



STUDENT DISCIPLINE

Legal References:	<i>Education Act, as amended;</i> <i>Ontario Human Rights Code;</i> <i>Canadian Charter of Rights and Freedoms;</i> <i>Provincial Code of Conduct.</i>
Related References:	<i>Ontario Regulation 472/07;</i> <i>Ministry of Education Policy/Program Memorandum 144 – Bullying Prevention and Intervention;</i> <i>Ministry of Education Policy/Program Memorandum 145 – Progressive Discipline and Promoting Positive Student Behaviour;</i> <i>Board Policy 6000 – Safe Schools;</i> <i>Board Policy 6001 – Code of Conduct;</i> <i>Board Policy 6009 – Bullying Prevention and Intervention;</i> <i>Administrative Procedure 1300 – Delegation of Authority (new)</i> <i>Administrative Procedure 1260 – Student Discipline;</i> <i>Administrative Procedure 1620 – Alternative Suspension Program;</i> <i>School Board Police Protocol, 2016;</i> <i>Traumatic Response Protocol, 2013; and</i> <i>Threat Risk Assessment Protocol.</i>
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1. Preamble

- 1.1 The Provincial Code of Conduct, the Waterloo Region District School Board Code of Conduct, the *Education Act, as amended*, Ontario Regulation 472/07, Policy Program Memorandum (PPM) 128, 141 (programs for long term suspension), 142 (expulsion programs), 144 (bullying prevention), 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 students.
- 1.2 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.
- 1.3 It is important that all students have a safe, caring, inclusive 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.
- 1.4 Pursuant to the *Education Act*, principals are required to maintain proper order and discipline in schools, and students 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.

- 1.5 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 Administrative Procedures AP 1300, as will the supports available to individuals in receipt of the delegated authority. (See attached form)
- 1.6 To meet the goal of creating a safe, caring, and inclusive school environment, the Waterloo Region 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.
- 1.7 The Board considers homophobia, gender based violence, and harassment on the basis of sex, gender expression, 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.
- 1.8 The Board does not support discipline measures that are solely punitive or the use of exclusion as a disciplinary measure.
- 1.9 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 students protected by the *Human Rights Code*, including but not limited to race and disability, and whether or not accommodation is required.

Duty to Respond

- 1.10 Board employees who work directly with students, including administrators, teachers, designated early childhood educators, paraprofessionals, secretaries, custodians, social workers, and board resource staff must respond to any student behaviour that is likely to have a negative impact on the school climate. Such behaviour includes serious student incidents and all inappropriate and disrespectful behaviour at any time at school and at any school-related event if, in the employee's opinion, it is safe to respond to it in accordance with subsection 300.4 of part XIII of the *Education Act* and Ontario Regulation 472/07. Such inappropriate behaviour may involve bullying, swearing, homophobic or racial slurs, sexist comments or jokes, graffiti, or vandalism.

Duty to Report

- 1.11 All Board employees and all third party service providers (e.g. transportation provider, early childhood educator, etc.) have a duty to report if they become aware that a student may have engaged in an activity described in sections 306(1) or 310(1) of the *Education Act*. The employee must consider the safety of others and the urgency of the situation in reporting the incident, but in any case, must report it to the principal 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.
- 1.12 In accordance with Ministry of Education's PPM 144, members of the College of Psychologists of Ontario or the Ontario College of Social Workers and Social Service Workers who are in a clinical relationship with a student shall report incidents of behaviour for which suspension or expulsion must be considered to the principal as soon as it is, in their professional opinion, reasonably possible to do so without having a

negative impact on the nature of the clinical relationship, in accordance with section 300.2 of Part XIII of the Education Act. They shall also report, in a manner that is consistent with the code of ethics and the standards of practice of their respective professions, matters that could result in the student's doing physical, emotional, or psychological harm to him-or herself or to others. All reports will be made using the Safe Schools Incident Reporting Form, Part I (IS-03-07). The Principal must provide the employee with a written acknowledgment, using Part II of the same form.

2. Progressive Discipline

- 2.1 The goal of this policy, with respect to progressive discipline, is to support a safe learning and teaching environment in which every student 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 expression, 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*.
- 2.2 Progressive discipline is an approach that makes use of a continuum of prevention programs, interventions, supports and consequences, building upon strategies that build skills for healthy relationships and 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 students in order to reinforce positive behaviours and help students make good choices. The board and school administrators will consider all mitigating and other factors, as required by the Education Act and as set out in Ontario Regulation 472/07.
- 2.3 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 students on a regular basis, including administrators, teachers, educational assistants, social workers, child and youth workers, psychologists, and speech and language pathologists, and support staff, 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. Staff is required to respond and report situations they have personally observed or heard about during the course of their duties, while on school property or during a school related event that would require the consideration of a suspension or expulsion.
- 2.4 The Board, and school administrators, must consider all mitigating and contextual (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.

3. Positive Practices

- 3.1 In order to promote and support appropriate and positive student behaviours that contribute to creating and sustaining safe, comforting and inclusive 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.
- 3.2 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.
- 3.3 Preventative practices include:
 - Human Rights strategy pursuant to PPM 119;

- Bullying prevention and intervention programs;
 - Mentorship programs;
 - Student success strategies;
 - Character development;
 - Citizenship development;
 - Student leadership; and
 - Promoting healthy student relationships;
 - Healthy lifestyles.
- 3.4 Positive behaviour management practices include:
- Program modifications or accommodations;
 - Class placement;
 - Positive encouragement and reinforcement;
 - Individual, peer and group counselling;
 - Conflict resolution/Dispute resolution;
 - Restorative Practices;
 - Mentorship programs;
 - Promotion of healthy student relationships;
 - Sensitivity programs;
 - Safety Plans;
 - School, Board and community support programs; and
 - Student success strategies.
- 3.5 The Board recognizes that, in some circumstances, positive practices might not be effective or sufficient to address inappropriate student behaviour. In such circumstances, the Board supports the use of consequences.
- 3.6 In circumstances where a student 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.

4. Progressive Discipline Consequences

- 4.1 Progressive discipline may include early and/or ongoing intervention strategies, such as:
- Contact with the student's parent(s)/guardian(s);
 - Verbal reminders;
 - Visual Cues to the desired behaviour;
 - Review of expectations set out in the school's Code of Conduct;
 - Written work assignment with a learning component related to the incident;
 - Behaviour Contract;
 - Volunteer service to Child Youth Worker;
 - Peer mentoring;
 - Conflict mediation and resolution;
 - Restorative interventions;
 - Consultation with school and/or board support staff;
 - Referral to community agency for counseling; and
 - Review of Program needs.
- 4.2 Progressive discipline may also include a range of interventions, supports and consequence when inappropriate behaviours have occurred, with a focus on improving behaviour, such as one or more of the following:
- Meeting with the student's parent(s)/guardian(s), student and principal;
 - Referral to a community agency for additional support, counselling or treatment;
 - Detentions;
 - Withdrawal of privileges;
 - Withdrawal from class with planned learning activities;

- Restitution for damages;
 - Restorative practices; and/or
 - Transfer with full disclosure to the receiving school. The receiving school must ensure appropriate supports are implemented. The sending school must contact their Superintendent of Education prior to the transfer.
- 4.3 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.
- 4.4 When addressing inappropriate behaviour, school staff should consider the particular student 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. All responses to behaviours that are contrary to the board's and school's codes of conduct must be developmentally appropriate.
- 4.5 The Board also supports the use of suspension and expulsion as outlined in Part XIII of the *Education Act* where a student 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.
- 4.6 An exclusion from the school pursuant to section 265(1)(m) of the *Education Act* shall only be effected in accordance with the *Education Act* and consistent with the *Human Rights Code*. A student shall not be excluded from the school pursuant to section 265(1)(m) of the *Education Act* as a disciplinary measure. PPM 145 (page 4) states that if a principal does decide that it is necessary to exclude a student from the school, he or she is expected to notify the student's parents of the circumstances of the exclusion as soon as possible, and to inform them of their right to appeal under clause 265(1)(m).

5. Suspension

- 5.1 The infractions for which a suspension may be imposed by the principal include:
- 5.1.1 Uttering a threat to inflict serious bodily harm on another person;
 - 5.1.2 Possessing alcohol, illegal and/or restricted drugs;
 - 5.1.3 Being under the influence of alcohol and/or restricted drugs;
 - 5.1.4 Swearing at a teacher or at another person in a position of authority;
 - 5.1.5 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;
 - 5.1.6 Bullying or Cyberbullying;
 - 5.1.7 Any other act that is an activity for which a principal may suspend a pupil under a policy of the board.
- 5.2 A student 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.
- 5.3 Any such infractions about which a board staff member or a third party service provider, (e.g. transportation provider, early childhood educator, etc.) become 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. All reports will be made using the Safe Schools Incident Reporting Form, Part I (IS-03-07). The Principal must provide the employee with a written acknowledgment, using Part II of the same form.
- 5.4 A principal who suspends a student under section 306 shall make all reasonable efforts to inform the student's parent or guardian of the suspension within 24 hours of the suspension being imposed, unless the student is at least 18 years old, or is 16 or 17 and has withdrawn from parental control.

6. Mitigating and Contextual (other) Factors When Considering a Suspension

- 6.1 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 student.
- 6.2 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*.
- 6.3 The principal or designate shall consider whether or not the discipline will have a disproportionate impact on a student protected by the *Human Rights Code* and/or exacerbate the student's disadvantaged position in society.

7. Mitigating Factors

- 7.1 The mitigating factors to be considered by the principal are:
 - 7.1.1 Whether the student has the ability to control his or her behaviour;
 - 7.1.2 Whether the student has the ability to understand the foreseeable consequences of his or her behaviour; and
 - 7.1.3 Whether the student's continuing presence in the school does not create an unacceptable risk to the safety of any other individual at the school.

8. Additional Factors to be taken into Account When Considering Suspension

- 8.1 The student's academic, discipline and personal history;
- 8.2 Whether other 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;
- 8.3 Whether the infraction for which the student might be disciplined was related to any harassment of the student because of race, colour, ethnic origin, place of origin, religion, creed, disability, gender or gender identity, sexual orientation or harassment for any other reason;
- 8.4 The impact of the discipline on the student's prospects for further education;
- 8.5 The student's age;
- 8.6 Where the student has an IEP or disability related needs:
 - 8.6.1 Whether the behaviour causing the incident was a manifestation of the student's disability;
 - 8.6.2 Whether appropriate individualized accommodation has been provided; and
 - 8.6.3 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; and
- 8.7 Whether or not the student's continuing presence at the school creates an unacceptable risk to the safety of anyone in the school.

9. Expulsion

- 9.1 The principal is required to suspend a student for up to 20 school days if the principal believes that the student has engaged in one of the activities listed below, for which the student might ultimately be expelled by the school board. This clause provides for the removal of the student from the school while allowing the principal to investigate the incident and decide whether to recommend to the board that the student be expelled.

- 9.2 The infractions for which a principal may consider recommending to the Board that a student be expelled from the student's school or from all schools of the Board include:
- 9.2.1 Possessing a weapon, including possessing a firearm or knife;
 - 9.2.2 Using a weapon to cause or to threaten bodily harm to another person;
 - 9.2.3 Committing physical assault on another person that causes bodily harm requiring treatment by a medical practitioner;
 - 9.2.4 Committing sexual assault;
 - 9.2.5 Trafficking in weapons, illegal or restricted drugs;
 - 9.2.6 Committing robbery;
 - 9.2.7 Giving alcohol to a minor;
 - 9.2.8 Bullying or Cyberbullying, if:
 - The student has previously been suspended for engaging in bullying, and
 - The student's continued presence in the school creates an unacceptable risk to the safety of another person.
 - 9.2.9 Any activity listed under subsection 5.1 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).
 - 9.2.10 Any other activity that, under a policy of a board, is an activity for which a principal must suspend a pupil and, therefore in accordance with this Part, conduct an investigation to determine whether to recommend to the board that the pupil be expelled.
- 9.3 The principal and/or Discipline Committee of the Board shall consider whether or not the discipline will have a disproportionate impact on a student protected by the *Human Rights Code* and/or exacerbate the student's disadvantaged position in society;
- 9.4 Any such infractions about which a board staff member or a third party service 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.

10. Mitigating and Additional Factors to be Taken into Account When Considering Expulsion

- 10.1 The Education Act requires the principal to consider mitigating and other factors in determining the length of the suspension and in determining whether to recommend expulsion.
- 10.2 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 student protected by the *Human Rights Code* and/or exacerbate the student's disadvantaged position in society.
- 10.3 If, on concluding the investigation, the principal decides not to recommend to the board that the student be expelled, the principal shall:
- 10.3.1 Confirm the suspension and the duration of the suspension;
 - 10.3.2 Confirm the suspension but short its duration, even if the suspension has already been served, and amend the record of the suspension accordingly; or
 - 10.3.3 Withdraw the suspension and expunge the record or the suspension, even if the suspension has already been served.

11. Principal Investigation

- 11.1 Before recommending an expulsion from the student'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 *Administrative Procedure 1260 – Student Discipline*.

12. Appeal

- 12.1 The Suspension Appeal shall be held in accordance with the *Education Act*, the Board's Student Discipline Policy and the Student Discipline Procedures.
- 12.2 A suspension may be appealed by an adult student or the student's parent/guardian/caregiver. An adult student is a student who is 18 years old or older, or who is 16 or 17 years old and has withdrawn from parental control, in accordance with the *Administrative Procedure 1260 – Student Discipline* and Suspension Appeal Guidelines.
- 12.3 A lawyer or agent may represent the Appellant. Prior notice of a lawyer's or an agent's attendance at the Appeal must be provided to the Superintendent of Education. If prior notice is not provided, it may be necessary to reschedule the Suspension Appeal to a later date.
- 12.4 The Discipline Committee and/or the Principal may exercise the right to legal counsel.

13. Superintendent of Education

- 13.1 The Superintendent of Education shall have the procedural powers and duties outlined in the *Administrative Procedure 1260 – Student Discipline*.
- 13.2 The Superintendent of Education will act as Secretary to the Discipline 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 Discipline 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 Discipline Committee at the beginning of the Appeal.

14. Discipline Committee

- 14.1 Appeals of Suspensions will be heard by the Discipline Committee sitting as a committee of three (3) Trustees appointed by the Board. One of the appointed Trustees shall act as Chair of the Discipline Committee. Appeals will be scheduled by the Superintendent of Education.
- 14.2 In all cases where consequences might be imposed, teachers, administrators and the Board will consider the safety and dignity of all students, and the impact of the activity on the school climate.
- 14.3 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.

15. Supports for Students Who Have Been Harmed:

- 15.1 The Board supports students who are victims of serious incidents of student behaviour causing harm contrary to the provincial, Board, and school Codes of Conduct.

- 15.2 The principal or designate in consultation with the Superintendent of Education is required to provide information, in accordance with Board procedures, to the parent/guardian of a student 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 student at risk of harm and would not be in the student's best interests.
- 15.3 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.
- 15.4 The Board shall develop appropriate plans to protect the student who has been harmed and will communicate to parents/guardians of such student, information about the plan and a method of identifying dissatisfaction with steps taken to provide support to him/her.