Niagara Catholic District School Board

STUDENT SUSPENSION

ADMINISTRATIVE OPERATIONAL PROCEDURES

300 – Schools/Students **No. 302.6.4**

Adopted Date: June 26, 2001 Latest Reviewed/Revised Date: September 8, 2026

In keeping with the Mission, Vision and Values of the Niagara Catholic District School Board, the following are Administrative Operational Procedures for Student Suspension.

PREAMBLE

The Board is committed to promoting and supporting appropriate student behaviour that contributes to a positive school climate, and sustaining a caring, safe, inclusive, and accepting learning and teaching environment for all students to reach their full academic and spiritual potential and become living witnesses of Christ.

A positive school climate exists when all members of the school community feel safe, included, and accepted by actively promoting responsibility, respect, civility, and academic excellence in all Niagara Catholic schools/sites.

The conduct of students as members of the Catholic school community is expected to be modelled upon our Catholic faith, the traditions of Catholic education, and the Ontario Catholic School Graduate Expectations.

The Niagara Catholic District School Board acknowledges that should a student act inappropriately or impedes the rights of others, the consequences may lead to suspension.

When inappropriate behaviour occurs, a principal shall consider suspending a student for no less than one school day and no longer than 20 school days for an infraction that a student has committed on school property, at a school-related activity or event, and/or in circumstances where the infraction has an impact on the school climate. If necessary, a principal will contact the police consistent with the Protocol between Niagara Regional Police Service and the Niagara Catholic District School Board. A principal may not suspend a student more than once for the same exact incident under section 306 of the *Education Act*.

ACTIVITIES LEADING TO POSSIBLE SUSPENSION

KINDERGARTEN TO GRADE 3

Inappropriate behaviour for students in Kindergarten to Grade 3 will be addressed with the appropriate positive behaviour supports in the school setting and not through suspension.

A principal must consider what positive behaviour supports could be provided including but not limited to:

- understanding the root causes of the behaviour,
- providing counselling and mental health supports (with parental/guardian permission),
- problem solving with students to identify alternative behaviour choices,
- communicating and teaching of behavioural expectations,
- helping students deal with conflict and learn how to manage emotions,
- using restorative practices to repair harm to people/relationships (with parental/guardian permission),

- resolving conflict through discussion and understanding the harm that has been caused to others because of the student's behaviour,
- a facilitated family/group conference to discuss the impact the behaviour had on others in the school,
- in-kind restitution (determined by the principal) that permits the student to help to restore or improve the school environment either by directly addressing the student's behaviour (e.g., in cases of vandalism students can work to undo damage they have caused), or by having the student improve the school environment more broadly,
- equipping children with the social-emotional and communication skills needed to manage themselves, resolve conflict and develop healthy behaviour.

GRADES 4 TO 12

A principal shall consider whether to suspend a student in Grades 4 to 12, if the principal believes that the student has engaged in any of the following activities while at school, at a school-related activity or event and/or in other circumstances where engaging in the activity will have an impact on the school climate:

1. Uttering a threat to inflict serious bodily harm on another person.
2. Possessing alcohol, illegal drugs, electronic cigarettes, tobacco and nicotine products, or cannabis, unless the student is a medical cannabis user
3. Being under the influence of alcohol, illegal drugs electronic cigarettes, tobacco and nicotine products or cannabis, unless the student is a medical cannabis user.
4. Swearing at a teacher or at another person in a position of authority.
5. 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. Use of mobile devices during instructional time, unless directed by the educator, and/or refusal to hand in personal mobile device when required.
7. Recording, taking photos or videos, or sharing non-consensual recording, photos or videos of members of the school community.
8. Bullying, including cyber-bullying.
9. Medical Immunization.
10. Any other activity that, under a policy of the Board, is an activity for which a principal may suspend a student to be contrary to the Board Code of Conduct:
    - Habitual neglect of duty,
    - Use of profane vulgar, or improper language,
    - Conduct injurious to the physical or mental well-being of any member of the school community.
    - Conduct injurious to the moral tone of the school,
    - Persistent opposition to authority,

ACTIVITIES LEADING TO SUSPENSION AND POSSIBLE EXPULSION

KINDERGARTEN TO GRADE 3

If a student in Kindergarten to Grade 3 engages in any of the activities that lead to suspension or possible expulsion for students in Grades 4 to 12, the principal will conduct an investigation regarding the allegations to determine if a student should be suspended.

GRADES 4 TO 12

If the principal believes that a student in Grades 4 to 12 has engaged in any of the following activities while at school, at a school-related activity or event and/or in other circumstances where engaging in the activity will have an impact on the school climate, the principal must immediately suspend the student and investigate the incident in order to determine whether the student should be expelled:

1. Possessing a weapon, including possessing a firearm.
2. Using a weapon to cause or to threaten bodily harm to another person.
3. Committing physical assault on another person that causes bodily harm requiring treatment by a medical practitioner.
4. Committing sexual assault.

5. Trafficking in weapons or illegal drugs.
6. Committing robbery.
7. Giving alcohol, illegal drugs, cannabis or e-cigarettes and any other tobacco product to a minor.
8. Smoking (tobacco and cannabis) and the use of electronic cigarettes (vaping) at schools, on school grounds, and all public areas within 20 metres of these grounds, as this is considered an *offence* under the *Smoke-Free Ontario Act, 2017*.
9. Bullying, including cyber-bullying (Grades 4 to 12) 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.
10. Any activity listed in subsection 306 (1) of the *Education Act* 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.
11. Any other activity that, under a policy of the Board, is an activity for which a principal must suspend a student and, therefore in accordance with this Part, conduct an investigation to determine whether to recommend to the Board that the student be expelled.

VIOLENT INCIDENT

Where inappropriate behaviour constitutes a violent incident, the principal must follow the direction in the Police/School Board Protocol between the Niagara Regional Police Service and the Niagara Catholic District School Board regarding notification of the police for a violent incident.

The term violent incident is defined as the occurrence of any one of the following, or the occurrence of a combination of any of the following:

- possessing a weapon, including possessing a firearm
- using a weapon to cause or to threaten bodily harm to another person
- physical assault causing bodily harm requiring medical attention
- sexual assault
- robbery
- extortion
- hate and/or bias-motivated occurrences

MITIGATING AND OTHER FACTORS

A principal must consider whether a student in Grades 4 to 12 should be suspended, and the duration of the suspension taking into account any mitigating and other factors, and will make every effort to consult with the student's parent/guardian, student or adult student and any other person who can contribute relevant information to the investigation.

The principal, in determining consequences shall consider the following mitigating factors:

1. whether the student has the ability to control the behaviour;
2. whether the student has the ability to understand the foreseeable consequences of the behaviour; and
3. whether the student's continuing presence in the school does or does not create an unacceptable risk to the safety of any other individual at the school.

The principal, in determining consequences shall also consider the following other factors:

1. the student's academic, discipline and personal history;
2. whether a progressive discipline approach has been used with the student;
3. whether the activity for which the student might be suspended was related to any harassment of the student because of race, ethnic origin, religion, disability, gender or gender identity, sexual orientation or harassment for any other reason;
4. how the suspension would affect the student's ongoing education;
5. the age of the student;

6. where the student has an Individual Education Plan (IEP) or disability related needs:
    i. whether the behaviour was a manifestation of a disability identified in the student's Individual Education Plan;
    ii. whether appropriate individualized accommodation has been provided; and
    iii. whether a suspension is likely to result in aggravating or worsening the student's behaviour or conduct; and
7. other matters as the principal considers appropriate.

NOTICE OF SUSPENSION

A principal who suspends a student shall:

a) Notify the student of the suspension.
b) Inform the student's teacher(s) of the suspension.
c) Make all reasonable efforts to inform the student's parent/guardian of the suspension within 24 hours of the suspension being imposed, unless,
    i. the student is at least 18 years of age, or
    ii. the student is 16 or 17 years of age and has withdrawn from parental control.

A principal who suspends a student shall ensure that written notice of the suspension is given promptly to the following persons:

1. the student,
2. the student's parent/guardian unless,
    i. the student is at least 18 years of age, or
    ii. the student is 16 or 17 years of age and has withdrawn from parental control.
3. the Family of Schools' Superintendent, the student's teacher(s) and the Stay-in-School Coordinator.

The written notice of the suspension must include the following:

1. the reason for the suspension;
2. the duration of the suspension;
3. procedure to return to school upon completion of the suspension;
4. information about the Niagara Catholic Alternative Learning Fresh Start Program, an intervention and prevention program for Grades 7 to 12 students while serving a suspension for six or more school days;
5. information about the investigation the principal will conduct to determine whether to recommend expulsion.
6. information about the right to appeal the suspension; and
7. the name and contact information of the Family of Schools' Superintendent to whom the notice of appeal must be submitted.

The principal shall not notify the parent/guardian of a student, if, in the opinion of the principal, doing so would put the student at risk of harm from the parent/guardian of the student, such that notification is not in the best interests of the student. The principal will document the rationale for this decision, and notify both the teacher who reported the incident and the appropriate Family of Schools' Superintendent.

SCHOOL WORK

A student who is subject to a suspension of five or fewer school days must be provided with school work to complete at home while serving the suspension. The school work must be available to the student's parent/guardian and student or adult student:

- the day the student is suspended, if the student is suspended for one school day.
- the day the student is suspended or the following school day, if the student has been suspended for two or more school days.

NIAGARA CATHOLIC ALTERNATIVE LEARNING FRESH START PROGRAM

Where a principal suspends a student for six or more school days, the principal will inform the student's parent/guardian and student or adult student about the Niagara Catholic Alternative Learning Fresh Start Program for suspended students. Students who have been suspended for six or more school days are strongly encouraged to participate in the Niagara Catholic Alternative Learning Fresh Start Program.

A principal must approve the submission of a Niagara Catholic Alternative Learning Fresh Start Student Action Plan. Following an intake conference with the student's parent/guardian, and the student or adult student to review the expectations of the program, the principal of the program will determine admittance.

This alternative program will strive to:

- address the academic, behavioural and community supports of the student;
- develop positive relationships among parents/guardians, the community and schools to support and sustain safe schools and learning;
- provide programs containing strategies for building positive attitudes, for developing positive behaviours, for providing continuous learning and for successful re-integration into the school setting; and
- reduce future suspensions and expulsions.

RE-ENTRY

Following a suspension of six or more school days, a re-entry meeting will be held with appropriate staff, the student's parent/guardian, and student or adult student to provide positive and constructive redirection for the student.

APPEAL OF SUSPENSION

A person who is entitled to appeal a suspension must give written notice of the intention to appeal to the Family of Schools' Superintendent of Education within 10 school days of the commencement of the suspension. A request for an appeal shall not stay the suspension.

The following persons may appeal, to the Board, a principal's decision to suspend a student:

1. The student's parent/guardian, unless
   i. the student is at least 18 years of age, or
   ii. the student is 16 or 17 years of age and has withdrawn from parental control.
2. The student, if
   i. the student is at least 18 years of age, or
   ii. the student is 16 or 17 years of age and has withdrawn from parental control.

REVIEW OF SUSPENSION

Upon receipt of written notice of the intention to appeal the suspension, the Family of Schools' Superintendent will complete the follow actions.

1. Advise the school principal of the appeal and set a meeting date to review the appeal.
2. Advise the student's parent/guardian or adult student that a review of the suspension will take place and will discuss any matter respecting the incident and/or appeal of the suspension.
3. Hear and determine the appeal within 15 school days of receiving notice of intention to appeal, unless the parties agree on a later deadline.
4. Review the suspension (reason, duration, any mitigating or other factors).
5. Consult with the principal regarding modification or expunging the suspension.
6. Request a meeting with the student's parent/guardian or adult student and the principal to narrow the issues and try to effect a settlement.
7. Provide written notice of the review decision to the student's parent/guardian or adult student as follows:

i. Confirm the suspension and the duration of the suspension.
ii. Confirm the suspension, but shorten its duration, even if the suspension that is under appeal has already been served, and order that the record of the suspension be amended accordingly.
iii. Quash the suspension and order that the record of suspension be expunged, even if the suspension that is under appeal has already been served.

APPEAL TO THE DISCIPLINARY HEARING COMMITTEE OF THE BOARD

Where the suspension is upheld on review by the Family of Schools' Superintendent and the student's parent/guardian or adult student chooses to continue with the appeal to the Disciplinary Hearing Committee, of the Board, written notice of the intention to appeal must be given to Superintendent of Education, Resource to the Disciplinary Hearing Committee within 5 school days of receipt of the decision from the Family of Schools' Superintendent.

The Disciplinary Hearing Committee, of the Board shall hear and determine the appeal within 15 school days of receiving notice to appeal, unless the parties agree on a later deadline and shall not refuse to deal with the appeal on the ground that there is deficiency in the notice of appeal.

The Superintendent of Education: Resource to the Disciplinary Hearing Committee will:

Arrange a date for the appeal before the Disciplinary Hearing Committee.

1. Coordinate the preparation of a written report for the Disciplinary Hearing Committee containing:
   i. a report of the incident and rationale for suspension prepared by the principal;
   ii. a copy of the original suspension letter;
   iii. a copy of the letter requesting appeal of the suspension; and
   iv. a copy of the correspondence with respect to the decision of the Family of Schools' Superintendent regarding the suspension review.
2. Inform the student's parent/guardian or adult student of the date, time and location of the hearing for the appeal of the suspension, provide a guide to the process for the appeal, and a copy of the documentation that will go to the Disciplinary Hearing Committee.
3. Ensure that the item is placed on the Disciplinary Hearing Committee's agenda.

The parties in an appeal to the Disciplinary Hearing Committee shall be:

1. The principal who suspended the student;
2. The student's parent/guardian or adult student if they appealed the decision to suspend the student.
3. The person who appealed the decision to suspend the student if the decision was appealed by someone other than the student or their parent/guardian and that person is allowed by Board policy to appeal.
4. Such other persons as may be specified by Board policy as approved by the Chief Executive Officer/Superintendent of Education, Resource to the Disciplinary Hearing Committee.
5. A student who is not a party to the appeal has the right to be present at the hearing and to make a statement on their own behalf.

SUSPENSION APPEAL BEFORE THE DISCIPLINARY HEARING COMMITTEE OF THE BOARD

The Disciplinary Hearing Committee will conduct the suspension appeal in accordance with the *Suspension/Expulsion Hearing Rules*, the *Education Act* and Board policy:

1. One of the appointed Trustees will be elected Chair of the Disciplinary Hearing Committee.
2. The Chief Executive Officer or designate, will act as Secretary to the Disciplinary Hearing Committeeto facilitate the Hearing

3. Legal counsel for the Board may be present at the appeal to act as an advisor on procedural matters.
4. The Disciplinary Hearing 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 and/or direction, a Trustee may call for the assistance of a police officer to enforce any such order or direction.

5. Where any party who has received proper notice of the location, date and time of the appeal fails to attend the appeal or comply with the necessary time lines, the appeal may proceed in the absence of the party and the party is not entitled to any further notice of the proceedings.
6. When making their determination the Disciplinary Hearing Committee shall consider:
   i. the principal's report and submissions;
   ii. the submissions and any other information provided by the Appellant; and
   iii. the analysis and application of the mitigating and other factors, which may or may not be applicable in the circumstances.
7. The Disciplinary Hearing Committee will consider, based on the written and/or oral submissions of both parties, whether the decision to discipline and the discipline imposed was reasonable in the circumstances, and shall either:
   i. Confirm the suspension and its duration; or
   ii. Confirm the suspension but shorten its duration and amend the record, as necessary;
   iii. Quash the suspension and order that the record be expunged; or
   iv. Make such other appropriate order.
8. The decision shall be communicated to the appellant in writing.
9. The decision of the Disciplinary Hearing Committee of the Board is final.

REVIEW OF THE SUSPENSION PROCESS

It is expected that the Family of Schools' Superintendent will review the suspension statistics of each school with the principal on an annual basis.

STUDENT MANAGEMENT SYSTEM

The principal shall document student discipline on the Board Student Management System under the incident area tab with the following information:

1. Type of infraction
2. Check Violent Incident Box, if applicable
3. Student Incident Details
4. Consequences
5. Appeal/Outcome Information, if applicable

ONTARIO STUDENT RECORD (OSR)

If the principal has decided that action must be taken as a result of an incident, the principal will file a copy of the incident report, submitted through the Safe School Reporting Tool along with documentation (i.e., suspension/expulsion letter, police report) in the Ontario Student Record (OSR) of the student whose behaviour was inappropriate.

1. Where the principal has taken action in the case of more than one student, a copy of the incident report along 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 incident report must be removed before it is filed.
2. In the case of a student who has been harmed, no information about the incident must be placed in the OSR, unless that student's parent/guardian expressly request that it be placed in the OSR.
3. 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.
4. The incident report and documentation must be kept for a minimum of one year in the OSR.

5. In the case of a violent incident, the principal must check the Violent Incident Box on the student's discipline tab in the Student Management System. A copy of the Violent Incident Form printed

from the Student Management System and any other documentation (i.e., a copy of incident report that was submitted through the Safe Schools Reporting Tool, suspension/expulsion letter, police report) must be filed and retained in the student's OSR for:

- one year, if the student's suspension was quashed or withdrawn and the record of suspension expunged;
- three years, if the student was suspended for the violent incident;
- five years, if the student was expelled for the violent incident.

6. For non-violent incidents, if no further action is taken by the principal, the principal is not required to retain the report.

MAINTENANCE OF THE ONTARIO STUDENT RECORD (OSR)

The contents of the Ontario Student Record (OSR) should be reviewed on a regular basis by the principal for the removal of any material that is no longer required to be retained to ensure that they remain conducive to the improvement of the instruction of the student.

References:

- ***Accepting Schools Act***
- ***Accessibility for Ontarians with Disabilities Act 2005***
- ***Caring and Safe Schools in Ontario***
- ***Child & Family Services Review Board***
- ***Child, Youth and Family Services Act 2017***
- ***Education Act and Regulations***
- ***Municipal Freedom of Information and Protection of Privacy Act***
- ***Ontario Catholic School Graduation Expectations***
- ***Ontario Human Rights Code***
- ***Ontario Student Record (OSR) Guideline, 2000 (Revised 2020)***
- ***Policy/Program Memorandum 120: Reporting Violent Incidents to the Ministry of Education***
- ***Policy/Program Memorandum 128: The Provincial Code of Conduct and School Board Codes of Conduct – Issues April 28, 2024***
- ***Policy/Program Memorandum 144: Bullying Prevention and Intervention-Issued October 17, 2018***
- ***Policy/Program Memorandum 145: Progressive Discipline and Promoting Positive Student Behaviour –Issued October 17, 2018***
- ***Provincial Code of Conduct***
- ***Regulation 472/07: Behaviour, Discipline and Safety of Pupils***
- ***Smoke-Free Ontario Act 2017***
- ***Niagara Catholic District School Board Policies/Procedures***
  - ***Access to Board Premises (302.6.3) AOP***
  - ***Accessibility Standards Policy (800.8)***
  - ***Accessibility Customer Service Policy (800.8.1)***
  - ***Bullying Prevention and Intervention Policy (302.6.8)***
  - ***Catholic School Councils (800.1) AOP***
  - ***Code of Conduct Policy (302.6.2)***
  - ***Complaint Resolution Policy (800.3)***
  - ***Criminal Background Check (302.6.7) AOP***
  - ***Dress Code – Secondary Uniform Policy (302.6.6)***
  - ***Electronic Communications System (Students) (301.5) AOP***
  - ***Elementary Standardized Dress Code Policy-Safe Schools (302.6.10)***
  - ***Equity and Inclusive Education Policy (100.10)***
  - ***Niagara Catholic Parent Involvement Committee Policy (800.7)***
  - ***Ontario Student Record (301.7) AOP***
  - ***Opening or Closing Exercises (302.6.1) AOP***
  - ***Progressive Student Discipline (302.6.9) AOP***

- ***Privacy Policy (600.6)***
- ***Records and Information Management Policy (600.2)***
- ***Safe Arrival (302.6) AOP***
- ***Safe Physical Intervention with Students (301.8) AOP***
- ***Safe and Accepting Schools Policy (302.6)***
- ***Student Expulsion Policy (302.6.5)***
- ***Student Suspension (302.6.4) AOP***
- ***Student Transportation Policy (500.2)***
- ***Volunteering in Catholic Schools (800.9) AOP***
- ***Protocol between Niagara Catholic District School Board and Family and Children's Services Niagara***
- ***Protocol Between the Niagara Regional Police Service and the Niagara Catholic District School Board***

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