

POLICY

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The Provincial Code of Conduct, the District School Board of Niagara (DSBN) Code of Student Behaviour, 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 DSBN'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. 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 DSBN's 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 students have a safe, caring, accepting and inclusive school environment in order to maximize their learning potential and to ensure a positive school climate for all members of the school community.

For the purpose of this Policy, the term "principal" is being used as opposed to "School Administrator(s)" to conform to statutory requirements. 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/guardian. A principal may delegate some disciplinary responsibilities to a vice-principal or teacher of the school in accordance with the *Education Act*, Ministry of Education policies and DSBN procedures. In such circumstances, the delegation of authority and the authority delegated will be clearly identified in DSBN 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 DSBN supports the use of positive practices as well as consequences for inappropriate behaviour, including progressive discipline, which includes suspension and expulsion where necessary.

The DSBN does not support discipline measures that are solely punitive. Schools are encouraged to implement proactive positive practices and corrective supportive practices when necessary.

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, all of which will be sufficient for the purposes of implementing the requirements of Ministry of Education Policy Program Memoranda.

Positive Practices

In order to promote and support appropriate and positive student 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 DSBN supports the use of positive practices for: (1) prevention, and (2) positive behaviour management. The DSBN also encourages principals/designates to review and amend as appropriate, Individual Education Plans, Positive Behaviour Support Plans and Safety Plans, at regular intervals.

Examples of preventative practices may include:

- Anti-bullying and violence prevention programs
- Mentorship programs
- Student success strategies
- Character education
- Citizenship development
- Student leadership
- Healthy lifestyles; and
- Promoting healthy student relationships

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Examples of positive behaviour management practices may include:

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

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

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

Progressive Discipline

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 and the DSBN to address behaviours that are contrary to provincial Code of Conduct and the DSBN Code of Student Behaviour.

Progressive discipline is an approach that makes use of a continuum of 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 students in order to reinforce positive behaviours and help students make good choices. For students 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.

Duty to Report to Principal

An employee of DSBN who becomes aware that a student of a school of the DSBN may have engaged in an activity that could lead to a possible suspension or possible expulsion shall, as soon as reasonably possible, report to the principal of the school about the matter.

Responding to Behaviour That Causes a Negative School Climate

It is the expectation of the DSBN 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 but not limited to principals/vice-principals, teachers, educational assistants, social workers, attendance counsellors, designated early childhood educators, youth counsellors, psychologists, and speech and language pathologists, shall, in accordance with DSBN 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.

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The DSBN, and school principals/vice-principals, must consider all mitigating and other factors, as required by the *Education Act* and as set out in Ontario Regulation 472/07.

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

- Contact with the student'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 student's parent(s)/guardian(s), student and principal/vice-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 student and circumstances, including any mitigating and other factors as set out in the Student Discipline Procedures (AP 3-26), the nature and severity of the behaviour, and the impact on the school climate.

The DSBN 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.

Suspension (as outlined in Section 306 of the *Education Act*)

A principal shall consider whether to suspend a student if he or she believes that the student has engaged in any of the following activities:

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. Committing an act of vandalism that causes damage to DSBN property or to property located on DSBN premises.
5. Swearing at a teacher or at another person in a position of authority.
6. Bullying or Cyber-Bullying.*
7. Persistent Opposition to Authority.

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8. Any act considered by the principal to be injurious to the moral tone of the school.
9. Any act considered by the principal to be injurious to the physical or mental well-being of members of the school community; or
10. Any act considered by the principal to be contrary to the DSBN's Code of Student Behaviour or school Code of Conduct.
11. Any other activity that is an activity for which a principal may suspend a student under a policy of the DSBN.

* It should be noted that "bullying" and cyber-bullying are defined in the *Education Act* as follows:

"bullying" means aggressive and typically repeated behaviour by a student where,

- (a) 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,
 - (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 student 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; ("intimidation").

The definition of bullying behaviours includes the use of any physical, verbal, electronic, written or other means. In addition, the definition of 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.

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.

A principal shall consult with the appropriate Superintendent of Education regarding the decision to issue a suspension of ten (10) days or more.

Before imposing a suspension, the principal, as required by the *Education Act*, must consider any mitigating and other factors as set out in the Student Discipline Procedures. For the purpose of the Student Discipline Procedures, the DSBN interprets the provisions of the *Education Act* and Regulations in a broad and liberal manner consistent with the *Human Rights Code*.

Principal Notification to Parent(s)/Guardian(s)

Where a student has been the alleged victim of a serious incident, the principal or designate is required to provide information, in accordance with DSBN 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 aware that informing the parent/guardian would put the student at risk of harm and would not be in the student'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.

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Likewise and under the same parameters and restrictions as above, the principal is to notify the parent or guardian of any student who the principal believes has engaged in the activity that resulted in the harm.

Appeal

Where a student's parent/guardian or the student, 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 student that student'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 DSBN'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*.

Expulsion (as outlined in Section 310 of the Education Act)

The infractions for which a principal must suspend a pupil pending a possible recommendation for expulsion from the student's school or from all schools of the DSBN 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.
- 7.1 Bullying, if,
 - (i) the student has previously been suspended for engaging in bullying; and
 - (ii) the student's continuing presence in the school creates an unacceptable risk to the safety of another person.
- 7.2 Any activity listed in s. 306(1) of the *Education Act* (as a potential suspendable behaviour) 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.
8. Any other activity that, under a policy of the DSBN, is an activity for which a principal must suspend a student and, therefore in accordance with this Part, conduct an investigation to determine whether to recommend to the Board of Trustees that the student be expelled.
9. 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.
10. A pattern of behaviour that is so inappropriate that the student continued presence is injurious to the effective learning and/or working environment of others.
11. Activities engaged in by the student on or off school property that cause the student'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 DSBN.

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12. Activities engaged in by the student on or off school property that have caused extensive damage to the property of the DSBN or to goods that are/were on DSBN property.
13. The student ~~pupil~~ has demonstrated through a pattern of behaviour that s/he has not prospered by the instruction available to him or her and that s/he is persistently resistant to making changes in behaviour which would enable him or her to prosper; or
14. Any act considered by the principal to be a serious violation of the requirements for student behaviour and/or a serious breach of the DSBN's Code of Student Behaviour or school Code of Conduct.
15. 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 DSBN or school Code of Conduct.

Mitigating Factors

To determine the duration of a suspension pending an investigation to determine whether to recommend expulsion, the principal must consider any mitigating factors as set out in the Student Discipline Procedures.

When 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 in the Student Discipline Procedures in determining whether to recommend an expulsion from the student's school or from all schools of the DSBN, 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 DSBN interprets the provisions of the *Education Act* and Regulations in a broad and liberal manner consistent with the *Human Rights Code*.

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

Principal Notification to Parent(s)/Guardian(s)

Where a student has been harmed as a result of an activity in section 306(1) or 310(1) of the *Education Act*, the principal or designate is required to provide information, in accordance with DSBN 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 aware that informing the parent/guardian would put the student at risk of harm and would not be in the student'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.

Likewise and under the same parameters and restrictions as above, the principal is to notify the parent or guardian of any student who the principal believes has engaged in the activity that resulted in the harm.

Superintendent of Education

The appropriate Superintendent of Education shall have the powers and duties outlined in the Student Discipline Procedures.

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Student Discipline Committee

The DSBN authorizes the creation of a Student Discipline Committee of no fewer than three (3) Trustees to decide appeals of principal suspensions and principal recommendations for expulsion. For these purposes, the Student 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, principals/vice-principals and the Board of Trustees will consider the safety and dignity of all students, and the impact of the activity on the school climate.

The Student Discipline Committee shall have the powers as set out in the *Education Act* and any other powers to implement any appropriate Order.

References

Policy G-05: Weapons

Policy G-07: Vandalism

Administrative Procedure 3-01: Safe Schools Plan

Administrative Procedure 3-04: Completion and Submission of Violent/Major Incident Forms

Administrative Procedure 3-08: Police Protocol and Emergency Preparedness Program

Administrative Procedure 3-26: Student Discipline

Administrative Procedure 7-01: Empowering Educators: The Legal Rights of Educators in Maintaining Order and Discipline