KAWARTHA PINE RIDGE DISTRICT SCHOOL BOARD

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ADMINISTRATIVE REGULATION

Regulation Name: Suspension **Regulation Code: ES-1.1.2**
Section: Educational Services **Policy Code Reference: ES-1.1**

Established: May 4, 1998
Revised or
Reviewed: May 24, 2001; January 31, 2008; December 15, 2009; October 25, 2012; May 21, 2013; October 8, 2013; June 21, 2018; June 20, 2023

1. OBJECTIVE

This administrative regulation is written in accordance with the guiding principles in Board Policy ES-1.1, Safe and Caring Schools.

The Board supports the use of suspension as outlined in Part XIII of the Education Act where a student has engaged in one or more of the infractions outlined below at school, on a school-related activity or event, on school transportation, and/or in circumstances where the infraction has an impact on the school climate. Administrative Regulation ES-1.1.1, Discipline/Promoting Positive Student Behaviour/Code of Conduct, outlines the conditions for creating and maintaining positive school climates, sets clear standards of behaviour, and specifies a range of interventions and consequences for unacceptable behaviour. Suspension, as a consequence, shall be timely, fair, reflective of individual circumstances, related to the circumstances and/or actions specific to the incident and progressive where appropriate.

2. DEFINITIONS

Administrative Regulation
A document issued through the Director of Education, governing the implementation of a Board policy, or required to coordinate and control certain aspects of system operations.

Adult Student
An adult student is a student who is 18 years of age or older, or 16 or 17 years and has removed themselves from parental control.

Board
The corporate Board which maintains the daily operation of the system; Kawartha Pine Ridge District School Board; a reference specifically pertaining to Kawartha Pine Ridge District School Board as a legal entity; also referred to as KPR or KPRDSB.

Bullying
Bullying is unwanted, aggressive behaviour that involves a real or perceived power imbalance. The behaviour is repeated, or has the potential to be repeated, over time. Bullying includes actions such as making threats, spreading rumours, attacking someone physically or verbally, and excluding someone from a group on purpose.

Culturally Responsive
An approach that intentionally nurtures the uniqueness of each student in background, language, family structure, and social and cultural identity, integrating the student's background and identity into curriculum, teaching and school life to created effective conditions for learning and well-being.

Expulsion
The removal of a student from school for an indefinite time. An expulsion does not have a time limit. Students who are expelled from school must be: provided with opportunities to continue their education, and offered non-academic supports, such as counselling, to help promote positive behaviours.

Harassment
Based on any prohibited ground(s) identified in the Human Rights Code, engaging in a course of vexatious comments or conduct that is known or reasonably known to be unwelcome, unwanted, offensive, intimidating, hostile or inappropriate and includes sexual harassment.

Human Rights
Human Rights pertains to Ontario law that grants every person with a right to equal treatment with respect to services, goods, and facilities without discrimination where one or more of the 17 protected grounds (as stipulated in the Human Rights Code) is applicable. Human Rights pertain specifically to Code-based complaints and will always be handled according to Board Policy B-3.3, Human Rights: Code-Based Discrimination and Harassment and corresponding administrative regulation.

Imminent Risk
Imminent risk refers to an immediate and impending threat of a person causing substantial physical injury to self or others.

LTSEP
Long Term Suspension and Expulsion Program

Mitigating and Other Factors
Circumstances that must be considered by the board and school principals in situations involving suspension and/or expulsion of a student, as required by the Education Act and as set out in Ontario Regulation 472/07.

Physical Assault
When a person directly or indirectly applies force intentionally to another person, or who attempts or threatens to do so.

PPM
Policy and Program Memorandum

Progressive Discipline
Progressive discipline is an approach that makes use of a continuum of interventions, supports, and consequences, building upon strategies that promote positive behaviours.

SAP
Student Action Plan
A plan that outlines the academic and/or non-academic student program expectations while the student is participating in the Long Term Suspension and Expulsion Program.

Sexual Assault
Any type of unwanted sexual act done by one person to another that violates the sexual integrity of the victim. The term refers to a range of behaviours that involve the use of force or control over the victim. In some cases, no overt physical force is used – instead, the victim may be threatened with words or pressured into doing something they do not want to do.

Suspension
A suspension means a student is removed from school temporarily for up to 20 school days. During this time, the student: cannot attend or take part in regular school activities or events and has other opportunities to continue learning to help them stay on track with their education.

Teacher-in-Charge
A teacher appointed, on a short-term basis, by the school principal to assume management of the school in the absence of the principal or vice principal.

Trauma-Informed Practices
Trauma-informed practices are those that recognize the connections between violence, trauma, negative health outcomes and behaviours.

3. APPLICATION

This administrative regulation applies to all Board employees who work with or support students, trustees, students and parents/guardians.

4. RESPONSIBILITY

Responsibility for this administrative regulation is as outlined in the Board Policy ES-1.1, Safe and Caring Schools.

5. PROCEDURE

5.1 Suspending a Student

5.1.1 The expectations of this administrative regulation apply to all students, and it is applicable on all Board property, on buses, during all Board

sanctioned activities, while at school or engaged in a school-related activity, or in other circumstances (e.g., online) where engaging in the activity has had a negative impact on the school climate.

5.1.2 A student may be suspended only once for an infraction related to a specific incident. The minimum length of a suspension is one school day and the maximum duration is twenty school days. For any suspension from six to nine days, inclusive, the principal must consult with their family of schools superintendent. For any suspension ten days or greater, the principal must consult with their family of schools superintendent first and following that, the Safe and Caring Schools department. If a student self-identifies as Indigenous, or is a member of a racialized, and/or marginalized community, the principal shall also consult with the Indigenous Education department and/or the Equity, Diversity, and Inclusion department, as appropriate.

5.2 Responding to Incidents

5.2.1 The Board is committed to supporting safe learning and teaching environments in which every student can reach their full potential. Appropriate action must consistently be taken by schools to address behaviours that are contrary to provincial and Board Code of Conduct, which includes, but is not limited to:

5.2.1.1 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;

5.2.1.2 any other behaviour, such as bullying (including cyberbullying), harassment, swearing, malicious gossip, name-calling, sexist, homophobic or racial slurs, comments, jokes or teasing and defamatory or discriminatory electronic communication and postings, graffiti; and

5.2.1.3 any other behaviour that might result in a negative school climate.

5.2.2 Board employees must respond to any student behaviour that may have a negative impact on the school climate, if in the employee's opinion, it is safe to do so. Such behaviour includes all inappropriate and disrespectful behaviour (e.g., swearing, homophobic or racial slurs, sexist comments or jokes, graffiti), as well as those incidents that must be considered for suspension or expulsion. While it is not necessary to report incidents to

the principals that fall below the threshold for suspension or expulsion, clear, transparent and ongoing communication is always encouraged between Board employees and school administration.

5.2.3 For incidents where suspension or expulsion would not be considered, but the Board employees feel it is not safe to respond, they will be expected to inform the principal verbally as soon as possible, and in writing using the Serious Student Incident Report form, and/or the Workplace Violence Report, if appropriate.

5.2.4 It is the expectation of the Board that, provided that there is no imminent risk to any individual, Board employees shall respond to any behaviour that they have observed or heard during the course of their duties or otherwise while on school property or during a school-related event that causes a negative impact on school climate, or for which a suspension or expulsion may be imposed. A Board employee should not leave unattended another student(s) in order to respond.

5.2.5 Responses are trauma-informed and culturally sensitive and shall be made in a timely, supportive and caring manner and in an effort to stop and correct the behaviour. Responses are also developmentally appropriate and take into consideration diverse abilities that the student might exhibit or about which the employee might be aware. Responses may include one or more of:

5.2.5.1 asking the student to stop the behaviour,

5.2.5.2 identifying the behaviour as inappropriate and disrespectful,

5.2.5.3 explaining the impact of the behaviour on others and the school climate,

5.2.5.4 modelling appropriate communication,

5.2.5.5 asking the student for a correction of their behaviour by restating or rephrasing their comments,

5.2.5.6 asking the student to apologize for their behaviour,

5.2.5.7 asking the student to promise not to repeat their behaviour,

5.2.5.8 asking the student to explain why and how a different choice with respect to their behaviour would have been more appropriate and respectful,

5.2.5.9 asking the student to make a different choice and repair the harm, and

5.2.5.10 where applicable, identifying the area of the Human Rights Code that has been violated (e.g., discrimination or harassment based on any of the Code's protected grounds – see Board Policy B-3.3, Human Rights: Code-Based Discrimination and Harassment).

5.2.6 A response by the staff to the incident shall not prevent or preclude the principal or vice-principal from applying appropriate progressive discipline, up to and including a recommendation for expulsion from all schools. Unless the behaviour is such that it must be considered for suspension or expulsion, a response is sufficient – it is not required that these incidents be reported to the principal. For incidents where suspension or expulsion would not be considered, but the Board employees feel it is not safe to respond, they will be expected to inform the principal verbally as soon as possible, and in writing, if applicable.

5.2.7 Where, in the opinion of the Board employee who works with students, the behaviour observed or heard might lead to suspension or suspension and a recommendation for expulsion, the employee must report the behaviour verbally to the principal or designate at the earliest opportunity and again in writing before the end of the school day. The employee shall follow the procedures outlined for reporting incidents when reporting in writing.

5.3. Reporting Incidents to Principal

5.3.1 All Board employees, third party providers, or transportation providers who become aware that a student of a school of the Board may have engaged in an activity for which the student must be considered for suspension or expulsion shall report the matter to the principal 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.

5.3.2 When reporting, Board employees and service providers must:

5.3.2.1 consider the safety of others and the urgency of the situation and report the incident no later than the end of the school day, or end of a transportation run,

5.3.2.2 submit a written report in accordance with Board procedures when it is safe to do so.

5.3.2.3 After investigating a matter reported, the principal shall communicate the results of the investigation to:

5.3.2.3.1 if the matter was reported by a teacher, that teacher, or

5.3.2.3.2 if the matter was reported by an employee who is not a teacher, that employee unless, in the principal's opinion, it would not be appropriate to do so.

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

5.3.3.1 uttering a threat to inflict serious bodily harm on another person;

5.3.3.2 possessing alcohol, illegal drugs or, unless the student is a medical cannabis user, cannabis;

5.3.3.3 being under the influence of alcohol or, unless the student is a medical cannabis user, cannabis;

5.3.3.4 swearing at a teacher or at another person in a position of authority;

5.3.3.5 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.

5.3.3.6 Bullying

5.3.3.6.1 Bullying means aggressive and typically repeated behaviour by an individual where:

5.3.3.6.1.1 the behaviour is intended by the student to have the effect of, or the student ought to know that the behaviour would be likely to 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 the individual's property; or

- creating a negative environment at a school for another individual.

5.3.3.6.1.2 the behaviour occurs in a context where there is a real or perceived power imbalance between the student and the intended target 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.

For the purposes of the definition of bullying above, behaviour includes the use of any physical, verbal, electronic, written or other means.

5.3.3.6.2 Cyber-bullying

For the purposes of the definition of bullying above, bullying includes bullying by electronic means (commonly known as cyber-bullying), including but not limited to:

5.3.3.6.2.1 creating any type of media or post in which the creator assumes the identity of another person,

5.3.3.6.2.2 impersonating another person as the author of content or messages posted on the Internet, and

5.3.3.6.2.3 communicating inappropriate material electronically to one or more than one individual or posting inappropriate material on a website that may be accessed by one or more individuals.

Ontario Regulation 440/20, which came into effect in 2020, eliminates discretionary suspensions for students in Junior Kindergarten to Grade 3. Incidents of bullying involving students from Junior Kindergarten to

Grade 3 should be addressed with the appropriate positive behaviour supports and proactive interventions in the school setting.

And any other activity for which a student may be suspended under a policy of the Board being the following activities:

5.3.3.7 persistent opposition to authority,

5.3.3.8 habitual neglect of duty,

5.3.3.9 the willful destruction of school or Board property,

5.3.3.10 the use of profane or improper language,

5.3.3.11 conduct injurious to the moral tone of the school or to the physical or emotional well-being of self or others in the school,

5.3.3.12 being involved in a physical altercation,

5.3.3.13 inappropriate physical contact,

5.3.3.14 failing to complete medical immunization as required by the Public Health Department,

5.3.3.15 a breach of the Board or School Code of Conduct.

5.4. Delegation of Authority

5.4.1 The principal's authority under Part XIII of the Education Act may be delegated, in writing, to a teacher in absence of the principal and vice-principal.

5.4.1.1 The teacher may be delegated to initially deal with situations involving activities that occur and must be considered for a suspension or expulsion. The safety of those involved is the primary consideration.

5.4.1.2 The teacher shall report the details of the initial investigation to the principal as soon as possible.

5.4.1.3 The teacher does not make decisions about suspensions and/or expulsions.

5.4.1.4 The teacher may be delegated only limited authority to contact the parent(s)/guardian(s) of the victim if it is safe to do so to advise on the nature of the incident. The teacher will not discuss

the nature of the disciplinary action but will refer the parent(s)/guardian(s) to the principal or vice-principal.

5.5 Mitigating and Other Factors

5.5.1 When considering whether to suspend and the duration of the suspension, the following mitigating factors must be taken into account.

The principal shall consider whether:

5.5.1.1 The student does not have the ability to control their behaviour.

5.5.1.2 The student does not have the ability to understand the foreseeable consequences of their behaviour.

5.5.1.3 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.

5.5.2 In addition, when considering whether to suspend and the duration of the suspension, the following other factors shall be taken into account if they would mitigate the seriousness of the activity for which the student may be or is being suspended:

5.5.2.1 the student's history, reflecting on possible trauma, and/or including individual identities that may have been impacted differently by historical and current systemic biases and oppression;

5.5.2.2 whether a progressive discipline approach has been used with the student;

5.5.2.3 if the activity for which the student may be or is being suspended was related to any harassment of the student because of their race, ethnic origin, religion, disability, gender or sexual orientation or to any other harassment;

5.5.2.4 if the suspension would affect the student's ongoing education;

5.5.2.5 the age and stage of the student;

5.5.2.6 in the case of a student for whom an Individual Education Plan (IEP) has been developed:

5.5.2.6.1 whether the behaviour was a manifestation of an exceptionality identified in the student's IEP,

5.5.2.6.2 whether appropriate individualized accommodation has been provided, and

5.5.2.6.3 whether the suspension is likely to result in an aggravation or worsening of the student's behaviour or conduct.

5.5.3 The student who is suspended shall not attend classes, school-related activities, or attend on Board property, unless specifically authorized by the principal.

5.6 Suspension Notice

5.6.1 Upon suspension, the student and the student's parent(s)/guardian(s) (if the student is under 18 years of age), unless the student is 16 or 17 years old and has withdrawn from parental control, must be advised of the suspension and of the right to appeal the suspension.

When notifying a parent or guardian of a student who has engaged in serious student incidents, the principal shall disclose:

5.6.1.1 the nature of the activity that resulted in harm to the other student,

5.6.1.2 the nature of the harm to the other student,

5.6.1.3 the nature of any disciplinary measures taken in response to the activity, and

5.6.1.4 the supports that will be provided for the student in response to their engagement in the activity.

5.6.2 Procedural steps when a student is suspended:

The principal shall:

5.6.2.1 within 24 hours of a student being suspended, take all reasonable steps to contact the parent(s)/guardian(s) (if the student is under 18 years of age), unless the student is 16 or 17 years old and has withdrawn from parental control;

5.6.2.2 log the attempts made to contact the parent(s)/guardian(s);

5.6.2.3 contact the parent(s)/guardian(s) of a student 18 years of age or over, unless the student is 16 or 17 years old and has withdrawn

from parental control, only with the written permission of the adult student;

5.6.2.4 ensure that suitable arrangements are made for the student's safe arrival at home and allow the suspended student (who is under the age of 18 years), unless the student is 16 or 17 years old and has withdrawn from parental control, to leave the school during regular school hours only when the parent(s)/guardian(s) has/have been notified;

5.6.2.5 respond to the parent's(s')/guardian's(s') inquiries into the suspension in trauma-informed and culturally responsive ways;

5.6.2.6 provide written notice of the suspension to the student, parent(s)/guardian(s) (if the student is under 18 years of age), unless the student is 16 or 17 years old and has withdrawn from parental control, and the family of schools superintendent which includes:

5.6.2.6.1 the reason for suspension,

5.6.2.6.2 the duration of the suspension, including the student's date of return to school,

5.6.2.6.3 information about the Long Term Suspension and Expulsion Program (LTSEP) that the student is assigned to where the student is suspended for six or more school days, and

5.6.2.6.4 information about the right to appeal the suspension, including the relevant policies and guidelines and the contact information for the family of schools superintendent of the school.

5.6.2.7 following a suspension, schedule a re-entry meeting with school staff, the student, and the student's parent(s)/guardian(s) if possible, to provide positive and constructive redirection for the student.

5.7 School Work

5.7.1 A student who is subject to a suspension of five or fewer school days must be provided with schoolwork to complete at home while serving the suspension. The schoolwork must be available to the adult student's designate or the student's parent(s)/guardian(s) or designate the day the student is suspended, if the student is suspended for one school day.

Where the student has been suspended for two or more school days the principal or vice-principal shall ensure that the schoolwork provided to the student will be available the day the student is suspended or the following school day.

5.7.2 In addition to receiving schoolwork for the first five school days of suspension, a student who is subject to a suspension of six or more school days must be assigned an alternative program for students subject to lengthy suspension Long Term Suspension and Expulsion Program (LTSEP). A student participating in the LTSEP is not considered to be engaging in school or school-related activities.

5.8 Long Term Suspension and Expulsion Program

5.8.1 Where a student has been suspended for six or more school days, the student will be provided with schoolwork for the first five school days or until the LTSEP commences, whichever is earlier, and will be assigned to a Long Term Suspension and Expulsion Program (LTSEP). The principal or vice-principal shall communicate to the adult student or parent(s)/guardian(s) the purpose and nature of the LTSEP.

5.8.2 A student cannot be compelled to participate in the LTSEP. Should the adult student or a student's parent(s)/guardian(s) choose not to have the student participate in the LTSEP, the student will continue to be provided with schoolwork 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 schoolwork will be available at the school for pick-up by the adult student's designate or the student's parent(s)/guardian(s) or designate at regular intervals during the suspension period. In circumstances where the schoolwork is not picked up, the principal should contact the adult student or the student's parent(s)/guardian(s) to determine whether the schoolwork will be picked up. The principal should record the follow-up and response. Access to schoolwork may also be provided in a digital format, in consultation with parent(s)/guardian(s) or the adult student, if it is determined that the student has access to work in this format.

5.8.3 A Student Action Plan (SAP) shall be developed for every student subject to a suspension of six or more school days who agrees to participate in ~~an~~ the LTSEP.

5.8.4 Agreement or refusal to participate in the LTSEP may be communicated to the school verbally by the adult student or the student's parent(s)/guardian(s). Where the adult student or student's parent(s)/guardian(s) declines the offer to participate in the LTSEP, the principal or vice-principal shall record the date and time of such refusal.

5.8.5 In the case of suspensions between six and ten days, the school and support staff shall:

5.8.5.1 develop an SAP for every student who makes a commitment to a program that includes academic support,

5.8.5.2 provide support consistent with the student's IEP for students on IEPs,

5.8.5.3 provide support consistent with the student's Safety Plan, and/or Wellness Plan, if applicable.

5.8.6 In the case of suspensions between eleven and twenty days, school and support staff shall:

5.8.6.1 develop an SAP with both academic and non-academic support, reflective of the student's individual identities and lived experiences,

5.8.6.2 for students with special education needs, the Board will provide appropriate support consistent with the student's IEP,

5.8.6.3 provide support consistent with the student's Safety Plan, and/or Wellness Plan, if applicable, and

5.8.6.4 for students who self-identify as First Nation, Metis, or Inuit, the Board will provide the option for Indigenous-centered cultural supports through a connection with an Indigenous student worker.

5.8.7 Components of programs for students on long-term suspensions will demonstrate the following:

5.8.7.1 The content and balance of the program will depend upon the needs of the student, the length of the suspension, and the nature and severity of the behaviour including any mitigating or other factors.

5.8.7.2 Elementary school students must be supported in continuing to acquire the necessary knowledge and skills outlined in the Ontario Curriculum Policy documents.

5.8.7.3 Secondary school students must be supported in continuing to earn credits towards their Ontario Secondary School Diploma.

5.8.8 School administration shall ensure that the Serious Student Incident Report has been completed in compliance with the Ministry of Education's directives, when the student's action is any expression of physical, psychological, or verbal abuse that infringes on the rights of another person or another's property.

5.8.9 The letters of suspension and relevant incident reports will be filed in the Ontario Student Record (OSR) and retained in accordance with Board procedures. If the principal has identified the incident as a violent incident on the Serious Student Incident Reporting Form, the reporting form and documentation must be retained in the student's OSR for the following periods:

- five years if the student was expelled for the violent incident,
- three years if the student was suspended for the violent incident,
- at least one year if the student's suspension was quashed or withdrawn.

5.8.10 Following a suspension of six or more school days (or in cases of multiple suspensions of a lesser duration), a re-entry meeting will be held with school and Board staff, the student, and the student's parent(s)/guardian(s) if possible, to provide positive and constructive redirection for the student. Where the student has participated in ~~an~~ the LTSEP, the student's success in achieving the goals outlined in the SAP will be reviewed with the adult student or the student's parent(s)/guardian(s) (if the student is under 18 years of age), unless the student is 16 or 17 years old and has withdrawn from parental control, and the 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 SAP. Home school administration shall be responsible for convening the re-entry meeting.

5.9 Suspension Review and Appeal Procedures

5.9.1 A request to review the suspension must be received within ten school days of the commencement of the suspension or the suspension is no longer subject to review or appeal. The principal shall ask that any request to review the suspension be confirmed in writing.

Note: The time limit for the receipt of a request for a review can be extended at the discretion of the family of schools superintendent.

5.9.2 When a suspension is to be reviewed, the following procedures shall be implemented:

5.9.2.1 The family of schools superintendent, in consultation with the principal, will:

5.9.2.1.1 investigate the facts of the situation,

5.9.2.1.2 review the suspension with parent(s)/guardian(s) or student if 18 years of age, unless the student is 16 or 17 years old and has withdrawn from parental control, and

5.9.2.1.3 make a decision on the review of the suspension and notify the parent(s)/guardian(s) or the student if 18 years of age, unless the student is 16 or 17 years old and has withdrawn from parental control.

5.9.2.2 For the purpose of the review, the family of schools superintendent has the authority to confirm the suspension or modify the suspension, and/or expunge the record of the suspension.

5.9.3 The adult student or the student's parent(s)/guardian(s) may appeal a suspension.

5.9.4 All suspension appeals will be received by the family of schools superintendent.

5.9.5 An appeal of a suspension does not stay the suspension.

5.9.6 A person who intends to appeal a suspension must give written notice of their intention to appeal the suspension within **ten school days** of the commencement of the suspension.

5.9.7 The Board must hear and/or determine the appeal within **fifteen school days** of receiving the notice of intention to appeal (unless the parties agree to an extension).

5.9.8 Upon receipt of written notice of the intention to appeal the suspension, the family of schools superintendent:

5.9.8.1 will promptly advise the superintendent overseeing Safe and Caring Schools and the school principal of the appeal;

5.9.8.2 will promptly advise the adult student or the student's parent(s)/guardian(s) (if the student is under 18 years of age), unless the student is 16 or 17 years old and has withdrawn from parental control, that notice of the intention to appeal has been

received, and invite the appellant to discuss any matter respecting the incident and/or appeal of the suspension;

5.9.8.3 will request a meeting with the adult student or the student's parent(s)/guardian(s) (if the student is under 18 years of age), unless the student is 16 or 17 years old and has withdrawn from parental control, and the principal to narrow the issues and try to effect a settlement, and arrange a date for the appeal before the Suspension Committee;

5.9.8.4 will, where a settlement is not achieved, in consultation with the superintendent overseeing Safe and Caring Schools, coordinate the preparation of a written report for the Board. This report will contain at least the following components:

5.9.8.4.1 a report prepared by the principal regarding the incident, the rationale for suspension and how the principles of equity and inclusion were applied,

5.9.8.4.2 a copy of the original suspension letter, and

5.9.8.4.3 a copy of the letter requesting the suspension appeal.

5.9.9 The superintendent overseeing Safe and Caring Schools will coordinate the suspension appeal. They will inform the adult student or the student's parent(s)/ guardian(s) (if the student is under 18 years of age), unless the student is 16 or 17 years old and has withdrawn from parental control, 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 Committee, and ensure the item is placed on the Suspension Committee's agenda.

5.10 Suspension Committee

5.10.1 The Suspension Committee, made up of a minimum of three trustees, will hear and decide upon appeals.

5.10.2 The parties in an appeal to the Suspension Committee shall be:

5.10.2.1 the principal, and

5.10.2.2 the adult student or the student's parent(s)/guardian(s) (if the student is under 18 years of age), unless the student is 16 or 17 years old and has withdrawn from parental control, if they appealed the decision.

5.10.3 The Suspension Committee may:

5.10.3.1 confirm the suspension,

5.10.3.2 modify the duration of the suspension, and/or

5.10.3.3 expunge the student's record of the suspension.

5.10.4 The Suspension Committee shall notify, in writing, all parties of the appeals meeting regarding its decision. The determination of the Suspension Committee is final.

5.10.5 The Chairperson of the Suspension Committee may report to the in-camera session of the Board, where appropriate.

5.11 Notification of Parents(s) or Guardian(s) of Person(s) Harmed

5.11.1 If the principal of a school believes that a student of the school has been harmed as a result of an activity described above, the principal shall, as soon as reasonably possible, notify the parent(s)/guardian(s) of the student who the principal believes has been harmed. The principal shall contact the parent(s)/guardian(s) (if the student is under 18 years of age), unless the student is 16 or 17 years old and has withdrawn from parental control.

5.12 Not Notifying Parent(s) or Guardian(s) of Person(s) Harmed

5.12.1 Where, in the opinion of principal/vice-principal/teacher-in-charge, providing information to the victim's parent(s)/guardian(s) would put the victim at risk of harm, such that notification would not be in the victim's best interests, or where the victim is an adult student and does NOT consent to his/her parent(s)/guardian(s) being informed, the principal/vice-principal/teacher-in-charge shall not inform the victim's parent(s)/guardian(s). A teacher-in-charge shall report to the administration at the earliest opportunity the reason(s) why notification was not provided to the parent(s)/guardian(s). The principal or vice-principal shall:

5.12.1.1 consider, as a result of the victim's disclosure, whether or not the victim is a child in need of protection and, if so, make a report to the Children's Aid Society (CAS), and if in doubt, the principal or vice-principal shall make a no-names, consultation call to CAS to inquire about the appropriateness of making a report;

5.12.1.2 document in the Student Information System why the parent(s)/guardian(s) was/were not notified;

5.12.1.3 inform the family of schools superintendent that the parent(s)/guardian(s) was/were not informed and why;

5.12.1.4 inform the teacher or other professional or para-professional staff person, if that individual informed the principal or vice-principal of the potential for harm, that the parent(s)/guardian(s) was/were not informed and why; and

5.12.1.5 inform other staff working to support the student, as appropriate.

5.12.2 The principal or vice-principal shall inform the victim of the steps being taken by the school to protect the victim's safety. These measures might include creating a plan to keep the victim safe, either verbally or in writing, and the implementation of prevention strategies identified in this procedure. Where the victim has been harassed, bullied or suffered violence as a result of one or more immutable characteristics, including any grounds protected by the Human Rights Code, or has been sexually assaulted, the principal or vice-principal shall provide the victim with contact information about professional supports, such as counselling provided by a Board mental health clinician or community agency, public health facilities and telecommunications forums, such as a help-phone-line or website, that the victim may access for information, assistance and support. Supports might include, but are not limited to, Kids Help Phone and the Lesbian, Gay, Bisexual and Transgendered Youth Line (LGBT Youth Line). A written list of community contacts shall be provided to the victim. Where the victim requires equity-centered and culturally responsive interventions, supports can be offered through the Equity, Diversity, and Inclusion Department. If the student identifies as First Nation, Metis, or Inuit, supports can be offered through the Indigenous Education Department. Where possible, all supports shall be shared with the victim in a form most accessible to them.

6. RELATED POLICIES, ADMINISTRATIVE REGULATIONS OR PROCEDURAL DOCUMENTS

Board Policies:
B-2.2, Annual Meetings and Committees of the Board
B-3.2, Equity, Diversity and Inclusion
B-3.3, Human Rights: Code-Based Discrimination and Harassment
ES-1.1, Safe and Caring Schools

Administrative Regulations:
ES-1.1.1, Discipline/Promoting Positive Student Behaviour/Code of Conduct
ES-1.1.1A, Appendix A: Discipline/Promoting Positive Student/Behaviour/Code of Conduct
ES-1.1.3, Expulsion

ES-1.1.4, Child in Need of Protection
ES-1.1.8, Procedures in the Event of a Bomb Threat
ES-1.1.9, Substance Use
ES-1.1.10, Safe Arrival Program
ES-1.1.12, Sexual Misconduct by Students
ES-1.1.12A, Appendix A: Police School Board Protocol
ES-1.1.13, Anti-Sex Trafficking

Procedural Documents (internal):
Ensuring Student Safety and Protection Together Protocol, 2019
Police/School Board Protocol (2016)
Violence Threat Risk Assessment (VTRA)

7. REFERENCE DOCUMENTS

Legislation:
Accessibility for Ontarians with Disabilities Act
Child and Family Services Act
Education Act
Municipal Freedom of Information and Protection of Privacy Act
Occupational Health and Safety Act
Ontario Human Rights Code
Ontario Regulation 440/20 – Suspension of Elementary School Pupils
Ontario Regulation 472/07 – Behaviour, Discipline and Safety of Pupils
Ontario Safe Schools Act

Other Documents:
Caring and Safe Schools in Ontario
Ministry of Education, Policy and Program Memoranda 120: Reporting Violent Incidents to the Ministry of Education
Ministry of Education, Policy and Program Memoranda 123: Safe Arrivals
Ministry of Education, Policy and Program Memoranda 128: The Provincial Code of Conduct and School Board Codes of Conduct
Ministry of Education, Policy and Program Memoranda 141: School Board Programs for Students on Long-Term Suspension
Ministry of Education, Policy and Program Memoranda 142: School Board Programs for Expelled Students
Ministry of Education, Policy and Program Memoranda 144: Bullying Prevention and Intervention
Ministry of Education, Policy and Program Memoranda 145: Progressive Discipline and Promoting Positive Student Behaviour