

TITLE: STUDENT SUSPENSION AND EXPULSION

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1.0 OBJECTIVE

The two main objectives of this policy are:

- a) To support a safe learning and teaching environment in which every student can reach their full potential; and
- b) To specify the authority and circumstances for the suspension and/or expulsion of a student, within a context of progressive discipline and safe, caring and accepting schools and to provide guidelines for the procedures that must be followed regarding mandatory reporting of activities that may result in suspension or expulsion.

2.0 DEFINITIONS

In this policy,

- 2.1 **Board** refers to the Board of Trustees.
- 2.2 **Bullying** refers to 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, 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; and/or
 - 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. It can take place in physical, verbal, electronic, written or any other form.

- 2.3 **Cyber-Bullying** refers to bullying by electronic means including, but not limited to, creating a web page or a blog in which the creator assumes the identity of another person, impersonating another person as the author of content or messages posted to the internet, communicating material electronically to more than one individual or posting material that may be accessed by one or more individuals. Cyber Bullying can generally be defined as sending or posting harmful or malicious messages or images through e-mail, instant messages, cell phones and websites and other technology. (PR 659 SCO)
- 2.4 **District** refers to the Ottawa-Carleton District School Board.
- 2.5 **Expulsion** is a disciplinary action which results in the removal of a student from school and school related activities for a period of time as specified by the Board. Expulsion is used to address activities typically seen as more severe than those addressed by suspension. The two types of expulsion permitted by the *Education Act* are:
- a) School Expulsion: an expulsion from the school of the District that the student was attending at the time of the incident; or
 - b) Board Expulsion: an expulsion from all the schools of the District.
- 2.6 **Illegal Drugs** means drugs which have legal limitations on their ownership or use. They are often chemical products or other substances that when ingested, produce a mind-altering effect. This includes prescription drugs that are used for purposes other than as prescribed by the medical professional issuing the prescription.
- 2.7 **Medical cannabis user** means a person who is authorized to possess cannabis for the person's own medical purposes in accordance with applicable federal law.
- 2.8 **Progressive Discipline** refers to a series of measures designed to modify behaviour and may include written work assignment with a learning component, withdrawal of privileges, withdrawal from class, detention, restitution for damages, conflict resolution, individual, peer and group mediation, volunteer service to the school community, referral to counseling, short term suspension, long term suspension, and/or expulsion. Progressive discipline is a whole-school approach that utilizes a continuum of prevention programs, interventions, supports, and consequences to address inappropriate student behaviour and to build upon strategies that promote and foster positive behaviours.
- 2.9 **School Climate** refers the learning environment and relationships found within a school and school community.
- 2.10 **Suspension** refers to the temporary removal of students from school and related activities for a specific period of time where it has been determined that the student has engaged in any activity for which a suspension must be considered and would have a negative impact on the school climate.

3.0 POLICY

Mandatory Duty to Report

- 3.1 The District recognizes that in order to support an ongoing positive learning environment a principal must be made aware of any incidents or activities that may have a negative impact on school climate. Every employee of the District has a duty to report to the principal as soon as practicable if they become aware that a student may have engaged in an activity that must be considered for suspension or expulsion, or of any incident that may have a negative impact on the school climate.
- 3.2 The duty to report does not apply to volunteers, but is extended to school bus drivers providing transportation for students attending District schools, and any individuals who are not District employees who come into direct contact with students on a regular basis in the normal course of,
 - a) providing goods or services to the Board;
 - b) carrying out their employment functions as an employee of a person who provides goods or services to the Board; or
 - c) providing services to a person who provides goods or services to the Board.
- 3.3 The authority to suspend and/or expel is not limited to conduct on school property but also includes:
 - a) conduct at a school-related activity, conduct on school buses, during field trips, or at other school-related activities off school premises; and
 - b) conduct in other circumstances where engaging in the conduct will have an impact on the school climate.

Duty and Authority of a Principal

- 3.4 The authority to suspend a student(s) for a maximum of 20 school days rests with the school principal.
- 3.5 A principal shall seek the approval of the Superintendent of Instruction prior to suspending a student for six or more days, up to a maximum of 20 days.
- 3.6 A principal may make a recommendation for the expulsion of a student, following the suspension of a student and completion of an investigation into the activity.

Duty and Authority to Expel

- 3.7 The Board has the authority to expel a student; this decision is made after a formal hearing following an investigation, a report and a recommendation by the principal.
- 3.8 Where a principal has made a recommendation that a student be expelled an Expulsion Hearing Panel shall exercise the powers of the Board and hear and decide the expulsion within 20 school days of the start of the suspension, unless the parties to the expulsion hearing agree on a later deadline.

- 3.9 If after hearing the matter, the Expulsion Hearing Panel is satisfied that the student has committed an activity for which expulsion is warranted, the Expulsion Hearing Panel must consider the imposition of an expulsion on the student, as set out in 3.33 of this policy.

Delegation of Principal's Authority

- 3.10 A principal may delegate the authority to suspend to the vice principal. The authority delegated to the vice principal shall be done in writing, clearly identifying the vice principal's responsibilities and duties for discipline matters within the school. Delegation may include all authority of the principal under Part XIII of the *Education Act* except the final decision regarding a recommendation to the Board to expel a student and the authority to suspend a student for six or more school days.
- 3.11 Teachers may be delegated the authority in writing to initially deal with situations involving activities that occur which must be considered for suspension or expulsion. The teacher must report to the principal or vice-principal any activities that must be considered for suspension or expulsion that are received from staff or others during the principal's absence.
- 3.12 A teacher may not be delegated authority regarding suspension decisions or recommendations regarding expulsion of students.

Activities for which suspension must be considered

- 3.13 Under subsection 306(1) of the *Education Act*, a principal must consider whether to suspend a student from one to 20 school days, if they believe that the student has engaged in any of the following activities while at school, at a school-related activity or in other circumstances where engaging in the activity will have an impact on the school climate:
- a) uttering a threat to inflict serious bodily harm on another person;
 - b) possessing alcohol or illegal drugs or, unless the student is a medical cannabis user, cannabis;
 - c) being under the influence of alcohol or, unless the student is a medical cannabis user, cannabis;
 - d) swearing at a teacher or another person in a position of authority;
 - e) committing an act of vandalism that causes extensive damage to school property or to property located on the premises of the student's school; or
 - f) bullying.
- 3.14 In addition, it is the policy of the Board that a principal shall consider whether to suspend a student from one to 20 school days if they believe that the student has engaged in any of the following activities:
- a) persistent opposition to authority;

- b) habitual neglect of duty as a student as defined by the *Education Act*, District or school policies;
- c) willful destruction of school property or property located on school premises;
- d) profane or improper language;
- e) conduct injurious to the physical or mental well-being of others in the school;
- f) inappropriate use of information technology, as defined in Board policies and procedures;
- g) smoking or vaping on school/District premises;
- h) selling, distributing, or providing illegal drugs, alcohol, cannabis and/or any vaping or tobacco products;
- i) being under the influence of illegal drugs; or
- j) any act considered to be contrary to the Board or school code of conduct.

3.15 In conducting their investigation, the principal will act in accordance with the *Education Act*, its regulations and Procedure PR.515.SCO: Student Suspension and Expulsion.

Activities Leading to Expulsion (Suspension, Investigation and Possible Expulsion)

- 3.16 Under subsection 310(1) of the *Education Act*, a student shall be suspended from their school and all school-related activities for up to 20 school days, and an investigation shall take place if the principal believes that the student has engaged in any of the following activities while at school, at a school-related activity or in other circumstances where engaging in the activity will have an impact on the school climate:
- a) possessing a weapon, including possessing a firearm;
 - b) using a weapon to cause or to threaten bodily harm to another person;
 - c) committing physical assault on another person that causes bodily harm requiring treatment by a medical practitioner;
 - d) committing sexual assault;
 - e) trafficking in weapons or illegal drugs;
 - f) committing robbery;
 - g) giving alcohol or cannabis to a minor;
 - h) 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.

- i) any activity listed as a possible reason for suspension in subsection 306 (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; and
 - j) any other activity for which a principal must suspend, and, therefore in accordance with this Policy, conduct an investigation to determine whether to recommend to the board that the student be expelled.
- 3.17 The following must lead to suspension, investigation and possible expulsion:
- a) the student's pattern of behaviour is so refractory that their presence is injurious to the effective learning environment of others;
 - b) the student has engaged in activities that cause their presence in the school to be injurious to the physical or emotional well-being of other persons in the school; or
 - c) the student has engaged in activities that have caused extensive damage to the property of the District or to property on District premises.

Mitigating Factors

- 3.18 In considering whether to suspend a student for engaging in an activity described in 3.13, 3.14, 3.16, 3.17, or in considering whether to recommend to the Board that the student be expelled, the principal shall take into account any mitigating or other factors prescribed by regulation. These factors include:
- a) the student's history, including the number and nature of previous disciplinary consequences as a result of the practice of progressive discipline;
 - b) the student's age;
 - c) whether 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;
 - d) how the suspension or expulsion would affect the student's ongoing education;
 - e) in the case of a student for whom an Individual Education Plan (IEP) has been, or is in the process of being developed,
 - (i) whether the behaviour was a manifestation of a disability identified in the student's IEP;
 - (ii) whether appropriate individualized accommodation has been provided; and
 - (iii) whether the suspension or expulsion is likely to result in an aggravation or worsening of the student's behaviour or conduct.
 - f) whether the student does not have the ability to control their behaviour;

- g) whether student does not have the ability to understand the foreseeable consequences of their behaviour; and
- h) whether the student's continuing presence in the school does not present an unacceptable risk to the safety of any person.

Principal's Investigation

3.19 In order to support a safe, inclusive and accepting school environment, if a student is believed to have engaged in an activity for which expulsion may be considered, a principal shall immediately suspend them and conduct an investigation. The conclusion of the investigation must be either to recommend expulsion to the Board or not recommend expulsion.

Duration of a Suspension

3.20 The minimum duration of a suspension is one school day and the maximum is 20 school days. In determining the duration of a suspension, the principal shall consider mitigating factors as listed above and any other such matters as the principal considers appropriate.

Assignment to Program

3.21 The Board is committed to ensuring that all suspended students have the opportunity to continue their education. A student who is suspended will be assigned to a program for suspended students in accordance with Board Procedure PR.511.SCO, Student Suspension. A student who is suspended is not considered to be engaged in school-related activities by virtue of participating in a program for suspended students.

Notice of Suspension

3.22 A principal who suspends a student shall make all reasonable efforts to inform the student's parents/guardians of the suspension within 24 hours of the suspension being imposed, unless,

- a) the student is at least 18 years old; or
- b) the student is 16 or 17 years old and has withdrawn from parental control.

3.23 The principal issuing the suspension shall give prompt notification in writing to the student and the parents/guardians (unless the student is at least 18 years old, or the student is 16 or 17 years old and has withdrawn from parental control) and to the appropriate supervisory officer. Appropriate notification shall also be given to the student's teachers.

3.24 If a copy of the notice is filed in the student's Ontario Student Record (OSR), it shall be so indicated in writing on the letter of suspension.

3.25 The principal is required to inform the parents/guardians of students who have been harmed as a result of any incidents for which suspension or expulsion must be considered. Notwithstanding the above, a principal shall not notify the parents/guardians of a student who is 18 years or older, or who is 16 or 17 years old and has withdrawn from parental control, without prior consent from the student.

- 3.26 Notification shall not be provided to a parent/guardian of a student if, in the opinion of the principal, doing so would put the student at risk of harm from a parent or guardian of the student. In these circumstances, the District will provide support to the student as outlined in Procedure PR.608.SCO Confidential Communication between Students and Staff.

Not Suspend More than Once per Occurrence

- 3.27 A principal shall not suspend a student more than once for the same occurrence.

Appeal of a Suspension

- 3.28 Any suspension, regardless of its duration, may be appealed by the parent/guardian of a student, or the student if they are at least 18 years old, or is 16 or 17 years old and has withdrawn from parental control. The appeal shall be in accordance with P.022.SCO Appeals Hearing Panel (Student Suspension).
- 3.29 A suspension pending a Principal's Investigation may not be appealed until the investigation is closed and the principal, on concluding the investigation, has decided not to recommend to the Board that the student be expelled, but has instead imposed a suspension.

Expulsion

- 3.30 Before imposing an expulsion the Board shall consider any mitigating or other factors as described above or as prescribed by the Regulation or any such other matters as the Board considers appropriate. If the Board is satisfied that a student has committed an activity for which expulsion is warranted but, nevertheless, believes that one or more of the mitigating factors are relevant to the situation, the Board may impose alternative appropriate discipline, including suspension. They may uphold the suspension, shorten its duration or withdraw it. The Board's decision with respect to the suspension is final.
- 3.31 The Board may expel a student from their school or from all schools of the District.
- 3.32 To support the District's commitment to ongoing learning for every student, the District shall ensure that an expelled student is offered support. A student expelled from their school shall be assigned to another school in the District. A student expelled from all schools shall be assigned to a program for expelled students in accordance with Board Procedure PR.515.SCO Student Suspension and Expulsion.
- 3.33 No expulsion can be imposed if more than 20 school days have expired since the principal suspended the student, unless the parties to the hearing agree upon a later deadline.

Appeal of an Expulsion

- 3.34 The decision of the Board to expel a student may be appealed to the Child and Family Services Review Board of the Province of Ontario.

Readmission from an Expulsion

- 3.35 A student who has received a school expulsion may apply in writing to the Board designate to be re-assigned to the school from which they were expelled.

- 3.36 A student who has been expelled from all schools of the District is entitled to be readmitted to a school in the District if the student has successfully completed the program for expelled students and /or satisfied the objectives required for the successful completion of the program.

Summary Report

- 3.37 Summary reports on suspensions and expulsions will be prepared by the responsible Superintendent and submitted to the Board once a year. Reports on suspensions and expulsions will be made public after removing any identification of individual students.
- 3.38 Note: All critical incidents regardless of the age of the student must be reported to the police and the Ministry of Education. For a list of critical incidents and the process to be followed, reference Board Procedure PR.528.SCO: Critical Incident Review Process.
- 3.39 Summary reports on suspensions and expulsions shall be prepared and submitted to the Board annually.
- 3.1 The Director of Education is authorized to issue such procedures as may be necessary to implement this policy.

4.0 REFERENCE DOCUMENTS

The Education Act

Cannabis Act, 2017

Ontario Regulation 472/07 Suspension and Expulsion of Pupils

Policy/Program Memorandum 141, School Board Programs for Students on Long-Term Suspension, 2012

Policy/Program Memorandum 142, School Board Programs for Expelled Students, 2012

Policy/Program Memorandum 128, The Provincial Code of Conduct and School Board Codes of Conduct, 2018

Policy/Program Memorandum 144, Bullying Prevention and Intervention, 2018

Policy/Program Memorandum 145, Progressive Discipline and Promoting Positive Student Behaviour, 2018

Board Policy P.022.SCO: Appeals Hearing Panel (Student Suspension)

Board Policy P.023.SCO: Expulsion Hearing Panel (Students)

Board Policy P.125.SCO: School District Code of Conduct

Board Procedure PR.512.SCO: Appeals Hearing Panel (Student Suspension)

Board Procedure PR.513.SCO: Expulsion Hearing Panel (Students)

Board Procedure PR.515.SCO: Student Suspension and Expulsion

Board Procedure PR.524.SCO: Access to School/Board Premises

Board Procedure PR.525.SCO: Weapons

Board Procedure PR.528.SCO: Critical Incident Review Process

Board Procedure PR.659.SCO: Bullying Prevention and Intervention

Board Procedure PR.660.SCO: Progressive Discipline and Promoting Positive Student Behaviour