

STUDENTS

Code of Conduct, and Discipline for Students

This procedure provides administrative guidelines for the implementation of Policy and Regulation: "Code of Conduct, and Discipline for Students."

1.0 Reference should be made to the following documents in determining consequences for specific behaviours:

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| • Policy and Regulation | <i>Code of Conduct, and Discipline for Students</i> |
| • Policy, Regulation and Procedure | <i>Security and Safety</i> |
| • Policy and Regulation | <i>Substance Abuse: Students</i> |
| • Policy, Regulation and Procedure | <i>Positive School Climate</i> |
| • Policy and Procedure | <i>Prohibiting Smoking and Associated Devices</i> |
| • Procedure | <i>Police/School Board Protocol</i> |

2.0 Responding to Incidents

- 2.1 Employees who work directly with students – including administrators, teachers, and other school 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 the incident. Such inappropriate behaviour may involve bullying, swearing, homophobic or racial slurs, sexist comments or jokes, graffiti, or vandalism, violent acts or threats.
- 2.2 Responding may include asking a student to stop the inappropriate behaviour; naming the type of behaviour and explaining why it is inappropriate and/or disrespectful; directing the student to correct the behaviour (refer to *Appendix C: Intervene in Aggressive and/or Bullying Interactions*.) When employees are aware that an incident involves a student with special education needs, they are expected to respond in a way that takes into account information in the student's IEP.
- 2.3 Employees are not required to respond to incidents when, in their opinion, responding would cause immediate physical harm to themselves or to a student or another person. However, serious student incidents must be reported to the principal and confirmed in writing (refer to *Appendix D: C.F. Memorandum Ministry Safe Schools Incident Reporting*.) For other incidents, where suspension or expulsion would not be considered but employees feel it is not safe to respond, they will be expected to inform the principal verbally as soon as possible.

3.0 Disclosure of Students' Personal Information

- 3.1 For students whose behaviour(s) may present a potential risk of physical harm to school staff or students, principals are only permitted to share information documented in the OSR with employees who do not have access to the OSR, if disclosure is necessary, so that employees can carry out their duties, including their duty to respond to inappropriate and disrespectful student behaviour. In such cases, principals may share only the necessary information pertaining to behaviour that may present risk of physical harm.

4.0 Supports for Students

- 4.1 Schools must provide supports for all students who are affected by serious student incidents and for those who engage in these types of incidents, to assist them in developing healthy relationships, making choices that support continuing their learning, and achieving success. Supports may be provided by employees of the board, through board programs and resource personnel, or through community-based service providers, including social service agencies, First Nations, Metis, Inuit (FNMI) support organizations, and mental health services.

- 4.2 Schools are expected to support students in a timely, sensitive and supportive manner – including those who disclose or report incidents and those who wish to discuss issues of healthy relationships, gender identity, and sexuality – by providing them with contact information about professional supports (e.g., public health units, community-based service providers such as Pflag and Egale, Help Phone lines.)

5.0 Notifying Parents/Guardians

- 5.1 Principals are required to notify the parents/guardians of students who have been harmed as the result of a serious student incident. Principals shall disclose the following information:
- the nature of the activity that resulted in harm to the student
 - the nature of the harm to the student
 - the steps taken to protect the student's safety, including the nature of any disciplinary measures taken in response to the activity
 - the supports that will be provided for the student in response to the harm that resulted from the activity
- 5.2 Principals are required to notify the parents/guardians of students who have engaged in serious student incidents. Principals shall disclose the following information:
- the nature of the activity that resulted in harm to the other student
 - the nature of the harm to the other student
 - the nature of any disciplinary measures taken in response to the activity
 - the supports that will be provided for the student in response to his or her engagement in the activity
- 5.3 When notifying parents/guardians of these incidents, the principal must invite parents/guardians to have a discussion with them about the supports that will be provided for their child.
- 5.4 A principal shall not notify 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/guardian of the student, such that, notification is not in the student's best interest. When principals have decided not to notify the parents/guardian that their child was involved in a serious student incident, as described above, they must document the rationale for this decision and notify both the teacher who reported the incident and the appropriate supervisory officer of this decision. Principals shall also, if they determine it is appropriate to do so, inform other employees of this decision. In addition, principals should refer students to board resources or to a community-based service provider that can provide the appropriate type of confidential support when parents are not called (e.g., counselling; a sexual assault centre; Kids Help Phone; Lesbian, Gay, Bisexual, Transgendered Youth Line, Aboriginal Friendship Centres.)
- 5.5 In circumstances where employees have reason to believe that a student may be in need of protection, employees must call a Children's Aid Society according to the requirements of the Child, Youth and Family Services Act (refer to Regulation: *Child Abuse – Appendix A, Guidelines for Reporting Children in Need of Protection.*)

6.0 School Transfers Related to School Safety

- 6.1 When students are being transferred to another school in order to preserve school safety, i.e., due to police conditions, a "transfer meeting" between the school from which the student is being transferred and the receiving school must be conducted. In cases where the transfer is necessary to protect a student, it is preferable that the student who has been harmed not be moved. The purpose of the transfer meeting is to put in place a transition strategy to identify any additional supports and resources that the student may require (e.g., supports provided by school-based employees of the board, by board personnel, or through a community-based service provider, including mental health services.)
- 6.2 The meeting must include the teachers and other school staff that will have regular direct contact with the student. The student who is being moved and their parents/guardians should also be invited to the transfer meeting. Schools must make reasonable efforts to accommodate parent/guardian participation at this meeting. The transfer meeting must occur prior to the day the student is transferred. When the meeting occurs on the day the student is transferred, it must occur before the student attends class. The receiving school must also be in possession of the

student's OSR prior to the occurrence of the transfer meeting, and the OSR must be available to be consulted at the meeting.

- 6.3 Prior to the start of the transfer meeting, the principal must inform all staff in attendance that they must treat any information about the student and the incident disclosed at the meeting as confidential.

7.0 Reporting to the Principal

- 7.1 An employee of the board who becomes aware that a student at a school may have engaged in a serious student incident shall report the matter to the principal as soon as reasonably possible. 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 (refer to *Appendix D: C.F. Memorandum Ministry Safe Schools Incident Reporting.*)
- 7.2 In cases where an immediate action is required, a verbal report to the principal may be made.
- "In certain situations, members of the College of Psychologists of Ontario or the Ontario College of Social Workers and Social Service Workers who are engaged 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."
- 7.3 Employee reports, including those made to the principal verbally, must be confirmed online, using the "Safe Schools Incident Reporting Form – Part I" (refer to *Appendix D: C.F. Memorandum Ministry Safe Schools Incident Reporting.*) Where the principal is the sole witness to an incident, the principal is similarly required to use the online reporting form to confirm what they witnessed.
- 7.4 The principal must investigate all reports submitted by employees. Once the investigation is complete, the principal must communicate the results of the investigation to the staff member who made the report. If an employee who is not a teacher made the report, the principal will communicate the results of the investigation to that employee if the principal considers it appropriate. Communication between the principal and school staff about the investigation and the results of the investigation is a shared responsibility, and is an important factor in meeting student needs and fostering collaboration in the school.
- 7.5 The principal must not disclose more personal information than is reasonably necessary for the purpose of communicating the results of the investigation. This information must be provided in a timely manner so that school staff can work with the principal to best meet the needs of students, support a positive school climate, and help prevent future inappropriate behaviour from taking place.
- 7.6 In all cases, the principal must provide the employee who reported the incident with online acknowledgement, using the online "Safe Schools Incident Reporting Form – Part II" (refer to *Appendix D: C.F. Memorandum Ministry Safe Schools Incident Reporting.*) If no further action is taken by the principal, the principal is not required to retain the report. Information that could identify the student(s) involved must not be part of the acknowledgement.
- 7.7 Early childhood educators and school bus drivers, as well as employees and contractors of third-party operators, must also report incidents in writing or by using the online Safe Schools Incident Reporting Form to the principal as soon as reasonably possible.
- 7.8 Individuals who are not employees of the board who come into direct contact with students on a regular basis are to report such matters to the principal.
- 7.9 Boards must also follow the direction provided in the ministry document *Provincial Model for a Local Police/School Board Protocol, 2015* with respect to incidents that require police notification and response.

8.0 Recording in Ontario Student Record (O.S.R.)

- 8.1 If the principal has decided that action must be taken as a result of a serious student incident, they will file a copy of the reporting form with documentation indicating the action taken in the OSR of the student whose behaviour was inappropriate. The names of all other students that appear on the form – both students who engaged in the activity and students who have been harmed – must be removed from the form before it is filed.
- 8.2 Where the principal has taken action in the case of more than one student, a copy of the reporting form with documentation indicating the action taken must be filed in the OSR of each student whose behaviour was inappropriate. The names of all other students that appear on the form – both students who have engaged in the activity and students who have been harmed – must be removed from the form before it is filed.
- 8.3 In the case of the student who has been harmed, no information about the incident must be placed in their OSR, unless that student's parents expressly request that it be placed in the OSR.
- 8.4 In situations where the student who has been harmed, has also engaged in a serious student incident, information regarding the incident and the action taken will be placed in the student's OSR.
- 8.5 The form and documentation must be kept in the OSR for a minimum of one year (refer to *Appendix D: C.F. Memorandum Ministry Safe Schools Incident Reporting.*)
- 8.6 If the principal has identified the incident as violent as per PPM 120, and if the student engaged in the incident is a student of the school, the reporting form must be retained in that student's OSR for:
- One year, if the student's suspension was quashed or withdrawn and the record of suspension expunged. Documentation of any other action taken (other than suspension or expulsion) must also be retained for this period;
 - Three years, if the student was suspended for the violent incident;
 - Five years, if the student was expelled for the violent incident.
- 8.7 For non-violent incidents, if no further action is taken by the principal, the principal is not required to retain the report.
- 8.8 Information relating to an expulsion shall be removed five (5) years after the date on which the school board expelled the student.
- 8.9 Where an expelled student has been readmitted to school and is expelled again, the information relating to the expulsions shall not be removed from the O.S.R. until five (5) consecutive years have passed without any further expulsion.

9.0 Suspensions/Expulsions

- 9.1 Important Procedural Considerations:
- 1) When a student is suspended from school, the first day of the suspension should be the first day that they were excluded from the school property by the school administration. No student will be suspended for more than 20 days.
 - 2) A student may be excluded from school for safety reasons while a school and or police investigation is taking place. An administrator is allowed to do this pursuant to section 265 (1) (m) of the Education Act. This form of exclusion is not an official suspension. If after your investigation is complete and the Administrator decides to suspend the student, then follow section 9.1 (1). An Administrator must not enact section 265 (1) (m) without consulting with the Area AO/SO (refer to *Appendix E: Exclusions.*)
 - 3) A student may be excluded from class for safety reasons while a school and or police investigation is taking place. An administrator is allowed to do this pursuant to section 265 (1) (m) of the Education Act. Classroom exclusions shall not be considered a suspension day.

- 4) Any days on which a student is excluded from school property by any other party other than school administration, shall not be counted as a suspension day e.g., Police, Children's Aid Society, Public Health, Parent/Guardian Direction.
- 5) When suspending a student, it is recommended to select the most relevant reason rather than multiple reasons.
- 6) Consult with the Area AO/SO if the suspension being considered is 5 days or more or if the situation is complex before the suspension is issued.

10.0 Violent Incident Reporting

- 10.1 For any student behaviour that may result in possible suspension or expulsion, administration should determine if the action is violent and if police involvement is required (refer to *Police/School Board Protocol* for Mandatory Reporting to Police.)

When a student, either as perpetrator or victim, is involved in violent behaviour, every effort should be made to provide the student and the family with information and support.

10.2 Violent Incident Reporting

- 1) For a serious incident, contact AO/SO (refer to Procedure: *Security and Safety, Appendix D - Violent Incidents and Injury.*)
- 2) If there is a critical injury, contact the Health & Safety Department (refer to Procedure: *Security and Safety, Appendix D-1 - Critical Injury Reporting.*)
- 3) It is a school responsibility for administration to do a thorough investigation, following the Durham District School Board's expectations for an investigation (refer to Procedure: *Security and Safety, Appendix A, Investigations.*)
- 4) If the incident is against staff, staff are required to complete the online Violent Incident form, (refer to Procedure: *Security and Safety, Appendix D-2: Violent Incident & Injury Reporting.*) Principal must investigate and report back to the employee.
- 5) When the Violent Incident involves staff and results in a Workplace Safety and Insurance Board (WSIB) reportable event, fill in the Parklane Report online (refer to Procedure: *Security and Safety, Appendix D-3: Parklane.*)
- 6) If a student is injured, the administrator completes the online Ontario School Boards' Insurance Exchange (OSBIE) Student Accident Form (refer to Procedure: *Security and Safety, Appendix D-4: OSBIE.*)
- 7) If the incident may result in suspension/expulsion, complete the online Safe Schools Incident Reporting Form (refer to *Appendix D: Ministry Safe Schools Incident Reporting.*)
- 8) Complete the electronic reporting for OnSIS (Ontario Student Information System) for Violent Incidents required by the Ministry of Education as outlined in PPM 120 – Reporting Violent Incidents to the Ministry of Education (refer to Procedure: *Security and Safety, Appendix D-6: PPM 120 OnSIS Ministry Reporting.*)
- 9) If a student has been restrained, complete the Physical Containment Report as outlined in Procedure 5127 (refer to Procedure: *Security and Safety, Appendix D-7: Physical Containment.*)
- 10) If in the opinion of the administrator and the supporting team, a Behaviour Safety Plan is necessary, a plan will be devised and communicated to the appropriate parties. Behaviour Safety Plans are developed collaboratively, by school and Board staff members with parent/guardian consultation. The plan will be communicated to those staff who interact directly with the student (refer to Procedure: *Security and Safety, Appendix D-8: Behaviour Safety Plan.*)
- 11) A Principal, under Health and Safety, has a duty to provide information related to a risk of workplace violence from a person with a history of violent behaviour and is required to complete a Student Brief: Notification of Risk. Following consultation with the Area Administrative Officer/Superintendent, complete the Student Brief (refer to Procedure: *Security and Safety, Appendix D-9: Student Briefs.*)
- 12) Following consultation, with the Area Administrative Officer/Superintendent and Safe Schools Administrative Officer, if it is determined that a Violence Threat Risk Assessment is needed, please refer to Stage 1: Violence Threat Risk Assessment (refer to Procedure: *Security and Safety, Appendix D-10: Stage 1 VTRA Administrators Guide.*)

Note: Please refer to Procedure: *Police/School Board Protocol* and Procedure: *911 – Emergency Response Guideline* when dealing with a serious incident and/or a student or staff injury. It is important to document the incident, e.g. Administrator's notes, witness statements and photographs, in case of potential legal action, medical follow-up and/or student discipline.

In circumstances where board employees have reason to believe that a student may be in need of protection, they are required to call a children's aid society, in accordance with the requirements of the Child, Youth and Family Services Act. (PPM 120)

If the incident meets the criteria for a Violence Risk Threat Assessment (VTRA), consult with the Administrative Officer for Safe Schools. If a Level 1 VTRA is initiated (refer to Procedure: *Security and Safety, Appendix D-10: Stage 1 VTRA Administrators Guide*.)

10.3 Violent incidents involving students under the age of twelve years:

- (a) Children under the age of 12 years cannot be charged with an offence under the Youth Criminal Justice Act or the Criminal Code. The decision to report an incident involving children under the age of 12 years to the police will be made by Administration in accordance with the *Police/School Board Protocol*. Nevertheless, the parent/guardian may wish to report the incident to the police independently of the school's decision.
- (b) Each individual violent incident in this category will be judged on its own merit. Violent incidents involving sexual assault, serious injury or extensive damage to property should be reported to the police as per the *Police/School Board Protocol*. A report to the Children's Aid Society may also be required (refer to Regulation: Child Abuse.)

10.4 Violent incidents involving students twelve years of age and older:

- (a) The Youth Criminal Justice Act applies to a student aged 12 to 17 years. The Criminal Code applies to a student eighteen years or over if the student is charged with a criminal offense.
- (b) Violent incidents may result in serious consequences for students including suspension or expulsion. Violent incidents shall be reported to the police.

11.0 Return to School After Expulsion

- 11.1 A student who has been expelled from all schools of a board is entitled to be readmitted to a school of the board if the student has, since being expelled,
- (a) successfully completed a program for expelled students; or
 - (b) satisfied the objectives required for the successful completion of a program for expelled students.
- 11.2 The determination of whether an expelled pupil satisfies the requirements of clause (1) (a) or (b) is to be made by a person who provides a program for expelled students.
- 11.3 An expelled student may apply in writing to a person designated by the board that expelled them to be readmitted to a school of that board and, if the student satisfies the requirements of clause (1) (a) or (b) as determined by a person who provides a program for expelled students, the board shall;
- (a) re-admit the expelled student to a school of the board; and promptly
 - (b) inform the student in writing of their re-admittance. (S.O. 2007, C. 14, s. 6.)
- 11.4 A student who has successfully completed a program for expelled students provided by any board or person under this Procedure has satisfied the requirements of clause 314.1 (1) (a), and no board shall;
- (a) require the student to attend a program for expelled students provided by that board before being admitted to a school of the board; or
 - (b) refuse to admit the student on the basis that the student completed a program for expelled students provided by another board or person. (S.O. 2007, c. 14, s. 6.)
- 11.5 A student who has been expelled from one school or a board but not from all schools of the board may apply in writing to a person designated by the board to be re-assigned to the school from which they were expelled. (S.O. 2007, c. 14, s.6.)

12.0 Admission of a Student Expelled from Another Board

- 12.1 A student who has been expelled from another board may be considered for admission to the Durham District School Board.
- 12.2 A student (or parent/guardian on behalf of the student, as appropriate) who wishes to be considered for admission is expected to make this request in writing through the Office of the Director of Education. Co-operation with the Director of Education in gathering information that is relevant to the admission deliberation is essential to the admission process. Based on this information the Director will prepare a recommendation to the Board.
- 12.3 The Director shall schedule the admission deliberation for an In-Camera meeting with Trustees. The student (and/or parent/guardian, as appropriate) is entitled to be present when the Director's recommendation is presented to the Board, and to make their own presentation to the Board.
- 12.4 After hearing the presentation, the Board may deliberate in private, after which it will take one of the following actions:
- (a) accept the Director's recommendation
 - (b) reject the Director's recommendation and, if this action leaves open the possibility of admission, either:
 - (i) request a further report from the Director before making a decision, or
 - (ii) request that the student or parent/guardian, as appropriate, make a presentation to the Board.
- 12.5 The Director of Education shall be responsible for the placement of students admitted by the Durham District School Board after an expulsion from another board. The Board will not hear student/parent requests regarding placement.
- 12.6 If a student or parent/guardian, after having been advised of the date and time when the Board would be considering the request for admission, chooses not to attend at the Board meeting, the Trustees may proceed to deal with the matter in the absence of the student or parent/guardian.

13.0 Delegation of Authority Regarding Discipline

The principal has the authority to delegate the powers, duties, or functions under Part XIII of the Education Act, – "Behaviour, Discipline and Safety". Whenever possible, schools must ensure that at least one school administrator is present on school property.

Delegation to Vice-Principals includes 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.

- The principal's authority under Part XIII of the Education Act may only be delegated in writing to a teacher in the absence of the principal and vice-principal, and must respect the terms of all applicable collective agreements.
- Teachers may be delegated the authority to initially deal with situations involving activities that occur that must be considered for suspension or expulsion. The most important consideration in these circumstances is the safety of those involved. Investigations must be undertaken according to board direction. The teacher must report all details of the initial investigation to the principal as soon as possible.
- 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. A teacher may not be delegated authority regarding suspension decisions or recommendations regarding expulsion of students.
- A teacher may be delegated limited authority to contact the parents of a student who has been harmed as the result of a serious student incident and the parents of the student who has engaged in the activity. The information provided to the parents by a teacher must be limited to the nature of the harm to the student and the nature of the activity that resulted in the harm.

- The teacher must not be delegated the authority to discuss the nature of any discipline measures taken in response to the activity.
- If the teacher is not sure whether he or she should call the parents, the teacher should contact the principal or supervisory officer for direction. The principal or vice-principal will follow up with the parents as soon as possible.

Appendix:

Appendix A: Restorative Practice

Appendix B: Sample Suspension Letter

Appendix C: Intervene in Aggressive Bullying Interactions

Appendix D: CF Memo -Incidents Reporting

Appendix E: Exclusion Package

Effective Date:

2013/04/15

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