



## **STUDENT EXPULSION POLICY**

### ADMINISTRATIVE OPERATIONAL PROCEDURES

When inappropriate behaviour occurs, a principal shall consider recommending to the Board that a student in Grades 4 to 12 be expelled from a school or all schools of the Board for an infraction 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.

The Board may expel a student in Grades 4 to 12 who commits any of the following infractions 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. 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. Bullying, if,
  - i. the student has previously been suspended for engaging in bullying, and
  - ii. the student's continuing presence in the school creates an unacceptable risk to the safety of another person.
9. 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.
10. Any other activity that, under a policy of the Board, is an activity for which a principal must suspend a student in Grades 4 to 12, 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 expelled, taking into account any mitigating and other factors and will make every effort to consult with the student's parent/guardian, and student or adult student and any other person who can contribute relevant information to the investigation. Any police investigation will be conducted separately from the principal's investigation according to the procedures in the Protocol between the Niagara Regional Police Service and the Niagara Catholic District School Board.

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 expulsion would affect the student's ongoing education; and
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 an expulsion is likely to result in aggravating or worsening the student's behaviour or conduct, and
7. other matters as the principal considers appropriate.

## SUSPENSION PENDING RECOMMENDATION FOR EXPULSION

A principal will immediately suspend a student in Grades 4 to 12 for up to 20 school days, if the principal believes that the student has committed an offence that may lead to expulsion.

During the suspension the principal will conduct an investigation to determine whether to recommend expulsion of the student to the Board. Students must be assigned to the Niagara Catholic Alternative Learning Program for Suspended and Expelled Students while awaiting this decision.

## NIAGARA CATHOLIC ALTERNATIVE LEARNING PROGRAM FOR SUSPENDED OR EXPELLED STUDENTS

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 Program for Suspended or Expelled Students. Students who have been suspended for six or more school days are strongly encouraged to participate in this program.

A principal must approve the submission of the Niagara Catholic Alternative Learning Program for Suspended and Expelled Students, 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, 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.

## EXPULSION NOT RECOMMENDED

If, on concluding the investigation, the principal in consultation with the Family of Schools' Superintendent decides not to recommend to the Board that the student be expelled; the principal will provide written notice of the decision to every person to whom notice of the suspension was given containing the following information:

1. A statement that the student will not be subject to an expulsion hearing for the activity that resulted in the suspension.
2. A statement indicating whether the principal has confirmed the suspension and its duration, confirmed the suspension but reduced its duration or withdrawn the suspension.
3. Unless the suspension was withdrawn, information about the right to appeal the suspension including:
  - i. a copy of Board policy and procedures governing the appeal;
  - ii. a statement that a written notice of intention to appeal must be given within five school days of the date on which he or she is considered to have received the notice of the decision not to recommend expulsion; and
  - iii. the name and contact information of the Family of Schools' Superintendent to whom notice of appeal must be given.

## EXPULSION RECOMMENDED TO THE BOARD

If, on concluding the investigation the principal, in consultation with the Family of Schools' Superintendent, decides to recommend to the Board that the student be expelled, the principal will prepare and provide a written report to the Disciplinary Hearing Committee with the following information:

1. Summary of the principal's findings.
2. The principal's recommendation as to whether the student should be expelled from the school only or from all schools of the Board.
3. The principal's recommendation as to,
  - i. the type of school that might benefit the student, if the student is expelled from the school only, or
  - ii. the type of program for expelled students that might benefit the student, if the student is expelled from all schools of the Board.

The principal will ensure that written notice will accompany the report to every person who received the notice of the suspension with the following information:

1. A statement that the student will be subject to an expulsion hearing for the activity that resulted in suspension.
2. A copy of the Board Governance Policies and Administrative Operational Procedures and *Suspension/Expulsion Hearing Rules* governing the expulsion hearing.
3. A statement that the person has the right to respond, in writing, to the principal's report.
4. A statement that the person has the right to appeal the principal's decision for expulsion to the Board.
5. Detailed information about the procedures and possible outcomes of the expulsion hearing, including but not limited to, information explaining that:

- i. if the Board does not expel the student, it will, confirm the suspension, shorten its duration or withdraw it,
  - ii. the parties will have the right to make submissions during the expulsion hearing as to whether, if the student is not expelled, the suspension should be confirmed, reduced or withdrawn,
  - iii. any decision of the Board with respect to the suspension made at the expulsion hearing is final and not subject to appeal.
  - iv. if the Board expels the student from the school only, the Board will assign the student to another school, or alternative program, and
  - v. if the Board expels the student from all schools of the Board, the Board will recommend the student to an alternative program for expelled students.
6. The name and contact information of the Superintendent of Education: Resource to the Disciplinary Hearing Committee to discuss any matter respecting the expulsion hearing.

## SUPERINTENDENT OF EDUCATION: RESOURCE TO THE DISCIPLINARY HEARING COMMITTEE

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

1. Arrange a meeting with the Family of Schools' Superintendent, the principal, the student's parent/guardian, student or adult student. If a meeting is arranged, the Superintendent of Education: Resource to the Disciplinary Hearing Committee will review the Disciplinary Hearing Committee process for expulsion hearings, as well as respond to any questions or concerns the student's parent/guardian and student or adult student may have regarding the process or incident; and may assist to narrow the issues and identify agreed upon fact.
2. Prepare a package of documents for the Disciplinary Hearing Committee, which will include the following components:
  - i. a copy of the principal's report; and
  - ii. a copy of the original suspension letter and the notice of expulsion sent to student's parent/guardian, student or adult student.
3. Inform the student's parent/guardian, student or adult student of the date, time and location of the expulsion hearing, will provide a copy of the *Suspension/Expulsion Hearing Rules*, and a copy of the documentation to the Disciplinary Hearing Committee.
4. Ensure that the item is placed on the Disciplinary Hearing Committee agenda.

## DISCIPLINARY HEARING COMMITTEE

The Board authorizes the creation of a Disciplinary Hearing Committee of no fewer than three Trustees to decide principal recommendations for expulsion. For these purposes, the Disciplinary Hearing Committee will conduct the expulsion hearings in accordance with the *Education Act* and Board Governance Policy and Administrative Operational Procedures, and *Suspension/Expulsion Hearing Rules*.

If the principal recommends to the Board that a student be expelled, the Board Disciplinary Hearing Committee shall hold a hearing. At the hearing, the Committee shall:

1. consider the submissions of each party in whatever form the party chooses, whether orally, in writing or both;
2. solicit the views of all parties as to whether the student should be expelled from the school only or from all schools in the Board; and
3. solicit the views of all parties as to whether the student is not expelled; the Board should confirm the suspension originally imposed, confirm the suspension but reduce its duration or withdraw the suspension.

Parties before the Disciplinary Hearing Committee will be:

1. The principal.
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.

3. 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.
4. Such other persons as may be specified by Board Governance Policy and Administrative Operational Procedures as approved by the Director of Education/Superintendent of Education: Resource to the Disciplinary Hearing Committee.
5. If a student is not a party, the student has the right to be present at the expulsion hearing and to make submissions. The Disciplinary Hearing Committee may grant a person with daily care authority to make submissions on behalf of the student.

## DECISION OF THE DISCIPLINARY HEARING COMMITTEE

Upon completion of the hearing, the Committee shall decide:

1. whether to expel the student; and
2. if the student is to be expelled, whether the student is expelled from the school only or from all schools of the Board.

## APPEAL OF BOARD DECISION TO EXPEL

An appeal from an expulsion decision made by the Board shall be heard and determined by the Child and Family Services Review Board (CFSRB).

The expulsion of a student remains in effect pending the outcome of the appeal decision of the Family and Children Services Review Board committee.

The following persons may appeal, to the Child and Family Services Review Board, the Board's decision to expel a student, whether the student is expelled from the school only or from all schools of the Board:

1. 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.
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. Such other persons as may be specified by Board policy.

Appeals must be forwarded to the Child and Family Services Review Board and copied to the Director of Education:

1. Within 30 calendar days of the Board's decision to expel the student. This date should be referenced in the letter of appeal.
2. The 30 calendar days may be extended if the Child and Family Services Review Board believes there are reasonable grounds.
3. The expulsion appeal hearing will be held no later than 30 calendar days after receiving a request to appeal the Board's expulsion decision, unless either the parties or the school board requests a later date.

After hearing an appeal from a decision of the Board, the Child and Family Services Review Board may decide any of the following options:

1. Confirm the Board's expulsion decision.
2. Reject the expulsion decision and reinstate the student.
3. Change the expulsion decision from all schools in the Board to the student's school only.
4. Order that the record of the expulsion be removed or changed.

The Child and Family Services Review Board will issue a decision no later than 10 calendar days after the hearing has been completed and will issue written reasons for the decision within 30 calendar days.

## RE-ENTRY FOLLOWING AN EXPULSION

1. A student who is subject to a Board expulsion is entitled to apply in writing for re-admission to a school of the Board once the student has successfully completed a program for expelled students and has satisfied the objectives required for completion of the program, as determined by the person who provides the program. The Board shall re-admit the student and inform the student in writing of the re-admission.
2. A student who is subject to a school expulsion may apply in writing to the Board to be re-assigned to the school from which the student was expelled.
  - i. The Board will consider whether re-admission will have a negative impact on the school climate, including on any victims, where applicable;
  - ii. The student will be required to demonstrate that they have learned from the incident and have sought counselling, where appropriate;
  - iii. The student will be required to sign a Declaration of Performance Form provided by the Board; and
  - iv. The Board, in its sole discretion, may determine that a different school than the one from which the student was expelled is a more appropriate placement for the student.

## STUDENT MANAGEMENT SYSTEM

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

- Type of infraction
- Check Violent Incident Box, if applicable
- Student Incident Details
- Consequences
- 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 that was submitted through the Safe Schools Reporting Tool along with the following documentation (e.g., 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 parents/guardians 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 (e.g., 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.

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