



Administrative Procedure 1260 STUDENT DISCIPLINE PROCEDURE

Responsibility:	Superintendent, Student Achievement & Well-Being
Legal References:	<i>Education Act, R.S.O. 1990, c. E.2</i> <i>Human Rights Code, R.S.O. 1990, c. H.19</i>
Related References:	<i>PPM 120 – Reporting Violent Incidents to the Ministry of Education;</i> <i>PPM 144 – Bullying Prevention and Intervention;</i> <i>PPM 145 – Progressive Discipline and Promoting Positive Student Behaviour;</i> <i>Board Policy 1017 – Human Rights;</i> <i>Board Policy 6001 – Code of Conduct;</i> <i>Board Policy 6008 – Student Discipline;</i> <i>Board Policy 6009 – Student Bullying Prevention and Intervention;</i> <i>Administrative Procedure 1330 – Safe Schools Incident Reporting and Record-Keeping;</i> <i>Administrative Procedure 1620 – Alternative Suspension Program;</i> <i>IS-24-S-01 – Suspension Letter;</i> <i>IS-24-S-02 – Suspension Pending Possible Recommendation for Expulsion Letter;</i> <i>IS-24-S-03 – Notice of Suspension Review;</i> <i>IS-24-S-04 – Suspension Review Decision;</i> <i>IS-24-S-05 – Notice of Suspension Appeal;</i> <i>IS-24-S-06 – Suspension Appeal Decision;</i> <i>IS-24-S-07 – Suspension Appeal Hearing Outcome;</i> <i>IS-24-S-08 – Aspen Incident Tracker for Suspension/Expulsion Input (Working Copy);</i> <i>IS-24-E-01 – Principal’s Report;</i> <i>IS-24-E-02 – Expulsion Joint Recommendation;</i> <i>IS-24-E-03 – Decision Not to Recommend Expulsion;</i> <i>IS-24-E-04 – Notice of Recommendation for Expulsion;</i> <i>IS-24-E-05 – Expulsion Decision;</i> <i>IS-24-E-06 – Expulsion Hearing Outcome – Board Expulsion;</i> <i>IS-24-E-07 – Expulsion Hearing Outcome – School Expulsion;</i> <i>IS-24-E-08 – Expulsion Hearing Outcome – Overturned Expulsion;</i> <i>IS-24-E-09 – Declaration of Performance;</i> <i>IS-24-E-10 – Consultation;</i> <i>IS-24-E-11 – Event Log;</i> <i>IS-24-E-12 – Expulsion Hearing Extension</i>
Effective:	July 2011
Revisions:	February 2020, July 2024
Reviewed:	March 2014

1. Definitions

- 1.1 **Adult Student** – a student who is:
- 18 years or older; or
 - 16 or 17 years old and has withdrawn from parental control.

- 1.2 **Board Expulsion** – an expulsion from all schools of the Waterloo Region District School Board (WRDSB).
- 1.3 **Bullying** – 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.
- 1.4 **Daily Care** – a person with daily care is an adult person (18 years or older) who is not the custodial parent/guardian of a student who is less than 18 years old, but cares for the student on a daily basis and is known by the school to provide daily care (e.g., a grandparent, aunt, uncle, older brother or sister).
- 1.5 **Discipline Committee** – a committee of three (3) or more Trustees designated to determine suspension appeals and recommendations for expulsion.
- 1.6 **Harassment** – course of comments or actions (including physical harassment) that are known, or ought reasonably to be known, to be offensive, embarrassing, humiliating, demeaning or unwelcome.
- 1.7 **Parent/Guardian** – the custodial parent or guardian of a student who is not an adult student.
- 1.8 **School Climate** – the sum total of all of the personal relationships within a school; a positive climate exists when all members of the school community feel safe, comfortable and accepted.
- 1.9 **School Community** – staff, students and parents/guardians of the school and feeder schools/family of schools, as well as the community of people and businesses that are served by or located in the greater neighbourhood of the school.
- 1.10 **School Expulsion** – an expulsion from the school of the WRDSB that the student was attending at the time of the incident.
- 1.11 **Weapon** – any object or thing used to threaten or inflict harm on another person and includes, but is not limited to, knives, guns, replica guns and animals.

2. Progressive Discipline

- 2.1 Progressive discipline is a whole-school approach that uses a continuum of corrective and supportive interventions, includes consequences to address inappropriate behaviour and builds upon strategies that promote positive behaviours.
- 2.2 If a student has displayed inappropriate behaviour, the teacher, principal or designate will use a progressive discipline approach that is developmentally appropriate, culturally relevant and includes opportunities for the student to focus on improving their behaviour.
- 2.3 A single egregious act by a student may preclude any early and/or ongoing intervention strategies and instead lead directly to a suspension or a recommendation for expulsion.

- 2.4 Each school is required to develop and implement a school-wide progressive discipline plan, consistent with [Board Policy 6008 – Student Discipline](#) and this procedure (Administrative Procedure 1260 – Student Discipline Procedure).
- 2.5 Where a student has special education and/or disability-related needs, the progressive discipline approach must be consistent with the expectations for the student, including those in the student's Individual Education Plan or Behaviour Management Plan.
- 2.6 If the student is not an adult student, the student's parent(s)/guardian(s) should be actively engaged in the progressive discipline approach.

3. Addressing Inappropriate Behaviour

- 3.1 Inappropriate behaviour is any behaviour that disrupts the positive school climate and/or has a negative impact on the school community, including, but not limited to:
 - 3.1.1 Any act considered by the principal to be injurious to the moral tone of the school;
 - 3.1.2 Any act considered by the principal to be injurious to the physical or mental well-being of any member of the school community; and
 - 3.1.3 Any act considered by the principal to be contrary to the WRDSB or school Code of Conduct.
- 3.2 A teacher, principal or designate, as appropriate, may use **early and/or ongoing intervention strategies** to address inappropriate behaviour:
 - 3.2.1 Contact with the student's parent/guardian;
 - 3.2.2 Oral reminders;
 - 3.2.3 Review of expectations;
 - 3.2.4 Written work assignments that address the behaviour and have a learning component;
 - 3.2.5 Volunteer services to the school community;
 - 3.2.6 Conflict mediation and resolution;
 - 3.2.7 Peer mentoring;
 - 3.2.8 Referral to counselling;
 - 3.2.9 Restorative practices;
 - 3.2.10 Consultation.
- 3.3 **Progressively more serious consequences** should be considered for inappropriate behaviour that is repeated or for progressively more serious inappropriate behaviour:
 - 3.3.1 Meeting with the student's parent/guardian, student and principal;
 - 3.3.2 Referral to a community agency for anger management or substance abuse counselling/intervention;

- 3.3.3 Detentions;
 - 3.3.4 Withdrawal of privileges;
 - 3.3.5 Withdrawal from class;
 - 3.3.6 Restitution for damages;
 - 3.3.7 Restorative practices;
 - 3.3.8 Transfer with full disclosure to the receiving school:
 - The receiving school must ensure appropriate supports are implemented; and
 - The sending school must consult with the Superintendent, Student Achievement & Well-Being prior to the transfer;
 - 3.3.9 Suspension from school and all school-related activities for up to twenty (20) school days;
 - 3.3.10 Recommendation to the Board that the student be expelled.
- 3.4 The teacher, principal or designate must select the most appropriate progressive discipline approach to address the student's behaviour, taking into account **mitigating and other factors**.
- 3.5 The teacher, principal or designate should keep a record for each student with whom a progressive discipline approach was used. The record should include:
- Name of the student;
 - Date of the incident or behaviour;
 - Nature of the incident or behaviour;
 - Progressive discipline approach used;
 - Outcome; and
 - Contact with the student's parent/guardian (unless the student is an adult student).

4. Notification of Parents/Guardians

- 4.1 If a principal believes that a student's inappropriate behaviour resulted in harm to another student, the principal must notify the parent/guardian of the student who engaged in the inappropriate behaviour, unless the student is an adult student or the principal believes that the notification would put the student at risk of harm from the parent/guardian. The notification will include:
- The nature of the activity that resulted in harm;
 - The nature of the harm;
 - The nature of any disciplinary measures taken in response to the activity that resulted in harm;
 - The supports that will be provided for the student in response to their engagement in the activity; and
 - An invitation to have a discussion about the supports that will be provided for the student.
- 4.2 If a principal believes that a student has been harmed as a result of inappropriate behaviour, the principal must notify the parent/guardian of the student who has been harmed, unless the student is an adult student or the principal believes that the notification would put the student at risk of harm from the parent/guardian. The notification will include:
- The nature of the activity that resulted in harm;
 - The nature of the harm;

- The steps taken to protect the student's safety, including the nature of any disciplinary measures taken in response to the activity that resulted in harm;
 - The supports that will be provided for the student in response to the harm; and
 - An invitation to have a discussion about the supports that will be provided for the student.
- 4.3 The principal must not disclose more personal information than is reasonably necessary for the purpose of notifying a parent/guardian.

5. Mitigating and Other Factors

- 5.1 In all cases where a progressive discipline approach is being considered to address inappropriate behaviour, the teacher, principal or designate must:
- 5.1.1 Consider the particular student and circumstances, including considering the **mitigating and other factors**;
 - 5.1.2 Consider the nature and severity of the behaviour;
 - 5.1.3 Consider the impact of the inappropriate behaviour on the school climate; and
 - 5.1.4 Consult with the student's parent/guardian (unless the student is an adult student).
- 5.2 The **mitigating factors** to be considered by the teacher, principal or designate before deciding whether to use a progressive discipline approach to address the inappropriate behaviour are:
- 5.2.1 Whether the student has the ability to control their behaviour;
 - 5.2.2 Whether the student has the ability to understand the foreseeable consequences of their behaviour; and
 - 5.2.3 Whether the student's continuing presence in the school creates an unacceptable risk to the safety of any other individual at the school.
- 5.3 If the student does not have the ability to control their behaviour or understand the foreseeable consequences of their behaviour, the teacher, principal or designate will not use a progressive discipline approach; other interventions must be considered in such circumstances.
- 5.4 If the student does not have the ability to control their behaviour or understand the foreseeable consequences of their behaviour, but poses an unacceptable risk to the safety of others in the school, the principal will consult with the Superintendent, Student Achievement & Well-Being regarding appropriate accommodations and/or strategies that might be instituted to ensure safety of students, staff and others in the school.
- 5.5 If the student is able to control their behaviour, is able to understand the foreseeable consequences of their behaviour and poses an unacceptable risk to the safety of others in the school, the principal will suspend the student.
- 5.6 Where the student is able to control their behaviour, is able to understand the foreseeable consequences of their behaviour, but does not pose an unacceptable risk to the safety of others in the school, the teacher, principal or designate will consider whether the following **other factors** mitigate the seriousness of the inappropriate behaviour for which a progressive discipline approach is being considered:

- 5.6.1 The student's academic, discipline and personal history;
- 5.6.2 Whether other progressive discipline has been attempted with the student and, if so, the progressive discipline approach(es) that has/have been attempted and any success or failure;
- 5.6.3 Whether the infraction for which the student might be disciplined was related to any harassment of the student because of race, ethnic origin, place of origin, religion, creed, disability, gender or gender identity, sexual orientation or harassment for any other reason;
- 5.6.4 The impact of the discipline on the student's prospects for further education;
- 5.6.5 The student's age; and
- 5.6.6 Where the student has special education and/or disability-related needs:
 - Whether the behaviour causing the incident was a manifestation of the student's disability;
 - Whether appropriate individualised accommodation has been provided;
 - Whether the progressive discipline is likely to aggravate or worsen the student's behaviour or result in a greater likelihood of further inappropriate behaviour; and
 - Whether ongoing interventions and supports need to be revisited and/or readjusted to sustain and promote positive student behaviour and/or address underlying causes.

6. Suspension

- 6.1 Taking into account any **mitigating and other factors** that might be applicable in the circumstances, when a principal has reasonable grounds to believe that a student has committed one or more 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, the principal will consider whether to suspend the student.
- 6.2 The principal will also contact the police consistent with the School Board – Police Protocol if the infraction that the student is suspected of committing requires such contact; when in doubt, the principal will consult with the Superintendent, Student Achievement & Well-Being.
- 6.3 The infractions for which a suspension may be imposed by the principal include:
 - 6.3.1 Uttering a threat to inflict serious bodily harm on another person;
 - 6.3.2 Possessing alcohol and/or illegal drugs;
 - 6.3.3 Possessing cannabis (unless the student is a medical cannabis user);
 - 6.3.4 Being under the influence of alcohol and/or illegal drugs;
 - 6.3.5 Being under the influence of cannabis (unless the student is a medical cannabis user);
 - 6.3.6 Swearing at a teacher or at another person in a position of authority;

- 6.3.7 Committing an act of vandalism that causes extensive damage to school property at the student's school or to property located on the premises of the student's school;
 - 6.3.8 Bullying or cyberbullying; and
 - 6.3.9 Any other activity that is an activity for which a principal may suspend a student under a policy of the WRDSB.
- 6.4 A student may be suspended only once per incident of an infraction and may be suspended for a minimum of one (1) school day and a maximum of twenty (20) school days.
- 6.5 Before imposing a suspension of four (4) or more school days on a student in Grade 6 or below, the principal will consult with the Superintendent, Student Achievement & Well-Being regarding:
- The investigation undertaken;
 - The circumstances of the incident;
 - Whether one or more of the **mitigating and other factors** are applicable in the circumstances; and
 - The appropriate length of the suspension.
- 6.6 Before imposing a suspension of six (6) or more school days on a student in Grade 7 or above, the principal will consult with the Superintendent, Student Achievement & Well-Being regarding:
- The investigation undertaken;
 - The circumstances of the incident;
 - Whether one or more of the **mitigating and other factors** are applicable in the circumstances; and
 - The appropriate length of the suspension.
- 6.7 A student who is subject to a suspension must be provided with school work to complete at home while serving the suspension; the student must be given an opportunity to catch up on missed school work as part of the re-entry process.
- 6.8 A student who is subject to a suspension of six (6) or more school days must be assigned to the Alternative Suspension Program (ASP); a student participating in the ASP is not considered to be engaging in school or school-related activities.
- 6.9 Where a principal has determined that it is appropriate in the circumstances to impose a suspension, the principal is required to effect the following procedural steps:
- 6.9.1 Within 24 hours of the decision, the principal must make all reasonable efforts to orally inform the adult student or, if the student is not an adult student, the student's parent/guardian of the suspension.
 - 6.9.2 The principal must inform the student's teacher(s) of the fact that the student has been suspended and the duration of the suspension.
 - 6.9.3 The principal, in conjunction with the student's teacher(s), must arrange for school work to be provided to the student to complete during the suspension.
 - 6.9.4 The principal must enter the suspension information into Aspen in order to generate a Suspension Letter (IS-24-S-01); the principal may use the Aspen Incident Tracker for Suspension/Expulsion Input (IS-24-S-08) to facilitate the entry into Aspen.

- 6.9.5 Within 48 hours of the suspension decision, the principal must provide a Suspension Letter (IS-24-S-01) to the adult student or, if the student is not an adult student, to the student's parent/guardian. The letter will include:
- The reason for suspension;
 - The duration of the suspension;
 - Where the student is suspended for six (6) or more school days, information about the ASP to which the student is assigned;
 - Information about the right to appeal the suspension, including the relevant policies and guidelines; and
 - The contact information for the Superintendent, Student Achievement & Well-Being.
- 6.9.6 The Suspension Letter (IS-24-S-01), as well as any Safe Schools Incident Reporting Forms that relate to the incident, must be filed in the student's Ontario Student Record. Please refer to Administrative Procedure 1330 – Safe Schools Incident Reporting and Record-Keeping for information regarding retention periods.

- 6.10 Following a suspension of six (6) or more school days, a re-entry meeting will be held with appropriate staff, the student and, if the student is not an adult student, the student's parent/guardian (unless the parent/guardian is unable to attend).

7. Suspension Appeal Process

- 7.1 The adult student or, if the student is not an adult student, the student's parent/guardian may appeal a suspension.
- 7.2 All suspension appeals will be received by the Superintendent, Student Achievement & Well-Being.
- 7.3 The suspended student will continue to serve their suspension during the appeal process; an appeal of a suspension does not stay the suspension.
- 7.4 A person who intends to appeal a suspension must give written notice of their intention to appeal the suspension within ten (10) school days of the commencement of the suspension.
- 7.5 **The WRDSB must hear and/or determine the appeal within fifteen (15) school days of receiving the notice of intention to appeal** (unless the parties agree to an extension).
- 7.6 Upon receipt of written notice of the intention to appeal the suspension, the Superintendent, Student Achievement & Well-Being will promptly advise the principal of the appeal and provide a Notice of Suspension Review (IS-24-S-03) to the adult student or, if the student is not an adult student, the student's parent/guardian. The notice will include:
- A statement that a review of the suspension will take place; and
 - An invitation to the appellant to discuss any matter respecting the incident and/or appeal of the suspension.
- 7.7 When reviewing a suspension, the Superintendent, Student Achievement & Well-Being, in consultation with the principal, will review the reason for the suspension and the duration of the suspension, as well as the **mitigating and other factors** that might be applicable in the circumstances.
- 7.8 The Superintendent, Student Achievement & Well-Being will seek an informal resolution to the school-level decision; if an informal resolution cannot be developed at the school level, the Superintendent, Student Achievement & Well-Being will decide whether to:
- Uphold the suspension and its duration;

- Uphold the suspension but shorten its duration and amend the record accordingly; or
 - Withdraw the suspension and expunge the record.
- 7.9 The Superintendent, Student Achievement & Well-Being may request a meeting with the principal and the adult student or, if the student is not an adult student, the student's parent/guardian to narrow the issues and try to effect a resolution.
- 7.10 The Superintendent, Student Achievement & Well-Being will provide a Suspension Review Decision (IS-24-S-04) to the adult student or, if the student is not an adult student, the student's parent/guardian.
- 7.11 Where a resolution is not effected, the Superintendent, Student Achievement & Well-Being will arrange a date for the appeal before the Discipline Committee and provide a Notice of Suspension Appeal (IS-24-S-05) to the adult student or, if the student is not an adult student, the student's parent/guardian. The notice will include:
- The date and location of the Suspension Appeal Hearing;
 - A report of the incident and rationale for suspension prepared by the principal;
 - A copy of the Suspension Letter (IS-24-S-01);
 - A copy of the written notice of the appellant's intention to appeal the suspension; and
 - A copy of the Suspension Review Decision (IS-24-S-04).
- 7.12 Suspension appeals will be heard by the Discipline Committee; the Superintendent, Student Achievement & Well-Being will ensure that the Suspension Appeal Hearing is placed on the Discipline Committee agenda for the date and time set out in the Notice of Suspension Appeal (IS-24-S-05) and coordinate the attendance of the Trustees.
- 7.13 The parties in an appeal to the Discipline Committee are:
- The principal; and
 - The adult student or, if the student is not an adult student, the student's parent/guardian.
- 7.14 Both parties are entitled to legal counsel and have an obligation to notify the other party of their intent to be represented at least 72 hours prior to the Suspension Appeal Hearing. Failure to notify will result in an adjournment of the hearing and will be deemed as consent to an extension of the fifteen-day time limit under section 309(6) of the *Education Act*. Legal counsel for the WRDSB will be present at the hearing if the adult student or, if the student is not an adult student, the student's parent/guardian is represented by legal counsel or an agent.
- 7.15 If the student is not a party, they have the right to be present at the Suspension Appeal Hearing and to make submissions on their own behalf; the Discipline Committee may grant a person with daily care authority to make submissions on behalf of the student.
- 7.16 The Discipline Committee may make such orders or give such directions at an appeal as it considers necessary for the maintenance of order at the appeal. Should any person disobey or fail to comply with any such order or direction, a Trustee may call for the assistance of a police officer to enforce any such order or direction.
- 7.17 Where any party who has received proper notice of the location, date and time of the hearing fails to attend the appeal or comply with the necessary timelines, the hearing may proceed in the absence of the party.
- 7.18 The hearing will be conducted in accordance with the Suspension Appeal Hearing Rules and Guidelines (Appendix A):
- 7.18.1 The principal and/or Superintendent, Student Achievement & Well-Being will make oral submissions on behalf of the administration.

- 7.18.2 The appellant will make oral submissions and/or provide written submissions regarding the reason for the appeal and the result desired.
- 7.18.3 The student and/or the person with daily care will be asked to make a statement.
- 7.18.4 The Discipline Committee may ask any party or the student, where appropriate, questions of clarification.
- 7.19 Taking into account any **mitigating and other factors**, the Discipline Committee will consider, based on the oral and/or written submissions of both parties, whether the decision to discipline and the discipline imposed was reasonable in the circumstances.
- 7.20 A Suspension Appeal Decision (IS-24-S-06) and a Suspension Appeal Hearing Outcome (IS-24-S-07) will be given to the principal and the adult student or, if the student is not an adult student, the student's parent/guardian. The notices will include a statement of the Discipline Committee's decision whether to:
 - Confirm the suspension and its duration;
 - Confirm the suspension but shorten its duration and order that the record be amended accordingly; or
 - Quash the suspension and order that the record be expunged.
- 7.21 The decision of the Discipline Committee is final.

8. Suspension Pending Possible Expulsion

- 8.1 Taking into account any **mitigating and other factors** that might be applicable in the circumstances, when a principal has reasonable grounds to believe that a student has committed one or more 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, the principal will suspend the student and, subsequently, conduct an investigation to determine whether to recommend that the student be expelled.
- 8.2 The principal will also contact the police consistent with the School Board – Police Protocol if the infraction that the student is suspected of committing requires such contact; when in doubt, the principal will consult with the Superintendent, Student Achievement & Well-Being.
- 8.3 The infractions for which a suspension pending possible expulsion may be imposed by the principal include:
 - 8.3.1 Possessing a weapon;
 - 8.3.2 Using a weapon to cause or to threaten bodily harm to another person;
 - 8.3.3 Physical assault on another person that causes bodily harm requiring treatment by a medical practitioner;
 - 8.3.4 Sexual assault;
 - 8.3.5 Trafficking in weapons or in illegal drugs (e.g., more than 30 grams of cannabis or any suspicious substance that is not readily identifiable);
 - 8.3.6 Robbery;
 - 8.3.7 Giving alcohol to a minor;

- 8.3.8 Giving cannabis to a minor;
 - 8.3.9 Bullying or cyberbullying, if:
 - The student has previously been suspended for engaging in bullying or cyberbullying; and
 - The student's continued presence in the school creates an unacceptable risk to the safety of another person;
 - 8.3.10 Any activity listed in section 6.3 of this procedure (Administrative Procedure 1260 – Student Discipline Procedure) that is motivated by bias, prejudice or hate based on the 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
 - 8.3.11 Any other activity that is an activity for which a principal may recommend that a student be expelled under a policy of the WRDSB, following consultation with the Superintendent, Student Achievement & Well-Being.
- 8.4 If a student is suspended pending an investigation to determine whether the student will be recommended for expulsion, the suspension will be for twenty (20) school days.
 - 8.5 If a student is suspended pending an investigation to determine whether the student will be recommended for expulsion, the principal must assign the student to the Alternative Suspension Program (ASP); a student participating in the ASP is not considered to be engaging in school or school-related activities.
 - 8.6 When imposing a suspension pending an investigation to determine whether the student will be recommended for expulsion, the principal is required to effect the following procedural steps:
 - 8.6.1 Within 24 hours of the decision, the principal must make all reasonable efforts to orally inform the adult student or, if the student is not an adult student, the student's parent/guardian of the suspension pending an investigation to determine whether the student will be recommended for expulsion.
 - 8.6.2 The principal must inform the student's teacher(s) of the fact that the student has been suspended pending an investigation to determine whether the student will be recommended for expulsion.
 - 8.6.3 The principal, in conjunction with the student's teacher(s), must arrange for school work to be provided to the student to complete during the suspension.
 - 8.6.4 The principal must enter the suspension information into Aspen in order to generate a Suspension Pending Possible Recommendation for Expulsion Letter (IS-24-S-02); the principal may use the Aspen Incident Tracker for Suspension/Expulsion Input (IS-24-S-08) to facilitate the entry into Aspen.
 - 8.6.5 Within 48 hours of the decision, the principal must provide a Suspension Pending Possible Recommendation for Expulsion Letter (IS-24-S-02) to the adult student or, if the student is not an adult student, to the student's parent/guardian **by hand or by registered mail**. (Note: An electronic copy of the letter must be sent to the Superintendent, Student Achievement & Well-Being and the System Administrator, Safe & Healthy Schools.) The letter will include:
 - The reason for suspension;
 - The duration of the suspension;
 - Information about the ASP to which the student is assigned;

- Information about the investigation the principal is conducting to determine whether to recommend expulsion; and
- A statement that there is no immediate right to appeal the suspension; any appeal must wait until the principal decides whether to recommend an expulsion.

8.6.6 A letter sent by registered mail will be deemed to have been received on the fifth school day after it was sent.

8.6.7 The Suspension Pending Possible Recommendation for Expulsion Letter (IS-24-S-02), as well as any Safe Schools Incident Reporting Forms that relate to the incident, must be filed in the student's Ontario Student Record. Please refer to Administrative Procedure 1330 – Safe Schools Incident Reporting and Record-Keeping for information regarding retention periods.

9. Principal's Investigation

- 9.1 The principal will conduct an investigation promptly following the suspension of a student to determine whether to recommend to the Discipline Committee that the student be expelled; should the decision be made to refer the student to the Discipline Committee with a recommendation for expulsion, the student must be referred to and dealt with by the Discipline Committee within twenty (20) school days from the date of suspension (unless the parties to the Expulsion Hearing agree upon a later date by signing the Expulsion Hearing Extension [IS-24-E-12]).
- 9.2 Any police investigation will be conducted separately from the principal's inquiry.
- 9.3 Any Threat Risk Assessment will be conducted separately from the principal's inquiry.
- 9.4 As part of the investigation, the principal will:
- 9.4.1 Make all reasonable efforts to speak with the student and, if the student is not an adult student, the student's parent/guardian;
 - 9.4.2 Conduct interviews with witnesses who the principal determines can contribute relevant information to the investigation;
 - 9.4.3 Make every reasonable effort to interview any witnesses suggested by the student and, if the student is not an adult student, the student's parent/guardian;
 - 9.4.4 Consider the **mitigating and other factors** when determining whether to recommend to the Discipline Committee that the student be expelled; and
 - 9.4.5 Complete the Consultation (IS-24-E-10) and Event Log (IS-24-E-11).
- 9.5 Before making a decision, the principal will consult with the Superintendent, Student Achievement & Well-Being.
- 9.6 If the principal has decided not to recommend to the Discipline Committee that the student be expelled, the principal must then decide whether to:
- Uphold the suspension and its duration;
 - Uphold the suspension but shorten its duration and amend the record accordingly; or
 - Withdraw the suspension and expunge the record.

- 9.7 If the principal has decided not to recommend to the Discipline Committee that the student be expelled, the principal will provide a Decision Not to Recommend Expulsion (IS-24-E-03) to the adult student or, if the student is not an adult student, the student's parent/guardian. The notice will include:
- A statement of the principal's decision not to recommend expulsion to the Discipline Committee;
 - A statement indicating whether the suspension has been upheld, upheld and shortened, or withdrawn; and
 - If the suspension has not been withdrawn, information about the right to appeal the suspension to the Discipline Committee, including:
 - Information about the right to appeal the suspension, including the relevant policies and guidelines;
 - Contact information for the Superintendent, Student Achievement & Well-Being; and
 - A statement that written notice of an intention to appeal must be given within five (5) school days following receipt of the Decision Not to Recommend Expulsion (IS-24-E-03).

10. Recommendation to the Board for Expulsion

- 10.1 If the principal has decided to recommend the expulsion of a student, the principal will prepare the Principal's Report (IS-24-E-01) and send a copy to the Superintendent, Student Achievement & Well-Being, as well as the System Administrator, Safe & Healthy Schools. The report will include:
- A summary of the findings the principal made in the investigation;
 - An analysis of which, if any, **mitigating and other factors** might be applicable;
 - A recommendation of whether the expulsion should be from the school or from the WRDSB; and
 - 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.
- 10.2 The System Administrator, Safe & Healthy Schools will provide the date and location of the Expulsion Hearing to the principal.
- 10.3 The principal will attempt to contact the adult student or, if the student is not an adult student, the student's parent/guardian via telephone within 24 hours of making the decision to recommend expulsion of the student.
- 10.4 The principal will provide a Notice of Recommendation for Expulsion (IS-24-E-04) to the adult student or, if the student is not an adult student, the student's parent/guardian **by hand or by registered mail**. The notice will include:
- A statement that the student is being referred to the Discipline Committee to determine whether the student will be expelled for the activity that resulted in suspension;
 - The date and location of the Expulsion Hearing as communicated by the System Administrator, Safe & Healthy Schools;
 - The date and location of a Pre-Expulsion Meeting as scheduled by the principal; invitees to the Pre-Expulsion Meeting will include:
 - The principal;
 - The student and, if the student is not an adult student, the student's parent/guardian; and
 - The Superintendent, Student Achievement & Well-Being;
 - The name and contact information for the Superintendent, Student Achievement & Well-Being;

- A statement that the adult student or, if the student is not an adult student, the student's parent/guardian has the right to respond to the Principal's Report (IS-24-E-01) in writing;
 - Information about the procedures and possible outcomes of the Expulsion Hearing, including that:
 - If the Discipline Committee does not expel the student, they will either confirm, confirm and shorten, or quash the suspension;
 - Parties have the right to make submissions with respect to the suspension;
 - Any decision with respect to the suspension is final and cannot be appealed;
 - If the student is expelled from the school, they will be assigned to another school; and
 - If the student is expelled from the WRDSB, they will be assigned to a program for expelled students;
 - A copy of [Board Policy 6008 – Student Discipline](#); and
 - A copy of the Expulsion Hearing Rules and Guidelines (Appendix B).
- 10.5 A letter sent by registered mail will be deemed to have been received on the fifth school day after it was sent.
- 10.6 The Pre-Expulsion Meeting will take place no sooner than 24 hours after the adult student or, if the student is not an adult student, the student's parent/guardian has received the Principal's Report (IS-24-E-01) and the Notice of Recommendation for Expulsion (IS-24-E-04).
- 10.7 The Superintendent, Student Achievement & Well-Being will chair the Pre-Expulsion Meeting and may assist to narrow the issues, identify agreed-upon facts and mediate an Expulsion Joint Recommendation (IS-24-E-02), if possible.
- 10.8 The Superintendent, Student Achievement & Well-Being will review the Discipline Committee process for an Expulsion Hearing, as well as respond to any questions or concerns that the student and, if the student is not an adult student, the student's parent/guardian may have regarding the process or incident.

11. Expulsion Hearing

- 11.1 The System Administrator, Safe & Healthy Schools will ensure that the Expulsion Hearing is placed on the Discipline Committee agenda for the date and time set out in the Notice of Recommendation for Expulsion (IS-24-E-04) and coordinate the attendance of the Trustees.
- 11.2 The System Administrator, Safe & Healthy Schools, in collaboration with the principal, will prepare a package of documents for delivery to the Discipline Committee for review at least 24 hours prior to the Expulsion Hearing. The documentary evidence provided to the Discipline Committee will include:
- The Principal's Report (IS-24-E-01);
 - Any written response to the Principal's Report (IS-24-E-01);
 - The Expulsion Joint Recommendation (IS-24-E-02), if required; and
 - Any other documents submitted by the parties.
- 11.3 Any further documentary evidence submitted by a party for consideration at the Expulsion Hearing must be provided to the other party and to the Discipline Committee in advance of the Expulsion Hearing.
- 11.4 The parties in an Expulsion Hearing before the Discipline Committee are:
- The principal; and
 - The adult student or, if the student is not an adult student, the student's parent/guardian.

- 11.5 Both parties are entitled to legal counsel and have an obligation to notify the other party of their intent to be represented at least 72 hours prior to the Expulsion Hearing. Failure to notify will result in an adjournment of the hearing and will be deemed as consent to an extension of the twenty-day time limit under section 311.3(8) of the *Education Act*. Legal counsel for the WRDSB will be present at the hearing if the adult student or, if the student is not an adult student, the student's parent/guardian is represented by legal counsel or an agent.
- 11.6 If the student is not a party, they have the right to be present at the Expulsion Hearing and to make submissions on their own behalf; the Discipline Committee may grant a person with daily care authority to make submissions on behalf of the student.
- 11.7 The Discipline Committee may make such orders or give such directions at an appeal as it considers necessary for the maintenance of order at the appeal. Should any person disobey or fail to comply with any such order or direction, a Trustee may call for the assistance of a police officer to enforce any such order or direction.
- 11.8 Where any party who has received proper notice of the location, date and time of the hearing fails to attend the hearing or comply with the necessary timelines, the hearing may proceed in the absence of the party.
- 11.9 The hearing will be conducted in accordance with the Expulsion Hearing Rules and Guidelines (Appendix B):
- 11.9.1 The Discipline Committee will consider oral and written submissions, if any, of all parties.
 - 11.9.2 The Discipline Committee will solicit and consider the views of all parties with respect to whether, if an expulsion is imposed, the expulsion should be a School Expulsion or a Board Expulsion.
 - 11.9.3 The Discipline Committee will solicit and consider the views of all parties with respect to whether, if an expulsion is not imposed, the suspension should be confirmed, shortened or quashed.
- 11.10 Taking into account any **mitigating and other factors**, the Discipline Committee will make two distinct determinations when deciding whether to impose an expulsion:
- 11.10.1 A finding of fact as to whether, on the balance of probabilities, the student committed the infraction which led to the recommendation of expulsion, as described in the Principal's Report (IS-24-E-01); and
 - 11.10.2 If there is a finding of fact that the student committed the infraction, whether the appropriate disciplinary measure was imposed.
- 11.11 Where there is a conflict in the evidence presented by the parties on the issue of whether the student committed the infraction, the Discipline Committee may request further evidence as set out in the Expulsion Hearing Rules and Guidelines (Appendix B), subject to the requirement that the hearing take place within twenty (20) school days.
- 11.12 If the Discipline Committee decides not to expel the student, an Expulsion Decision (IS-24-E-05) and an Expulsion Hearing Outcome – Overturned Expulsion (IS-24-E-08) will be given to the principal and the adult student or, if the student is not an adult student, the student's parent/guardian. The notices will include:
- A statement of the Discipline Committee's decision to not impose an expulsion; and
 - A statement of the Discipline Committee's decision whether to:
 - Confirm the suspension and its duration;

- Confirm the suspension but shorten its duration and order that the record be amended accordingly; or
- Quash the suspension and order that the record be expunged.

11.13 The Discipline Committee's decision with respect to the suspension is final.

11.14 In the event the Discipline Committee decides to impose an expulsion on the student, the Discipline Committee must decide whether to impose a School Expulsion or a Board Expulsion.

11.15 Where the Discipline Committee decides to impose a School Expulsion, an Expulsion Decision (IS-24-E-05) and an Expulsion Hearing Outcome – School Expulsion (IS-24-E-07) will be given to the principal and the adult student or, if the student is not an adult student, the student's parent/guardian. The notices will include:

- A statement of the Discipline Committee's decision to impose a School Expulsion;
- Information about the school to which the student has been assigned, as provided by the Superintendent, Student Achievement & Well-Being; and
- A statement that there is a right of appeal to the Child and Family Services Review Board.

11.16 Where the Discipline Committee decides to impose a Board Expulsion, an Expulsion Decision (IS-24-E-05) and an Expulsion Hearing Outcome – Board Expulsion (IS-24-E-06) will be given to the principal and the adult student or, if the student is not an adult student, the student's parent/guardian. The notices will include:

- A statement of the Discipline Committee's decision to impose a Board Expulsion;
- Information about the program to which the student has been assigned, as provided by the Superintendent, Student Achievement & Well-Being; and
- A statement that there is a right of appeal to the Child and Family Services Review Board.

11.17 An expelled student is a student of the WRDSB unless they do not attend the program for expelled students to which they were assigned or they register as a student of another school board.

11.18 Unless the expulsion is overturned and the suspension is quashed, the Expulsion Hearing Outcome (IS-24-E-06, IS-24-07 or IS-24-E-08), as well as any Safe Schools Incident Reporting Forms that relate to the incident, must be filed in the student's Ontario Student Record. Please refer to Administrative Procedure 1330 – Safe Schools Incident Reporting and Record-Keeping for information regarding retention periods.

12. Re-Entry Requirements Following an Expulsion

12.1 A student who is subject to a Board Expulsion is entitled to apply in writing for readmission to a school of the WRDSB once they have successfully completed a program for expelled students and have satisfied the objectives required for completion of the program; the WRDSB will re-admit the student and inform the student in writing of the readmission.

12.2 A student who is subject to a School Expulsion may apply in writing to the WRDSB to be reassigned to the school from which they were expelled; the Superintendent, Student Achievement & Well-Being will consider allowing re-attendance if:

- 12.2.1 The student's re-attendance will not have a negative impact on the school climate, including on any victims, where applicable;

- 12.2.2 The student has demonstrated that they have learned from the incident and have sought counselling, where appropriate; and
- 12.2.3 The student signs a Declaration of Performance (IS-24-E-09) provided by the WRDSB.

13. Appeal of Board Decision to Expel

- 13.1 The adult student or, if the student is not an adult student, the student's parent/guardian may appeal a Board decision to expel the student to the Child and Family Services Review Board.