures, to the parent/guardian of a pupil who is less than 18 years of age, is not 16 or 17 and withdrawn from parental control and where the principal is not of the opinion that informing the parent/guardian would put the pupil at risk of harm and would not be in the pupil's best interests. The principal may inform a parent of a student 18 years or older or who is 16 or 17 and has withdrawn from parental control, if that student consents to the disclosure of information. The Board shall develop appropriate plans to protect the victim and will communicate to parents/guardians of victims' information about the plan and a method of identifying dissatisfaction with steps taken to provide support to the victim.