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.

#### **LTSEP**

Long Term Suspension and Expulsion Program

# Mitigating and Other Factors

Circumstances that must be demonstitle (redo) by 31 (on 160) [Fd, and 7 se Ino (a) pain 0 ip alls vinquand as 0 C Billio -52 in 10 ip alls vinquand as 0 C Billio -52 in 10 in

## 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.

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

- 4.1 Responsibility for this administrative regulation is as outlined in the Board Policy ES-1.1, Safe and Caring Schools.
- 4.2 The Principal of the Long Term Suspension and Expulsion Program (LTSEP), or designate, is responsible for:
  - 4.2.1 implementing this administrative regulation, and taking the initiative to seek appropriate guidance from the Superintendent of Safe and Caring Schools, whenever necessary,
  - 4.2.2 ensuring that the LTSEP staff are carrying out their responsibilities under this administrative regulation.

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- 5.1.1.2 using a weapon to cause or to threaten bodily harm to another person,
- 5.1.1.3 committing physical assault on another person that causes bodily harm requiring treatment by a medical practitioner,
- 5.1.1.4 committing sexual assault,
- 5.1.1.5 trafficking in weapons or in illegal drugs,
- 5.1.1.6 committing robbery,
- 5.1.1.7 giving alcohol or cannabis to a minor,
- 5.1.1.8 bullying, if
  - 5.1.1.8.1 the student has previously been suspended for engaging in bullying, and
  - 5.1.1.8.2 the student's continued presence in the school creates an unacceptable risk to the safety of another person,
- 5.1.1.9 any incident, including bullying, 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 similar factor (e.g., socio-economic status, appearance, or other diverse abilities).

5.1.2

- 5.1.2.3.2 caused extensive damage to the property of the Board or to goods that are on Board property,
- 5.1.2.4 the student has committed a serious breach of the Board or School's Code of Conduct for Students.
- 5.1.3 The Education Act requires the principal to consider mitigating and other factors, set out below, in determining the length of the suspension and in determining whether to recommend expulsion. The principal shall also contact the police, consistent with the Police/School Board Protocol (2016) if the infraction the student is suspected of committing requires such contact

principal decides to recommend an expulsion that the suspension may be addressed at the expulsion hearing.

5.2.4 Every effort should be made to include the schoolwork with the letter of 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, on the day the student is suspended if the letter is provided to the student to take home. If it is not possible to provide the letter because the student and/or the student's parent(s)/guardian(s) is/are not available, the letter should be mailed, couriered, faxed or emailed to the home address that day and schoolwork should be made available for the adult student's designate or the student's parent/guardian or designate to pick-up from the school the following school day. 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.

Note: If notice is sent by mail or courier, it will be deemed to have been received on the fifth school day after it was sent. If notice is sent electronically, it is deemed to have been received the first school day after it was sent.

- 5.2.5 Where the incident is a serious violent incident, such as possessing a weapon, physical assault (causing bodily harm requiring medical attention), sexual assault, robbery, using a weapon to cause/threaten bodily harm, extortion, hate and/or bias-motivated occurrences, the Serious Student Incident Reporting Form must identify the incident as a violent incident.
- 5.2.6 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 Ontario School Record (OSR) for the following periods set out in Ministry of Education Policy and Program Memoranda 145: Progressive Discipline and Promoting Positive Student Behaviour:

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- 5.3.5.2 The planning meeting will be scheduled to occur within two school days of the adult student or the student's parent(s)/guardian(s) informing the school that the student will participate in the LTSEP.
- 5.3.5.3 If the adult student or the student's parent(s)/guardian(s) are not available to participate in the planning meeting, the meeting will proceed in their absence and a copy of the SAP will be provided to them following the meeting.
- 5.3.5.4 During the planning meeting the home school principal or vice-principal shall review the matters to be addressed in the student's SAP.
- 5.3.6 A student who is suspended, pending an investigation to determine whether to recommend an expulsion, will be provided with both academic and non-academic supports, which will be identified in the student's SAP.
- 5.3.7 The SAP will be developed under the direction of the home school principal with assistance, as appropriate, from the principal of the LTSEP, and any additional staff who may be able to provide input (i.e., vice-principal of the home school, guidance counsellor, special education teacher, classroom teacher, child and youth worker and/or social worker).
- 5.3.8 The home school principal will make every effort to complete the SAP within five school days following the adult student or the student's parent(s)/guardian(s) informing the school that the student will participate in the LTSEP. This timeline will be communicated to the adult student or the student's parent(s)/guardian(s) if they are unable to attend the planning meeting for the purpose of providing input.
- 5.3.9 Once completed, the SAP will be shared with the adult student or the student's parent(s)/guardian(s) and student, and all necessary staff in order to facilitate implementation.
- 5.3.10 A copy of the SAP will be stored in the student's OSR until such time as it is no longer relevant to the student's progress.
- 5.3.11 The SAP will identify:
  - 5.3.11.1 the incident for which the student was suspended;
  - 5.3.11.2 the progressive discipline steps taken prior to the suspension, if any, and if relevant;

- 5.3.11.3 any other progressive discipline measures imposed in addition to the suspension;
- 5.3.11.4 any other disciplinary matters regarding the student that have been identified by the home school;
- 5.3.11.5 any learning or other needs that might have contributed to the infraction resulting in discipline;
- 5.3.11.6 any program(s) or service(s) that might be provided to address those learning or other needs;
- 5.3.11.7 the academic program to be provided to the student during the suspension period and details regarding how that academic program will be accessed by the student;
- 5.3.11.8 where the student has an Individual Education Plan (IEP) or needs related to diverse abilities, information regarding how the accommodations/modifications of the student's academic program will be provided during the period of suspension;
- 5.3.11.9 the non-academic program and services to be provided to the student, if applicable, during the suspension and details regarding how that non-academic program and those services will be accessed; and
- 5.3.11.10 the measurable goals the student will be striving to achieve during the period of suspension.
- 5.4.1 The principal shall conduct an investigation promptly following the suspension of the student to determine whether to recommend to the Expulsion Committee that the student be expelled. As part of the investigation, the principal will consult with the family of schools superintendent and/or Superintendent overseeing Safe and Caring Schools regarding any issues of process and/or timing for conducting the investigation. The investigation must be completed at the earliest opportunity in order to make the substantive decision whether or not to recommend that the student be expelled. Before referring a student to the Expulsion Committee for expulsion, the administration shall consider if the recommendation might have a disproportionate impact on a student protected by the Human Rights Code, and/or exacerbate the student's disadvantaged position in society, and if accommodation is required. Should the decision be made to refer the student to the Expulsion Committee with a recommendation for expulsion, the student must be

- referred to and brought before the Expulsion Committee within twenty school days from the date of suspension (unless timelines are extended on consent).
- 5.4.2 Any police investigation will be conducted separately from the principal's inquiry. The principal will consult the Police/School Board Protocol (2016) to determine whether the school investigation can be completed in parallel.
- 5.4.3 As part of the investigation, the principal shall:
  - 5.4.3.1 make all reasonable efforts to speak with the adult student or the student's parent(s)/guardian(s) and the student,
  - 5.4.3.2 include interviews with witnesses who the principal determines can contribute relevant information to the investigation,
  - 5.4.3.3 make every reasonable effort to interview any witnesses suggested by the student or the student's parent(s)/guardian(s),
  - 5.4.3.4 consider the mitigating and other factors when determining whether to recommend to the Expulsion Committee that the student be expelled, and
  - 5.4.3.5 consider whether or not the student is protected by the Human Rights Code and/or is in a disadvantaged position in society and evaluate the appropriateness of the accommodation if any was provided.

5.7.1 whether the teacher, principal or vice-principal has utilized proactive strategies and positive practices.

Proactive strategies may include, but are not limited to:

- Human Rights strategy pursuant to PPM 119, Developing and Implementing Equity and Inclusive Education Policies in Ontario Schools,
- anti-bullying and violence prevention programs,
- connection to an Indigenous student worker for students who selfidentify as Indigenous,
- supports offered through the Equity, Diversity, and Inclusion department for students who are members of racialized and/or marginalized communities,
- mentorship programs,
- student success strategies,
- character education,
- citizenship development,
- student leadership,
- promoting mental health,
- promoting substance use prevention,
- promoting healthy student relationships, and
- promoting healthy lifestyles.

### Positive behaviour management practices include:

- teaching social-emotional skills,
- 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,
- wellness plans,
- school, Board and community support programs,
- referral to counselling and/or an Indigenous student worker if the student self-identifies as Indigenous, and/or
- student success strategies.

- 5.7.2 whether the teacher, principal or vice-principal has utilised early and/or ongoing intervention strategies to prevent unsafe or inappropriate behaviours, such as:
  - contact with the student's parent(s)/guardian(s),
  - verbal reminders,
  - review of expectations,
  - written work assignments with a learning component,
  - assigning the student to volunteer services to the community,
  - conflict mediation and resolution,
  - peer mentoring,
  - referral to counselling, and/or an Indigenous student worker if the student self-identifies as Indigenous,
  - consultation between two or more of the parties, and/or
  - case conferences.
- 5.7.3 whether the principal or vice-principal has used progressive discipline approaches to address inappropriate behaviour for which a suspension could have been imposed, such as:
  - meeting(s) with the student's parent(s)/guardian(s), student, and principal,
  - referral of student to a community agency (i.e., anger management, substance use counselling),
  - detentions,
  - withdrawal of privileges,
  - withdrawal from class,
  - restitution for damages, i.e., financial, community service,
  - restorative practices, and/or
  - transfer to another class or school.

Before making a decision to recommend expulsion, the principal of the school will consult with 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.

5.9.1 Following the investigation and consideration of the mitigating and other factors and the application of the Code of Conduct, if the principal decides not to recommend to the Expulsion Committee that the student be expelled, the principal must:

- 5.9.1.1 consider whether progressive discipline is appropriate in the circumstances,
- 5.9.1.2 uphold the suspension and its duration,
- 5.9.1.3 uphold the suspension and shorten its duration and amend the record accordingly, or
- 5.9.1.4 withdraw the suspension and expunge the record.
- 5.9.2 If the principal has decided not to recommend an expulsion of the student, the principal will provide written notice of this decision to the adult student or the student's parent(s)/guardian(s) and student. The notice shall include:
  - 5.9.2.1 a statement of the principal's decision not to recommend expulsion to the Expulsion Committee,
  - 5.9.2.2 a statement indicating whether the suspension has been upheld, upheld and shortened, or withdrawn,
  - 5.9.2.3 if the suspension has been upheld or upheld and shortened, information about the right to appeal the suspension to the Suspension Committee, including:
    - 5.9.2.3.1 a copy of the Board policies and guidelines regarding suspension appeals,
    - 5.9.2.3.2 contact information for the Superintendent responsible for Safe and Caring Schools,
    - 5.9.2.3.3 a statement that written notice of an intention to appeal must be given within five school days following receipt by the party of notice of the decision not to recommend expulsion, or
    - 5.9.2.3.4 if the length of the suspension has been shortened, notice that the appeal from the shortened length of the suspension.

- 5.10.1 If a principal, in consultation with the family of schools superintendent and the Superintendent responsible for Safe and Caring Schools, determines that a referral for expulsion is warranted, the principal must refer the recommendation for expulsion to the Expulsion Committee to be heard within twenty school days from the date the principal suspended the student, unless the parties to the expulsion hearing agree upon a later date.
- 5.10.2 For the purposes of the expulsion proceeding, the principal will:
  - 5.10.2.1 Prepare a report to be submitted to the Expulsion Committee and provide the report 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 prior to the hearing. The report will include:
    - 5.10.2.1.1 a summary of the findings the principal made in the investigation,
    - 5.10.2.1.2 an analysis of which, if any, mitigating or other factors or Human Rights Code related grounds might be applicable,
    - 5.10.2.1.3 a recommendation of whether the expulsion should be from the school or from the Board, and
    - 5.10.2.1.4 a recommendation regarding the type of school that would benefit the student if the student is subject to a school expulsion, or the type of program that might benefit the student if the student is subject to a Board expulsion.
  - 5.10.2.2 Provide written notice of the expulsion hearing to the  $\underline{s}$  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. The notice shall include:
    - 5.10.2.2.1 a statement that the student is being referred to the Expulsion Committee to determine whether the student will be expelled for the activity that resulted in suspension,
    - 5.10.2.2.2 a copy of the Board's guidelines and rules governing the hearing before the Expulsion Committee,

- 5.10.2.2.3 a copy of the Board Code of Conduct and school Code of Conduct,
- 5.10.2.2.4 a copy of the suspension letter,
- 5.10.2.2.5 a statement that the student and/or their parent(s)/guardian(s) has/have the right to respond to the principal's report in writing,
- 5.10.2.2.6 information about the procedures and possible outcomes of the expulsion hearing including that:
  - 5.10.2.2.6.1 If the Expulsion Committee does not expel the student, they will either confirm, confirm and shorten, or withdraw the suspension.
  - 5.10.2.2.6.2 Parties have the right to make submissions with respect to the suspension.
  - 5.10.2.2.6.3 Any decision with respect to the suspension is final and cannot be appealed.
  - 5.10.2.2.6.4 If the student is expelled from the school, they will be assigned to another school.
  - 5.10.2.2.6.5 If the student is expelled from the Board, they will be assigned to a program for expelled students.
  - 5.10.2.2.6.6 If the student is expelled there is a right of appeal to the Child and Family Services Review Board.
- 5.10.2.2.7 the name and contact information for the Superintendent responsible for Safe and Caring Schools.

Page of

The family of schools superintendent will:

- 5.11.1 advise the Superintendent responsible for Safe and Caring Schools of the general details of the incident, including actions taken or pending,
- 5.11.2 submit the principal's report for the Expulsion Committee to the Superintendent responsible for Safe and Caring Schools, and
- 5.11.3 hold a pre-expulsion hearing meeting with the parent(s)/guardian(s) and

- age), unless the student is 16 or 17 years old and has withdrawn from parental control, and the principal of the school.
- 5.13.3 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, may be represented by a lawyer or other agent. The Expulsion Committee determining the expulsion, including the principal, may exercise the right to legal counsel.
- 5.13.4 The expulsion hearing shall be held in accordance with the guidelines, Superintendent's Reference to Suspension Appeals and Expulsion Hearings/Appeals.
- 5.13.5 The Expulsion Committee may either:
  - 5.13.5.1 expel the student, or
  - 5.13.5.2 determine that an expulsion is not appropriate and will confirm the suspension, shorten the suspension (and order the record be amended) or quash the suspension (and order that the record be expunged).
- 5.13.6 Where the Expulsion Committee has decided to expel the student, they must:
  - 5.13.6.1 decide whether to expel from one school or from all schools of the Board,
  - 5.13.6.2 assign the student to another school of the Board if the student is expelled from one school of the Board,
  - 5.13.6.3 assign the student to a program for expelled students if the student is expelled from all schools of the Board.
- 5.13.7 The Expulsion Committee must promptly provide written notice of the decision to expel the student to all parties, and the student, if they were not a party. The written notice shall include:
  - 5.13.7.1 the reason for the expulsion,
  - 5.13.7.2 a statement indicating whether the expulsion is from a school or from all schools of the Board,
  - 5.13.7.3 information about the school or program to which the student has been assigned, and

5.15.2 If the Director of Education, in consultation with the appropriate superintendent(s), is satisfied that the information demonstrates that the requirements have been met, a recommendation to re-admit will be made.

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- 5.16.1 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 or guardian 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.
- 5.16.2 The principal shall disclose:
  - 5.16.2.1 the nature of the activity that resulted in harm to the student,
  - 5.16.2.2 the nature of the harm to the student, and
  - 5.16.2.3 the steps taken to protect the student's safety, including the nature of any disciplinary measures taken in response to the activity and the supports that will be provided for the student in response to the harm that resulted from the activity.
- 5.17.1 Where, in the opinion of principal/vice-principal/teacher-in-charge, providing information to the victim's parent(s)/guardian(s) would put the pixotilinate of the description of the principal of the prin

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- 5.17.1.3 inform the family of schools superintendent that the parent(s)/guardian(s) was/were not informed and why;
- 5.17.1.4 inform the teacher or other professional or paraprofessional 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
- 5.17.1.5 inform other staff working to support the student, as appropriate.
- 5.17.2 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 a Safety Plan and the implementation of prevention strategies identified in this procedure. Where the victim has been harassed, bullied