

## REGULAR BOARD MEETING

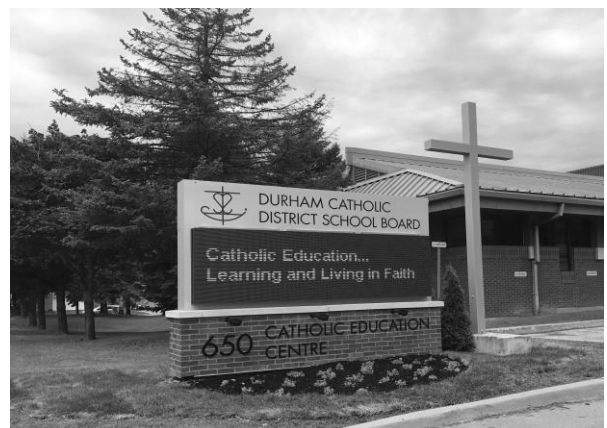
## AGENDA

**Monday, November 5, 2018**  
**7:30 p.m.**

Durham Catholic District School Board  
Catholic Education Centre  
650 Rossland Road West  
Oshawa, ON L1J 7C4

Main Telephone Number: (905) 576-6150  
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If you require accessibility related accommodations for attendance at this meeting, please notify the meeting organizer in advance of the meeting date so that arrangements can be made.



## **REGULAR BOARD MEETING**

**Monday, November 5, 2018**

7:30 p.m.

Durham Catholic District School Board

Catholic Education Centre

650 Rossland Road West, Oshawa

## **OPEN SESSION AGENDA**

### **A. CALL TO ORDER**

### **Page**

- a.1 Acknowledgement of Traditional Territory
- a.2 Memorials and Prayer
- a.3 Roll Call and Apologies

Janice Oldman

### **B. APPROVAL OF AGENDA**

- b.1 Changes to printed Agenda
- b.2 Approval of Agenda

### **C. ANNOUNCEMENTS**

### **D. NOTICES OF MOTIONS**

### **E. DECLARATIONS OF INTEREST**

- e.1 Declaration of Conflict of Interest

### **F. ACTIONS TO BE TAKEN**

### **G. PRESENTATION**

### **H. DELEGATIONS**

### **I. CONSIDERATION OF MOTION**

### **J. UNFINISHED BUSINESS FROM PREVIOUS MEETINGS**

### **K. COMMITTEES**

#### **k.1 Committee Reports**

#### **k.2 Matters Referred from Committee**

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**M. CORRESPONDENCE**

**N. INQUIRIES AND MISCELLANEOUS**

**O. PENDING ITEMS**

**P. ADJOURNMENT**

**Q. CLOSING PRAYER**



To: Board of Trustees

From: Anne O'Brien, Director of Education

Date: November 5, 2018

Subject: **Policies and Administrative Procedures**

## Roster of Policies and Administrative Procedures

“THAT the Durham Catholic District School Board receive and file as information the Current Roster of Policies and Administrative Procedures – November 5, 2018.”

“THAT the Durham Catholic District School Board approve the First Reading of the revised Smoke and Tobacco Free Environment Policy (PO407).”

“THAT the Durham Catholic District School Board declare the revised Smoke and Tobacco Free Environment Policy (PO407) as an interim Policy pending Third and Final Reading.”

“THAT the Durham Catholic District School Board receive and file as information the interim Smoke and Tobacco Free Environment Administrative Procedure (AP407-1).”

“THAT the Durham Catholic District School Board approve the First Reading of the revised Student Excursions and/or Exchanges for Educational Purposes Policy (PO512).”

“THAT the Durham Catholic District School Board receive and file as information the Student Excursions and/or Exchanges for Educational Purposes Administrative Procedure (AP512-1).”

“THAT the Durham Catholic District School Board approve the Third and Final Reading of the revised Employee Conflict of Interest Policy (PO317).”

“THAT the Durham Catholic District School Board receive and file as information the revised Employee Conflict of Interest Administrative Procedure (AP317-1).”





“THAT the Durham Catholic District School Board receive and file as information the interim Code of Conduct Administrative Procedure (AP610-1).”

Moved by \_\_\_\_\_ seconded by \_\_\_\_\_

“THAT the Durham Catholic District School Board approve the First Reading of the revised Student Discipline Policy (PO611).”

Moved by \_\_\_\_\_ seconded by \_\_\_\_\_

“THAT the Durham Catholic District School Board declare the revised Student Discipline Policy (PO611) as an interim Policy pending Third and Final Reading.”

Moved by \_\_\_\_\_ seconded by \_\_\_\_\_

“THAT the Durham Catholic District School Board receive and file as information the interim Student Discipline Administrative Procedure (AP611-1).”

Moved by \_\_\_\_\_ seconded by \_\_\_\_\_

“THAT the Durham Catholic District School Board receive and file as information the Safe Physical Interventions for Student Behaviours Causing a Risk of Injury Administrative Procedure (AP804-3).”

“THAT the Durham Catholic District School Board rescind the Transitional Work Program Policy (PO313) as this policy was replaced by Modified Work Program Administrative Procedure (AP328-6).”

To: Board of Trustees  
Re: Policies and Administrative Procedures  
Date: November 5, 2018

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# Transitional Work Program Administrative Procedure

Moved by \_\_\_\_\_ seconded by \_\_\_\_\_

“THAT the Durham Catholic District School Board rescind the Transitional Work Program Administrative Procedure (AP313-1) as this administrative procedure was replaced by Modified Work Program Administrative Procedure (AP328-6).”

AOB/BC/eb  
Attach.



## Current Roster of Policies and Administrative Procedures 2018-2019

DEPARTMENT	TITLE	POLICY/ADMIN. PROCEDURE	IDENTIFIED	DRAFTING	ADMIN. COUNCIL	BOARD -1 <sup>st</sup> READING (P) -FOR INFO. (AP)	BOARD -2 <sup>ND</sup> READING (P) -FOR INFO. (AP)	LEGAL COUNSEL INPUT	BOARD -3 <sup>rd</sup> READING (P) -FOR INFO (AP)	DISTRIBUTION
						COMMUNITY INPUT				
BUSINESS & FINANCE	Hospitality Expenses	PO107	X							
	Hospitality Expenses	AP107-1	X							
GOVERNANCE	Board Award of Merit	PO209	X							
	Board Award of Merit	AP209-1	X							
	Equity and Inclusive Education	PO216	X							
	Equity and Inclusive Education	AP216-1	X							
	Religious Accommodation	AP216-2	X	X						
	Student Groups	AP216-3	X							
OPERATIONS	Records Management	AP	X	X						
	Anti-Spam	PO444	X	X						
	Anti-Spam	AP444-1	X	X						
	Ontario Student Record (on hold pending MOE direction)	PO418	X							
	Ontario Student Record (on hold pending MOE direction)	AP418-1	X							
	Modified Calendar		X							
	Communicable Diseases	PO446	X	X						
	Communicable Diseases	AP446-1	X	X						
	Fire Safety	AP414-1	X	X	X	X	X		X	
	Pupil Accommodation Review	PO430	X							
	Pupil Accommodation Review	AP430-1	X							
	Community Planning and Partnerships	PO435	X							
	Community Planning and Partnerships	AP435-1	X							
	Smoke and Tobacco Free Environment (Interim)	PO407	X	X	X					



DEPARTMENT	TITLE	POLICY/ADMIN. PROCEDURE	IDENTIFIED	DRAFTING	ADMIN. COUNCIL	BOARD -1 <sup>st</sup> READING (P) -FOR INFO. (AP)	BOARD -2 <sup>ND</sup> READING (P) -FOR INFO. (AP)	LEGAL COUNSEL INPUT	BOARD -3 <sup>rd</sup> READING (P) -FOR INFO (AP)	DISTRIBUTION
						COMMUNITY INPUT				
	Smoke and Tobacco Free Environment (Interim)	AP407-1	X	X	X					
	Accessible Student Transport.	AP434-10	X							
PROGRAM & INSTRUCTION	Catholic Education	PO517	X	X						
	Family Life Education	AP517-1	X	X						
	Student Excursions and/or Exchanges for Educational Purposes	PO512	X	X	X					
	Student Excursions and/or Exchanges for Educational Purposes	AP512-1	X	X	X					
	Handling Racial/Ethnic Incidents	AP570	X							
HUMAN RESOURCES	Substance Abuse Prevention/Intervention	AP312-2	X	X	X	X	X	X	X	
	Employee Conflict of Interest	PO317	X	X	X	X	X	X		
	Employee Conflict of Interest	AP317-1	X	X	X	X	X	X		
	Application to the Leadership Position of Curriculum Chair	AP325-1	X	X						
	Application to the Leadership Position of Consultant/Coord.	AP325-2	X	X	X	X	X	X	X	
	Workplace Harassment and Workplace Sexual Harassment (Annual Review)	PO320	X							
	Workplace Harassment and Workplace Sexual Harassment (Annual Review)	AP320-1	X							
	Workplace Violence (Annual Review)	PO324	X	X	X					
	Workplace Violence Prev - General (Annual Review)	AP324-1	X	X	X					
	Workplace Violence Prev – Students	AP324-2	X	X	X					

DEPARTMENT	TITLE	POLICY/ADMIN. PROCEDURE	IDENTIFIED	DRAFTING	ADMIN. COUNCIL	BOARD -1 <sup>st</sup> READING (P) -FOR INFO. (AP)	BOARD -2 <sup>ND</sup> READING (P) -FOR INFO. (AP)	LEGAL COUNSEL INPUT	BOARD -3 <sup>rd</sup> READING (P) -FOR INFO (AP)	DISTRIBUTION
						COMMUNITY INPUT				
	Occupational Health and Safety (Annual Review)	PO318	X							
	Hearing Protection	AP318-1	X	X	X	X	X	X	X	
	Indoor Environmental Quality (IEQ)	AP318-7	X	X	X	X	X	X	X	
	Teacher Recruitment and Hiring	AP328-2	X	X	X	X	X	X	X	
	Employees Running for, and/or Elected to Public Office	PO301	X	X	X	X	X	X		
	Teacher Transfers	AP328-3	X	X	X	X	X	X	X	
	Allocation of Teaching Staff	AP328-4	X	X	X	X	X	X	X	
	Modified Work Program	AP328-6	X	X	X	X	X			
STUDENT CONDUCT & SAFETY	Student Attendance (Annual Review)	PO613	X							
	Student Attend. – Elementary (Annual Review)	AP613-1	X							
	Student Attend. – Secondary (Annual Review)	AP613-2	X							
	Concussion Management and Prevention	PO614	X							
	Concussion Management and Prevention	AP614-1	X							
	Safe Arrivals – Elementary	PO603	X							
	Exceptional Health Conditions	PO606	X							
	Student Protection (Interim)	PO607	X	X	X	X				
	Student Protection (Interim)	PO607-1	X	X	X	X				
	Code of Conduct (Interim)	PO610	X	X	X					
	Code of Conduct (Interim)	AP610-1	X	X	X					
	Student Discipline (Interim)	PO611	X	X	X					
	Student Discipline (Interim)	AP611-1	X	X	X					

DEPARTMENT	TITLE	POLICY/ADMIN. PROCEDURE	IDENTIFIED	DRAFTING	ADMIN. COUNCIL	BOARD -1 <sup>st</sup> READING (P) -FOR INFO. (AP)	BOARD -2 <sup>ND</sup> READING (P) -FOR INFO. (AP)	LEGAL COUNSEL INPUT	BOARD -3 <sup>rd</sup> READING (P) -FOR INFO (AP)	DISTRIBUTION
						COMMUNITY INPUT				
STUDENT SERVICES	Incorporating Applied Behavioural Analysis Methods for Students with Autism Spectrum Disorder	AP804-2	X	X	X	X	X	X	X	
	Safe Physical Interventions For Student Behaviours Causing a Risk of Injury	AP804-3	X	X	X					
	Health Support Services in School Settings	PO800	X							
	Health Support Services in School Settings	AP800-1	X							



## Durham Catholic District School Board

"The Board"

# Policy

Title: <b>Smoke and Tobacco Free Environment</b>	Policy #: <b>PO407</b>
Policy Area: Operations	
Source: Superintendent of Education – Policy Development	
Date Approved: January 5, 1998	
Dates of Amendment: February 10, 2014 (Interim); November 10, 2014	

## 1.0 Introduction

The Durham Catholic District School Board supports a comprehensive school-based and board level approach to health promotion and the prevention of the use of tobacco **and cannabis** products by students, staff, parents, visitors and children/adults, parents/guardians, spectators and staff associated with a Community Use of Schools permit. In order to provide a healthy, comfortable and productive environment, all board owned schools, work places, property and vehicles shall be smoke-free. The (SFOA Act) makes it illegal to use, sell or supply tobacco **or cannabis** to another person while on school property and no person shall smoke or hold lighted tobacco, **cannabis or e-cigarettes** at school or on school property at all times 24 hours per day, 7 days per week.

## 2.0 Definitions

**Electronic (E) cigarettes** – ~~a device used to simulate the experience of smoking, having a cartridge with a heater that vaporizes liquid nicotine instead of burning tobacco.~~ **a vaporizer or inhalant-type device, whether called an electronic cigarette or any other name, that contains a power source and heating element designed to heat a substance and produce a vapour intended to be inhaled by the user of the device directly through the mouth, whether or not the vapour contains nicotine.**

**Flavoured tobacco products** – is a tobacco product that:

- has an aroma or taste other than tobacco that is apparent either before or during use, or both, and includes a tobacco product that has an aroma or taste resulting from one or more additives, including but not limited to, candy, chocolate, fruit, spice, herb, alcohol or vanilla additives;
- that is, by its packaging, labelling, advertising or otherwise, represented as being flavoured, or
- that is designated in the regulations as a flavoured tobacco product.

## 2.0 Definitions (Cont'd)

**Medical Cannabis** – cannabis that is obtained for medical purposes in accordance with applicable federal law or as provided for in the regulations.

**Medical Cannabis User** – an individual who is authorized to possess cannabis for the individual's own medical purposes in accordance with applicable federal law or as provided for in the regulations.

**Tobacco products** – products that contain, or are made from tobacco and include but are not limited to:

- Cigarettes
- Cigars
- Cigarillos (small thin cigars)
- Pipe tobacco
- Beedi/Bidis (a thin cigarette)
- Loose tobacco (sold in pouches)
- Snuff (dry or moist tobacco)
- Snus (smokeless tobacco)
- Any flavoured tobacco product

**Smokeless Tobacco** is also called spit tobacco, chewing tobacco, chew, dip and plug. Smokeless tobacco is sold in four forms as follows:

- **chew:** a leafy form sold in pouches offered in several flavours.
- **plug:** is a chew tobacco that has been pressed into a small brick shape.
- **snuff:** is a powdered, moist form of tobacco sold in tins.
- **snus:** is a form of moist snuff which may be packaged in small bags like tea bags.

**School** as defined in the Education Act, RSO 1990, Chapter E.2. is:

- the body of elementary school pupils or secondary school pupils that is organized as a unit for educational purposes under the jurisdiction of the appropriate board, or
- the body of pupils enrolled in any of the elementary or secondary school courses of study in an educational institution operated by the Government of Ontario, and includes the teachers and other staff members associated with the unit or institution and the lands and premises used in connection with the unit or institution.

## 3.0 Purpose

- 3.1 The purpose of this policy is to comply with the Smoke Free Ontario Act (SFOA) as enacted on ~~May 31, 2006~~ **October 17, 2018**. The policy shall provide the framework for the creation of an administrative procedure and protocol to be used at all board owned sites and property when dealing with smoking, tobacco ~~product~~ **and cannabis** use. The ultimate goal is to reduce smoking, tobacco ~~product~~ **and cannabis** use among students, staff, parents and visitors.

## 4.0 Application/Scope

- 4.1 This policy applies to all board owned property and locations accessed by students, staff, parents and visitors.

## 5.0 Principles

- 5.1 The Board believes that:
- 5.1.1 Community partnerships such as with the Durham Region Health Department with respect to the enforcement of the Smoke-Free Ontario Act ~~2006~~ 2018, are valuable in regards to promoting healthy work environments and assisting schools with educating the public about the ill effects of tobacco, e-cigarette or cannabis use.
  - 5.1.2 The health and safety of our students and staff is a priority in making our work environments comfortable and productive.
  - 5.1.3 Reducing smoking, tobacco and cannabis use among our youth is a priority

## 6.0 Requirements

- 6.1 The Director of Education shall:
- 6.1.1 Ensure signs indicating that Board buildings are “Smoke Free” will be posted in all buildings.
  - 6.1.2 Ensure the application form for Community Use of Schools shall indicate that buildings and property are “smoke free”.
  - 6.1.3 Ensure all applicants for positions with the Board will be advised of the “smoke free” environment policy.
  - 6.1.4 Issue administrative procedures to support this policy and to amend it thereafter as the need may arise.
  - 6.1.5 Ensure that the Smoke-Free Schools Enforcement Protocol established in partnership with the Durham Region Health Department is disseminated to all staff.

## 7.0 Sources

- Smoke Free Ontario Act
- Education Act
- Municipal Freedom of Information and Protection of Privacy Act
- Youth Criminal Justice Act
- Smoke-Free Schools Enforcement Protocol

## 8.0 **Related Policies and Administrative Procedures**

- Smoke and Tobacco Free Environment Administrative Procedure (AP407-1)
- Student Discipline Policy (PO611)
- **Student Discipline Administrative Procedure (AP611-1)**
- Code of Conduct Policy (PO610)
- **Code of Conduct Administrative Procedure (AP610-1)**



# Administrative Procedure

Title: <b>Smoke and Tobacco Free Environment</b>	Procedure #: <b>AP407-1</b>
Administrative Area: Operations	
Policy Reference: Smoke <b>and Tobacco</b> Free Environment (PO407)	
Date Approved: February 10, 2014 (Interim); November 10, 2014	
Dates of Amendment:	

## 1.0 Purpose

The purpose of the Administrative Procedure is to provide a framework for the implementation and support of the Smoke **and Tobacco** Free Environment Policy (PO407) and the Smoke-Free Schools Enforcement Protocol.

## 2.0 Definitions

**Electronic (E) cigarettes** – ~~a device used to simulate the experience of smoking, having a cartridge with a heater that vaporizes liquid nicotine instead of burning tobacco.~~ **a vaporizer or inhalant-type device, whether called an electronic cigarette or any other name, that contains a power source and heating element designed to heat a substance and produce a vapour intended to be inhaled by the user of the device directly through the mouth, whether or not the vapour contains nicotine.**

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## 2.0 Definitions (Cont'd)

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## 3.0 Procedures

3.1 The Smoke and Tobacco Free Environment Policy and school rules regarding student use, possession and distribution of tobacco, cannabis or e-cigarettes products on school property shall be communicated annually by the principal or designate in writing to students, staff and parents/guardians via student/staff agendas, newsletters and on the school website. This notification will serve as an informed act to support discipline if the policy is breached.

3.1.1 School administrators, school staff and Tobacco Enforcement Officers shall work collaboratively with the goal of eliminating smoking and tobacco use on school property and reducing access to tobacco products.

### 3.0 Procedures (Cont'd)

- 3.1.2 Staff at the Durham Catholic District School Board will work collaboratively with the Durham Region Health Department related to the enforcement of the *Smoke-Free Ontario Act*.
- 3.1.3 The *Smoke-Free Ontario Act* covers the use and/or distribution of tobacco and the use of medical cannabis. It does not cover possession of tobacco, e-cigarettes and cannabis.
- 3.1.4 The principal or designate shall:
  - 3.1.4.1 Enact the '*Smoke-Free Ontario Act Enforcement Protocol*' (see Appendix A).
  - 3.1.4.2 In the case of student infractions, shall advise the student that his/her use or distribution of tobacco is a violation of board policy and the *Smoke-Free Ontario Act*.
  - 3.1.4.3 May confiscate any tobacco product including candy flavoured tobacco or e-cigarettes that contain liquid nicotine or cannabis oil.
  - 3.1.4.4 May suspend the student or apply consequences used as part of Progressive Discipline protocols at their discretion such as community service, detention or assignment of an educational project.
  - 3.1.4.5 Contact the parents/guardians of students under 18 and advise them and the student about consequences and support services if appropriate.
  - 3.1.4.6 Be granted the discretion to include student possession of any tobacco product as an infraction listed in the School's Code of Conduct.
  - 3.1.4.7 Ensure that the no-smoking area around schools is 20m from the periphery of the school property. The no-smoking zone includes tobacco, e-cigarettes and cannabis and it applies to all members of the school community and broader community.
- 3.1.5 Arrival of the Tobacco Enforcement Officer
  - 3.1.5.1 A Tobacco Enforcement Officer must contact the principal or designate to confirm the purpose of their visit and provide Officer issued identification.
  - 3.1.5.2 At the Officer's request, the principal or designate shall provide a student's date of birth, address and phone number (per section (32) of the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA).
  - 3.1.5.3 The Officer must request permission of the principal or designate to interview a student at school.
  - 3.1.5.4 Students under the age of 12 will not be interviewed by Tobacco Enforcement Officers.

### 3.0 Procedures (Cont'd)

- 3.1.5.5 For students who are twelve to fifteen years of age, the Tobacco Enforcement Officer shall inform the principal or designate of the need to interview the student and request that the parent/guardian of the student is notified in compliance with the Youth Criminal Justice Act. If the parent/guardian denies consent to the interview, the Tobacco Enforcement Officer will contact the parent/guardian at a later time to arrange an interview. When parental consent has been given for the interview, the principal or designate shall be present during the interview. The investigating Tobacco Enforcement Officer will ensure that another Tobacco Enforcement Officer is present during the interview.
- 3.1.5.6 If a student is sixteen or seventeen years of age, the investigating Tobacco Enforcement Officer will always ensure that another tobacco Enforcement Officer is present during the interview. The investigating Officer may request that the principal or designate be present during the interview. The principal or designate may notify the parent or guardian at their discretion.
- 3.1.5.7 Adult students have the right to confidentiality. The investigating Tobacco Enforcement Officer will always ensure that another Tobacco Enforcement Officer is present during the interview. The principal or designate may be present during the interview with the student's consent.

#### 3.1.6 Education

- 3.1.6.1 The Durham Catholic District School Board staff will utilize Catholic curriculum, programs and activities to promote prevention and education related to the ill effects of using tobacco, cannabis and e-cigarettes and being exposed to second hand smoke.
- 3.1.6.2 The Durham Catholic District School Board will work in collaboration with community partners such as, but not limited to, the Durham Region Health Department, clergy and Ministry of Education Regional staff to educate all members of our community about healthy living in order to improve physical, spiritual and mental health.

### 4.0 Sources

- Smoke Free Ontario Act, 2018
- Education Act
- Municipal Freedom of Information and Protection of Privacy Act
- Youth Criminal Justice Act
- Smoke-Free Schools Enforcement Protocol (Appendix A)

## 5.0 **Related Policies**

- Smoke **and Tobacco** Free Environment Policy (PO407)
- Code of Conduct Policy (PO610)
- Student Discipline Policy (PO611)

Appendix A

Durham Catholic District School Board

# Smoke-Free Ontario Act:

## Smoke-Free Schools Enforcement Protocol



~~February 10, 2014~~  
~~Amended November 10, 2014~~  
Amended October 17, 2018

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The Smoke-Free Schools Enforcement Protocol outlines how schools can work in partnership with the Durham Region Health Department's Tobacco Enforcement Officers to ensure compliance with the Smoke-Free Ontario Act, ~~2006~~ 2018. This Act is part of a provincial, comprehensive strategy to prevent young people from starting to smoke, to assist people who want to quit smoking and to protect everyone from exposure to second-hand smoke.

### **Scope of the Smoke-Free Ontario Act: Schools**

This law applies to:

**Everyone:** Anyone caught smoking **tobacco or cannabis, or vaping** on school property can be charged. Anyone caught selling, buying for, or giving tobacco **or cannabis** products on and off school property, to anyone under 19, can be charged.

This includes:

- parents/guardians
- all staff
- students (including summer school and evening continuing education students), and
- visitors

**Anytime:** 24 hours a day, 7 days a week, 365 days a year

**Anywhere:** Smoking and/or holding lighted tobacco **or an e-cigarette** is not allowed in school buildings or ~~on~~ **within 20 metres of** school property at any time.

This includes:

- school parking lots
- cars in parking lots
- sports fields, and
- courtyards

This law applies to all tobacco **and cannabis** products. Please refer to page 24.



## Responsibility of the Tobacco Enforcement Officers

The term “Tobacco Enforcement Officer” refers to:

- a person appointed as an inspector pursuant to Section 14 of the Smoke-Free Ontario Act, and also appointed as a Provincial Offences Officer pursuant to the Ontario Provincial Offences Act.

### Enforcement

The Tobacco Enforcement Officers are responsible for ensuring compliance with the Smoke-Free Ontario Act, ~~2006~~ 2018, by carrying out inspections, enforcing the Protocol in partnership with schools and investigating complaints.

### Cessation

The Tobacco Enforcement Officers will also provide cessation referral and information to all interested students.

## Charges Under the Smoke-Free Ontario Act, ~~2006~~ 2018

### Tobacco and e-cigarettes

- Students **under 16 years of age** may be issued a *Provincial Offences Summons* and must answer to the charge in Provincial Offences Court **for tobacco and under 19 years of age for cannabis**.
- Students **16 years and over** may be issued a *Provincial Offences Summons* **or** a *Provincial Offences Ticket*.
- **Repeat offenders** may be issued a *Provincial Offences Summons*

### Cannabis

- **Students under the age of 19 may be issued a Provincial Offences Ticket.**

## Communication of the Smoke-Free Schools Enforcement Protocol

The Principal should:

- ensure that the Protocol, including actions that will be taken if there is a violation, is communicated annually to all staff, students, parents/guardians and visitors
- include information concerning the SFOA Protocol in at least one form of communication (on websites, in school agendas, in the school newsletter, etc.)

Refer to page 20 for a *Communication Insert* for agendas, websites or newsletters.



## Involving Parents/Guardians:

a) Parent/Guardian Notification

- Under the Education Act, parents/guardians receive notification of the incident if the student is under the age of 18.
- Once the student reaches 18 years of age, the student receives notification.

b) Parent/Guardian Education

- Resources for parents/guardians/community can be obtained at:
  - [www.durham.ca](http://www.durham.ca), Durham Region Health Department; or
  - by calling the *Health Connection Line* at 1-800-841-2729 or 905-666-6241; Monday to Friday, 9:00 a.m. to 6:00 p.m.

Information for parents on the Smoke-Free Ontario Act is included on page 23, *Information Sheet for Parents/Guardians*.

**Inspection by the Tobacco Enforcement Officer**

The Tobacco Enforcement Officer will inspect:

<b>Secondary schools:</b>	annually
<b>Elementary schools:</b>	every 2 years

Upon arrival at the school for an inspection, the Tobacco Enforcement Officer will:

- contact the Principal/Designate who is responsible for enforcing the SFOA at the school;
- inspect signage;
- review implementation of the Protocol; and
- inspect for smoking on school property

**Inspection: Signage**Minimum Sign Requirements

A sign that is 10 centimeters in diameter shall show an illustration of a black, lit cigarette on a white circle surrounded by a red border of one centimeter in width (SFOA ~~2006~~ 2018, as amended). Refer to page 18, Smoke-Free Ontario Act, ~~2006~~ 2018, as amended.

**Roles and Responsibilities with Respect to Signage (under the SFOA, ~~2006~~ 2018)**

The Durham Catholic District School Board will:

- make school property boundary drawings available as required; and
- post no smoking signs at all entrances to the school buildings and at access points to school property.\*

*\* Additional 'stick on' No Smoking signs may be obtained from the Durham Region Health Department at 905-723-3818 ext. 2188.*

The Principal will:

- ensure that signs are conspicuously posted and remain posted at all times.

The Tobacco Enforcement Officer will:

- ensure compliance with the signage requirements under the SFOA.

**Smoke-Free Ontario Act Fines: Owners/Employers**

Owners/employers may be fined for not posting mandatory 'No Smoking' signs **or** if the employer permits smoking in a prohibited area.

**Smoking on School Property: Staff, Visitors and/or Community Members**Enforcement Inspection

If a Tobacco Enforcement Officer receives a complaint regarding staff, visitors or community members smoking or holding lighted tobacco or selling/supplying tobacco on school property:

The Tobacco Enforcement Officer will:

- respond to the complaint in a timely manner;
- notify the Principal/Designate (via e-mail or phone call) of the complaint, and ask the Principal/Designate to take action; and
- conduct an inspection

Based on the evidence gathered, the Tobacco Enforcement Officer may:

- issue an offence notice or summons depending on the age of the person and whether he/she has any prior convictions for the same offence.

The Principal/Designate will:

- acknowledge the complaint; and
- provide the Tobacco Enforcement Officer with information regarding action in response to the complaint

A Tobacco Enforcement Officer is available as a resource to the Principal/Designate and will visit the school for an enforcement inspection if requested.

<b>Student(s) under 16 years of age</b>
---

**Step 1 – The Principal/Designate**

- completes the Notice of Offence (identify the name of the school clearly);
- sends, by FAX\*, a copy to the Durham Region Health Department's Tobacco Enforcement Officer; and
- holds the original report at the school as potential evidence for court (must surrender it to the Durham Region Health Department when requested by the prosecutor).

\* Tobacco Enforcement Officer **confidential FAX: (905) 666-1887**

**Step 2 – The Principal/Designate**

Following the Officer's verification of evidence and decision to lay a charge (see below):

- sends a Notification of Legal Action letter and a copy of the Notice of Offence to parents/guardians notifying them that a Summons has been issued;
- sends, by FAX\*, a copy of the Notification of Legal Action letter to the Durham Region Health Department's Tobacco Enforcement Officer.

\* Tobacco Enforcement Officer **confidential FAX: (905) 666-1887**

**Tobacco Enforcement Officer – Collection and Verification of Evidence from School Officials**

**If the Weight of Evidence Is Accurate/Adequate**

If the Tobacco Enforcement Officer determines that the weight of evidence received is accurate/adequate, he/she:

- serves the student with a Provincial Offences Summons (the student answers to the charge in Provincial Offences Court); and
- provides the parent/guardian with a Notice to Parent (pursuant to Section 96 of the Provincial Offences Act) which contains information on the Summons.

**If the Weight of Evidence is Not Accurate/Adequate**

If the Tobacco Enforcement Officer, after interviewing witnesses, determines that the weight of evidence received is not accurate/adequate, he/she:

- may issue a *warning letter* (copied to the student, the school and parents) instead of laying a charge.

<b>Student(s) under 16 years of age (Cont'd)</b>
--

Repeat Offenders

- may be issued a Provincial Offences Summons

Alternative Sentencing

Refer to page 21 for possible *Alternative Sentencing* for Provincial Offences Summons

Related Fines

For a Provincial Offences Summons (for students 16 years of age and under):

- the student, accompanied by a parent/guardian, must attend and answer to the charge in Provincial Offences Court on predetermined date(s); and
- a fine is set by the Justice of the Peace up to a maximum of \$300.00 for a first offence.

**For Student(s) 16 years up to, and including,  
17 years of age**

**Step 1 – The Principal/Designate**

- completes the Notice of Offence (identify the name of the school clearly);
- sends, by FAX\*, a copy to the Durham Region Health Department's Tobacco Enforcement Officer; and
- holds the original Notice of Offence at the school as potential evidence for court (must surrender it to the Durham Region Health Department when requested by the prosecutor).

\* Tobacco Enforcement Officer **confidential FAX: (905) 666-1887**

**Step 2 – The Principal/Designate – After a charge has been laid**

- sends a Parent Notification of Legal Action letter to the parents/guardians notifying them that a ticket has been issued;
- sends, by FAX\*, a copy to the Tobacco Enforcement Officer.

\* Tobacco Enforcement Officer **confidential FAX: (905) 666-1887**

**Verification of Evidence by the Tobacco Enforcement Officer**

The Tobacco Enforcement Officer:

- collects and verifies evidence from school officials

**If the Weight of Evidence Is Accurate/Adequate**

If the Tobacco Enforcement Officer, after interviewing witnesses, determines that the weight of evidence received is accurate/adequate, he/she:

- serves the student with a Provincial Offences Summons (the student answers to the charge in Provincial Offences Court); or
- issues the student a Provincial Offences Ticket

**If the Weight of Evidence is Not Accurate/Adequate**

If the Tobacco Enforcement Officer, after interviewing witnesses, determines that the weight of evidence received is not accurate/adequate, he/she:

- may issue a *warning letter* (copied to the student, the school and parents) instead of laying a charge.

<b>For Student(s) 16 years up to, and including, 17 years of age (Cont'd)</b>
---

Repeat Offenders

- may be issued a Provincial Offences Summons

Alternative Sentencing for a Provincial Offences Summons

Refer to page 21 *Alternative Sentencing* for Provincial Offences Summons: Community Service for possible alternative sentencing.

Related Fines for a Provincial Offences Ticket

For holding/smoking lighted tobacco on school property:

- the fine is \$305.00 for each offence.

For selling/supplying tobacco to a person who is less than 19 years of age:

- the fine is \$365.00 for each offence

<b>Student(s) 18 years of age and over</b>
--

### Step 1 – The Principal/Designate

- completes a Notice of Offence
- sends, by FAX\*, a copy of the Notice of Offence to the Durham Region Health Department's Tobacco Enforcement Officer;
- holds the original Notice of Offence at the school as potential evidence for court (must surrender it to the Durham Region Health Department when requested by the prosecutor).

\* Tobacco Enforcement Officer **confidential FAX: (905) 666-1887**

### Step 2 – The Principal/Designate

Following the Officer's verification of evidence and decision to lay a charge (see below):

- delivers the letter, Student Notification of Legal Action, to the student

### Verification of Evidence by the Tobacco Enforcement Officer

The Tobacco Enforcement Officer:

- collects and verifies evidence from school officials

#### The Weight of Evidence Is Accurate/Adequate

If the Tobacco Enforcement Officer, after interviewing witnesses, determines that the weight of evidence received is accurate/adequate, he/she:

- issues the student a Provincial Offences Ticket or
- issues a Provincial Offences Summons

#### The Weight of Evidence is **Not Accurate/Adequate**

If the Tobacco Enforcement Officer, after interviewing witnesses, determines that the weight of evidence received is not accurate/adequate, he/she:

- may issue a *warning letter* (copied to the student, the school and parents) instead of laying a charge.



<b>Student(s) 18 years of age and over (Cont'd)</b>
---

Repeat Offenders

- may be issued a Provincial Offences Summons

Alternative Sentencing

Refer to page 21 for possible *Alternative Sentencing* for Provincial Offences Summons

Related Fines for a Provincial Offences Ticket – For Students 18 Years and Over

For smoking/holding lighted tobacco on school property:

- the fine is \$305.00 for each offence.

For selling/supplying tobacco to a person who is less than 19 years of age:

- the fine is \$365.00 for each offence

Refer to page 19 for *Set Fines for Offences*

**Durham Catholic District School Board  
Smoke-Free Schools Enforcement Protocol  
Notice of Offence**

(Please print clearly or type)

School Information		
School:	Address:	Tel:
Principal/Designate (print)		
Principal/Designate Signature		
Student Information		
Student Name:		
Address:		Postal Code:
Age:	d.o.b.	Tel.#:
Parent/Guardian Information (If student is under 18 years of age)		
Parent/Guardian Name:		
Address:		Postal Code:
Res. Tel. #:		Bus. Tel. #:
Type of Alleged Offence		
<input type="checkbox"/> Hold/Smoke lighted tobacco in a prohibited place or area		<input type="checkbox"/> Supply tobacco to a person who is less than 19 years old
Date of Offence:		Time:
Location: (Please be specific, i.e., on the steps of the east entrance of the school):		
Witness Information		
Name: (print)		Title:
Tel. #:		
Witness Signature		

FAX to: Tobacco Enforcement Officer, Durham Regional Health Department  
**Confidential Fax:** (905) 666-1887; Phone: (905) 723-3813 ext. 2188

Personal information contained on this form is collected under the authority of the Smoke-Free Ontario Act. It will be used for enforcement of the Act. Questions about this collection can be directed to the Director of Environmental Health Division, Durham Regional Health Department at 1-888-777-9613

**(Place on School Letterhead)**  
**Parent/Guardian Notification of Legal Action**

Date:

Dear (Parent/Guardian Name):

**Re: Smoke-Free Schools Enforcement Protocol**

Please be advised that on \_\_\_\_\_ **(date)** your son/daughter \_\_\_\_\_ **(child's name)** was observed, on the property of the school, to be in violation of the Smoke-Free Ontario Act by:

- ☐ holding lighted tobacco/smoking tobacco **and/or**
- ☐ selling/supplying tobacco to a person who is less than 19 years of age

A Notice of Offence will remain on file at the school. A copy has been forwarded to the Durham Region Health Department's Tobacco Enforcement Officer for legal action.

Pursuant to Board Protocol, the Tobacco Enforcement Officer may issue:

- **to students under 16 years:** a *Provincial Offences Summons*
- **to students 16 years and older:** a *Provincial Offences Summons* **or** a *Provincial Offences Ticket*
- **to repeat offenders (any age):** a *Provincial Offences Summons*

**Please note:** Students under the age of 18, who receive a Provincial Offences Summons, answer to the charge in Provincial Offences Court.

**Fines:**

For students under the age of 16:

- the fine is set by the Justice of the Peace up to a maximum of \$300.00 for a first offence.

For students over the age of 16:

- the maximum fine is \$500.00

**A Provincial Offences Ticket:**

For smoking/holding a lighted tobacco, on school property:

- carries a minimum \$305.00 fine for each offence.

For selling/supplying tobacco to a person who is less than 19 years of age:

- carries a minimum \$365.00 fine for each offence.

In order **to avoid further legal action**, please discuss the legal requirements of the Smoke-Free Ontario Act with your child. (Refer to the information sheet attached, **Smoke-Free Ontario Act Information Sheet for Parents/Guardians**, call the Durham Health Connection Line at 1-800-841-2729 or go to [www.durham.ca](http://www.durham.ca))

Please refer any questions regarding the enforcement of the Smoke-Free Ontario Act to the Durham Region Health Department's Tobacco Enforcement Officer at 905-723-3818 ext. 2188 or 1-888-777-9613.

Yours truly,

Principal

cc: Durham Region Health Department, Tobacco Enforcement Officer

**(Place on School Letterhead)**

**Smoke-Free Schools Enforcement Protocol  
Student Notification of Legal Action**

Date:

Dear **(Student Name)**:

Please be advised that on \_\_\_\_\_ **(date)** you were observed, on the property of the school, to be in violation of the Smoke-Free Ontario Act, 2006 by:

- ☐ holding lighted tobacco/smoking tobacco **and/or**
- ☐ selling/supplying tobacco to a person who is less than 19 years of age

A Notice of Offence will remain on file at the school. A copy has been forwarded to the Durham Region Health Department's Tobacco Enforcement Officer for legal action.

Pursuant to Board Protocol, the Tobacco Enforcement Officer, may issue:

- **students 16 years and older:**                      *a Provincial Offences Summons or a Provincial Offences Ticket*
- **repeat offenders (any age):**                      *a Provincial Offences Summons*

**Please note:**

A Provincial Offences Ticket

For smoking/holding lighted tobacco on school property:

- carries a minimum \$305.00 fine for each offence

For selling/supplying tobacco to a person who is less than 19 years of age:

- carries a minimum fine of \$365.00 fine for each offence

In order **to avoid further legal action**, please review the legal requirements of the Smoke-Free Ontario Act ([www.durham.ca](http://www.durham.ca) or call the Durham Region Health Connection Line 1-800-841-2729) and the expectations of the school (in your agenda).

Please refer any questions to the Durham Region Health Department's Tobacco Enforcement Officer at 905-723-3818 ext. 2188 or 1-888-777-9613.

Yours truly,

Principal

cc: Durham Region Health Department, Tobacco Enforcement Officer

**Durham Catholic District School Board  
Smoke-Free Schools Enforcement Protocol  
Action Checklist for Schools**

**Student under 16 years of age**

- ☐ Complete the Notice of Offence (hold it at the school);
  - ☐ Send, by FAX\*, a copy of the Notice of Offence to the Durham Region Health Department's Tobacco Enforcement Officer
- (\* Tobacco Enforcement Officer **confidential FAX: (905) 666-1887**)

**If a charge is laid:**

- ☐ Send the Parent/Guardian Notification of Legal Action letter to the parents/guardians
  - ☐ Attach the *Smoke-Free Ontario Act Information Sheet for Parents/Guardians*
  - ☐ Include a copy of the Notice of Offence
  - ☐ Send, by FAX\*, a copy of the Parent/Guardian Notification of Legal Action letter to the Durham Region Health Department's Tobacco Enforcement Officer
- (\* Tobacco Enforcement Officer **confidential FAX: (905) 666-1887**)

**Student 16 years up to 18 years**

- ☐ Complete the Notice of Offence (hold it at the school);
  - ☐ Send, by FAX\*, a copy of the Notice of Offence to the Durham Region Health Department's Tobacco Enforcement Officer
- (\* Tobacco Enforcement Officer **confidential FAX: (905) 666-1887**)

**If a charge is laid:**

- ☐ Send the Parent/Guardian Notification of Legal Action letter to the parents/guardians
  - ☐ Attach the *Smoke-Free Ontario Act Information Sheet for Parents/Guardians*
  - ☐ Include a copy of the Notice of Offence
  - ☐ Send, by FAX\*, a copy of the Parent/Guardian Notification of Legal Action letter to the Durham Region Health Department's Tobacco Enforcement Officer
- (\* Tobacco Enforcement Officer **confidential FAX: (905) 666-1887**)

**Student 18 years of age and over**

- ☐ Complete the Notice of Offence (hold it at the school);
  - ☐ Send, by FAX\*, a copy of the Notice of Offence to the Durham Region Health Department's Tobacco Enforcement Officer
  - ☐ Deliver the letter, Student Notification of Legal Action, to the student
- (\* Tobacco Enforcement Officer **confidential FAX: (905) 666-1887**)

### **Smoke-Free Ontario Act 2006 (as amended)**

3.(1) No person shall sell or supply tobacco to a person who is less than 19 years old.

9.(1) No person shall smoke tobacco or hold lighted tobacco in any of the following places:  
3. A school as defined in the *Education Act*.

10. The person who owns or occupies a place described in section 9 shall insure that signs referring to the prohibition imposed by that section are posted in accordance with the regulations. 1994, c.10, s.10.

#### **Inspectors:**

14.(1) The minister may appoint inspectors for the purpose of this Act. 2005, c.10, s.14(1)

#### **Inspection:**

(2) For the purpose of determining whether this Act is being complied with, an inspector may, without a warrant, enter and inspect places referred to in subsection 4 (2) and section 9 and the establishments of tobacco wholesalers and distributors. 1994, c.10, s.14(2)

#### **Time of entry:**

(4) The power to enter and inspect a place without a warrant may be exercised only during the place's regular business hours or, if it does not have regular business hours, during daylight hours. 1994, c.10, s.14(4)

#### **Identification:**

(7) An inspector conducting an inspection shall produce, on request, evidence of his or her appointment. 1994, c.10, s.14(7)

#### **Examination of records:**

(8) An inspector conducting an inspection may:

- a) Examine a record or other thing that is relevant to the inspection;
- b) Demand the production for inspection of a record or other thing that is relevant to the inspection;
- c) Remove for review and copying a record or other thing that is relevant to the inspection;
- d) In order to produce a record in readable form, use data storage, information processing or retrieval or systems that are normally used in carrying on business in the place;
- e) Question a person on matters relevant to the inspection. 1994, c.10, s.14(8).

#### **Signs:**

2. All signs required to be posted under the Act and regulations shall be posted in a conspicuous manner and shall not be obstructed from view.



### Smoke-Free Ontario Act, 2006 (as amended)

#### Set Fines for Offences

<b>Smoke-Free Ontario Act, 2006 Offences</b>	<b>Section</b>	<b>Set Fine</b>	<b>Victim Surcharge</b>	<b>Total Fine</b>
Sell tobacco to a person who is less than 19 years old	3(1)	\$300.00	\$65.00	\$365.00
Supply tobacco to a person who is less than 19 years old	3(1)	\$300.00	\$65.00	\$365.00
Sell tobacco to a person who appears to be less than 25 years old	3(2)	\$300.00	\$65.00	\$365.00
Supply tobacco to a person who appears to be less than 25 years old	3(2)	\$300.00	\$65.00	\$365.00
Smoke tobacco in a prohibited place or area	9(2)	\$250.00	\$55.00	\$305.00
Hold lighted tobacco in a prohibited place or area	9(2)	\$250.00	\$55.00	\$305.00
Smoke tobacco in an enclosed public place	9(1)	\$250.00	\$55.00	\$305.00
Hold lighted tobacco in an enclosed public place	9(1)	\$250.00	\$55.00	\$305.00
Failure to post "No Smoking" signs where smoking is prohibited	10	\$200.00	\$40.00	\$240.00

The set fines listed in the chart above are used when charges are laid using an Offence Notice under Part 1 of the Provincial Offences Act.

The fine imposed by the court may be lower than the set fine if the person charged requests a trial or if he or she pleads guilty and requests the court to impose a lower fine.

In the case of repeated offences, charges may be laid under Part III (Summons) of the Act, and a maximum penalty of \$5,000 may be imposed by the court.

**Durham Catholic District School Board  
Smoke-Free Schools Enforcement Protocol**

**Communication Insert**

**Please use the following write up for your school agenda, website, memos and notices to parents etc.:**

<p><b>Smoke-Free Ontario Act 2006 (as amended)</b></p>
--

Under the Smoke-Free Ontario Act, it is **illegal to smoke tobacco or hold lighted tobacco** anywhere on school property which includes, but is not limited to, school parking lots, school driveways, or inside schools located on school property.

The Smoke-Free Ontario Act also makes it **illegal to sell or supply tobacco to anyone under the age of 19** anywhere in Ontario, including school property, regardless of the age of the supplier.

This law **applies to everyone** including students, staff, parents and visitors.

Tobacco Enforcement Officers of the Durham Region Health Department deal with violations. **A first offence:**

- ☐ of smoking/holding lighted tobacco carries a fine of \$1,000.00 for a first offence.
- ☐ of selling/supplying tobacco to a person who is less than 19 years of age carries a fine of \$4,000.00 for a first offence.

This law is in effect 24 hours a day, 7 days a week and 365 days a year.



### **Alternative Sentencing for *Provincial Offences* Summons: Community Service**

Alternative sentencing is possible for all students. Although the emphasis is on students under sixteen years of age, it is also available to a student who is over sixteen.

#### **Community Service:**

The community service **may range from 8 to 15 hours** of work for a **first offence**. The Courts and the enforcement division of the Durham Region Health Department strongly support and are in favour of such interventions, since, ultimately, they:

- ☐ result in improved compliance;
- ☐ require the offending student to accept responsibility for his/her actions; and
- ☐ promote parent/guardian interaction and involvement with respect to smoking cessation.

The Health Department's Prosecutor works with the student and parent/guardian to implement and perform community service. This community service must be separate from the Ministry of Education mandated community service to meet the requirements for graduation.

The community service component may include personal areas of interest of the student (e.g., working in veterinary clinics, nursing homes, childcare centres, hospitals, Y.M.C.A., etc.)

#### It is the student's responsibility:

- ☐ to seek out the volunteer area according to the pre-agreed sentence with the Provincial Offences Prosecutor.

#### It is the parent's/guardian's responsibility (for students under 16 years):

- ☐ to ensure the student has transportation to and from the community service activity; and
- ☐ ensure that it is completed as agreed to with the prosecutor

#### **Court Monitoring of Alternative Sentencing:**

Enforcement Officers shall require the student and parent/guardian to attend court, after the appropriate linkages have been set up and the student is working in his/her selected volunteer area, to ascertain the progress the student has made.

Generally, a second, or in some cases a third, court appearance is made to ensure that the student has fulfilled all the requirements of community service. If the student has been successful, a recommendation is made by the prosecutor to accept a plea of guilt and a suspended sentence is generally granted.

**Sample  
Durham Catholic District School Board  
Smoke-Free Schools Enforcement Protocol  
Notice of Offence**

(Please print clearly or type)

School Information	
School: <b>ABC School</b> Address: <b>54 SFOA Ave., Durham, ON</b> Tel: <b>905-626-4100</b>	
Principal/Designate (print)	
Principal/Designate Signature	
Student Information	
Student Name:	
Address: <b>123 Tobacco Road, Durham, ON</b> Postal Code: <b>L1V 4B1</b>	
Age: <b>15 Years</b> d.o.b.: <b>94/06/15</b> Tel.#: <b>905-428-1111</b>	
Parent/Guardian Information (If student is under 18 years of age)	
Parent/Guardian Name:	
Address: <b>123 Tobacco Road, Durham, ON</b> Postal Code: <b>L1V 4B1</b>	
Res. Tel. #: <b>905-555-1111</b>	Bus. Tel. #: <b>416-555-2100 (Mr.)</b>
Type of Alleged Offence	
<input type="checkbox"/> Hold/Smoke lighted tobacco in a prohibited place or area	<input type="checkbox"/> Supply tobacco to a person who is less than 19 years old
Date of Offence: <b>February 10, 2014</b>	Time: <b>1:45 p.m.</b>
Location: (Please be specific, i.e., on the steps of the east entrance of the school): <b>West parking lot – 10 metres from pool doors on school property</b>	
Witness Information	
Name: (print)	Title:
Tel. #: <b>905-555-4110</b>	
Witness Signature	

FAX to: Tobacco Enforcement Officer, Durham Regional Health Department  
**Confidential Fax:** (905) 666-1887; Phone: (905) 723-3813 ext. 2188

Personal information contained on this form is collected under the authority of the Smoke-Free Ontario Act. It will be used for enforcement of the Act. Questions about this collection can be directed to the Director of Environmental Health Division, Durham Regional Health Department at 1-888-777-9613

## Smoke-Free Ontario Act Information Sheet for Parents/Guardians

The Smoke-Free Ontario Act, 2006 says it's against Provincial law for anyone to:

- ☐ sell cigarettes to youth under 19 years old;
- ☐ buy cigarettes for youth under 19 years old;
- ☐ supply or give cigarettes (even one) to youth under 19 years old;
- ☐ smoke anywhere on school property (including playing fields, courtyards, driveways, parking lots and in cars in the parking lots).

### 1. Why does the *Smoke-Free Ontario Act, 2006* prohibit smoking on school property?

Research shows that 80%-90% of young people start smoking before the age of 19. The goal of the Smoke-Free Ontario Act is to prevent young people from smoking and to reduce their exposure to second-hand smoke in public places such as schools.

By making school property smoke-free province wide, 24 hours a day, 7 days a week, 365 days a year, a clear message is sent that smoking is unhealthy and young people need to be protected from second-hand smoke.

### 2. Who is responsible for enforcing *Smoke-Free Ontario Act, 2006*?

The Smoke-Free Ontario Act is enforced by Durham Region Health Department's Tobacco Enforcement Officers who are responsible for inspecting establishments such as schools, tobacco retail stores, restaurants, workplaces and hospitals.

### 3. What are the consequences of breaking the law?

Individuals:

- ☐ Supplying or selling tobacco to anyone under 19 years old, can be fined up to \$4,000;
- ☐ Smoking or holding a lighted cigarette on school property, can also be fined (this includes smoking in any vehicles on school property).

Retailers:

- ☐ Supplying or selling tobacco to anyone under 19 years old, can be fined up to \$20,000 and can lose their ability to sell tobacco.

### 4. Is it illegal for me to give cigarettes to my son/daughter who is under 19 years old?

**Yes!** A section of the Smoke-Free Ontario Act makes it an offence to sell or supply tobacco to anyone under the age of 19 years. Parents have been found guilty and fined for this offence.

### 5. My son, who is under 16, was charged for smoking on school property. Can he send payment of the fine to the court office?

**No!** When a youth is under 16 years old, provincial law does not allow the Tobacco Enforcement Officer to issue a 'ticket'. The offence must be dealt with by the courts. The youth will be issued a summons to appear in court at a specific time, date and location. Parents will be notified by a Tobacco Enforcement Officer.

Youth 16 years of age and over may be ticketed or may be summoned to appear in court. Their parents will not be notified by the Tobacco Enforcement Officer.

**For additional information on tobacco, cessation and/or the Smoke-Free Ontario Act**, please visit the Durham Region website: [www.dcdsb.ca](http://www.dcdsb.ca) or call the Health Connection Line at 1-800-841-2729 or 905-666-6241; Monday to Friday, 9:00 a.m to 6:00 p.m.

### **What is a Tobacco Product?**

Products that contain, or are made from tobacco, are called “tobacco products”.

Tobacco products include but are not limited to:

- ☐ Cigarettes
- ☐ Cigars
- ☐ Cigarillos (small, thin cigars)
- ☐ Pipe tobacco
- ☐ Beedi/Bidis (a thin Indian cigarette)
- ☐ Loose tobacco (sold in pouches)
- ☐ Snuff (dry or moist tobacco leaves)
- ☐ Snus (Swedish type of smokeless tobacco)
- ☐ Any flavoured tobacco product

#### **Smokeless Tobacco:**

- ☐ Is also called spit tobacco, chewing tobacco, chew, dip and plug.
- ☐ Is placed inside the mouth to suck and chew on or is sniffed up the nose.

#### **Smokeless tobacco is sold in four forms:**

1. **Chew:** Is a leafy form of tobacco sold in pouches. Comes in many different flavours. Users keep the chew between the cheek and gums for several hours at a time.
2. **Plug:** Is chew tobacco that has been pressed into a small brick shape. A user must cut a piece off before placing it in his/her mouth.
3. **Snuff:** Is a powdered, moist form of tobacco sold in tins. Users put the snuff between the lower lip or cheek and the gum. Some users will sniff it.
4. **Snus:** Is a form of moist snuff which may be packaged in small bags like tea bags.

**Flavoured tobacco products:** is a tobacco product that:

- has an aroma or taste other than tobacco that is apparent either before or during use, or both, and includes a tobacco product that has an aroma or taste resulting from one or more additives, including but not limited to, candy, chocolate, fruit, spice, herb, alcohol or vanilla additives;
- that is, by its packaging, labelling, advertising or otherwise, represented as being flavoured, or
- that is designated in the regulations as a flavoured tobacco product.

**Smokeless Tobacco Enforcement:**Supplying/Selling

If any staff observes the supplying/selling of any type of smokeless tobacco product on school property, it must be documented on the Notice of Offence form and faxed to the Durham Region Health Department at (905) 666-1887.

Possession or Use

The possession and/or use of smokeless tobacco would be dealt with under Administrative Procedure AP407-1 Smoke and Tobacco Free Environment.



Durham Catholic District School Board

"The Board"

# Policy

Title: <b>Student Excursions and/or Exchanges for Educational Purposes</b>	Policy #: <b>PO512</b>
Policy Area: Program and Instruction Source: Superintendent of Education – Program Date Approved: January 5, 1998 Dates of Amendment: January 24, 2005; February 9, 2015	

## 1.0 Introduction

It is widely recognized that students benefit from participating on excursions held off school property. The Durham Catholic District School Board believes that experiential learning that occurs during excursions within the expectations noted in the Ontario Catholic Graduate Expectations and Ontario Curriculum enhances student achievement and personal and spiritual growth.

## 2.0 Definitions

**Excursions** are organized by school personnel, involve leaving the school property and are for educational purposes, and may also include spiritual, recreational and other components, and are directed by a teacher/educator team.

**Exchanges** involve another school, are usually more than one day and usually require transportation.

**"Qualified" supervision and/or instruction** can be provided by a person who has an Ontario Teacher's Certificate and expertise/experience in a specific activity.

**"Certified" supervision** in a specific activity can only be provided by a person who holds certification from the respective Provincial or National organization.

**"Certified" instruction** can only be provided by a person holding certification in a specific activity.

**Coordinating Staff Member** – a Durham Catholic District School Board teacher or employee who serves as the principle organizing/coordinator of the excursion whether they attend the excursion or not.

## 2.0 Definitions (Cont'd)

**“Water activities”** are defined for the purposes of this Policy as activities occurring in, on, or around water that must be conducted only in the presence of a certified supervisor (e.g., lifeguard (National Lifesaving Society (NLS) or equivalent), boat operator with current and applicable watercraft license and/or certification(s) **and that all activities in/on/or around water comply with the Ontario Physical Education Safety Guidelines (OPHEA) 2018 specific to each water activity.**

## 3.0 Purpose

The purpose of this policy is to provide a framework for the approval of student excursions and/or exchanges for educational purposes, and may also include spiritual, recreational and other components, that are aligned with curriculum expectations and the enhancement of co-curricular activities of the school.

## 4.0 Application/Scope

This policy applies to all staff, students, parents and school approved volunteers engaged in excursions and/or exchanges.

## 5.0 Principles

Excursions and/or educational exchanges:

- 5.1 are consistent with Catholic values and teachings;
- 5.2 have educational value with links to Catholic Graduate Expectations, and the Catholic curriculum expectations as outlined in the Ontario Curriculum documents, and connections to Pathways Program and Planning;
- 5.3 broaden the student’s experiences;
- 5.4 foster personal, spiritual and emotional growth and development;
- 5.5 allow for practical application of knowledge and skills;
- 5.6 enhance school and community spirit.

## 6.0 Requirements

- 6.1 Mass must be included in the itinerary of any excursion or exchange which includes or falls on a Sunday or other Holy Day of Obligation.
- 6.2 The school principal shall review and approve all excursions or exchanges of a one day duration as per the administrative procedure accompanying this policy. Principals are to maintain a file of each field trip taken by any group in the school, for a minimum of two calendar years. Each file shall contain the details of the trip, including copies of consent forms, and be available for review by the appropriate Superintendent.

## 6.0 Requirements (Cont'd)

- 6.3 The school principal, after reviewing and verifying that the planning and preparation for an excursion of more than one day duration is consistent with the administrative procedure associated with this policy, will recommend to the appropriate Superintendent, through the completion of the Application for Student Excursion More Than One Day Form (Form 5003), that the excursion or exchange be approved. The Superintendent's decision will be final.
- 6.4 All overnight excursions must include supervision by both male and female staff of which at least one is a teacher from the school. Parents and other principal-approved supervisors may add to the supervision supplement, but a minimum of one male and one female supervisor must be members of staff. Principals must ensure that supervisors who are non-staff members must provide an approved Criminal Background Check with Vulnerable Sector Screening, prior to requesting Superintendent's approval for the excursion.
- 6.5 Teachers must not deviate from an approved itinerary or program except when required for emergency or safety reasons.
- 6.6 **For classroom excursions**, the school must have the support in principle of the majority of parents, the teacher/staff involved and the principal. The goal for each excursion is to have 90% of eligible students participate. No student shall be excluded for reasons of affordability or accessibility.
- 6.7 Student trips shall be planned in a manner that is sensitive to the needs of all of the students.
- 6.8 Excursions may include student(s) who require accommodation/consideration for accessibility, transportation, medical care, feeding or sleeping arrangements. Every reasonable attempt should be made to include these students as part of the school field trips and excursions.
- 6.9 The principal/coordinating teacher/parent(s)/guardian(s) should meet well in advance of the planning of the excursion to discuss the excursion location and all considerations pertaining to the safety and physical/emotional/medical well-being of any student requiring special consideration.
- 6.10 Students who choose not to participate are expected to attend school. The teacher, with principal's approval, will provide suitable and appropriate material to meet the specific needs of the student(s) in such circumstances.
- 6.11 A comprehensive information package consistent with the administrative procedure accompanying this policy will be provided to all students and parents. In the case of overnight trips, this package will be given to parents at an information meeting convened in advance of requesting approval from the Family of Schools Superintendent.



## 6.0 Requirements (Cont'd)

- 6.12 A parental information package will contain information as specified in the administrative procedure. Principals shall ensure that parent(s)/guardian(s) signature is obtained on the Waiver of Board Financial Liability for Student Excursion Form (Form 5005), and maintained on file for a minimum of a two year period beyond the completed excursion or exchange date.
- 6.13 International trips will be discussed with the Family of Schools Superintendent at least 8 months before any planning is initiated unless they are for extracurricular activities (e.g., sports events that are dependent on current year scheduling from governing bodies). The safety of students and staff must be assured and particular destinations may not be suitable for student excursions or exchanges due to local conflicts and other adverse conditions. School staff should consult Foreign Affairs and other Government Travel Advisories before discussing any prospective international excursions or exchanges. **Only Board approved vendors are permitted to be used. International Trips of 'more than one day' cannot be longer than five (5) school days during the instructional year.**
- 6.14 The Director may request a review of previously approved excursions and/or exchanges where the safety of staff and students could be in jeopardy. In such circumstances, approval may be withdrawn and the Board shall not be liable for any refunds.
- 6.15 The principal reserves the right to exclude the participation of any student or group of students for reasons including, but not limited to, safety.
- 6.16 Before any school activity is undertaken, the appropriate OPHEA (Ontario Physical Health Education Association) Guideline must be referenced and its requirements followed. The principal/coordinating teacher shall ensure that all planned activities are in compliance with the OPHEA Safety Guidelines for Elementary and Secondary Schools, **including water activities, if applicable,** and that all site certified staff are in compliance with said guidelines [ophea.net](http://ophea.net)
- 6.17 For excursions that include boat tours or cruises, the vessel owner/operator must provide a copy of their current marine insurance to the third party excursion provider, which must be shared with the Principal. The third party excursion provider will provide the Principal with details about the vessels safety equipment including but not limited to the number of life jackets and emergency evacuation devices or vessels and how these are accessed in the case of an emergency.**

## 7.0 Sources

- **Ontario Physical Education (OPHEA) Safety Guidelines, 2018**
- **Health Protection and Promotion Act, Regulation 565 (Public Pools), 2018**
- **Health Protection and Promotion Act, Regulation 503/17 (Recreational Camps), 2018**
- **Student Protection Act, 2002**

## 7.0 **Sources** (Cont'd)

- Standards of Practice for the Teaching Profession (Ontario College of Teachers), 2012
- Education Act, 1990
- Ontario Highway Traffic Act, 1990
- Occupational Health & Safety Act, 1990

## 8.0 **Related Policies and Administrative Procedures**

- Fundraising Policy (PO416)
- Anaphylactic Students (Protection of) Policy (PO608)
- Anaphylactic Students (Protection of) Administrative Procedure (AP608-1)
- Administration of Oral Medication Policy (PO609)
- Code of Conduct Policy (PO610)
- Code of Conduct Administrative Procedure (PO610-1)
- Student Discipline Policy (PO611)
- Student Discipline Administrative Procedure (AP611-1)



Durham Catholic District School Board

"The Board"

# Administrative Procedure

Title: <b>Student Excursions and/or Exchanges for Educational Purposes</b>	Procedure #: <b>AP512-1</b>
Administrative Area: Program and Instruction  Policy Reference: Student Excursions and/or Exchanges for Educational Purposes (PO512)  Date Approved: June 20, 1988  Dates of Amendment: April 13, 1994; February 9, 2015	

## 1.0 Introduction

In addition to guidelines in the Board Policy "Student Excursions and/or Exchanges for Educational Purposes", the following procedures are established to assist teachers and principals in planning for student excursions, and in the completion of the Application for Student Excursion (One Day/More Than One Day Duration) (Form 5003) and all other associated forms.

## 2.0 Definitions

**Excursions** - are organized by school personnel, involve leaving the school property and are for educational purposes, and may also include spiritual, recreational and other components, and are directed by a teacher/educator team.

**Exchanges** - involve another school, are usually more than one day and usually require transportation.

**"Qualified" supervision and/or instruction** - can be provided by a person who has an Ontario Teacher's Certificate and expertise/experience in a specific activity.

**"Certified" supervision** - in a specific activity can only be provided by a person who holds certification from the respective Provincial or National organization.

**"Certified" instruction** - can only be provided by a person holding certification in a specific activity.

**Coordinating Staff Member** – a Durham Catholic District School Board teacher or employee who serves as the principle organizing/coordinator of the excursion whether they attend the excursion or not.

## 2.0 Definitions (Cont'd)

**“Water activities”** – are defined for the purposes of this Policy as activities occurring in, on, or around water that must be conducted only in the presence of a certified supervisor (e.g., lifeguard (National Lifesaving Society (NLS) or equivalent), boat operator with current and applicable watercraft license and/or certification(s) **and that all activities in/on/or around water comply with the Ontario Physical Education Safety Guidelines (OPHEA) 2018 specific to each water activity.**

## 3.0 Requirements

### 3.1 Considerations Prior to the Excursion

- 3.1.1 **For classroom excursions**, the school must have the support in principle of the majority of parents, the teachers/staff involved, and the principal. The goal for each excursion is to have 90% of eligible students participate.
- 3.1.2 Factors of accessibility must be assessed prior to booking an excursion in order to accommodate all students.
- 3.1.3 An alternative plan should be considered in the event of inclement weather/trip cancellation only when applicable.
- 3.1.4 The principal/coordinating teacher must review the OPHEA Safety Guidelines ([ophea.net](http://ophea.net)) to ensure that all physical activities and supervision ratios associated with the excursion/activity are in compliance with the OPHEA Safety Guidelines. **For all water activities that include but are not limited to indoor and outdoor swimming, canoeing, canoe tripping, dragon boat, flat-water kayaking, paddle rafting, rowing (including Viking Boats) and tour boat operations, it is mandatory that the Principal and Coordinating staff member of the excursion review the elementary and/or secondary Ontario Physical Education Safety Guidelines 2018 that identify the above activities with specific safety guidelines for each activity noted. As part of this mandatory requirement, the principal and coordinating staff member shall review the applicable equipment, clothing/footwear/jewelry, facilities, special rules/instructions, swim tests for swimming/water craft use, emergency procedures, environmental considerations, supervision, life safety certification/qualifications, first aid, parent/guardian communication and basic skill requirements for each water activity as listed in the OPHEA Guidelines.**
- 3.1.5 All students must have an equal opportunity to participate and will not be denied such opportunity because of monetary factors or issues of accessibility.

### 3.0 Requirements (Cont'd)

- 3.1.6 In the case of overnight excursions, a parent information session must be planned in advance of and as part of the trip approval process. A comprehensive information package must be provided to parent(s)/guardian(s) at this session. For all excursions, all volunteers including parents/guardians attending the trip shall be made aware of the educational components of the excursion.
- 3.1.7 The final destination and accommodation to be provided will meet appropriate standards as determined by the principal and/or Family of Schools Superintendent.
- 3.1.8 The school shall inform the parents of the details of the trip using the "Informed Consent – Parental/Legal Guardian Permission Form for Student Excursions" (Form 5004), providing sufficient notice to obtain written consent for each student to be involved.
- 3.1.9 Any excursion hosted by a third party provider shall require the third party to provide proof of insurance coverage. Where a school principal has authorized an excursion that will be hosted by a tour operator and any third party provider that directs and/or supervises activities during the excursion, the principal shall obtain a copy of the providers and/or third parties **comprehensive general** liability insurance policy. **For excursions that include boat tours or cruises, the vessel owner/operator must provide a copy of their current marine insurance to the third party excursion provider, which must be shared with the principal. The third party excursion provider will provide the principal with details about the vessels safety equipment including but not limited to the number of life jackets and emergency evacuation devices or vessels and how these are accessed in the case of an emergency.**
- 3.1.10 Waiver of Board Financial Liability for Student Excursion Form (Form 5005), duly signed by the student and parent/guardian, is to be submitted to the school prior to the receipt of any deposits or prepayment of funds.
- 3.1.11 Fundraising to defray costs incurred shall be consistent with the Board Policy on Fundraising (Policy PO416).
- 3.1.12 Applications for a 'One Day Excursion' (Form 5003) shall be approved by the principal with copy retained on file at the school for at least two calendar years.
- 3.1.13 Applications for a 'More Than One Day Excursion' (Form 5003) is recommended for approval by the principal, and sent to the Family of Schools Superintendent for final review to be retained for at least two calendar years. **Excursions that are 'more than one day' cannot be longer than five (5) school days during the instructional year.**

### 3.0 Requirements (Cont'd)

3.1.14 Approvals are required before any contract with carriers, travel agents, and/or program personnel can be signed. Any such contracts must be sent to the Family of Schools Superintendent for review.

#### 3.2 Considerations During the Student Excursion

##### 3.2.1 Supervision

The Board will endeavour to ensure that every reasonable precaution is taken to ensure the safety of students while on an excursion. A sufficient number of teacher/staff and other supervisors must be provided. Volunteers and all other adults attending excursions shall provide a recent police issued (within 12 months), approved Criminal Background Check with Vulnerable Sector Screening. For any overnight trip, teacher/staff supervisors of both genders must be present.

The following are the minimum supervision ratios (which always includes one teacher), but may increase due to the nature of the activity/trip. It is required to refer to the OPHEA Safety Guidelines for recommended supervision practices and ratios subject to the level of risk inherent in varying activities. Minimum adult to student ratios are as follows:

Grade Level	1 Day Trip	More Than 1 Day Trip	International Trips
JK & SK	1:6	Not permitted	Not permitted
Grades 1 to 3	1:6	Not permitted	Not permitted
Grades 4 to 6	1:10	1:10	Not permitted
Grades 7 & 8	1:15	1:10	Not permitted
Grades 9 to 12	1:20	1:20	1:10

##### 3.2.2 Responsibilities of the Coordinating Staff Member

A coordinating staff member shall be identified to ensure that:

- a) All teachers/staff and other supervisors and volunteers have a common understanding of what is expected during the excursion.

### 3.0 Requirements (Cont'd)

- b) A list of all students and adults attending an excursion shall be kept both at the school and with staff attending the excursion. The list should include medical and emergency contact information for each student.
- c) A list of students not attending the excursion should be left at the school office, indicating the alternate plan for these students and assigned classroom location for the duration of the trip.
- d) The coordinating staff member and all staff on the excursion shall have immediate access to student identification information at all times, in case of an emergency. An emergency contact number shall be left with the school for communication purposes.
- e) A First Aid Kit shall be accessible in the case of student or supervisor injury.
- f) All injuries (staff and students) shall be reported to the Principal within 24 hours of the incident.
- g) Oral medications shall be stored in a safe manner, and Consent to Administer and Administration of Oral Medication Forms shall be maintained pursuant to Policy PO609 – Administration of Oral Medication.
- h) All staff members and volunteers shall be made aware of special medical considerations of students, and the corollary necessity for medications, dietary restrictions and/or other health devices required to be brought on the excursion (e.g., epi-pens, insulin pump, inhaler, etc.). Students who normally carry epi pens, insulin pumps and inhalers at school are expected to do so while on the excursion.
- i) An emergency plan shall be established, including specific consideration for students requiring specialized assistance or accommodation

### 3.3 Considerations After the Excursion

- 3.3.1 Following each excursion, the participating staff will share an informal verbal summary with the Principal outlining the success of the event from an educational and organizational point of view. It should highlight any shortcomings and challenges encountered during the excursion. Such summary shall also include student perspectives, as student voice is integral to positive future excursion experiences.

### 3.0 Requirements (Cont'd)

- 3.3.2 The supervising teacher on the excursion shall provide the principal with a written report highlighting any incidents of a significant or serious nature.

### 4.0 Source

- Ontario Physical Education (OPHEA) Safety Guidelines, 2018, [ophea.net](http://ophea.net)
- Health Protection and Promotion Act, Regulation 565 (Public Pools), 2018
- Health Protection and Promotion Act, Regulation 503/17 (Recreational Camps), 2018
- Student Protection Act, 2002
- Standards of Practice for the Teaching Profession (Ontario College of Teachers), 2012
- Education Act, 1990
- Ontario Highway Traffic Act, 1990
- Occupational Health & Safety Act, 1990

### 5.0 Related Policies and Administrative Procedure

- Fundraising Policy (PO416)
- Anaphylactic Students (Protection of) Policy (PO608)
- Anaphylactic Students (Protection of) Administrative Procedure (AP608-1)
- Administration of Oral Medication Policy (PO609)
- Code of Conduct Policy (PO610)
- Code of Conduct Administrative Procedure (PO610-1)
- Student Discipline Policy (PO611)
- Student Discipline Administrative Procedure (AP611-1)

### 6.0 Related Forms

- Application for Student Excursion (One Day/More Than One Day) Form (Form 5003)
- Informed Consent – Parent/Guardian Permission Form for Student Excursions (Form 5004)
- Waiver of Board Financial Liability for Student Excursions Form (Form 5005)
- Checklist for Student Excursions of More Than One Day Form (Form 5006)
- ~~Protection of Anaphylactic Students – Individual Plan (Form 001)~~
- Administration of Oral Medication – Parent's Consent and Instructions Form (Form 8202)
- Administration of Oral Medication – Child Medicine Log Form (Form 8203)
- Anaphylaxis Plan of Care





Durham Catholic District School Board

## Application for Student Excursion Form (One Day/More Than One Day)

**One Day Excursion Form** ☐

Approved by Principal, copy retained at the school for a period of at least two calendar years.

Date of Trip: \_\_\_\_\_

**More Than One Day Excursion Form** ☐

Approved by both Principal and Family of Schools Superintendent, copy retained at the school for a period of at least two calendar years.

Date(s) of Trip: From: \_\_\_\_\_ To: \_\_\_\_\_

Name of School: \_\_\_\_\_

Destination of Excursion: \_\_\_\_\_

Cost of Excursion: \_\_\_\_\_ Cost Per Student: \_\_\_\_\_

How will the cost of the excursion be defrayed? \_\_\_\_\_

Grade(s): \_\_\_\_\_ Educator(s): \_\_\_\_\_

Number of Students: \_\_\_\_\_ Male: \_\_\_\_\_ Female: \_\_\_\_\_

Other Supervisors: \_\_\_\_\_

Will the supervision ratio be met? \_\_\_\_\_ (state the ratio) \_\_\_\_\_

Mode of Transportation: \_\_\_\_\_

**Describe the pedagogical value of this field trip by listing the relevant curriculum expectations.**

**I have reviewed the Student Excursions and/or Exchanges for Educational Purposes Policy (PO512) and Administrative Procedure (AP512-1) and have ensured that all requirements have been met.**

Signature of Teacher(s) attending excursion: \_\_\_\_\_

\_\_\_\_\_ Date: \_\_\_\_\_

Please attach the following (as applicable):

- Proposed itinerary and financial breakdown of costs
- Alternate plan in case of inclement weather and for students who chose not to participate
- Copy of proposed letter(s) of communication to parent(s)/guardian(s)
- Copy of related OPHEA Safety Guidelines
- Checklist for Student Excursions of More than One Day Form (Form 5006)

Parent volunteers have criminal background check ☐

Signature of Principal: \_\_\_\_\_

Date: \_\_\_\_\_

Signature of Superintendent: \_\_\_\_\_  
(if applicable)

Date: \_\_\_\_\_



Durham Catholic District School Board

## ***Informed Consent – Parent/Guardian Permission Form for Student Excursions***

The following excursion is being planned as an extension of the curricular program at:

School Name: \_\_\_\_\_ Grade(s): \_\_\_\_\_

Teacher/Staff Name(s): \_\_\_\_\_

Trip Date(s) (including league play) \_\_\_\_\_

Destination(s): \_\_\_\_\_

Description of activity: \_\_\_\_\_  
\_\_\_\_\_

Students will leave the school at: \_\_\_\_\_ and return to the school at \_\_\_\_\_

Students will travel by: \_\_\_\_\_ Cost to the student: \$ \_\_\_\_\_

Date Consent Form Sent Home: \_\_\_\_\_

Date Consent Form is Due Back to the School: \_\_\_\_\_

(Payment by cheque may be made payable to: \_\_\_\_\_)

### **Elements of Risk**

Educational activity programs involve certain elements of risk. Injuries may occur without any fault of either the student, or the School Board, its employees/agents, or the facility where the activity is taking place. By choosing to participate in the activity, you are accepting the risk that your child may be injured. The chance of an injury occurring can be reduced by carefully following instructions at all times while engaged in the activity. If you choose to participate, you must understand that you bear the responsibility for any injury that might occur. The Durham Catholic District School Board does not provide any accidental death, disability, dismemberment or medical expense insurance on behalf of the students participating in this activity.

### **Acknowledgement**

We have read the above. We understand that in participating in the activity described above, we are assuming the risks associated with doing so. Signature(s) below are required in order for the student to attend the excursion.

Signature of Student: \_\_\_\_\_  
(Required along with Parent/Guardian signature for students 12 years and older)

Date: \_\_\_\_\_

Signature of Parent/Guardian: \_\_\_\_\_

Date: \_\_\_\_\_

### **Permission**

I give \_\_\_\_\_ permission to participate in the school trip outlined above

and to be held on \_\_\_\_\_. I have enclosed the payment as requested \_\_\_\_\_

Signature of Parent/Guardian: \_\_\_\_\_

Date: \_\_\_\_\_

**Please sign and return the consent form on or before the due date noted above**



Durham Catholic District School Board

## ***Waiver of Board Financial Liability for Student Excursions Form***

The Durham Catholic District School Board supports excursions that enhance student education. However, the Board cannot assume any responsibility whatsoever for any costs associated with such excursions even where such costs result from a decision of the Board to cancel the excursion. Specifically, the Board will not be responsible for any monies that have been paid towards the cost of the excursion by pupils or their parents to any person, corporation or agency (travel or other) whether as a deposit or otherwise where such monies are forfeited (wholly or partially) as a result of a change to or cancellation of the planned excursion for any reason whatsoever.

I have read the above and understand that the Board has no financial responsibility for the excursion and that I/we are wholly responsible for the costs as outlined above.

Signature of Student: \_\_\_\_\_

Date: \_\_\_\_\_

Signature of Parent/Guardian: \_\_\_\_\_

Date: \_\_\_\_\_



Durham Catholic District School Board

# Checklist for Student Excursions of More Than One Day Form

(To be completed by the Coordinating Teacher and Principal)

Name of School:	
Student Excursion and/or Exchanges for Educational Purposes (indicate destination):	
Date(s) of Planned Excursion:	

I have reviewed the above-noted Excursion and/or Exchange for Educational Purposes application and verify that:

- ☐ Mass is included in the itinerary (as applicable)
- ☐ the required male/female compliment of supervisors will be in attendance
- ☐ non-staff supervision accompanying school staff have valid Criminal Reference checks
- ☐ teachers have been advised that they must not deviate from the approved itinerary unless for safety or emergency reasons
- ☐ an attempt has been made to have 90% of all eligible students participate
- ☐ conditions required to support students with special circumstances, including but not limited to accessibility needs, have been considered
- ☐ a comprehensive information package has been provided to parents including, but not limited to:
  - 1) description of the normal and usual risks associated with the activity;
  - 2) full cost of the excursion or exchange;
  - 3) full itinerary;
  - 4) emergency plan;
  - 5) applicable telephone contacts;
  - 6) recommendations pertaining to the purchase of out of province medical insurance (as applicable)
- ☐ there are no current or applicable Foreign Affairs travel warnings.
- ☐ a signed liability form is received and will be kept on file for each participant for at least two calendar years beyond the completed excursion or exchange
- ☐ the planned excursion was discussed with the Family of Schools Superintendent after duly consulting the related travel advisories
- ☐ a list of the students attending the excursion (summary should include student names, emergency numbers, and health information - see Section 3.2.2 (a-i) of Administrative Procedure AP512-1)
- ☐ all planned activities are in compliance with the OPHEA Safety Guidelines for Elementary and Secondary schools
- ☐ staff, parents and students have been advised that, where the safety of staff and students could be in jeopardy, approval could be withdrawn and that the Board shall not be liable

**Notes:**

1. All applications for trips in conjunction with any tour agency, operator or third party **must** accompany this application with a **written contract** including a copy of the tour agency, operator or third party proof of current liability insurance policy.
2. For all overnight excursions to Outdoor Education Centre's, the provider must meet or exceed the standards of the Ontario Camps Association (OCA) and be an accredited member and meet the OPHEA Outdoor Education Safety Guidelines.

\_\_\_\_\_  
Coordinating Teacher/Staff Member Signature\_\_\_\_\_  
Date\_\_\_\_\_  
Principal's Signature\_\_\_\_\_  
Date



Durham Catholic District School Board

## Administration of Oral Medication Parent/Guardian Consent and Instructions Form

Date:
-------

<b>Name of Student:</b>	Date of Birth: _____ <i>Day/Month/Year</i>
School:	Grade:
Parent(s)/Guardian(s) Name:	Home Phone:
Address:	Work Phone:

<b>Name of Medication:</b>	
Dose or Amount to be Given:	
Total Doses or Times per School Day:	
Additional Instructions: _____	
Duration of Medication:	
Anticipated Reaction: _____	
<b>Prescribing Physician's Name (as noted on student's prescription):</b>	
Address:	Phone:

<b>Parental Approval:</b>	
I hereby request and give permission to _____ <i>Name of School</i>	
to administer oral medication to my child according to the procedures adopted by the Board and any instructions noted herein.	
_____ <i>Parent(s)/Guardian(s)</i>	_____ <i>Date</i>

## ***Administration of Oral Medication Student Medication Log***

Date:

Name of Student:	Date of Birth: _____ <i>Day/Month/Year</i>
School:	Grade:

[illegible]



# I. PREVALENT MEDICAL CONDITION — ANAPHYLAXIS

## Plan of Care

### STUDENT INFORMATION

Student Name \_\_\_\_\_ Date Of Birth \_\_\_\_\_

Ontario Ed. # \_\_\_\_\_ Age \_\_\_\_\_

Grade \_\_\_\_\_ Teacher(s) \_\_\_\_\_

Student Photo (optional)

### EMERGENCY CONTACTS (LIST IN PRIORITY)

NAME	RELATIONSHIP	DAYTIME PHONE	ALTERNATE PHONE
1.			
2.			
3.			

### KNOWN LIFE-THREATENING TRIGGERS

CHECK (✓) THE APPROPRIATE BOXES

☐ Food(s): \_\_\_\_\_ ☐ Insect Stings: \_\_\_\_\_

☐ Other: \_\_\_\_\_

Epinephrine Auto-Injector(s) Expiry Date (s): \_\_\_\_\_

Dosage: ☐ EpiPen® Jr. 0.15 mg ☐ EpiPen® 0.30 mg Location Of Auto-Injector(s): \_\_\_\_\_

☐ Previous anaphylactic reaction: **Student is at greater risk.**

☐ Has asthma. **Student is at greater risk.** If student is having a reaction and has difficulty breathing, give epinephrine before asthma medication.

☐ Any other medical condition or allergy? \_\_\_\_\_

## DAILY/ROUTINE ANAPHYLAXIS MANAGEMENT

### SYMPTOMS

A STUDENT HAVING AN ANAPHYLACTIC REACTION MIGHT HAVE ANY OF THESE SIGNS AND SYMPTOMS:

- **Skin system:** hives, swelling (face, lips, tongue), itching, warmth, redness.
- **Respiratory system** (breathing): coughing, wheezing, shortness of breath, chest pain or tightness, throat tightness, hoarse voice, nasal congestion or hay fever-like symptoms (runny, itchy nose and watery eyes, sneezing), trouble swallowing.
- **Gastrointestinal system** (stomach): nausea, vomiting, diarrhea, pain or cramps.
- **Cardiovascular system** (heart): paler than normal skin colour/blue colour, weak pulse, passing out, dizziness or lightheadedness, shock.
- **Other:** anxiety, sense of doom (the feeling that something bad is about to happen), headache, uterine cramps, metallic taste.

**EARLY RECOGNITION OF SYMPTOMS AND IMMEDIATE TREATMENT COULD SAVE A PERSON'S LIFE.**

**Avoidance** of an allergen is the main way to prevent an allergic reaction.

**Food Allergen(s):** eating even a small amount of a certain food can cause a severe allergic reaction.

Food(s) to be avoided: \_\_\_\_\_

Safety measures: \_\_\_\_\_

**Insect Stings:** (Risk of insect stings is higher in warmer months. Avoid areas where stinging insects nest or congregate. Destroy or remove nests, cover or move trash cans, keep food indoors.)

Designated eating area inside school building \_\_\_\_\_

Safety measures: \_\_\_\_\_

Other information: \_\_\_\_\_



## **EMERGENCY PROCEDURES**

### **(DEALING WITH AN ANAPHYLACTIC REACTION)**

**ACT QUICKLY. THE FIRST SIGNS OF A REACTION CAN BE MILD, BUT SYMPTOMS CAN GET WORSE QUICKLY.**

#### **STEPS**

1. Give epinephrine auto-injector (e.g. EpiPen®) at the first sign of a known or suspected anaphylactic reaction.
2. Call 9-1-1. Tell them someone is having a life-threatening allergic reaction.
3. Give a second dose of epinephrine as early as five (5) minutes after the first dose if there is no improvement in symptoms.
4. Follow direction of emergency personnel, including transport to hospital (ideally by ambulance), even if symptoms are mild or have stopped. The reaction could worsen or come back, even after treatment. Stay in the hospital for an appropriate period of observation as decided by the emergency department physician (generally about 4 - 6 hours).
5. Call emergency contact person; e.g. Parent(s)/Guardian(s).

## HEALTHCARE PROVIDER INFORMATION (OPTIONAL)

**Healthcare provider may include:** Physician, Nurse Practitioner, Registered Nurse, Pharmacist, Respiratory Therapist, Certified Respiratory Educator, or Certified Asthma Educator.

Healthcare Provider's Name: \_\_\_\_\_

Profession/Role: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Special Instructions/Notes/Prescription Labels:

If medication is prescribed, please include dosage, frequency and method of administration, dates for which the authorization to administer applies, and possible side effects.

★ This information may remain on file if there are no changes to the student's medical condition.

## AUTHORIZATION/PLAN REVIEW

### INDIVIDUALS WITH WHOM THIS PLAN OF CARE IS TO BE SHARED

1. \_\_\_\_\_ 2. \_\_\_\_\_ 3. \_\_\_\_\_

4. \_\_\_\_\_ 5. \_\_\_\_\_ 6. \_\_\_\_\_

Other individuals to be contacted regarding Plan Of Care:

Before-School Program ☐ Yes ☐ No \_\_\_\_\_

After-School Program ☐ Yes ☐ No \_\_\_\_\_

School Bus Driver/Route # (If Applicable) \_\_\_\_\_

Other: \_\_\_\_\_

**This plan remains in effect for the 20\_\_ — 20\_\_ school year without change and will be reviewed on or before:** \_\_\_\_\_. (It is the parent(s)/guardian(s) responsibility to notify the principal if there is a need to change the plan of care during the school year.)

Parent(s)/Guardian(s): \_\_\_\_\_ Date: \_\_\_\_\_  
Signature

Student: \_\_\_\_\_ Date: \_\_\_\_\_  
Signature

Principal: \_\_\_\_\_ Date: \_\_\_\_\_  
Signature



Durham Catholic District School Board

"The Board"

# Policy

No changes

Title: <b>Employee Conflict of Interest</b>	Policy #: <b>P0317</b>
Policy Area:	Human Resources and Administrative Services
Source:	Superintendent of Human Resources and Administrative Services
Date Approved:	January 23, 2006
Dates of Amendment:	

## 1.0 Introduction

The Board recognizes its obligation to protect the public trust and appropriately manage resources. In keeping with the Gospel values of Jesus and consistent with its mandate for accountability, the Board expects its employees to conduct themselves at all times, with the highest standard of personal integrity, ethics and due diligence in the performance of their duties.

## 2.0 Definitions

**Conflict of Interest** - situations in which the personal or private interest of an employee or the employee's family or close business associates conflict with the interests of the Board or when there is reasonable basis for the perception of such conflict.

**Employee** - anyone who is paid on the Board payroll, except for a Trustee of the Board.

**Service** - any work done or duty performed for an individual, group, agency or organization that would otherwise be performed by an employed person or a consultant under contract for the performance of the work or duty.

## 3.0 Purpose

The purpose of this policy is to establish the parameters for employee conduct with respect to a possible conflict of interest situation.

#### 4.0 **Application/Scope**

This policy applies to all employees of the Board and to former employees of the Board whose conduct while employed by the Board may have contravened this policy and its attendance administrative procedures.

#### 5.0 **Principles**

5.1 The Board believes that employees of the Board:

- 5.1.1 occupy positions of public trust;
- 5.1.2 have a duty to conduct themselves at all times with the highest standard of personal integrity, duty of care, ethics, fidelity, honesty and due diligence in the performance of their duties;
- 5.1.3 have a duty to support and advance the interests of the Board;
- 5.1.4 must at all times avoid situations where their personal interests actually or potentially conflict with the interests of the Board;
- 5.1.5 must at all times avoid situations which may impair their ability to exercise prudence, fidelity and judgment in the performance of their duties.

#### 6.0 **Requirements**

6.1 The Director of Education, or designate, shall issue administrative procedures to support this policy and to amend them thereafter as the need may arise.

6.2 All employees of the Board who are responsible for the supervision of other employees are required to bring this policy and any attendant administrative procedures to the attention of those employees under their direct supervision. The Employee Conflict of Interest Policy and attendant Administrative Procedure are part of the annual signing of the Acknowledgment and Confirmation of Review form that occurs at the beginning of each school year.

6.3 All employees:

- 6.3.1 shall avoid placing themselves in situations where their personal interests are in conflict or may potentially conflict with the interests of the Board, including in matters related to a personal or family business unrelated to their professional duties with the Board, and advertising or marketing such business interests to Board employees;
- 6.3.2 have a duty to report to the Board, in writing through their immediate supervisor any circumstance of a personal or financial interest which is or might be perceived to be a conflict of interest;
- 6.3.3 who are found to be in a conflict of interest may be subject to disciplinary action that may include dismissal from the Board.

## 7.0 **Sources**

- *Education Act, R.S.O. 1990*, Chapter E.2; Section 217 (1-4); Section 286 (4)
- *Ontario Teachers' College Act*, Subsection 30(2)
- *Professional Misconduct*, O.Reg 437/97; Section 1(26)
- *Early Childhood Educators Act, 2007*; O.Reg 223/08; Professional Misconduct
- *Audiology and Speech-Language Pathology Act, 1991*; O.Reg 749/93; Professional Misconduct
- *Social Work and Social Services Work Act, 1998*; O.Reg 384/00 Professional Misconduct
- *Psychology Act, 1991*, O.Reg 801/93; *Professional Misconduct*.

## 8.0 **Related Administrative Procedures**

Employee Conflict of Interest (AP317-1)



Durham Catholic District School Board

"The Board"

## Administrative Procedure

Title: <b>Employee Conflict of Interest</b>	Procedure #: <b>AP317-1</b>
Administrative Area:	Human Resources and Administrative Services
Policy Reference:	Employee Conflict of Interest (PO317)
Date Approved:	January 23, 2006
Dates of Amendment:	

### 1.0 Purpose

The purpose of this administrative procedure is to support the implementation of the Employee Conflict of Interest Policy (PO317) and to provide all employees of the Board with clarity regarding the Board's expectations with respect to potential areas of conflict.

### 2.0 Definitions

**Conflict of Interest-** encompasses situations in which the personal or private interests of an employee or the employees' family or close business associates conflict with the interests of the Board or when there is reasonable basis for the perception of such conflict.

**Employee-** anyone who is paid on the Board payroll, except for a Trustee of the Board.

**Service-** any work done or duty performed for an individual, group, agency or organization that would otherwise be performed by an employed person or a consultant under contract for the performance of the work or duty.

### 3.0 Procedures

3.1 In keeping with the intent of the Employee Conflict of Interest Policy (PO317), an employee;

3.1.1 who has a connection or relationship with an external organization or business, including a supplier or promoter of products or services to the Board, must refrain at all times from engaging in situations where the connection or relationship may influence or perceive to influence the employees' performance of their duties and responsibilities with the Board;

**3.0 Procedures (Cont'd)**

- 3.1.2 of the Board shall not sell any materials, supplies or services to the Board, including but not limited to those from businesses in which they have a direct or indirect interest;
- 3.1.3 shall not purchase on behalf of the Board or otherwise recommend or directly/indirectly advertise and market to the Board or its employees purchase from any company in which they have a direct or indirect interest including but not limited to services related to the Board's benefit plans;
- 3.1.4 who has hiring responsibilities shall not hire, recommend hiring or otherwise influence the hiring of friends or members of their immediate or extended family and friends;
- 3.1.5 shall not assume direct line responsibility for the supervision of another employee who is a member of their immediate or extended family, a friend, or an affiliate with an organization in which there might be a business or financial interest;
- 3.1.6 shall not personally accept hospitality, business gifts or honoraria of any amount from any service provider contracted by the Board but may accept on behalf of the Board with the immediate supervisors' knowledge a business gift that is to be donated directly to the Board's charitable organization;
- 3.1.7 shall not, except for approved vacation time or leaves, engage in any outside work or undertaking during their normal working hours unless otherwise approved by their immediate supervisors;
- 3.1.8 who, with the approval of the appropriate supervisor, has rendered a service, including but not limited to the presentation of a professional nature to an outside organization and receives an honoraria for services rendered during their normal working hours, shall relinquish to the Board any honoraria received of a value greater than one hundred dollars (\$100);
- 3.1.9 shall not for any reason give preferential treatment to family members of friends or to organizations in which they might have a business or financial interest;
- 3.1.10 shall not release to unauthorized persons' information related to the business of the Board, including but not limited to financial, personnel matters, real estate matters, matters under negotiation, litigation or any other matter deemed to be of confidential and potentially prejudicial to the Board;

### 3.0 Procedures (Cont'd)

- 3.1.11 including, but not limited to teachers, early childhood educators, educational assistants and professional services staff, shall not provide services to students and/or staff, including counselling or tutoring, with whom they are engaged as part of their assigned work duties, except for those that are part of their work assignment;
- 3.1.12 who engages in providing a service to students and/or staff with whom they are not engaged as part of their assigned work duties, may not engage in providing the service on Board premises;
- 3.1.13 shall not issue receipts for items donated to the Board or its schools except as where authorized and approved by the Business Services Department;
- 3.1.14 shall not use items or products donated to the Board for personal use or that of family and friends;
- 3.1.15 shall not use Board property during or outside of regular working hours for personal use **with the exception of approved technology as assigned by the Board but not for business purposes or for providing professional services to others;**
- 3.1.16 who is subject to the policies set by a professional regulatory body or college should take note of those circumstances which could constitute a conflict of interest under the professional code of conduct established by the appropriate body governing the profession;
- 3.1.17 who holds an Ontario Teacher's certificate should take note that *Professional Misconduct*– O.Reg 437/97; section 1(26) states that "practicing the profession while the member is in a conflict of interest" is defined as professional misconduct for the purposes of subsection 30(2) of the *Ontario Teachers' College Act*:  
  
*"A member may be found guilty of professional misconduct by the Disciplinary Committee, after a hearing, if the member has been guilty, in the opinion of the Committee, of professional misconduct as defined in the regulations"*
- 3.1.18 who has supervisory responsibilities, including but not limited to Supervisory Officers, Principals and Managers, shall bring the *Employee Conflict of Interest Policy* (PO317) and this Administrative Procedure to the attention of employees under their charge and shall discuss both the Policy and Administrative Procedure at the start of each school year but not later than September 15th annually and periodically thereafter as appropriate;



3.1.19 shall acknowledge receiving, reading and understanding this Administrative Procedure and attendance Policy by signing an acknowledgement and confirmation form annually by the date specified herein.

#### 4.0 Sources

- *Education Act, R.S.O. 1990*, Chapter E.2; Section 217 (1-4); Section 286 (4).
- *Ontario Teachers' College Act*, Subsection 30(2).
- *Professional Misconduct*, O.Reg 437/97; Section 1(26).
- *Early Childhood Educators Act, 2007*; O.Reg 223/08; Professional Misconduct.
- *Audiology and Speech-Language Pathology Act, 1991*; O'Reg 749/93; Professional Misconduct.
- *Social Work and Social Services Work Act, 1998*; O.Reg 384/00 Professional Misconduct.
- *Psychology Act, 1991*, O.Reg 801/93; Professional Misconduct.

#### 5.0 References

Appendix A – *Excerpts from Legislative Sources*

#### 6.0 Related Forms

Employee Acknowledgement and Confirmation of Review Form (FO4722)

## APPENDIX A

### Excerpts from Legislative Sources

#### 1) Excerpts from the *Education Act*, R.S.O. 1990, Chapter E.2

Promotion or sale of books, etc by employees of Board or Ministry to Board, pupil, etc., prohibited.

217.1 *No teacher, **supervisory** officer or other employee of a Board or of the Ministry shall, for compensation of any kind other than his or her salary as such employee, promote, offer for sale or sell, directly or indirectly, any book or other teaching or learning materials, equipment, furniture, stationery or other article to any Board, provincial school or teachers' college or to any pupil enrolled therein. RSO 1990, c.E.2, s.217(1).*

#### **Exception for Authors**

(2) *Subsection (1) does not apply to a teacher, supervisory officer or any other employee in respect of a book or other teaching or learning materials of which he or she is an author where the only compensation that he or she receives in respect thereof is a fee or royalty thereon. RSO 1990, c.E.2, s.217(2).*

#### **Employment of employee of Board or Ministry to promote sale of books, etc., to Board, pupil, etc., prohibited**

(3) *No person or organization or agent thereof shall employ a teacher, supervisor officer or other employee of a Board or of the Ministry to promote, offer for sale or sell, directly or indirectly, any book or other teaching or learning materials, equipment, furniture, stationery or other article to any Board, provincial school or teachers' college, or to any pupil enrolled therein or shall, directly or indirectly, give or pay compensation to any such teacher, supervisory officer or employee for such purpose. RSO 1990, c.E.2, s.217(3)*

#### **Penalty**

(4) *Every person who contravenes any provision of subsection (1) or (3) is guilty of an offence and on conviction is liable to a fine of not more than \$1,000. RSO 1990, c.E.2, s.217(4).*

## APPENDIX A

### Excerpts from Legislative Sources (cont'd)

2) **Excerpts from the *Ontario College of Teachers' Act, 1996, S.O. 1996, Chapter 2***

**Professional Misconduct**

30(2) A member may be found guilty of professional misconduct by the Discipline Committee, after a hearing, if the member has been guilty, in the opinion of the Committee, of professional misconduct as defined in the Regulations.

3) **Excerpts from Professional Misconduct – O.Reg 437/97**

(1) The following Acts are defined as professional misconduct for the purposes of subsection 30(2) of the Act:

(26) Practicing the profession while the member is in a conflict of interest.

4) **Excerpts from the Early Childhood Educators Act, 2007**

**Professional Misconduct**

(2) A member may be found guilty of professional misconduct by the Discipline Committee after a hearing of the members has been guilty, in the opinion of the Committee, of professional misconduct (2014, c.11, Sec.3, 5.15(1).

5) **Excerpt from P/M-O.Reg.223/08**

(3) The following conduct or acts constitute professional misconduct for the purpose of clause (f) of the definition of that term set out in section 1 of the Act, in addition to the Acts or conduct listed in clauses (a), (b), (c), (d) and (e) of the definitions:

5. Practicing the profession while a member is in a conflict of interest.

6) **Excerpts from Audiology and Speech-Language Pathology Act, 1991  
O.Reg 749/93 Professional Misconduct**

1. The following are acts of professional misconduct for the purpose of clause 51(1)(c) of the Health Professions Procedural Code:

11. Practicing the profession while the member is in a conflict of interest.

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## APPENDIX A

### Excerpts from Legislative Sources (cont'd)

7) **Excerpts from Social Work and Social Service Work Act, 1998**

Professional Misconduct

26(2) – The Discipline Committee may find a member of the College guilty of professional misconduct, if, after a hearing, the Committee believes that the member has been engaged in conduct that, (c) is defined as being professional misconduct in the regulations. 1998, c.31, 5.26(2)

8) **Excerpt from O.Reg 384/00 Professional Misconduct**

2. The following are acts of professional misconduct for the purposes of clause 26(2)(c) of the Act:

10. Providing a professional service while the member is in a conflict of interest.

9) **Excerpt from Psychology Act, 1991 O.Reg 801/93 Professional Misconduct**

1. The following are acts of professional misconduct for the purposes of clause 51(1)(c) of the *Health Professions Procedural Act*.

10. Providing a professional service while the member is in a conflict of interest.



## Durham Catholic District School Board Employee Acknowledgement and Confirmation of Review Form

Employee Name <i>(please print)</i>		On-line application and sign-off	
TITLE		Date Reviewed	Employee Signature
<b>Policy</b>	<b>Administrative Procedure</b>		
Occupational Health & Safety (PO318)	AP318-2, AP318-3		
Employee Conflict of Interest (PO317)	AP317-1		
Acceptable Use of Information and Communication Technology (PO431)	AP431-1		
Bullying Prevention and Intervention (PO612)	AP612-1		
Code of Conduct (PO610)	AP610-1		
Student Discipline (PO611)	AP611-1		
Student Protection (PO607)	AP607-1		
Workplace Harassment and Workplace Sexual Harassment (PO320)	AP320-1		
Data Access & Management (PO427)	AP427-1		
Equity and Inclusive Education (PO216)	AP216-1, AP216-2		
Accessibility Policy (PO434)	AP434-1, AP434-2, AP434-3, AP434-4, AP434-5, AP434-6, AP434-7, AP434-8, AP434-9, AP434-10		
Workplace Violence (PO324)	AP324-1		
Anaphylactic Students (Protection of) (PO608)	AP608-1		
Concussion Management and Prevention (PO614)	AP614-1		
Asthma Friendly Schools (PO615)	AP615-1		

FO4722

***This information is being collected for the purpose of tracking the implementation of Board policies and administrative procedures. Supervisors are responsible for collecting and maintaining these forms.***



## Durham Catholic District School Board

"The Board"

# Policy

Title: <b>Workplace Violence</b>	Policy #: <b>PO324</b>
Policy Area:	Human Resources and Administrative Services
Source:	Superintendent – Human Resources and Administrative Services
Date Approved:	January 24, 2011
Dates of Amendment:	November 12, 2012
Date of Annual Review:	June 13, 2016

## 1.0 Introduction

The Durham Catholic District School Board is committed to the promotion of the values of respect, dignity and fairness for all. The Board believes that in adhering to these values there can be no tolerance of violence in the work or learning environment. The Durham Catholic District School Board recognizes that violence and threat of violence are a serious hazard to its employees and is committed to protecting workers from workplace violence from all sources, preventing and controlling such risks in its workplace.

## 2.0 Definitions

**Occupational Health and Safety Act (OHSA)** - sets out the rights and duties of all parties in the workplace, as well as procedures for dealing with workplace hazards and for enforcement as needed.

**Incident** ~~as it applies to this program, includes any and all events in which any act of violence is recognized as being applicable to a circumstance on Durham Catholic District School Board (DCDSB) property or associated with DCDSB activities and their employees~~ - any event in which an act of workplace violence as defined by OHSA occurs on Durham Catholic District School Board property or at a Durham Catholic District School Board sanctioned event, or approved attendance at a professional development event (e.g., conference, workshop), associated with a Durham Catholic District School Board employee.

**Joint Health and Safety Committee (JHSC)** - ~~is~~ a committee, composed of employees who represent the workers ~~from various employee groups~~ and the Board ~~The Committee~~ is committed to improving health and safety conditions in the workplace. The Committee's role is to identify system-wide health and safety issues and brings these matters to the employer's attention. Members of the Committee must be kept informed of health and safety developments in the workplace. ~~The Committee does not deal with school-based or labour relations issues.~~

## 2.0 Definitions (Cont'd)

**Reprisal** - ~~is defined as~~ any act of retaliation, either direct or indirect.

**Safety Plan** – a plan developed for students whose behaviour is known to pose an ongoing risk to themselves, other students, workers or other people in general. It can serve as a crisis-response plan that outlines the roles and responsibilities of the workers in dealing with specific problem behaviours. Safety plans are confidential student information and are not to be shared without the principal's knowledge and agreement.

**Supervisor** – As defined under the Occupational Health and Safety Act, a person who has charge of a workplace or authority over a worker. This may include a principal or designate.

~~**Sexual assault** is touching of a person in a sexual manner without the informed and valid consent of the person touched.~~

**Threats** ~~are~~ - any statements, acts, or communication intended or apparently intended to intimidate ~~or threaten~~ a person, in circumstances where the person threatened believes, or has reasonable grounds to believe, the threat may be carried out.

**Workplace** ~~is~~ - any ~~place where~~ land, premises, location or thing upon which an employee performs work or work-related duties or functions. Schools and school related activities, ~~including but not limited to~~ such as extra-curricular activities and excursions, comprise the workplace, as do Board offices and facilities. Conferences and training sessions fall within the direction of this policy.

**Workplace Violence** is defined by the Ministry of Labour (MOL) as:

- the exercise of physical force by a person against a worker in a workplace that causes or could cause physical injury to the worker,
- an attempt to exercise physical force against a worker, in a workplace that causes or could cause physical injury to the worker,
- a statement or behaviour that is reasonable for a worker to interpret as a threat to exercise physical force against the worker, in a workplace, that could cause physical injury to the worker.

**Workplace Violence Risk Assessment** – under the Occupational Health and Safety Act, School Boards are required to assess the risks of workplace violence that may arise from the nature of the workplace, the type of work or the conditions of work. A risk assessment under OHSA is not and assessment of an individual or student.

## 3.0 Purpose

It is the purpose of this Policy and related Administrative Procedure to support a safe working environment through implementation of effective measures to prevent and address violence in the workplace.

## 4.0 Application/Scope

- 4.1 The Workplace Violence Policy applies to all Board employees and trustees, as well as other individuals including clients of the Board, parents, volunteers, permit holders, contractors and employees of other organizations not related to the Board but who work on or are invited onto Board premises. The provisions of this Policy also apply to workplace violence by such persons, which is proven to have repercussions that adversely affect the Board's working and learning environment.
- 4.2 This Policy is to be interpreted and applied in conjunction with all other applicable Board policies and practices having to do with employee conduct, including, but not limited to, workplace harassment, **workplace sexual harassment**, and school safety.
- 4.3 The rights of students to a respectful working and learning environment, free from violence, are addressed under other appropriate policy, legislation or regulations including, but not limited to, the *Education Act*, Ontario Schools Code of Conduct as well as Board and School Codes of Behaviour. The Occupational Health and Safety Act (OHSA) Sec. 32.0.1, covers harassment and risks of workplace violence that may arise because of student and/or staff behaviours. This Policy, therefore, applies in appropriate circumstances.

## 5.0 Principles

- 5.1 The Board recognizes that behaviour within our school communities should be in accordance with the Gospel values of Jesus Christ, the Board's Mission Statement, and the requirements set forth by the *Occupational Health and Safety Act* and the applicable regulations.
- 5.2 The Board recognizes that all forms of violence, **harassment or discrimination** are unacceptable behaviours.
- 5.3 The Board is committed to the provision of working and learning environments that are free of any form of violence and that are safe, secure, harmonious and sensitive to the needs and well-being of all employees, students, volunteers and visitors.
- 5.4 The Board acknowledges that victims of violence will be supported by the provisions of enacted legislation and the requirements of Board policy and administrative procedures.
- 5.5 The Board recognizes that workplace violence adversely affects healthy relationships, the school climate, and other working environments.
- 5.6 The Board recognizes that workplace violence will not be accepted on school property, at school-related activities in schools with locations related to Board business sponsored programs or events, on school buses, or in any other circumstances where engaging in violence will have a negative impact on the working and learning environment.



## 5.0 Principles (Cont'd)

- 5.7 The Board will comply with Privacy and Access legislation in protecting confidentiality of the Workplace Violence process and of all parties involved to the extent possible.

## 6.0 Requirements

- 6.1 The Director of Education shall issue administrative procedures to support this Policy and amend them thereafter as the need may arise.
- 6.2 The Board, in consultation with the Joint Health and Safety Committee, will develop, implement, and maintain a workplace violence prevention and intervention program, which will include training and educating employees. This program will include:
- 6.2.1 a workplace violence risk assessment protocol which will identify and mitigate areas of potential risk of workplace violence.
  - 6.2.2 procedures to follow in order to control risks of workplace violence identified through the risk assessment, as likely to expose an employee to physical or other form of injury;
  - 6.2.3 procedures to summon immediate assistance when workplace violence occurs or is likely to occur;
  - 6.2.4 measures that employees must take to report incidents of workplace violence to the Board or their supervisor;
  - 6.2.5 the Board process for investigating and responding to incidents or complaints of workplace violence.
- 6.3 The Board, in consultation with the Joint Health and Safety Committee, will assess the risks of workplace violence that may arise from the nature of the workplace, the type of work or the conditions of work in accordance with the provisions of the *Occupational Health and Safety Act*. The risks of workplace violence will be reassessed as often as necessary to ensure that this Policy and the related program continue to protect employees from workplace violence.
- 6.4 The Board will **consult with and** advise the Joint Health and Safety Committee of the results of the assessment and reassessment, and provide a copy, if the assessment or reassessment is in writing.
- 6.5 The Board will clearly define roles and responsibilities of stakeholders, including Board/school administrators, principals/vice principals, managers, supervisors and employees in preventing, reporting and responding to workplace violence.
- 6.6 The Board will provide an employee with information and instruction that is appropriate for the employee on the contents of the Policy and program with respect to workplace violence and any other prescribed information or instruction.

## 6.0 Requirements (Cont'd)

- 6.7 The Board will not disclose more personal information than is reasonably necessary to protect employees' safety and security. The information provided to an employee may include personal information related to a risk of workplace violence from a person with a history of violent behaviour if the employee can be expected to encounter that person in the course of his or her work and the risk of workplace violence is likely to expose the employee to physical injury.
- 6.8 The Board will take every reasonable precaution to protect the employee if the Board becomes aware or ought reasonably to be aware of domestic violence that is likely to expose an employee to physical injury may occur in the workplace.
- 6.9 This Policy and the Occupational Health and Safety Act prohibits reprisals against individuals, acting in good faith, who report incidents of workplace violence or act as witnesses. The Board will take all reasonable and practical measures to prevent reprisals, threats of reprisals, or further violence. False, malicious and vexatious accusations, however, will face corrective and remedial action, **up to and including disciplinary action for just cause.**
- 6.10 As part of an internal responsibility system, individuals engaging in unsafe activity will be held accountable for their actions.
- 6.11 With respect to employees, the Board's progressive discipline may be applied concerning any unsafe behaviour and particularly concerning behaviour that is described in the definition of "workplace violence" above.
- 6.12 All complaints and reports of violence will be treated seriously, will be investigated thoroughly and fairly, and will be dealt with accordingly. Every attempt will be made to maintain confidentiality and all investigations will be conducted adhering to any applicable provisions of the *Municipal Freedom of Information and Protection of Privacy Act*.
- 6.13 The Policy concerning workplace violence will be posted at a conspicuous place in the workplace.
- 6.14 The Board will review the Policy with respect to workplace violence as often as is necessary, but at least annually in consultation with the Joint Health and Safety Committee.
- 6.15 All employees will be required to acknowledge their review of the Workplace Violence Policy and Administrative Procedure on an annual basis in accordance with the Policy Development and Implementation Administrative Procedure (AP210-1).

## 7.0 Sources

- Statutes and Regulations
- Criminal Code (Canada)
- Ontario Human Rights Code
- Ontario Occupational Health and Safety Act

- Education Act
- Teaching Profession Act
- Ontario College of Teachers Act
- Canadian Charter of Rights and Freedoms
- ~~Antiracism and Ethno-Cultural Equity (Education Act, s.8 (1), 29.1)~~
- ~~Safe Schools Act, 2000~~ **Accepting Schools Act, 2012**
- ~~Education Amendment Act (Progressive Discipline and School Safety), 2007~~
- Municipal Freedom of Information and Protection of Privacy Act

### ***Ministry of Education Policy/Program Memoranda***

- PPM 120 School Board Policies On Violence Prevention In Schools
- PPM 128 Provincial Code of Conduct
- PPM 144 Bullying Prevention and Intervention
- PPM 145 Progressive Discipline and Promoting Positive Student Behaviour

### ***Professional Colleges***

- College of Audiologists and Speech-Language Pathologists of Ontario
- College of Early Childhood Educators
- College of Psychologists of Ontario
- Ontario College of Teachers
- The Ontario College of Social Workers and Social Service Workers and/or;
- Any other professional colleges or associations recognized under Provincial statutes

## **8.0 References**

- Working Alone Protocol, Facilities Services Staff, September 2008
- School Banking Protocol, Business Services, January 2011

## **9.0 Related Board Policies and Administrative Procedures**

- Freedom of Information and Protection of Individual Privacy (PO201)
- Employees' Assistance Program Policy (PO304)
- ~~Sexual Harassment Policy (PO307)~~
- Occupational Health and Safety Policy (PO318)
- Workplace Harassment **and Workplace Sexual Harassment** Policy (PO320)
- Emergency Preparedness Policy (PO414)
- Lockdown Policy (PO436)
- Code of Conduct Policy (PO610)
- Student Discipline Policy (PO611)
- Bullying Prevention and Intervention Policy (PO612)
- Workplace Harassment **and Workplace Sexual Harassment** Administrative Procedure (AP320-1)
- Employee Injury Administrative Procedure (AP414-1)
- Accident/Personal Injury Administrative Procedure (AP414-2)
- Lockdown Administrative Procedure (AP436-1)
- Handling Racial/Ethnic Incidents Administrative Procedure (AP570)
- Student Protection Administrative Procedure (AP607-1)
- Code of Conduct Administrative Procedure (AP610-1)
- Student Discipline Administrative Procedure (AP611-1)

- Bullying Prevention and Intervention Administrative Procedure (AP612-1)
- [Workplace Violence Prevention – General Administrative Procedure \(AP324-1\)](#)
- [Workplace Violence Prevention – Students Administrative Procedure \(AP324-2\)](#)

**Related Sources**

- Ontario Ministry of Labour, Health and Safety Guidelines, *Workplace Violence and Harassment: Understanding the Law*, March 2010
- Ontario Education Services Corporation, *Resources for Implementing Bill 168*, April 2010
- Catholic Consortium, *Workplace Violence Policy – General*, March 26, 2010
- [Ontario Ministry of Labour: Workplace Violence in School Boards: A Guide to the Law](#), March 2017



Durham Catholic District School Board

"The Board"

## Administrative Procedure

Title: <b>Workplace Violence Prevention - General</b>	Procedure #: <b>AP324-1</b>
Administrative Area:	Human Resources and Administrative Services
Policy Reference:	Workplace Violence (PO324)
Date Approved:	January 24, 2011
Dates of Amendment:	November 12, 2012
Date of Annual Review:	June 13, 2016

### 1.0 Purpose

This administrative procedure and related policy supports a safe working environment through implementation of effective measures to prevent and address violence in the workplace. **This procedure does not address workplace violence prevention as it pertains to students.**

### 2.0 Definitions

**Occupational Health and Safety Act (OHSA)** - sets out the rights and duties of all parties in the workplace, as well as procedures for dealing with workplace hazards and for enforcement as needed.

**Incident** ~~as it applies to this program, includes any and all events in which any act of violence is recognized as being applicable to a circumstance on Durham Catholic District School Board (DCDSB) property or associated with DCDSB activities and their employees~~ - any event in which an act of workplace violence as defined by OHSA occurs on Durham Catholic District School Board property or at a Durham Catholic District School Board sanctioned event, or approved attendance at a professional development event (e.g., conference, workshop), associated with a Durham Catholic District School Board employee.

**Joint Health and Safety Committee (JHSC)** - ~~is~~ a committee, composed of employees who represent the workers ~~from various employee groups~~ and the Board ~~The Committee is~~ committed to improving health and safety conditions in the workplace. The Committee's ~~role is to identify system-wide~~ health and safety issues and brings these matters to the employer's attention. Members of the Committee must be kept informed of health and safety developments in the workplace. **The Committee does not deal with school-based or labour relations issues.**

## 2.0 Definitions (Cont'd)

**Reprisal** - ~~is defined as~~ any act of retaliation, either direct or indirect.

**Safety Plan** – a plan developed for students whose behaviour is known to pose an ongoing risk to themselves, other students, workers or other people in general. It can serve as a crisis-response plan that outlines the roles and responsibilities of the workers in dealing with specific problem behaviours. Safety plans are confidential student information and are not to be shared without the principal's knowledge and agreement.

**Supervisor** – As defined under the Occupational Health and Safety Act, a person who has charge of a workplace or authority over a worker. This may include a principal or designate.

**Sexual assault** ~~is touching of a person in a sexual manner without the informed and valid consent of the person touched.~~

**Threats** ~~are~~ - any statements, acts, or communication intended or apparently intended to intimidate ~~or threaten~~ a person, in circumstances where the person threatened believes, or has reasonable grounds to believe, the threat may be carried out.

**Workplace** ~~is~~ - any ~~place where~~ land, premises, location or thing upon which an employee performs work or work-related duties or functions. Schools and school related activities, **including but not limited to** such as extra-curricular activities and excursions, comprise the workplace, as do Board offices and facilities. Conferences and training sessions fall within the direction of this policy.

**Workplace Violence** is defined by the Ministry of Labour (MOL) as:

- the exercise of physical force by a person against a worker in a workplace that causes or could cause physical injury to the worker,
- an attempt to exercise physical force against a worker, in a workplace that causes or could cause physical injury to the worker,
- a statement or behaviour that is reasonable for a worker to interpret as a threat to exercise physical force against the worker, in a workplace, that could cause physical injury to the worker.

**Workplace Violence Risk Assessment** – under the Occupational Health and Safety Act, School Boards are required to assess the risks of workplace violence that may arise from the nature of the workplace, the type of work or the conditions of work. A risk assessment under OHSA is not an assessment of an individual or student.

### 3.0 Procedures

#### 3.1 ~~Risk Assessment and Prevention~~ **Workplace Violence Excluding Students**

##### 3.1.1 ~~Assessment of the~~ **Measures and Procedures to Control the Risks of Workplace Violence**

3.1.1.1 The Board, in consultation with the Joint Health and Safety Committee (JHSC), will assess the varying degrees of potential exposure of the Board's employees to violence in the workplace and support a Workplace Violence Prevention Program.

3.1.1.2 The Board, in consultation with the JHSC, will assess the risks of workplace violence that may arise from the nature of the workplace, the type of work or the conditions of work in accordance with the provisions of the *Occupational Health and Safety Act* (OHSA).

3.1.1.3 The Board will reassess the risks of workplace violence as often as necessary to ensure that the related policy and program continue to protect employees from workplace violence. The assessments and reassessments will take into account:

- 3.1.1.3.1 circumstances that would be common to similar workplaces; and
- 3.1.1.3.2 circumstances specific to the workplace.

3.1.1.4 Circumstances that would be common to schools of the Board are:

- 3.1.1.4.1 the existence of potential risks due to interactions with the public, students, parents and employees; and
- 3.1.1.4.2 the existence of protocols between the Board and the Durham Region Police Services (DRPS) or other police services

3.1.1.5 The Board shall **consult and** advise the JHSC of the results of the assessment and reassessment, and provide a copy, if the assessment or reassessment is in writing.

##### 3.1.2 Prevention Strategies – Students and Curriculum

~~To further its mission to provide students with a quality Catholic education rooted in the Gospel teachings, the DCDSB is committed to ensuring that violence prevention is incorporated into the curriculum and all school routines for students from junior kindergarten to the end of secondary school.~~

3.1.3 Prevention Strategies – Physical Environment

3.1.1.6 The Workplace Violence Prevention Program requires that administrators, principals, supervisors and workers take preventative measure aimed at reducing the risk of possible workplace violence **in the physical environment**. Such measures include but are not limited to ~~the following~~:

- 3.1.1.6.1 Reviewing the need for controlled entry points at the worksite;
- 3.1.1.6.2 Controlling, managing and restricting internal access (i.e., keys/authorized personnel) to vital areas of operation at the worksite;
- 3.1.1.6.3 Controlling and managing external access (~~i.e.~~ **e.g.**, keys/locks) at the worksite;
- 3.1.1.6.4 Ensuring ~~that there is~~ a check-in process for all visitors at the worksite;
- 3.1.1.6.5 Controlling and managing parking and fire routes;
- 3.1.1.6.6 Monitoring internal security by closing doors and windows and turning off computers when not in use, including after- hours operations;
- 3.1.1.6.7 Reviewing **internal** communication systems (e.g., intercoms, walkie talkies, video surveillance, etc.);
- 3.1.1.6.8 Ensuring that emergency exits, corridors, stairwells and grounds are not blocked;
- 3.1.1.6.9 Maintaining good housekeeping practices, including proper storage of items;
- 3.1.1.6.10 Ensuring that classroom(s) and office areas are configured in a manner that does not box in or restrict staff from the exit points;
- 3.1.1.6.11 Ensuring all graffiti is reported and removed as soon as possible from the worksite;
- 3.1.1.6.12 Reviewing and assessing lighting at the worksite (inside/outside of building);
- 3.1.1.6.13 Ensuring all required fire and emergency response drills are conducted on a regular basis;
- 3.1.1.6.14 Ensuring an annual Fall review is conducted of the Board's Emergency Response **Program Plan**; and
- 3.1.1.6.15 Training for managers and staff ~~to enable them~~ to identify risks of violence and responses required.

3.1.3 Prevention Strategies – Physical Environment (Cont'd)

~~3.1.3.2 Refer to the "Checklist for the Safety and Security of Building and Grounds" in the DCDSB Safe Schools Audit for a comprehensive listing of physical environment measures.~~

**3.1.1.7** ~~3.1.1.5 Prevention Strategies Staff:~~ Applicable Board Policies,



Procedures, Guidelines and Resources that Prevent and Mitigate Workplace Violence:

The DCDSB has in place many measures and procedures for controlling risks that arise from the nature of the workplace, the type of work or the conditions of work at DCDSB, both generally and in particular positions. These incorporate both prevention/mitigation and reporting mechanisms **Refer and are included in** ~~to~~ the Reference section of this Administrative Procedure ~~for a summary of the measures currently in place.~~

### 3.1.2 Workplace Violent Incident Reporting

#### 3.1.2.1 Who May Initiate a Complaint?

3.1.2.1.1 All employees who are included under section Application/Scope in the Workplace Violence Policy have access to the complaint procedures. Individuals who are victims of workplace violence, including threats of violence, may initiate a complaint. Only individual complaints are permitted.

In addition, those who have **directly** witnessed workplace violence directly, have received reports of workplace violence or have reasonable grounds/objective evidence to suspect that workplace violence may occur can initiate a complaint.

3.1.2.1.2 All reports will be signed and dated

3.1.2.1.3 Each employee has the right and is encouraged to contact ~~their~~ **his/her** Union/Association for assistance and advice throughout this reporting process. Non-unionized employees are encouraged to consult with **their respective employee group representatives, (i.e. Chaplains, Middle Management, Non-Union, and/or the Director of Education or designated Supervisory Officer).**

#### 3.1.2.2 Reporting

3.1.2.2.1 Workplace violence as defined in the Workplace Violence Policy must be reported using the Workplace Violence Incident Report Form 4324 **or the Safe Schools Incident Reporting application available on MyDCDSB** and submitted to the Principal/Supervisor or designate, unless the alleged aggressor is a student. **If the alleged aggressor is a student, refer to AP324-2 Workplace Violence Prevention – Students. If the alleged workplace violence is by the employee's immediate supervisor, the reporting should be to the**

appropriate Supervisory Officer per 3.1.2.2.3 below.

~~3.1.2.2.2 All acts of violence against an employee, by a student must be reported in accordance with Student Discipline policy and supporting administrative procedures.~~

3.1.2.2.2 Members of a professional college are required to fulfill the reporting requirements as per their respective code of conduct, **professional practice**, or legislative obligations.

3.1.2.2.3 If the supervisor is the party alleged to be responsible for the workplace violence or alleged to condone the workplace violence, the complaint should be reported to that supervisor's superior.

~~3.1.2.2.4 The rights of staff and students to a respectful working and learning environment, free from violence or threats of violence, are dealt with under other appropriate policy, legislation or regulations including, but not limited, to the Education Act and the Ontario Schools Code of Conduct and codes of behavior. Students, parents and guardians should contact their principal, vice principal, or, where appropriate, their school superintendent, for clarification on the process to be followed.~~

3.1.2.2.4 Other user complainants should report the complaint to the appropriate supervisory or managerial personnel at the Board or, if they require assistance in reporting.

### 3.1.2.3 Timelines for Initiating a Complaint

All complaints must be reported as expeditiously as possible, but no later than within forty-five (45) calendar days of the most recent incident or threat of workplace violence. Reports of workplace violence filed outside this time frame may be considered by the Director or designate

### 3.1.2.4 Durham Catholic District School Board Reporting

3.1.2.4.1 If an incident of workplace violence were to cause a person to be disabled from performing his/her usual work or to require medical attention, the WSIB/Disability Claims Management Officer or designate would, in accordance with the *Occupational Health and Safety Act (OHSA)*, notify the JHSC and the applicable union/association, if any, within 4 days from the incident.

- 3.1.2.4.2 If an incident of workplace violence were to result in a death or critical injury as defined by the OHSA, the Health, Safety and Wellness Program Coordinator or designate would, in accordance with the OHSA, immediately notify the Ministry of Labour, the JHSC and the applicable union/association, if any. The Health, Safety and Wellness Program Coordinator or designate would then provide the Ministry of Labour with written details of the incident as prescribed within 48 hours.

#### 3.1.2.5 Summoning Immediate Assistance

- 3.1.2.5.1 When workplace violence occurs or is likely to occur, employees are encouraged to act immediately and summon assistance. For threats of violence, assaults or other violent incidents, employees should contact their supervisory or managerial personnel, if possible, and/or call 9-1-1- immediately in emergency situations.
- 3.1.2.5.2 After requesting police involvement and the emergency situation is under the proper control, the particulars of the event must be detailed on the Workplace Violent Incident Report Form 4324 and submitted to the Principal/Supervisor in a timely manner.

#### 3.1.3 Workplace Violent Incident Investigations

##### 3.1.3.1 Confidentiality

- 3.1.3.1.1 To protect the interests of all parties involved, confidentiality will be maintained throughout the complaint process to the extent possible under the circumstances, subject to all relevant legal considerations. Witnesses should be informed that supervisory and managerial personnel, in obtaining a statement, will maintain such statement in strict confidence, subject to their ability to conduct a full and thorough investigation.
- 3.1.3.1.2 Notwithstanding the above, **due process and** procedural fairness requires that the respondent to a complaint be apprised of the nature of the complaint and by whom it has been made so that they have an opportunity to respond to the allegations. This may require the disclosure of witness names and statements to the parties, subject to any applicable privacy considerations under the Education Act and Regulations.

3.1.3.1.3 A complainant has the right to withdraw a complaint at any stage defined in these procedures. The withdrawal must be done in writing. At the same time, the Board may be required to continue to act on the issues identified in the complaint in order to comply with its legal obligations and to address its concerns regarding systemic issues. When the Board determines that the safety of an individual or the community is at risk, it will act to the best of its ability to address this situation. This may mean that the procedures outlined in this policy, including confidentiality, will be set aside.

3.1.3.1.4 The Board may be required to provide information obtained during an investigation to an outside agency, such as police services, court or tribunal, or professional college that has the right to require information otherwise protected by the Municipal Freedom of Information and Protection of Privacy Act.

### 3.1.3.2 Threshold Assessment

3.1.3.2.1 All reports filed under the Workplace Violence Policy will be subject to a threshold assessment to determine whether the alleged conduct would, if proven, meet the definition of workplace violence by the Principal/Supervisor. The Principal/Supervisor will conduct the threshold assessment in consultation with the appropriate Superintendent and the Human Resources and Administrative Services Department via Health, Safety and Wellness Coordinator.

3.1.3.2.2 If following this threshold assessment, it is determined that the report of workplace violence filed:

3.1.3.2.2.1 would not, if true, meet the definition of workplace violence;

3.1.3.2.2.2 does not provide sufficient details of the alleged incident or threat of workplace violence, provided the complainant is given notice that insufficient details have been provided and given reasonable time to provide sufficient details; or

3.1.3.2.2.3 is vexatious, frivolous, trivial, or has not

been made in good faith or would, if investigated, constitute an abuse of the Workplace Violence Policy, then the complainant shall be so advised in writing by the Director or designate and no further action shall be taken under these procedures.

Where a complaint is determined to be filed in a vexatious, frivolous, trivial or bad faith manner, the employee filing such a complaint may be subject to disciplinary action.

3.1.3.2.3 If the report of workplace violence does meet the definition of workplace violence, then proceed to investigate the incident in accordance with section 3.1.4.3

3.1.3.2.4 Where allegations relate to harassment or discrimination on the basis of a ground prohibited by the *Ontario Human Rights Code*, they shall be addressed in accordance with Board policy PO320, Workplace Harassment and Administrative Procedure AP320-1.

### 3.1.3.3 Investigations and Resolutions

3.1.3.3.1 Reports of workplace violence deemed to meet the definition through the threshold assessment require an investigation of the complainant's allegations. Investigators will most often be the supervisory staff of the complainant. Principals/Supervisors have the right to assistance and support from their respective Superintendent and/or Human Resources and Administrative Services Department.

3.1.3.3.2 Informal inquiries and discussion, with the views of the parties being solicited and assessed, may be sufficient depending on the circumstances.

3.1.3.3.3 The Work Related Incident Investigation Report is to be completed by the Principal/Supervisor in all cases of reported employee injury.

~~3.1.3.4 Incidents of workplace violence involving a student or students as the alleged aggressor(s) will be investigated in accordance with Student Discipline Policy and supporting administrative procedures.~~

~~3.1.3.5 Incidents of workplace violence involving students designated with special needs will be investigated in accordance with Student Services Special Education processes. Refer to the Student Services Ad Hoc Incident Report form if an Educational Assistant is involved.~~

3.1.3.3.4 Where the employer becomes aware that domestic violence that would likely expose a worker to physical injury may occur in the workplace, the employer shall take every precaution reasonable in the circumstances for the protection of the worker (refer to Appendix A). **Employees who believe issues of domestic abuse may flow into the workplace, are obligated to advise their immediate supervisor. Such reporting shall be held in confidence and reviewed confidentially between the supervisor and the Human Resources and Administrative Services Department so as to implement the necessary safety precautions for the employee and their colleagues.**

3.1.3.3.5 Principals/Supervisors who conduct the investigation shall ensure that the following steps are taken as soon as possible:

- 3.1.3.3.5.1 Workplace violence incidents are subject to the *Criminal Code of Canada* and may require the Durham Regional Police Services to be contacted.
- 3.1.3.3.5.2 take appropriate measures to ensure the safety of the complainant;
- 3.1.3.3.5.3 notify the complainant(s), the respondent(s) and witness(es) that they are entitled to support and assistance throughout the process;
- 3.1.3.3.5.4 interview the complainant(s);
- 3.1.3.3.5.5 inform the respondent(s) of the allegations and provide an opportunity for response;
- 3.1.3.3.5.6 interview witness(es);
- 3.1.3.3.5.7 interview the respondent(s);
- 3.1.3.3.5.8 consult with the appropriate Superintendent and Human Resources and Administrative Services Department, **and legal counsel where necessary,** about

- findings and determine whether a  
alleged incident did or did not occur  
based on a balance of probabilities;
- 3.1.3.3.5.9 provide a written summary of the  
findings to the complainant and  
respondent and given them an  
opportunity to respond; and
- 3.1.3.3.5.10 take appropriate action(s) to address the  
situation.

- 3.1.3.3.6 If the respondent declines to participate in the  
investigative process, the investigation will proceed.  
The respondent should be encouraged to participate  
in the interest of a balanced and fair process.

#### 3.1.3.4 Standard of Proof

- 3.1.3.4.1 The standard of proof to be applied is the balance of  
probabilities.

#### 3.1.3.5 Outcomes in Investigations

- 3.1.3.5.1 In the event a complaint is not substantiated, no  
further action will be taken, subject to the section  
on maintaining records. In cases where the  
complaint is found to be trivial, vexatious or an  
abuse of the process, the complainant may be  
subject to disciplinary action as outlined in section,  
“Disciplinary Action”. However, if there is need to  
restore positive learning or working environment or  
if the complainant and/or respondent require  
counselling, appropriate steps will be taken to meet  
such needs.

Follow-up possibilities, including but not limited to:

- 3.1.3.5.1.1 counselling for the parties;
- 3.1.3.5.1.2 application of strategies to restore  
a positive learning/working  
environment;
- 3.1.3.5.1.3 mediation;
- 3.1.3.5.1.4 specific training for the complainant  
and/or respondent;
- 3.1.3.5.1.5 workshops for the staff and/or  
others in the school/workplace  
regarding their rights and  
responsibilities;
- 3.1.3.5.1.6 restorative measures;
- 3.1.3.5.1.7 permanent separation of respondent

- and complainant from each other;
- 3.1.3.5.1.8 letter of direction/discipline;
- 3.1.3.5.1.9 access restrictions;
- 3.1.3.5.1.10 employment terminated; and/or
- 3.1.3.5.1.11 other measures deemed appropriate in the circumstances.

### 3.1.3.6 Disciplinary Actions

#### 3.1.3.6.1 Employee Respondents

- 3.1.3.6.1.1 The appropriate supervisor or manager may impose discipline as appropriate and consistent with the circumstances.

- 3.1.3.6.1.2 **Where appropriate under the circumstances and notwithstanding the Board's management rights,** the principles of progressive discipline will be applied in dealing with disciplinary actions under this policy. These would include the following possibilities:

- 3.1.3.6.1.2.1 verbal warning;
- 3.1.3.6.1.2.2 written reprimand;
- 3.1.3.6.1.2.3 suspension with pay;
- 3.1.3.6.1.2.4 suspension without pay;
- 3.1.3.6.1.2.5 other employment related restrictions; or
- 3.1.3.6.1.2.6 dismissal for cause from employment with the Board.

- 3.1.3.6.1.3 Nothing precludes the Board from bypassing lesser forms of discipline where the employee behaviour is egregious.

#### 3.1.3.6.2 Other Respondents

- 3.1.3.6.2.1 Actions must be determined as appropriate for the individual situation and may include such responses as a letter of disapproval and caution or warning, a revoking of permits or contracts, an issuing of a trespass



warning, or other remedies as provided by the common law and/or the appropriate legislation. The involvement of the Director or designate is recommended in these cases.

### 3.1.3.7 Mediated Resolution

- 3.1.3.7.1 Mediation involves an unbiased third party acting as a facilitator in direct communication between the parties who voluntarily agree to enter into this process. It is an opportunity to resolve disputes in a respectful manner. It provides the opportunity to generate a variety of options for resolution and contributes to restoring the working relationship between the parties.
- 3.1.3.7.2 Where there is already a report of workplace violence being investigated under these procedures, at any time during the investigation, the parties may agree to hold the investigation in abeyance and attempt to achieve a mediated resolution.
- 3.1.3.7.3 Mediation is appropriate when all parties agree that a mutually agreeable solution is achievable and desirable. The investigator will request approval to mediate or attain a trained mediator when the parties have expressed an interest in a mediated resolution. In cases where mediation is sought, the Human Resources and Administrative Services Department will make arrangements to obtain the services of a trained **and appropriately qualified** mediator.
- 3.1.3.7.4 Meetings required for mediation sessions will be scheduled as soon as possible and, where practical, in a time and place convenient for the complainant, the respondent and the mediator.
- 3.1.3.7.5 When matters are resolved through mediation, the complainant and the respondent will sign a memorandum of agreement outlining the terms to which they have agreed. Supervisory and managerial personnel will ensure that the terms that the parties have agreed to have been met.

3.1.3.7.6 Mediation is voluntary and the complainant or the respondent may choose to withdraw at any time.

## **3.2 Review/Appeal Process**

3.2.1 Within ten (10) business days of having received the investigator's final written report, the complainant or respondent may request, in writing, to the Director or designate for a review of the Investigator's conclusions and/or report for one or both of the following reasons:

3.2.1.1 the investigators did not comply with the procedures; or

3.2.1.2 new evidence has become known after the final decision but before the expiry of the ten working days limitation period for requesting a review.

3.2.2 No review of the final decision will be undertaken with regard to the claim that the conclusions drawn by the investigator(s), based on findings of fact, were incorrect.

3.2.3 The reviewer will report its findings to the Director or designate who will affirm or amend a final decision or require that a new investigation be undertaken.

## **3.3 Records**

3.3.1 All correspondence and other documents generated under these Procedures must, subject to the *Municipal Freedom of Information and Protection of Privacy Act*, be marked "PRIVATE AND CONFIDENTIAL" and be stored in a locked and secure file in the Human Resources and Administrative Services Department. Records will be retained per legislated requirements. Only a record of the negative consequence, warning, caution, or other disciplinary action will be placed in the respondent's personnel file, with a copy to appropriate employee group representative.

## **3.4 Misuse of the Workplace Violence Reporting Procedures**

3.4.1 If there is a determination on a balance of probabilities that a report of workplace violence has been filed in bad faith, the investigation process may discontinue and disciplinary action may occur.

## **3.5 Reprisals**

3.5.1 Reprisals against individuals because they have reported a complaint are strictly forbidden. Alleged reprisals shall be investigated and, if substantiated, are subject to the same consequences as complaints of harassment.

**3.6 Sharing of Personal Information**

- 3.6.1 In cases where an individual with a history of violent behavior presents a risk of workplace violence that is likely to expose the employee(s) to physical injury, the Board will provide information related to the risk of workplace violence to employee(s) who can be expected to encounter that person in the course of his/her/their work.
- 3.6.2 The information provided will include personal information, though no more than is reasonably necessary to protect the employee(s) from physical injury. Such sharing of information is on a need to know basis, is governed by appropriate privacy legislation. Principals, managers and supervisors should seek guidance on this issued from their Superintendent and the Human Resources and Administrative Services Department. Notification of Risk of Injury Form 4324-2 will only be used after consultation with their Superintendent and the Superintendent of Human Resources and Administrative Services.

**3.7 Information and Instruction with Respect to Workplace Violence**

- 3.7.1 All employees of the Durham Catholic District School Board will be provided information and instruction respecting workplace violence. This will cover the basics of workplace violence and strategies to deal with the issues. It will include, but is not limited to ensuring employees:
- 3.7.1.1 know how to summon immediate assistance;
  - 3.7.1.2 know how to report incidents of workplace violence to the employer or supervisor;
  - 3.7.1.3 know how the Board will investigate and deal with incidents, threats or complaints;
  - 3.7.1.4 know, understand and be able to carry out the measures and procedures that are in place to protect them from workplace violence; and
  - 3.7.1.5 be able to carry out any other procedures that are part of the program.
- 3.7.2 All employees will be made aware of the Workplace Violence Prevention Administrative Procedures. Principals and Supervisors will be supported with resource material suitable for staff meetings. Every fall of each school year, Principals, Supervisors and Superintendents will review with staff the Workplace Violence Policy and Administrative Procedures. Principals shall advise parents/guardians of the Policy and Administrative Procedures within a school newsletter in the fall.

~~3.10.3 Specialized training will be provided to staff in jobs with a higher risk of violence. For example, Non-Violent Crisis Intervention (NVCI/CPI) will be provided annually to any employee as required and determined by their~~

~~immediate supervisor.~~

3.7.3 Information and instruction will be repeated:

- 3.7.3.1 when there are significant, non-housekeeping changes to the risks encountered;
- 3.7.3.2 when there are significant, non-housekeeping changes to the workplace violence policy or program;
- 3.7.3.3 when circumstances indicate additional instruction or training is needed; ~~such as; and/or~~
- 3.7.3.4 when procedures are not being followed or workers do not know about them.

3.7.4 Training Records

- 3.7.4.1 The provision of workplace violence information and instruction will be tracked by the Human Resources and Administrative Services Department.
- 3.7.4.2 As part of the annual program audit and review described in the section, “Program Audit and Review”, workplace violence information and instruction needs and other related workplace policy training needs will be continually assessed and up-dated.

**3.8 Program Audit and Review**

The Board, in consultation with the Joint Health and Safety Committee, will annually review the Workplace Violence Prevention Policy and Administrative Procedures to ensure that they are effective.

**4.0 Sources**

***Statutes and Regulations***

- Criminal Code (Canada)
- Ontario Human Rights Code
- Ontario Occupational Health and Safety Act
- Education Act
- Teaching Profession Act
- Ontario College of Teachers Act
- Canadian Charter of Rights and Freedoms
- ~~Antiracism and Ethno Cultural Equity (Education Act, s.8 (1), 29.1~~
- ~~Safe Schools Act, 2000~~ **Accepting Schools Act, 2012**
- ~~Education Amendment Act (Progressive Discipline and School Safety), 2007~~
- Municipal Freedom of Information and Protection of Privacy Act

***Ministry of Education Policy/Program Memoranda***

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- PPM 128 Provincial Code of Conduct

- PPM 144 Bullying Prevention and Intervention
- PPM 145 Progressive Discipline and Promoting Positive Student Behaviour

### **Professional Colleges**

- College of Audiologists and Speech-Language Pathologists of Ontario
- College of Early Childhood Educators
- College of Psychologists of Ontario
- Ontario College of Teachers
- The Ontario College of Social Workers and Social Service Workers and/or;
- Any other professional colleges or associations recognized under Provincial statutes.

## **5.0 References**

- **Ontario Ministry of Labour**
- Working Alone Protocol, Facilities Services Staff, September 2008
- School Banking Protocol, Business Services, January 2011

## **6.0 Related Board Policies and Administrative Procedures**

- Workplace Violence Policy (PO324)
- Freedom of Information and Protection of Individual Privacy Policy (PO201)
- Employees' **and Family** Assistance Program Policy (PO304)
- ~~Sexual Harassment Policy (PO307)~~
- ~~Harassment and Discrimination Policy (PO316)~~
- Occupational Health and Safety Policy (PO318)
- Workplace Harassment **and Workplace Sexual Harassment** Policy (PO320)
- Emergency Preparedness Policy (PO414)
- ~~Lockdown Policy (PO436)~~
- Code of Conduct Policy (PO610)
- ~~Student Discipline Policy (PO611)~~
- ~~Bullying Prevention and Intervention Policy (PO612)~~
- Workplace Harassment **and Workplace Sexual Harassment** Administrative Procedure (AP320-1)
- Employee Injury Administrative Procedure (AP414-1)
- Accident/Personal Injury Administrative Procedure (AP414-2)
- Lockdown Administrative Procedure (AP436-1)
- Handling Racial/Ethnic Incidents Administrative Procedure (AP570)
- ~~Student Protection Administrative Procedure (AP607-1)~~
- ~~Code of Conduct Administrative Procedure (AP610-1)~~
- ~~Student Discipline Administrative Procedure (AP611-1)~~
- ~~Bullying Prevention and Intervention Administrative Procedure (AP612-1)~~

### **Related Sources**

- **Workplace Violence in School Boards: A Guide to the Law, March 2018**
- Ontario Ministry of Labour, Health and Safety Guidelines, *Workplace Violence and Harassment: Understanding the Law*, March 2010

- Ontario Education Services Corporation, *Resources for Implementing Bill 168*, April 2010
- Catholic Consortium, *Workplace Violence Policy – General*, March 26, 2010

## 7.0 **Related Forms**

- Workplace Violent Incident Report Form (Form 4324)
- Notification of Risk of Injury Form (Form 4324-2)

## 8.0 **Appendices**

- Appendix A – Domestic Violence

## **Appendix A**

### **Domestic Violence**

Domestic violence that could occur in the workplace is recognized by the *Occupational Health and Safety Act (OHSA)* as one form of workplace violence. Unlike many risks which may lend themselves to regular and ongoing assessment, the risk of domestic violence taking place in the workplace is much more variable and less easily anticipated. The Durham Catholic District School Board will take every reasonable precaution to protect workers from domestic violence that is likely to expose workers to physical injury in the workplace.

The responsibility for creating and maintaining a workplace environment in which workers are protected from domestic violence that may expose workers to physical injury in the workplace rests with all workers sharing the workplace.

#### **1.1 Notification**

Workers who have information that they or a fellow worker is subject to domestic violence that may expose them or their fellow workers to physical injury in the workplace have a responsibility to inform their supervisor (Workplace Violent Incident Report Form 4324).

The supervisor will treat all such reports in confidence and only disclose to Human Resources and Administrative Services, or others who need to know, information that is necessary for the protection of workers in the workplace.

#### **1.2 Investigation**

Supervisors who are informed that there is a worker who may be subject to domestic violence in the workplace must gauge the nature and extent of the threat in consultation with their Family of Schools Superintendent and the Human Resources and Administrative Service Department. This may require the supervisor to interview both the source of the information about the threat, and the worker(s) who may be subject to the risk of domestic violence in the workplace. It may also require more detailed investigations conducted by their respective Superintendent and/or Assistant Superintendent Human Resources and Administrative Services. It is the responsibility of the supervisor to make this contact.

The supervisor may request reasonable documentation from the worker in the circumstances to assess the risks and to put in place precautions to protect the worker. Such documentation may include a copy of a court order, police report or photograph of the alleged perpetrator.

The employer will make available information about supports available for victims of domestic violence. Such supports may include the Employee Assistance Program, community counselling, support groups, shelters, and the police. When possible, supervisors will remind potential victims of domestic violence in the workplace of these resources.

In all circumstances, a supervisor must tell the victim that if they feel at risk of physical harm whether inside or outside the workplace or at home, the worker should contact the police.

### **1.3 Actions**

If the threat of domestic violence is from a co-worker or from someone outside the workplace, the supervisor, under advice from Human Resources and Administrative Services/Legal, must take steps to ensure the victim and other workers are protected. Such steps may include, but are not limited to, warnings, employee transfers, informing police, and requesting restraining orders.



**WORKPLACE VIOLENT INCIDENT REPORT FORM**

PRIVATE/CONFIDENTIAL

**Note:** This incident report is not intended for reporting violent incidents involving students. Please refer to Safe Schools and/or Student Services Policies and Administrative Procedures.

**SECTION ONE: EMPLOYEE INFORMATION**

<b>Date:</b>	<b>Employee Group/Affiliation:</b> <input type="checkbox"/> ETFO <input type="checkbox"/> Non Union <input type="checkbox"/> APSSP <input type="checkbox"/> OECTA Elementary <input type="checkbox"/> Casual EA,CM, or SCT <input type="checkbox"/> OECTA Secondary <input type="checkbox"/> Chaplain <input type="checkbox"/> OECTA OT <input type="checkbox"/> CUPE EA <input type="checkbox"/> Principal/VP <input type="checkbox"/> CUPE CM <input type="checkbox"/> Superintendent/Director <input type="checkbox"/> CUPE SCT <input type="checkbox"/> Other: _____
<b>Employee Name:</b>	
<b>Position:</b>	
<b>Work Location:</b>	
<b>Supervisor's Name:</b>	<b>Date Reported to Supervisor:</b>

**SECTION TWO: DETAILS ON INCIDENT**

<b>Site Name:</b>	<b>Site Telephone:</b>																		
<b>Site Address:</b>	<b>Date and Time of Incident:</b>																		
<b>Personal Contact Information (Optional):</b> Email: _____	Home telephone: _____ Cell: _____																		
<b>Alleged Aggressor:</b> <input type="checkbox"/> DCDSB Employee <input type="checkbox"/> Visitor/Guest <input type="checkbox"/> Parent/Guardian <input type="checkbox"/> Member of Public  <input type="checkbox"/> Other: _____																			
<b>Aggressor(s) Gender:</b> <input type="checkbox"/> Male <input type="checkbox"/> Female If the aggressor could not be identified please indicate any identifying information (e.g., age, weight, height, hair/eye colour, clothing, complexion, etc.):																			
<b>Location of Incident (check all that apply):</b> <table><tr><td><input type="checkbox"/> Hallway</td><td><input type="checkbox"/> Library</td><td><input type="checkbox"/> Gym</td><td><input type="checkbox"/> Shop</td><td><input type="checkbox"/> Cafeteria</td><td><input type="checkbox"/> Washroom</td></tr><tr><td><input type="checkbox"/> School Yard</td><td><input type="checkbox"/> Stairs</td><td><input type="checkbox"/> Office</td><td><input type="checkbox"/> Classroom</td><td><input type="checkbox"/> Vehicle</td><td><input type="checkbox"/> Changeroom</td></tr><tr><td><input type="checkbox"/> Playing Field</td><td><input type="checkbox"/> Portable</td><td><input type="checkbox"/> Field Trip</td><td><input type="checkbox"/> Parking Lot</td><td colspan="2"><input type="checkbox"/> Other _____</td></tr></table>		<input type="checkbox"/> Hallway	<input type="checkbox"/> Library	<input type="checkbox"/> Gym	<input type="checkbox"/> Shop	<input type="checkbox"/> Cafeteria	<input type="checkbox"/> Washroom	<input type="checkbox"/> School Yard	<input type="checkbox"/> Stairs	<input type="checkbox"/> Office	<input type="checkbox"/> Classroom	<input type="checkbox"/> Vehicle	<input type="checkbox"/> Changeroom	<input type="checkbox"/> Playing Field	<input type="checkbox"/> Portable	<input type="checkbox"/> Field Trip	<input type="checkbox"/> Parking Lot	<input type="checkbox"/> Other _____	
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<b>Nature of Incident (check all that apply):</b> <input type="checkbox"/> The exercise of physical force by a person against a worker in a workplace that causes or could cause physical injury to the worker <input type="checkbox"/> An attempt to exercise physical force against a worker, in a workplace that causes or could cause physical injury to the worker <input type="checkbox"/> A statement or behaviour that is reasonable for a worker to interpret as a threat to exercise physical force against the worker, in a workplace, that could cause physical injury to the worker																			
<b>Injuries Sustained:</b> <input type="checkbox"/> None <input type="checkbox"/> Yes (check all that apply) <table><tr><td><input type="checkbox"/> Arm</td><td><input type="checkbox"/> Hand</td><td><input type="checkbox"/> Chest</td><td><input type="checkbox"/> Foot</td><td><input type="checkbox"/> Face</td></tr><tr><td><input type="checkbox"/> Head</td><td><input type="checkbox"/> Back</td><td><input type="checkbox"/> Shoulder</td><td><input type="checkbox"/> Neck</td><td><input type="checkbox"/> Leg</td></tr><tr><td colspan="5"><input type="checkbox"/> Other (please specify) _____</td></tr></table>		<input type="checkbox"/> Arm	<input type="checkbox"/> Hand	<input type="checkbox"/> Chest	<input type="checkbox"/> Foot	<input type="checkbox"/> Face	<input type="checkbox"/> Head	<input type="checkbox"/> Back	<input type="checkbox"/> Shoulder	<input type="checkbox"/> Neck	<input type="checkbox"/> Leg	<input type="checkbox"/> Other (please specify) _____							
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<input type="checkbox"/> Other (please specify) _____																			

**WORKPLACE VIOLENT INCIDENT REPORT FORM** Page 109 of 332

PRIVATE/CONFIDENTIAL

[illegible]



## Durham Catholic District School Board

**NOTIFICATION OF RISK OF INJURY FORM**

The purpose of this form is to meet an employer's duty to provide information to a worker in accordance with the Occupational Health and Safety Act (OSHA) under clause 25(2)(a) and a supervisor's duty to advise a worker under clause 27(2)(a) include the duty to provide information, including personal information, of a person with a history of violent behaviour, if

(a) the worker can be expected to encounter that person in the course of his or her work; and

(b) the risk of workplace violence is likely to expose the worker to physical injury.

**Note:** Both of these criteria must be met simultaneously.

This form is only to be used after consultation with the Family of Schools Superintendent and the Superintendent of Human Resources and Administrative Services.

Employers must not disclose more information than is reasonably necessary to protect the worker from physical injury.

**IDENTIFYING INFORMATION (of person presenting risk to staff)**

Name:

Work Location/School:

Department/Room Number:

Position (Staff, Student, Parent/Guardian, Other):

Insert Picture of Person  
(staff/student where available)

**BRIEF DESCRIPTION OF BEHAVIOUR(S) THAT PRESENTS A RISK TO STAFF****PRECIPITATING FACTORS AND PREVENTION STRATEGIES (if available)**

DO

•

•

•

•

DO NOT

•

•

•

•

**EMERGENCY AND INTERVENTION STRATEGIES (if available)**

**PERSONS CONSULTED BY SITE-BASED MANAGEMENT IN DEVELOPMENT OF NOTIFICATION:**

- ☐ FOS Superintendent
                     ☐ Vice Principal (if applicable)
- ☐ HR Superintendent
                     ☐ Site-Based Manager: (Please Print)
- ☐ Director of Education
                     ☐ Resource (specify):

**NOTIFICATION OF RISK OF INJURY RECORD****EMPLOYEE SIGNATURE INDICATES THAT THE EMPLOYEE HAS BEEN INFORMED OF (check all that apply)**

- |   |   |
|---|---|
| <input type="checkbox"/> The risk of injury with respect to the above person;           | <input type="checkbox"/> Incident reporting procedures;   |
| <input type="checkbox"/> The nature of the behaviour that may present a risk of injury; | <input type="checkbox"/> Procedures to ascertain immediate assistance if necessary;   |
| <input type="checkbox"/> Precipitating factors and prevention strategies;               | <input type="checkbox"/> A safety plan is on file in the OSR/PST Room   |
| <input type="checkbox"/> Emergency and intervention strategies;                         | <input type="checkbox"/> The obligation to keep this person's private information in strict confidence, in order to comport with privacy legislation. |

DATE	EMPLOYEE NAME	POSITION	EMPLOYEE SIGNATURE	SITE-BASED MANAGER SIGNATURE

☐ Additional list of names attached.

**INFORMATION COLLECTION AUTHORIZATION:**

The personal information contained on this form has been collected under the authority of the Occupational Health and Safety Act, the Municipal Freedom of Information and Protection of Privacy Act, the Personal Health Information Privacy Act, and Education Act, and will be used to prevent and investigate incidents of workplace violence. The form will be handled with the strictest confidence. Questions pertaining to the collection of this information should be directed to the Superintendent of Human Resources.



Durham Catholic District School

Board "The Board"

## Administrative Procedure

Title: <b>Workplace Violence Prevention - Students</b>	Procedure #: <b>AP324-2</b>
Administrative Area:	Human Resources and Administrative Services
Policy Reference:	Workplace Violence (PO324)
Date Approved:	
Dates of Amendment:	
Date of Annual Review:	

### 1.0 Purpose

The purpose of this administrative procedure is to support a safe working environment through the implementation of effective measures to prevent and address workplace violence as the result of student behaviour.

According to the Occupational Health and Safety Act (OHSA), workplace violence directed at a worker by a student may be a one-time occurrence or involve repeated behaviours (e.g., hitting) that cause or could cause physical injury. Workplace violence may include an attempt to exercise physical force against a worker, (e.g., an attempt to hit or bite) and it may include a statement or behaviour which is reasonable for a worker to interpret as a threat of violence, (e.g., leaving a worker a threatening note or threatening an act of violence against a worker).

According to the OHSA, a student does not need to have the capacity to understand that his/her behaviour could cause physical injury to a worker to be considered workplace violence.

### 2.0 Definitions

**Functional Behaviour Assessment (FBA)** – an FBA is a valuable problem solving tool in addressing behaviour problems by looking at both the likely causes and at the characteristics or symptoms of behaviour. An FBA is used to determine the purpose of the behaviour (i.e., the function it serves), to identify contextual factors that may be triggering the behaviour, and to evaluate the effectiveness of intervention strategies.

**Incident** - any event in which an act of workplace violence as defined by OHSA occurs on Durham Catholic District School Board property or at a Durham Catholic District School Board sanctioned event associated with a Durham Catholic District School Board employee.

## 2.0 Definitions (cont'd)

**Joint Health and Safety Committee (JHSC)** - a committee composed of employees who represent the workers and the Board that is committed to improving health and safety conditions in the workplace. The Committee identifies health and safety issues and brings these matters to the employer's attention. Members of the Committee must be kept informed of health and safety developments in the workplace.

**Occupational Health and Safety Act (OHSA)** - sets out the rights and duties of all parties in the workplace, as well as procedures for dealing with workplace hazards and for enforcement as needed.

**Personal Protective Equipment** – the equipment/devices/clothing that is used to protect a staff member or student from injury during the course of daily activities (e.g., Kevlar, shin pads, etc)

**Reprisal** - any act of retaliation, either direct or indirect.

**Safe Place** – any location in the school that is designed as a safe location for a student needing to de-escalate or a location that could be made safe should the student not want to go to a pre-determined place (e.g., clear the hallway, etc.)

**Safety Plan** – an emergency response plan developed for students with risk of injury behaviour including students with special education needs whose behaviour presents a risk of injury to self, staff and/or students and/or is a flight risk. All students with a Safety Plan must have an IEP that identifies the goals and teaching strategies needed to reduce the ongoing risk-of-injury behaviours. While Safety Plans are unique for each student, they generally include the following information:

- a description of the observable behaviour concern(s)
- triggers or antecedents
- prevention and intervention strategies to support staff and student safety
- emergency communication procedures
- consequences (progressive discipline actions)
- documentation
- follow-up/re-evaluation

**Supervisor** – a person who has charge of a workplace or authority over a worker. This may include a principal or designate.

**Threats** - any statements, acts, or communication intended or apparently intended to intimidate a person, in circumstances where the person threatened believes, or has reasonable grounds to believe, the threat may be carried out.

**Workplace** - any land, premises, location or thing upon which an employee performs work or work-related duties or functions. Schools and school related activities, such as extra-curricular activities and excursions, comprise the workplace, as do Board offices and facilities. Conferences and training sessions fall within the direction of this policy.

## 2.0 **Definitions (cont'd)**

**Workplace Violence (also referred to as Risk of Injury Behaviour)** is defined by the Ministry of Labour (MOL) as:

- the exercise of physical force by a person against a worker in a workplace that causes or could cause physical injury to the worker,
- an attempt to exercise physical force against a worker, in a workplace that causes or could cause physical injury to the worker,
- a statement or behaviour that is reasonable for a worker to interpret as a threat to exercise physical force against the worker, in a workplace, that could cause physical injury to the worker.

**Workplace Violence Risk Assessment** – an assessment of the risks of workplace violence that may arise from the nature of the workplace, the type of work or the conditions of work. A risk assessment under OHSA is not an assessment of an individual or student.

## 3.0 **Procedures**

### 3.1 **Measures and Procedures to Control the Risks of Workplace Violence when Working with Students**

3.1.1. A risk assessment conducted in a school board setting should include assessing:

3.1.1.1 the physical environment, for instance, the security and control of entry and exit points, the working conditions and maintenance of the school communication systems, and the geographical location of the school;

3.1.1.2 work practices, conditions, and the nature of work, such as working alone with students or others, working outside, working in a portable, being an occasional or part-time worker, providing personal care to a student, special events at a school including assemblies and school trips;

3.1.1.3 current measures and procedures in the workplace violence prevention program which may include, but not be limited to:

3.1.1.3.1 a means to summon immediate assistance;

3.1.1.3.2 workplace violence response and prevention protocols (e.g., BMS training, Violent Threat Risk Assessment, etc.);

3.1.1.3.3 information and instruction in behaviour management (which may include elements such as recognizing, managing, and de-escalating behaviours and understanding triggers associated with particular diagnosis, etc.);

3.1.1.3.4 measures and procedures to develop and/or revise student safety plans;

### 3.0 **Procedures (cont'd)**

- 3.1.1.3.5 sharing of information as appropriate, and consistent with OHSA and other applicable legislation, for student transitions and transfers within and across school boards;
- 3.1.1.3.6 Notification of Risk of Injury procedures for students who present with risk of injury behaviours; and
- 3.1.1.3.7 Personal Protective Equipment (PPE).
- 3.1.1.4 The risk assessment should also include any known risks based on a review of previous workplace incidents as well as any known risks identified in other school communities (e.g., the entry of weapons into a school).
- 3.1.1.5 The risk assessment is not an assessment of a student.

### 3.2 **Reassessing the Risk of Workplace Violence**

- 3.2.1 A reassessment of the risks of workplace violence will occur as often as necessary to ensure that the workplace violence policy and administrative procedures continue to protect staff from workplace violence. Changes or events within a school that may warrant a reassessment may include:
  - 3.2.1.1 an increase in the number, frequency or severity of incidents for a specific workplace (e.g., school, classroom, etc.)
  - 3.2.1.2 a change in the physical environment of a workplace (e.g., the addition/removal of portables)
  - 3.2.1.3 a change in the student population of a school (e.g., at the beginning of a school year or when there is a significant change in the numbers or make-up of the student population mid-year); and/or
  - 3.2.1.4 a change in curriculum or scheduling, or a change in environment (e.g., noisy construction at a school), to determine if such change could provoke potential risk of injury behaviours.

### 3.3. **Measures and Procedures to Control the Risks of Workplace Violence from Students**

- 3.3.1 **Measures and procedures may include but are not limited to:**
  - 3.3.1.1 physical environment controls such as ensuring good lighting, improving sightlines by removing barriers, securing moveable objects, noise reduction strategies;
  - 3.3.1.2 request for assistance and support from multi-disciplinary teams;
  - 3.3.1.3 developing and/or updating student safety plans;
  - 3.3.1.4 procedures for student transitions (e.g., sharing student safety plans as appropriate);
  - 3.3.1.5 using Personal Protective Equipment (PPE) when required;
  - 3.3.1.6 violence prevention classroom audits;
  - 3.3.1.7 sharing Notification of Risk of Injury Plans and sharing Safety Plans as needed; and



### 3.0 **Procedures (cont'd)**

3.3.1.8 Specialized training for staff in positions with a higher risk of aggressive behaviour (e.g., Behaviour Management Systems, Functional Behaviour Assessment, etc.)

#### 3.3.2 **Provision of Personal Information Regarding Students with a History of Workplace violent behaviour – Notification of Risk of Injury**

3.3.2.1 Principals and supervisors must provide workers with information, including personal information, related to a risk of workplace violence from a student with a history of risk of injury behaviour, if the worker can be expected to encounter that student in the course of his/her work and the risk of workplace violence is likely to expose the worker to physical injury.

3.3.2.2 Principals and supervisors must not disclose more personal information about a student than is reasonably necessary to protect workers from physical injury. For example, workers may not need to know specific programming information depending on the circumstance, but must understand the measures and procedures, (e.g., in a Student Safety Plan) to be followed as part of the workplace violence program in order to protect themselves.

3.3.2.3 Each principal is to develop and maintain a Notification of Risk of Injury binder and electronic folder (e-folder) for their school that identifies students with a history of risk of injury behaviour where the risk of workplace violence is likely to expose a staff member to physical injury.

3.3.2.4 Both the Notification of Risk of Injury binder and the e-version Notification of Risk of Injury Form is a truncated version of the student's Safety Plan. It should only include safety-relevant trigger(s), environmental interventions, observable signs of escalation and interventions and the crisis response plan. Information related to a student's academic, curriculum or programming interventions is to be redacted. A photo of the student must be included with the Notification of Risk of Injury.

3.3.2.5 The Notification of Risk of Injury binder should be stored in the main office for access by any staff member who may be at Risk of Injury from a student.

3.3.2.6 The Notification of Risk Injury e-folder will be available to all teachers (including those doing a long term placement (LTOs) and Designated Early Childhood Educators (DECEs) on staff. The Notification of Risk of Injury forms in the e-folder are to be PDF documents only and password protected.

### 3.0 **Procedures (cont'd)**

- 3.3.2.7 Educational Assistants should give input in the creation of student safety plans and therefore should be familiar with all safety plans for students who require a Notification of Risk of Injury. Educational Assistants can review the Notification of Risk of Injury binder whenever needed.
- 3.3.2.8 Custodians, Lunch Time Supervisors and Secretaries should have access to Notification of Risk of Injury binders in the main office for any student for whom there is a likelihood of contact. It is the expectation that the Principal will inform each of these staff members should there be a student who may cause a risk of injury to them. Access to the Notification of Risk of Injury binder in the Program Support Room acts as the Notification of Risk of Injury for Educational Assistants.
- 3.3.2.9 In accordance with legal obligations under the Education Act, all staff will ensure such information provided will be kept strictly in confidence and that student privacy rights will be protected.
- 3.3.2.10 Principals must review this procedure at the first staff meeting of each semester or term. Should there be a change (addition, deletion or revision) to the information in the Notification of Risk of Injury binder and e-folder, principals must notify teachers via confidential email.
- 3.3.2.11 This process makes it incumbent upon those with access to the electronic folder to read the information provided to them. Principal notification in 3.3.2.10 and access to the electronic folder acts as the Notification of Risk of Injury for the purpose of OHSA requirements.
- 3.3.2.12 Daily Occasional staff (e.g. daily supply teachers, EAs and DECEs) will be notified by the Principal and be provided with access to a Notification of Risk of Injury binder when needed.

#### 3.3.4 **Responsibilities**

##### Principals

- 3.3.4.1 The principal is responsible for the safety of staff and students at the school. The principal is required to conduct an investigation into all potential and reported incidents of unsafe conditions and establish a plan to alleviate the safety concern. The principal must:
  - 3.3.4.1.1 Ensure that preventative programming and instructional interventions are implemented to respond to unsafe student behaviours. A request for Student Services support, may be made to support the development of an IEP and Safety Plan;

- 3.3.4.1.2 Ensure that both, permanent and occasional staff, are provided with the required information related to a Safety Plan to work with students who are likely to demonstrate unsafe behaviour;
- 3.3.4.1.3 Develop and maintain a Notification of Risk of Injury electronic folder and hard copy binder that identifies students with a history of violent behaviour where the risk of workplace violence is likely to expose a staff member to physical injury.
- 3.3.4.1.4 Ensure that personal protective equipment (PPE) if required, is provided, monitored and used in accordance with the Safety Plan;
- 3.3.4.1.5 Promote staff awareness and use of Behaviour Management Systems (BMS) principles;
- 3.3.4.1.6 Encourage all staff to approach behaviour improvement in the same cyclical method as improvement in academic skills – gather information, plan, implement, review progress, modify plans, establish long term goals;
- 3.3.4.1.7 Arrange for teaching staff to provide the necessary instruction to occasional staff regarding Safety Plans in their lesson plans.

#### Staff

- 3.3.4.2 It is the responsibility of all staff to follow procedures laid out in a student's IEP and Safety Plan. Staff are required to bring safety concerns to the attention of the school's principal.
  - 3.3.4.2.1 Classroom/subject teachers/DECEs scheduled to teach the student must participate in the creation of the Safety Plan. Educational Assistant (EA) input, especially those EAs working directly with the student is essential to the successful creation and implementation of a Safety Plan;
  - 3.3.4.2.2 Classroom/subject teachers as well as other teachers scheduled to teach the student during the school day (e.g., curriculum coverage teachers) are responsible for providing information from the student's IEP and the Safety Plan for occasional teachers when absent in the light blue Safety Plan Duotang;
  - 3.3.4.2.3 Occasional Staff (including daily supply teachers, EAs, DECEs, etc.) are responsible for ensuring that IEPs and Safety Plan are read, understood and followed as part of the instructional program.

- 3.3.4.2.4 EAs are responsible for leaving a detailed plan and clear instructions about the students they support, where appropriate, for use by staff during absences. The presence of a Safety Plan must be noted;
- 3.3.4.2.5 Principal or designate (i.e., PST) is responsible for maintaining a list of all students who have Safety Plans and for keeping a copy of the safety plans in the Safety Plan Binder in the Program Support room. PSTs are responsible for giving the most recent electronic copy of a student's Safety Plan to the principal for the school's electronic documentation file.
- 3.3.4.3 It is the responsibility of the Superintendent of Student Services or designate to oversee program adjustments and staff/resource needs that may be required to support the safety and learning needs of students with special education needs and risk of injury behaviour.
- 3.3.4.4 It is the responsibility of the Board's Health and Safety Officer to be a resource regarding the Occupational Health and Safety Act and to communicate with the Ministry of Labour, and/or the Joint Health and Safety Committee where appropriate.
- 3.3.4.5 It is the responsibility of the Superintendent of Human Resources and Administrative Services and/or appropriate manager of Human Resources and Administrative Services to respond to concerns and to assist with procedures for employee support, deployment, and communication to union affiliates and response to concerns.
- 3.3.5 Admission of Students with a Current History of Risk of Injury Behaviour from Another School within the DCDSB**
  - 3.3.5.1 It is essential that information about students who pose a safety risk to self or others be responsibly shared between administrators of sending and receiving schools. When the sending principal is made aware that a student with a history of risk of injury behaviour is moving to another school within the DCDSB, the principal of the sending school must notify the principal of the receiving school prior to the student beginning at the new school.
  - 3.3.5.2 The principal of the sending school must organize a Transition Team meeting. The meeting should include the administration from both schools, the Program Support Teachers from both schools, the parent, Student Services support staff and community agencies involved with the student. Whenever possible the classroom/subject teacher and DECE should be invited. Any member of the school team who is unable to attend, should have the information shared with him/her.
  - 3.3.5.3 During the Transition Team meeting, changes to the Safety Plan based on the transition to a new school must be discussed.

### 3.0 **Procedures** (cont'd)

3.3.5.4 Upon completion of the Transition Team meeting, the principal of the receiving school should share the Safety Plan with staff as needed and determine whether or not a Notification of Risk of Injury is required. If a Notification of Risk exists at the sending school, a Notification of Risk must be completed at the receiving school.

3.3.5.5 The Safety Plan should be reviewed and revised as needed at the end of the first week and then again at the end of the first month and then as often as needed.

3.3.5.6 The Notification of Risk should be reviewed regularly and removed when appropriate.

#### 3.3.6 **Admission of Students with a Current History of Risk of Injury Behaviour from Outside of the Board**

3.3.6.1 When a student is registering to attend a DCDSB school (whether from another board, a section program, or beginning school for the first time), and the Board is made aware that the student has behaviours that pose a risk of injury, entry procedures include, but are not limited to the following:

3.3.6.1.1 The principal or designate shall register the student;

3.3.6.1.2 Every effort should be made by the principal to obtain the student's Safety Plan and/or any other related records prior to the student's entry to school. The principal, after careful consideration, may determine safe entry into the school is possible if he/she is able to obtain sufficient information including, but not limited to, the student's most recent IEP and Safety Plan while waiting for the complete OSR.

3.3.6.1.3 Wherever possible, prior to the student beginning in the classroom, the principal should have a Transition Team Meeting. The meeting should include the administration from both schools, the Program Support Teachers from both schools, the parent, Student Services support staff and community agencies involved with the student. Whenever possible the classroom/subject teacher and DECE should be invited. Any member of the school team who is unable to attend, should have the information shared with him/her.

3.3.6.2 Information gathered should include, where available:

3.3.6.2.1 Current IEP, Safety Plan, and Behaviour Log if applicable;

### 3.0 **Procedures** (cont'd)

- 3.3.6.2.2 Current/existing health information, including diagnoses and medications;
- 3.3.6.2.3 Current/existing assessment information from professionals;
- 3.3.6.2.4 Current/existing assessment information from community agencies/services supporting the student;
- 3.3.6.2.5 A Functional Behaviour Assessment;
- 3.3.6.2.6 Parent/guardian/caregiver interventions and prevention strategies;
- 3.3.6.2.7 Information regarding Suspensions/Expulsions or probation/police, as appropriate.
- 3.3.6.3 Actions may include, but are not limited to:
  - 3.3.6.3.1 Determining whether there is adequate information to develop a responsible and safe entry plan;
  - 3.3.6.3.2 Communicating the entry timeline to staff and parents/guardians/caregivers. The Principal may request that the entry of the student be slowed down until the Safety Plan is completed and staff are made aware of the contents of the Safety Plan;
  - 3.3.6.3.3 Developing an entry plan;
  - 3.3.6.3.4 Informing all relevant staff of the level of risk (e.g., Notification of Risk of Injury) as required;
  - 3.3.6.3.5 Designating the staff who are to be involved in revising/preparing the IEP and Safety Plan (must include the classroom/subject teacher);
- 3.3.7 **Transfer of a Student with a Current History of Risk of Injury Behaviour to a School Outside of the Board**
  - 3.3.7.1 Where a student with a current history of risk of injury behaviours is transferring to a school outside the Board, the Principal must make every effort to inform the sending school of the existence of a Safety Plan for that student.
  - 3.3.7.2 The Principal and School team should support all transition opportunities to help the receiving school effectively plan for the transition of the student to his/her new school.

### 3.0 **Procedures** (cont'd)

#### 3.3.8 **Staff Absences**

- 3.3.8.1 With respect to staff absences, prior planning with school staff is essential when an occasional employee is going to have direct contact with a student who has risk of injury behaviour. The Safety Plan should address staff absences.
- 3.3.8.2 Occasional teachers, EAs, DECEs and other staff will receive lesson plans for their assignment provided by the permanent employee(s). These plans should contain a list of students who have Safety Plans that the occasional staff member may work with. Copies of IEPs and Safety Plans should also be provided in the standard recognizable duotang.
- 3.3.8.3 A central binder that contains all Safety Plans for the school will be kept in the Program Support office. The principal or designate must ensure that this binder is kept up to date with the most relevant and recent Safety Plans for any occasional staff to access.
- 3.3.8.4 Principals or principal designates will ensure that classroom/subject teachers have noted in their lesson plans and have made available copies of any Safety Plans for their students. These Safety Plans should be stored in the Light Blue Safety Plan Duotang.
- 3.3.8.5 Principals or principal designates will ensure that all occasional staff have been informed about any student with a Notification of Risk of Injury for whom they may come in contact.

#### 3.3.9 **Personal Protective Equipment (PPE)**

- 3.3.9.1 The OHSA requires that, where safety risks can be eliminated or reduced through the use or wearing of PPE, this equipment must be provided and used by staff. PPE is used with a very small number of students in order to reduce and/or prevent risk of injury for both students and staff.
- 3.3.9.2 PPE is used only when other interventions and/or behaviour management strategies, (e.g., Behaviour Goals in IEP, Self-regulation strategies) have been used without reducing and/or eliminating the risk of injury. Prior to the use of PPE, appropriate data tracking should be examined. School staff should continue to use appropriate behaviour management strategies and model/prompt socially appropriate replacement behaviour even after the decision has been made to use PPE to reduce the risk of injury.

### 3.0 **Procedures** (cont'd)

- 3.3.9.2.1 The need for PPE will be determined by the Principal in collaboration with the school team, the Student Services Coordinators and Facilitator of Educational Assistants. When the school principal, through discussion with the staff who support a student, believes that the student's behaviours present a risk of injury that could be mitigated through the use of PPE, a request should be submitted to the Family of Schools Coordinator or the Facilitator of Educational Assistants.
- 3.3.9.2.2 As part of the ongoing consultation process, parents/guardians/caregivers must be informed when PPE is going to be accessed as a safety measure. Parents/guardians/caregivers must understand the purpose and circumstances in which it is being accessed.
- 3.3.9.2.3 The use of PPE must be documented on the Safety Plan. The plan should also indicate when the equipment needs to be worn or accessed. In some cases, the equipment must be worn at all times, while it is preferable that PPE is only accessed when necessary. Considerations such as the potential for injury and the ability to access equipment during an escalated situation are also important considerations.
- 3.3.9.2.4 When PPE is accessed to lessen the potential risk of injury to the student or others, its ongoing use must be monitored. This monitoring will include frequency of use of the equipment, its effectiveness and the continued need for equipment based on behaviour data tracking.

#### 3.3.10 **Behaviour Management Systems (BMS) – Staff Training and Responsibilities**

- 3.3.10.1 Behaviour Management Systems Training program is the only recognized program used for safe physical interventions in the DCDSB. Behaviour Management Systems was developed by the Ontario Educational Services Corporation (OESC) in cooperation with the Ministry of Education as a response to the need expressed by educators throughout the province for a behavioural intervention program that was effective and tailored to the requirements and realities of schools settings.
- 3.3.10.2 Staff who intervene with a student who poses a physical risk-of-injury are potentially vulnerable to personal injury themselves. To reduce the chance of injury to staff, the board trains staff on the use of BMS in both prevention and



intervention strategies that are most likely to support a student who poses a risk of injury.

- 3.3.10.3 BMS Training will be offered to educators and administrators working directly and regularly with students who pose a significant risk-of-injury. It is the principal's responsibility to ensure that staff who are most likely to work with students who pose a risk of injury receive BMS training.

### 3.3.11 School and Classroom Safety Audit

- 3.3.11.1 Potential threats to the student's own safety or to others in the general school environment and school yard need to be identified and precautionary procedures established.

- 3.3.11.2 In addition to a safety audit of the school, classroom and all other learning environments, a safety audit specific to special education students with risk of injury behaviour needs should ensure that:

- 3.3.11.2.1 Safety Plan emergency procedures have been established and communicated with relevant staff;
- 3.3.11.2.2 Access to the school emergency communication system is available (e.g., PA System, Walkie Talkies);
- 3.3.11.2.3 Emergency procedures for moving the class away from student/situation of risk (or removal of the student from class, when possible) have been established;
- 3.3.11.2.4 A safe place has been established;
- 3.3.11.2.5 Clear routines for material/equipment use have been established;
- 3.3.11.2.6 Equipment has been secured (e.g., computer hardware);
- 3.3.11.2.7 Alternative learning materials (e.g., safety compass, safety scissors) are being used;
- 3.3.11.2.8 A plan for washroom access and supervision has been established;
- 3.3.11.2.9 School arrival and departure procedures (e.g., busing) have been established including the creation of a Transportation Safety Plan, if required.

### 3.3.12 Planned Physical Intervention with a Student

- 3.3.12.1 Prior to considering any physical intervention, staff must review AP 804-2 Safe Physical Interventions for Student Behaviours Causing a Risk of Injury. The potential use of physical intervention with a student must be identified in the student's Safety Plan. A Safety Plan that includes potential physical intervention will outline the following details/ procedures:

### 3.0 **Procedures** (cont'd)

- 3.3.12.1.1 the indicators that a student's behaviour presents an imminent safety risk and that physical intervention is required;
- 3.3.12.1.2 who will assist in the safe physical intervention of the student;
- 3.3.12.1.3 a contingency plan for staff absences;
- 3.3.12.1.4 safe physical intervention techniques to be used;
- 3.3.12.1.5 safety/protective equipment needed;
- 3.3.12.1.6 how the student's condition will be monitored;
- 3.3.12.1.7 how it will be determined when to discontinue the physical intervention;
- 3.3.12.1.8 communication with school administration.
- 3.3.12.2 If the intervention strategies detailed in the Safety Plan do not result in a decrease of the behaviours requiring physical intervention, the entire Safety Plan must be re-evaluated.
- 3.3.12.3 If the intervention strategies detailed in the Safety Plan result in an injury to a staff member, the entire Safety Plan must be reviewed.

### 3.4 **Workplace Violence Incident Reporting**

- 3.4.1 All employees are expected to report all acts of workplace violence by a student in accordance with the OHSA using the Safe Schools Incident Reporting Application on MyDCDSB.
- 3.4.2 All acts of workplace violence against an employee by a student should also be reported in accordance with the Student Discipline policy and supporting Administrative Procedures where applicable. Employees should report the incidents to the principal or designate first and then follow-up in writing using the Safe Schools Incident Reporting Application on MyDCDSB.
- 3.4.3 All employees are expected to report incidences of workplace violence against an employee by a student by the end of the work day or as soon as possible.
- 3.4.4 Principals will endeavour to respond to the incident report within 24 hours.

### 3.5 **Information and Instruction with Respect to Workplace Violence**

- 3.5.1 All employees of the Durham Catholic District School Board will be provided information and instruction regarding workplace violence. This

will cover the basics of workplace violence and strategies to deal with the issues. It will include, but is not limited to ensuring employees:

- 3.5.1.1 know how to summon immediate assistance;
- 3.5.1.2 know how to report incidents of workplace violence to the employer or supervisor;
- 3.5.1.3 know how the Board will investigate and deal with incidents, threats or complaints;
- 3.5.1.4 know, understand and be able to carry out the measures and procedures that are in place to protect them from workplace violence; and
- 3.5.1.5 are able to carry out any other procedures that are part of the program.

3.5.2 All employees will be made aware of the Workplace Violence Prevention Administrative Procedures. Principals and Supervisors will be supported with resource material suitable for staff meetings. Every fall of each school year, Principals, Supervisors and Superintendents will review with staff the Workplace Violence Policy and Administrative Procedures. Principals shall advise parents/guardians of the Policy and Administrative Procedures within a school newsletter in the fall.

3.5.3 Information and instruction will be repeated:

- 3.5.3.1 when there are significant, non-housekeeping changes to the risks encountered;
- 3.5.3.2 when there are significant, non-housekeeping changes to the workplace violence policy or program;
- 3.5.3.3 when circumstances indicate additional instruction or training is needed;
- 3.5.3.4 when procedures are not being followed or workers do not know about them.

3.5.4 Training Records

- 3.5.4.1 The provision of workplace violence information and instruction will be tracked by the Human Resources and Administrative Services Department.
- 3.5.4.2 As part of the annual program audit and review described in the section, “Program Audit and Review”, workplace violence information and instruction needs and other related workplace policy training needs will be continually assessed and up-dated.

### 3.0 **Procedures** (cont'd)

#### 3.5.5 Program Audit and Review

- 3.5.5.1 The Board, in consultation with the Joint Health and Safety Committee, will annually review the Workplace Violence Prevention Policy and Administrative Procedures to ensure that they are effective.

### 4.0 **Sources**

#### ***Statutes and Regulations***

- Criminal Code (Canada)
- Ontario Human Rights Code
- Ontario Occupational Health and Safety Act
- Education Act
- Teaching Profession Act
- Ontario College of Teachers Act
- Canadian Charter of Rights and Freedoms
- Antiracism and Ethno Cultural Equity (Education Act, s.8 (1), 29.1)
- Accepting Schools Act, 2012
- Municipal Freedom of Information and Protection of Privacy Act

#### ***Ministry of Education Policy/Program Memoranda***

- PPM 120 School Board Policies on Violence Prevention In Schools
- PPM 128 Provincial Code of Conduct
- PPM 144 Bullying Prevention and Intervention
- PPM 145 Progressive Discipline and Promoting Positive Student Behaviour

#### ***Professional Colleges***

- College of Audiologists and Speech-Language Pathologists of Ontario
- College of Early Childhood Educators
- College of Psychologists of Ontario
- Ontario College of Teachers
- The Ontario College of Social Workers and Social Service Workers and/or;
- Any other professional colleges or associations recognized under Provincial statutes.

### 5.0 **References**

- Ontario Ministry of Labour
- Working Alone Protocol, Facilities Services Staff, September 2008
- School Banking Protocol, Business Services, January 2011

### 6.0 **Related Board Policies and Administrative Procedures**

- Workplace Violence Policy (PO324)
- Freedom of Information and Protection of Individual Privacy Policy (PO201)
- Employees' Assistance Program Policy (PO304)
- Occupational Health and Safety Policy (PO318)
- Code of Conduct Policy (PO610)
- Student Discipline Policy (PO611)

## 6.0 **Related Board Policies and Administrative Procedures (cont'd)**

- Bullying Prevention and Intervention Policy (PO612)
- Employee Injury Administrative Procedure (AP414-1)
- Accident/Personal Injury Administrative Procedure (AP414-2)
- Student Protection Administrative Procedure (AP607-1)
- Code of Conduct Administrative Procedure (AP610-1)
- Student Discipline Administrative Procedure (AP611-1)
- Bullying Prevention and Intervention Administrative Procedure (AP612-1)

## 7.0 **Related Sources**

- Workplace Violence in School Boards: A Guide to the Law, March 2018
- Ontario Ministry of Labour, Health and Safety Guidelines, *Workplace Violence and Harassment: Understanding the Law*, March 2010
- Ontario Education Services Corporation, *Resources for Implementing Bill 168*, April 2010
- Catholic Consortium, *Workplace Violence Policy – General*, March 26, 2010
- Community Threat Assessment and Intervention Protocol, 2014
- Police/School Board Protocol, 2016

## 8.0 **Related Forms**

- Safe Schools Incident Reporting Application



Durham Catholic District School Board

"The Board"

# Policy

Title: <b>Employees Running for, and/or Elected to, Public Office</b>	Policy #: <b>PO301</b>
Policy Area: <b>Human Resources and Administrative Services</b>  Source: <b>Superintendent of Human Resources and Administrative Services</b>  Date Approved:  Dates of Amendment:	

## 1.0 Introduction

- 1.1 The Board recognizes that public service to our municipality, province and nation is a worthwhile endeavor.
- 1.2 The Board recognizes the important contribution to society made by those who serve in public office.
- 1.3 The Board recognizes that service to others in their community is aligned with Gospel values and the teachings of the Catholic Church.
- 1.4 The Board recognizes that service to others in their community is aligned with the Board's constitutional, denominational and management rights.

## 2.0 Definitions

**Poll-** a voting location for electors who want to vote in person before election day.

**By-Election-** an election other than the regularly scheduled election day that occurs when an elected official has vacated their seat

**Candidate-** a person who has been nominated under section 33 of the *Municipal Elections Act* (Municipal Council or Board of Trustees) or is a person who, after the writ is issued, has either had their nomination paper accepted by a returning officer or has been registered as a candidate under the *Elections Finances Act* (Member of Provincial Parliament-MPP) or is a person seeking election in a federal election under the *Canada Elections Act* (Member of Federal Parliament-MP)

**Election day-** the final day to vote in an election

**Employee of the Board-**for the purposes of this policy any person eighteen years (18) years or older who is an employee of the Board and eligible to vote in a municipal, provincial or federal election.

### 3.0 **Purpose**

The purpose of this policy is to provide a framework to allow employees leaves of absence without pay for the purpose of campaigning for public office and for fulfilling elected terms of office.

### 4.0 **Application/Scope**

This policy applies to all employees of the Durham Catholic District School Board seeking election to public office.

### 5.0 **Principles**

- 5.1 The Board wishes to allow employees the necessary time to campaign and to complete their term of office knowing that their position as it may exist at the time of the approved leave of absence is secure upon their return.
- 5.2 The Board will attempt to place the employee back to his/her pre-leave of absence work location upon their return to work if possible.
- 5.3 The Board encourages its employees to seek public office in order to be collaborative contributors to the democratic process.

### 6.0 **Requirements**

- 6.1 Employees seeking, or elected to, public office
  - 6.1.1 An employee running as a candidate seeking public office may request a leave of absence from his/her immediate supervisor without pay for the purpose of campaigning. The immediate supervisor will report the request for leave of absence without pay to the Director of Education. This request must be made at least two weeks prior to the commencement of the leave.
  - 6.1.2 Where an employee seeks public office, the interests of this office shall be aligned to and not inconsistent with the Board's constitutional and denominational rights.

## 6.0 **Requirements (cont'd)**

- 6.1.3 The leave of absence without pay shall be granted from the day before the last day of nominations to the second day after the elections.
- 6.1.4 The time off granted for the leave of absence without pay will depend on the position for which the employee is contesting.
- 6.1.5 The length of the leave of absence without pay would be up to a maximum of two (2) months.
- 6.1.6 If elected, the employee shall be granted, if so requested, a leave of absence without pay for the term of office to which the person was elected.
- 6.1.7 During the leave of absence without pay, the employee will be responsible for the full cost of any benefits that are to be carried on behalf of the employee.
- 6.1.8 At the end of the elected term, the employee will be offered a position for which the employee is qualified.
- 6.1.9 Employees seeking election to public office may not distribute election campaign material to Board owned sites or via the internet or social media controlled by the Board to any employee in the Board.
- 6.1.10 Employees of the Board seeking election to public office may not erect election signs on Board owned property or in front of Board owned sites.
- 6.1.11 If the employee is elected to a second term of office and requires a leave of absence without pay to fulfill the mandate, the employee must immediately request another leave of absence.
- 6.1.12 If the employee does not return to staff at the completion of the elected term, the employee shall resign from the employ of the Board or be considered to have abandoned their employment.
- 6.1.13 The employee, while campaigning for public office, shall not use the schools or students as a means of distributing election materials.
- 6.1.14 This policy is in effect subject to the terms of the applicable collective agreement or the terms and conditions of the employment contract as the case may be.
- 6.1.15 The employee shall not use Board or its school's equipment, supplies or facilities for the purpose of preparing or distributing election materials.



## 7.0 **Sources**

- APSSP Collective Agreement
- CUPE Local 218 Secretarial/Clerical/Technical Collective Agreement
- CUPE Local 218 Custodial/Maintenance Collective Agreement
- CUPE Local 218 Educational Assistants Collective Agreement
- ETFO (DECE) Collective Agreement
- OECTA Durham Elementary Unit Collective Agreement
- OECTA Durham Secondary Unit Collective Agreement
- OECTA Occasional Teachers Collective Agreement
- Non Union Terms and Conditions of Employment
- Middle Management Terms and Conditions of Employment
- Chaplains Terms and Conditions of Employment
- Principal/Vice Principal Terms and Conditions of Employment
- Municipal Elections Act, 1996
- Election Finances Act, 1990
- Canada Elections Act, 2000



## Durham Catholic District School Board

"The Board"

## Administrative Procedure

Title: <b>Modified Work Program</b>	Procedure #: <b>AP328-6</b>
Administrative Area: <b>Human Resources and Administrative Services</b>	
Policy Reference: <b>Staffing (PO328)</b>	
Date Approved:	
Dates of Amendment:	

### 1.0 Purpose

The Durham Catholic District School Board and its Employee Groups have worked in partnership to develop and enhance the terms and conditions of a formal modified work program. The parties are committed to providing rehabilitation and modified work for employees who are unable to perform their regular duties because of illness/injury or other disability. To ensure for the dignity and respect of the employee, the work will be productive and the result of the work will be of value. The purpose of the administrative procedure is to describe the modified work program developed to meet these objectives.

### 2.0 Definitions

**Workplace Accommodation** - Accommodation is made through the provision of Modified work that is within the employee's medical restrictions.

**Types of Accommodation** - Accommodation may include one or more of the following: modification to equipment and facilities, changes in work tasks, changes in working conditions, ergonomic changes to the worksite or equipment, progression of work from part-time to full-time hours.

- The Board is required to accommodate the employee to the point of undue hardship.
- With the support of the Human Resources/Administrative Services and Facilities Services Departments, schools and operating departments may be required to modify and pay for the modifications to the work or the worksite so the employee is able to perform the essential duties of the job.
- Accommodation should be made where requested directly by the employee and immediately after approved medical documentation has been provided (Medical certificate – non teaching; Appendix B - teaching).

## 2.0 **Definitions** (cont'd)

- Whenever possible, the employee should be permitted to return to their pre-disability job with modification.
- The length of the accommodation is, under normal circumstances three months, and notwithstanding will be considered on a case by case basis based on the unique circumstances of the employee. Cognitive limitations may require longer recovery time.
- After performing modified work for (3) three months or as noted above, if an employee is unable to return to their pre-disability job, one of the following actions will be taken:
  - the current modified work assignment will continue;
  - a new modified work assignment will be provided;
  - the modified work assignment will end and the employee will return to benefits if eligible.

**Modified Work Options** - An employee may either accept or decline modified work. When an employee declines modified work, the Board, the Workplace Safety and Insurance Board (WSIB) and/or the long term disability insurance carrier may discontinue benefits. As a result of the above, the Durham Catholic District School Board has no other option than to discontinue sick leave and other benefits and the employee's employment status will be reviewed.

**Occupational Injury/Illness** - When deemed medically necessary by the treating physician and/ or the Workplace Safety and Insurance Board (WSIB), every effort will be made to accommodate permanent medical restrictions to the point of undue hardship.

**Non-Occupational Injury/Illness** - When accommodating medical restrictions, careful consideration should be given to the expected time for full recovery. Lengthy or indefinite modified work assignments are not appropriate under these circumstances.  
 Note: Regardless of the origin of the injury or illness, job placements resulting from permanent medical restrictions are not considered modified work.

## 3.0 **Procedures**

### 3.1 Return to modified work Procedures Following an Occupational or Non-Occupational Injury or Illness

- 3.1.1 In all occupational lost time incidents and all non-occupational lost time incidents of five (5) consecutive workdays or more, the employee must be authorized by the Principal/Supervisor and confirmed by the Superintendent of Education - Human Resources/Administrative Services or the alternate, prior to a return to modified work in accordance with the following procedure:

### 3.0 **Procedures (cont'd)**

- 3.1.1.1 Employee - Following any lost time occupational injury or illness of five consecutive workdays or more, the employee obtains written medical authorization from the treating physician to return to work. A medical certificate or Appendix B as provided under the respective collective agreement or terms and conditions of employment must be complete. However, a note on a physician's letterhead will be accepted for a return to regular work.
- 3.1.1.2 A completed Medical Certificate per the respective collective agreement or terms and conditions of employment is required for a return to modified work or a job placement resulting from permanent medical restriction for either an occupational or non-occupational injury or illness.
- 3.1.1.3 The employee is responsible for ensuring that his/her Principal/Supervisor and the WSIB/Disability Claims Management Officer receives the required Return to Work Authorization from the treating practitioner, prior to the authorized date of return to work via the confidential fax at (905) 576-1981 or electronic mail.

### 3.2 Occupational and Non-Occupational Modified Work Assignments

#### 3.2.1 **Employee** - When deemed fit for modified work, the employee will:

- 3.2.1.1 Work with Principal/Supervisor/Human Resources/Administrative Services Department and Employee Group Representative, to establish a mutually agreed upon modified work plan per the accepted Medical Certificate under the respective collective agreement or terms and conditions of employment.
- 3.2.1.2 Meet with the WSIB/Disability Claims Management Officer to discuss and confirm the modified work placement or assignment.
- 3.2.1.3 Cooperate fully and participate in developing and implementing a progressive modified work plan which allows for increased activity when the treating physician gradually decreases the medical restrictions with supporting medical documentation that has been submitted to the WSIB Disability Claims Management Officer.
- 3.2.1.4 Undergo periodic assessments, as specified by the treating physician, to review the physical capability and return to regular work potential.
- 3.2.1.5 Notify the Principal/Supervisor/WSIB Disability Claims Management Officer immediately if condition deteriorates while performing modified work.
- 3.2.1.6 Continue with medical rehabilitation necessary to reach maximum level of functional ability before resuming regular work.

NOTE: If modified work is rejected, sick leave, WSIB or LTD benefits may be affected if the employee is qualified and able to perform the modified work offered.

### 3.0 **Procedures (cont'd)**

#### 3.2.2 **Principal/Supervisor**

- 3.2.2.1 Assists in developing progressive modified work plans by working with the WSIB/Disability Claims Management Officer and the employee. The Employee Group Representative may be involved when requested by the employee.
- 3.2.2.2 Identifies possible modified work that is within the employee's medical restrictions taking into account the pre-disability work schedule.
- 3.2.2.3 Implements modifications, where possible, to the work or the worksite to accommodate and permit the employee to perform the essential duties of their regular job.
- 3.2.2.4 Follows employee progress and performance on a weekly basis.
- 3.2.2.5 Refers the employee to the WSIB/Disability Claims Management Officer when difficulty arises while performing modified work.
- 3.2.2.6 Notifies Employee Group Representative of relevant details associated with modified work assignments.
- 3.2.2.9 Identifies vacancies within existing classifications that could be utilized for modified work placements.

#### 3.2.3 **Human Resources/Administrative Services Department**

- 3.2.3.1 Notifies the WSIB/Disability Claims Management Officer of employees who are absent, five (5) consecutive days or more.
- 3.2.3.4 Administers income supplement benefits, including sick leave, and in accordance with collective agreement or terms and conditions of employment obligations, WSIB requirements or LTD plan provisions.
- 3.2.3.5 Assists employees and departments regarding WSIB and other benefit entitlement matters.
- 3.2.4.1 Receives notification from the Human Resources Department of employees that are absent for five (5) consecutive work days or more for non-occupational illness/injury.

### 3.0 **Procedures (cont'd)**

#### 3.2.4 **Disability Claims Management Officer**

- 3.2.4.2 When the Employee has been certified fit to return to modified work by the treating physician, the WSIB/Disability Claims Management Officer evaluates the return to work authorization and performs one or more of the following actions:
  - 3.2.4.2.1 Receives medical restrictions and contacts the employee and their representative to establish an accommodation meeting as soon as possible.
  - 3.2.4.2.2 Conduct a return to work assessment by determining the compatibility between the medical restrictions and the physical demands of the regular job.
  - 3.2.4.2.3 Assesses all available information and verifies the treating physician's written authorization to return to modified work.
  - 3.2.4.2.4 Contacts the treating physician to clarify or obtain further information or to verify that job duties can be safely performed.
  - 3.2.4.2.5 Provides information regarding the employee's level of fitness by assessing:
    - 3.2.4.2.5.1 the limitations/medical restrictions;
    - 3.2.4.2.5.2 the physical demands of the regular job;
    - 3.2.4.2.5.3 part-time/graduated versus full-time requirements;
    - 3.2.4.2.5.4 job placement; and
    - 3.2.4.2.5.5 health re-assessment date.
  - 3.2.4.2.6 Liaises with the Principal/Supervisor/Human Resources/Administrative Services staff and provides the medical restrictions to establish if the employee may be accommodated within her/his own work location.
  - 3.2.4.2.7 Assists work locations in identifying modified work and making minor job modifications to accommodate employees.
  - 3.2.4.2.8 Makes recommendations for the modifications of jobs and/or the work environments.

**3.0 Procedures (cont'd)**

- 3.2.4.2.9 Liaises with Principal/Supervisor/Human Resources/Administrative Services Department colleagues and Employee Group Representative when requested, regarding the availability of modified work within the employee's own department that complies with the medical restrictions, and also provides the parties involved with the medical restrictions.
- 3.2.4.2.10 Ensures employees have adequate training for the modified work placement by liaising with the appropriate Principal/Supervisor.
- 3.2.4.2.11 Discusses alternate or creates modified work with the Human Resources/Administrative Services Department when the employee cannot be accommodated in their original department.
- 3.2.4.2.12 develops a written, mutually agreed upon modified work plan, which allows for increased activity when the treating physician gradually decreases the medical restrictions. This is done in conjunction with the employee, Principal/Supervisor/Human Resources/Administrative Services Department and Employee Group Representative(s) when requested. A copy of this plan is to be provided to all stakeholders.
- 3.2.4.2.13 Determines acceptance or decline of modified work as indicated by the employee.
- 3.2.4.2.14 Advises the employee to notify her/his Principal/Supervisor immediately if any deterioration in his/her condition occurs while performing modified work.  
NOTE: An explanation is to be provided to employees that rejection of modified work will be reviewed by WSIB or the LTD Carrier Insurance Company and WSIB/LTD benefits may be reduced or denied if the employee declined modified work that is within their medical capabilities.
- 3.2.4.2.15 Monitors employee's health status from their return to modified work to their return to regular work or permanent placement through interviews with employees, Principal/Supervisors/Human Resources/Administrative Services and Employee Group Representatives.
- 3.2.4.2.16 On re-assessment date(s) of the modified work assignment, the WSIB/Disability Claims Management Officer assesses and provides the employee with a Medical Certificate or Appendix B for completion by the treating Physician.
- 3.2.4.2.17 Recommends Functional Abilities Evaluations as required.

### 3.0 **Procedures (cont'd)**

#### 3.3 **Rates of Pay**

##### 3.3.1 Modified Regular Work

###### 3.3.1.1 For Occupational Illness/Injury:

- 3.3.1.1.1 Employees performing modified regular work are paid their regular hourly rate or salary as determined by the Board.
- 3.3.1.1.2 Employees are eligible for step-up-rate increases and general adjustments when performing modified regular work.
- 3.3.1.1.3 Employees progressing from part-time to full-time hours as prescribed by the treating physician or the WSIB will be paid regular wages as determined by the Board.

###### 3.3.1.2 For Non-Occupational Illness/Injury:

- 3.3.1.2.1 Employees will be paid for hours worked.
- 3.3.1.2.2 Employees will be paid a rehabilitation benefit as stipulated in the respective collective agreement or terms and conditions of employment or LTD insurance carrier's policy.

##### 3.3.2 **Alternate Work or Created Work**

###### 3.3.2.1 For Occupational Illness/Injury:

- 3.3.2.1.1 Employees performing Alternate work are paid their regular hourly rate or salary as determined by the Board.
- 3.3.2.1.2 Employees are eligible for rate increases within their pre-injury job classification when performing Alternate work.
- 3.3.2.1.3 When employees are placed into an existing classification on a permanent basis, the work location accepting the employee will do so within the normal operating budget and the employee will become an employee of that department.
- 3.3.2.1.4 Employees progressing from part-time to full-time hours, as prescribed by the treating physician or the WSIB, will be paid regular salary as determined by the Board.



**3.0 Procedures (cont'd)****3.3.2.2 For Non-Occupational Injury/Illness:**

- 3.3.2.2.1 Employees will be paid for hours worked.
- 3.3.2.2.2 Employees will be paid a rehabilitation benefit as stipulated in the respective collective agreement or terms and conditions of employment or insurance companies' policy.

**4.0 Sources**

- DCDSB/APSSP Collective Agreement
- DCDSB/CUPE Educational Assistants Collective Agreement
- DCDSB/CUPE Facilities Services Collective Agreement
- DCDSB/CUPE Secretarial/Clerical/Technical Collective Agreement
- DCDSB/ETFO Collective Agreement
- DCDSB/OECTA Elementary Teachers' Collective Agreement
- DCDSB/OECTA Occasional Teachers' Collective Agreement
- DCDSB/OECTA Secondary Teachers' Collective Agreement
- DCDSB/Chaplains Terms and Conditions of Employment
- DCDSB/CPCO Principals and Vice Principals Terms and Conditions of Employment
- DCDSB/Middle Management Terms and Conditions of Employment
- DCDSB/Non Union Terms and Conditions of Employment
- All applicable long term disability plans
- Education Act and Regulations
- Ontario Human Rights Code
- Occupational Health and Safety Act, 1990
- Workplace Safety and Insurance Act, 1997
- Workplace Safety and Insurance Board
- Colleges and Regulatory bodies governing various professionals employed by the Durham Catholic District School Board

**5.0 References**

- PO321 Employee Attendance Support Policy
- AP321-1 Employee Attendance Support Administrative Policy
- PO312 Disability Management Policy
- AP312-1 Disability Management Administrative Procedure
- AP312-2 Substance Abuse Intervention/Prevention Administrative Procedure
- PO304 Employee Family and Assistance Program Policy
- PO318 Occupational Health and Safety Policy

**6.0 Related Forms Attached**

- Medical Certificate
- Appendix B
- Temporary Modified Work Plan (TMWP)



Durham Catholic District School Board  
650 Rossland Road West  
Oshawa, Ontario L1J 7C4  
Fax: (905) 576-1981

## MEDICAL CERTIFICATE

– Please PRINT in black ink

**CONFIDENTIAL**

**To the Employee:** The purpose of this form is to provide the Durham Catholic District School Board with information to assess whether you are able to perform the essential duties of your position, and understand your restrictions and/or limitations to assess workplace accommodation options.

<b>Employee Name:</b> _____														
I, _____ authorize the release of the information requested on this Medical Certificate to the Durham Catholic District School Board, by my licensed physician, medical practitioner or health care professional who treats me to provide the information requested above to my employer. I understand that the information provided by any health care professional will be used to assist in planning for my early and safe return to work, work accommodation and/or to determine my entitlement to benefits.			Dear Health Care Professional: The Durham Catholic District School Board is requesting that our employee receive from you an assessment that will assist the Board and our employee with a suitable work accommodation for the returning employee, as outlined in our Disability Management Policy. The Board encourages employees to consult with their Health Care Practitioner(s) and offer opportunities for rehabilitation whenever possible.  Please return the completed form to the attention of <b>Maureen Lecourt, WSIB/Disability Claims Management Officer</b> at the confidential fax number (905) 576-1981.											
Signature _____ Date _____														
<b>Section A: Health Care Professional to complete. Please outline your patient's abilities and/or restrictions based on your objective medical findings.</b>														
Date of Assessment:		Please check one:												
dd      mm      yyyy	<input type="checkbox"/> Patient is capable of returning to work with <b>no restrictions</b> .	<input type="checkbox"/> Patient is capable of returning to work <b>with restrictions</b>	<input type="checkbox"/> Patient is unable to return to work at this time											
<b>Section B: Health Care Professional to complete. Please outline your patient's abilities and/or restrictions based on your objective medical findings.</b>														
<b>PHYSICAL (if applicable):</b>														
<b>Walking:</b> <input type="checkbox"/> Full abilities <input type="checkbox"/> Up to 100 metres <input type="checkbox"/> 100 – 200 metres <input type="checkbox"/> Other (please specify)	<b>Standing:</b> <input type="checkbox"/> Full abilities <input type="checkbox"/> Up to 15 minutes <input type="checkbox"/> 15 – 30 minutes <input type="checkbox"/> Other (please specify)	<b>Sitting:</b> <input type="checkbox"/> Full abilities <input type="checkbox"/> Up to 30 minutes <input type="checkbox"/> 30 minutes – 1 hour <input type="checkbox"/> Other (please specify)	<b>Lifting from floor to waist:</b> <input type="checkbox"/> Full abilities <input type="checkbox"/> Up to 5 kilograms <input type="checkbox"/> 5 – 10 kilograms <input type="checkbox"/> Other (please specify)											
<b>Lifting from Waist to Shoulder:</b> <input type="checkbox"/> Full abilities <input type="checkbox"/> Up to 5 kilograms <input type="checkbox"/> 5– 10 kilograms <input type="checkbox"/> Other (please specify)	<b>Stair Climbing</b> <input type="checkbox"/> Full abilities <input type="checkbox"/> Up to 5 steps <input type="checkbox"/> 5 – 10 steps <input type="checkbox"/> Other (please specify)	<b>Ladder Climbing:</b> <input type="checkbox"/> Full abilities <input type="checkbox"/> 1 – 3 steps <input type="checkbox"/> 4 – 6 steps <input type="checkbox"/> Other (please specify)	<b>Travel to work:</b> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">Ability to use public transit :</td> <td style="width: 50%;">Ability to drive car:</td> </tr> <tr> <td><input type="checkbox"/> Yes</td> <td><input type="checkbox"/> Yes</td> </tr> <tr> <td><input type="checkbox"/> No</td> <td><input type="checkbox"/> No</td> </tr> </table>		Ability to use public transit :	Ability to drive car:	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> No				
Ability to use public transit :	Ability to drive car:													
<input type="checkbox"/> Yes	<input type="checkbox"/> Yes													
<input type="checkbox"/> No	<input type="checkbox"/> No													
Please indicate all <b>restrictions</b> that apply:														
<input type="checkbox"/> <b>Bending/twisting repetitive movement of (please specify):</b>	<input type="checkbox"/> <b>Work at or above shoulder activity:</b>	<input type="checkbox"/> <b>Chemical exposure to:</b>	<input type="checkbox"/> <b>Environmental exposure to (e.g., heat, cold, noise or scents):</b>	<b>Limited use of hand(s):</b> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%;"><b>Left</b></td> <td style="width: 50%;"><b>Right</b></td> </tr> <tr> <td><input type="checkbox"/> Gripping</td> <td><input type="checkbox"/></td> </tr> <tr> <td><input type="checkbox"/> Pinching</td> <td><input type="checkbox"/></td> </tr> <tr> <td><input type="checkbox"/> Other</td> <td><input type="checkbox"/></td> </tr> <tr> <td colspan="2">(please specify):</td> </tr> </table>	<b>Left</b>	<b>Right</b>	<input type="checkbox"/> Gripping	<input type="checkbox"/>	<input type="checkbox"/> Pinching	<input type="checkbox"/>	<input type="checkbox"/> Other	<input type="checkbox"/>	(please specify):	
<b>Left</b>	<b>Right</b>													
<input type="checkbox"/> Gripping	<input type="checkbox"/>													
<input type="checkbox"/> Pinching	<input type="checkbox"/>													
<input type="checkbox"/> Other	<input type="checkbox"/>													
(please specify):														
<input type="checkbox"/> <b>Limited pushing/pulling with:</b> <input type="checkbox"/> Left arm <input type="checkbox"/> Right arm <input type="checkbox"/> Other (please specify):	<input type="checkbox"/> <b>Operating motorized equipment (e.g., forklift):</b>	<input type="checkbox"/> <b>Potential side effects from medications (please specify). Do not include names of medications:</b>		<input type="checkbox"/> <b>Exposure to vibration</b> <input type="checkbox"/> Whole body <input type="checkbox"/> Hand/arm										



# **MEDICAL CERTIFICATE**

– Please PRINT in black ink

**CONFIDENTIAL**

<b>Employee Name:</b>			
<b>NON PHYSICAL (if applicable):</b>			
<b>Supervision required:</b> <input type="checkbox"/> Full abilities <input type="checkbox"/> Needs limited supervision <input type="checkbox"/> Needs frequent supervision <input type="checkbox"/> Needs constant supervision		<b>Supervision of others:</b> <input type="checkbox"/> Full abilities <input type="checkbox"/> Can give direction up to 5 staff or up to 20 students <input type="checkbox"/> Can give direction up to 1 – 2 staff or up to 10 students <input type="checkbox"/> Not able to supervise	
		<b>Tolerance to deadlines:</b> <input type="checkbox"/> Full abilities <input type="checkbox"/> Can deal with strict deadlines <input type="checkbox"/> Can deal with recurring deadlines <input type="checkbox"/> Can occasionally deal with deadlines <input type="checkbox"/> Cannot deal with deadline pressures	
<b>Attention to detail (indicate maximum time the individual can concentrate):</b> <input type="checkbox"/> Full abilities <input type="checkbox"/> Can concentrate intensely on detailed work <input type="checkbox"/> Can concentrate on details, needs occasional breaks with non-detailed work <input type="checkbox"/> Concentration on detail is limited <input type="checkbox"/> Concentration on detail is severely limited		<b>Performance on multiple tasks:</b> <input type="checkbox"/> Full abilities <input type="checkbox"/> Can handle multiple tasks – requires some time management assistance <input type="checkbox"/> Can handle more than one task but requires cues as to when to do a task <input type="checkbox"/> Can deal with one task at a time	
<b>Tolerance to external stimulus:</b> <input type="checkbox"/> Full abilities <input type="checkbox"/> Can cope with distracting stimulus for portion of day <input type="checkbox"/> Can cope with small degree of distraction <input type="checkbox"/> Needs quiet, non distracting work environment		<b>Ability to cope with confrontational situations:</b> <input type="checkbox"/> Full abilities <input type="checkbox"/> Moderate ability to cope with confrontational situations <input type="checkbox"/> Can cope with exposure to confrontational situations with backup available <input type="checkbox"/> Unable to cope with confrontational situations	
<b>Responsibility and accountability:</b> <input type="checkbox"/> Full abilities <input type="checkbox"/> Can accept a high level of responsibility including sensitive situations <input type="checkbox"/> Can accept responsibility including the responsibility for the safety of others <input type="checkbox"/> Can exercise a moderate level of responsibility with occasional need for support <input type="checkbox"/> Errors in judgment or attention likely to occur		<b>Ability to work with others cooperatively:</b> <input type="checkbox"/> Tolerates working alone <input type="checkbox"/> Can tolerate others within vicinity, but needs to perform independent tasks <input type="checkbox"/> Can work with others cooperatively when required <input type="checkbox"/> Fully able to work in close cooperation with others	
<b>Additional comments on Abilities and/or Restrictions:</b> <hr/> <hr/>			
<b>From the date of this assessment, the above will apply approximately:</b> <input type="checkbox"/> 1-2 days <input type="checkbox"/> 3-7 days <input type="checkbox"/> 8 – 14 days <input type="checkbox"/> 14+ days		<b>Have you discussed return to work with your patient?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>Recommendations for work hours and start date:</b> <input type="checkbox"/> Regular full-time hours <input type="checkbox"/> Modified hours <input type="checkbox"/> Graduated hours		<b>Start Date:</b> dd    mm    yyyy	
<b>Recommended date of next appointment to review physical and/or cognitive abilities</b> ► dd    mm    yyyy			
<b>Section C: To Be Completed by Health Professional (Please Print)</b>			
Health Professional Name:		Signature:	
Address:		Fax:	
Telephone:		Date:	

**PLEASE RETURN THE COMPLETED FORM TO OUR CONFIDENTIAL FAX NUMBER AT (905) 576-1981.**



Durham Catholic District School Board  
650 Rossland Road West, Oshawa, Ontario L1J 7C4

Confidential Fax: (905) 567-1981

## APPENDIX B

This form shall be provided by the medical practitioner to the employee who will then deliver it to the Human Resources/Administrative Services Department.

### **Medical Certificate**

#### **Part 1 – Employee - please complete following:**

\_\_\_\_\_  
(Employee Name)

The information supplied will be used in a confidential manner and may assist in creating a return to work plan.

I hereby consent to the completion of this form by:

\_\_\_\_\_  
(Treating Medical Practitioner's Name)

\_\_\_\_\_  
(Signature of Employee)

\_\_\_\_\_  
(Date)

☐ Absent from Work

\_\_\_\_\_  
(first date of absence)

☐ Not absent from work but requires accommodations

#### **Part 2 – Medical Practitioner – please complete the following**

1. Nature of Illness (do not provide diagnosis):

\_\_\_\_\_  
  
\* "Nature of the illness"(or injury) suggests a general statement of a person's illness or injury in plain language without any technical medical details, including diagnosis or symptoms. Although revealing the nature of an illness may suggest the diagnosis, it will not necessarily do so. "Nature of illness" and "diagnosis" are not congruent terms. For example, a statement that a person has a cardiac or abdominal condition or that s/he has undergone surgery in that respect reveals the essence of the situation without revealing a diagnosis.

**Part 2 – Medical Practitioner (cont'd) – please complete the following**

2. Is this condition the result of: (check one)

☐ Non-occupational illness/injury☐ Occupational illness/injury3. Is he/she receiving treatment: ☐ Yes ☐ No4. Has or will a referral to a specialist been made? ☐ Yes ☐ NoIf yes, date of referral: \_\_\_\_\_  
(dd/mm/yyyy)5. Have you discussed return to work with your patient? ☐ Yes ☐ Not at this time6. Is the patient able to return to work: ☐ with accommodation ☐ without accommodationExpected date of return: \_\_\_\_\_  
(dd/mm/yyyy)☐ unable to return to work at this time7. Date of next assessment: \_\_\_\_\_  
(dd/mm/yyyy)

Health Care Practitioner Signature:	Date Completed: _____ dd/mm/yyyy
Health Care Practitioner Name and Address:	

***Part 3 and/or 4 need only be completed for a return to work that requires an accommodation.***

**Part 3 – Medical Practitioner – please complete the following:****COGNITIVE LIMITATIONS AND/OR RESTRICTIONS**☐ N/A

Please describe **cognitive** limitations and/or restrictions. Physical limitations and/or restrictions, if any, can be detailed in Part 4. These cognitive restrictions will be assessed when determining modified work either in the employee's own position or another suitable position.

**Date of Assessment:** \_\_\_\_\_  
(dd/mm/yyyy)

Level of Functioning (Please circle which level applies for each task)	<b>LEVEL 1</b>	<b>LEVEL 2</b>	<b>LEVEL 3</b>	<b>LEVEL 4</b>
<b>Supervision Required</b>	needs constant supervision	needs frequent supervision	needs limited supervision	requires no supervision
<b>Supervision of Others</b>	not able to supervise others	can meet demands of or for occasional supervision	can meet demands of or for regular supervision	can meet demands of full supervision
<b>Tolerance to Deadlines</b>	cannot deal with deadline pressures	occasionally deal with deadlines	can deal with deadlines that are reoccurring	can deal with strict deadlines
<b>Attention to Detail</b> (indicate maximum time the Individual can concentrate)	concentration on detail is severely limited	concentrate on detail is limited	can concentrate on details, needs occasional breaks of non detailed work	able to concentrate intensely on detailed work
<b>Performance of Multiple Tasks</b>	can deal with one task at a time	can handle more than 1 task but requires cues as to when to do task	can handle multiple tasks requires some time management assistance	fully able to handle multiple tasks without difficulty
<b>Tolerance to External Stimulus</b>	needs quiet, non distracting work environment	can cope with small degree of distraction	can cope with distracting stimuli for portion of day	fully able to cope with multiple stimuli without negative effect
<b>Ability to Work with Others Cooperatively</b>	tolerates working alone	can tolerate others within vicinity, but needs to perform independent tasks	can work with others cooperatively when required	fully able to work in close cooperation with others
<b>Confrontational Situations</b>	unable to cope with confrontational situations	can cope with exposure to confrontational situations with back-up available	moderate ability to cope with confrontational situations	able to deal with confrontational situations with tact and control
<b>Responsibility and Accountability</b>	errors in judgment or attention likely to occur	can exercise a moderate level of responsibility with occasional need for support	can accept responsibility including the responsibility for the safety of others	can accept a high level of responsibility including sensitive situations

**Prognosis** (based on objective assessments)

**From the date of this assessment, the above will apply for approximately:**

☐ 1-2 weeks ☐ 3-5 weeks ☐ 6-8 weeks ☐ 2-3 months ☐ 4-6 months ☐ 6+ months ☐ Unknown

**Recommendations for work hours and start date:**

Start Date:

☐ Regular full time hours ☐ Modified hours ☐ Graduated hours

\_\_\_\_\_  
(dd/mm/yyyy)

**Next appointment date to review Limitations and/or Restrictions:**

\_\_\_\_\_  
(dd/mm/yyyy)

**Part 4 - Medical Practitioner – please complete the following:**

<b>PHYSICAL LIMITATIONS AND/OR RESTRICTIONS</b> <span style="float: right;"><input type="checkbox"/> N/A</span>											
Please describe <b>physical</b> limitations and/or restrictions only. <b>Cognitive</b> limitations and/or restrictions, if any, can be detailed in Part 3. These physical restrictions will be assessed when determining modified work either in the employee's own position or another suitable position.											
<b>Date of Assessment:</b> _____ <div style="text-align: center;">(dd/mm/yyyy)</div>											
<b>Walking:</b> <input type="checkbox"/> Full abilities <input type="checkbox"/> Up to 100 metres <input type="checkbox"/> 100 - 200 metres <input type="checkbox"/> Other (please specify) _____	<b>Standing:</b> <input type="checkbox"/> Full abilities <input type="checkbox"/> Up to 15 minutes <input type="checkbox"/> 15 - 30 minutes <input type="checkbox"/> Other (please specify) _____	<b>Sitting:</b> <input type="checkbox"/> Full abilities <input type="checkbox"/> Up to 30 minutes <input type="checkbox"/> 30 minutes - 1 hour <input type="checkbox"/> Other (please specify) _____	<b>Lifting from floor to waist:</b> <input type="checkbox"/> Full abilities <input type="checkbox"/> Up to 5 kilograms <input type="checkbox"/> 5 - 10 kilograms <input type="checkbox"/> Other (please specify) _____								
<b>Lifting from Waist to Shoulder:</b> <input type="checkbox"/> Full abilities <input type="checkbox"/> Up to 5 kilograms <input type="checkbox"/> 5 - 10 kilograms <input type="checkbox"/> Other (please specify) _____	<b>Stair Climbing:</b> <input type="checkbox"/> Full abilities <input type="checkbox"/> Up to 5 steps <input type="checkbox"/> 5 - 10 steps <input type="checkbox"/> Other (please specify) _____										
<input type="checkbox"/> <b>Bending/twisting repetitive movement of</b> (please specify): _____	<input type="checkbox"/> <b>Work at or above shoulder activity:</b> _____	Limited pushing / pulling with: Left Arm <input type="checkbox"/> Right Arm <input type="checkbox"/> Other (please specify) <input type="checkbox"/> _____	<input type="checkbox"/> <b>Limited use of hand(s):</b> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">Left</td> <td style="width: 50%;">Right</td> </tr> <tr> <td><input type="checkbox"/> Gripping</td> <td><input type="checkbox"/></td> </tr> <tr> <td><input type="checkbox"/> Pinching</td> <td><input type="checkbox"/></td> </tr> <tr> <td><input type="checkbox"/> Other</td> <td><input type="checkbox"/></td> </tr> </table>	Left	Right	<input type="checkbox"/> Gripping	<input type="checkbox"/>	<input type="checkbox"/> Pinching	<input type="checkbox"/>	<input type="checkbox"/> Other	<input type="checkbox"/>
Left	Right										
<input type="checkbox"/> Gripping	<input type="checkbox"/>										
<input type="checkbox"/> Pinching	<input type="checkbox"/>										
<input type="checkbox"/> Other	<input type="checkbox"/>										
<input type="checkbox"/> <b>Operating motorized Equipment</b>	<input type="checkbox"/> <b>Environmental Exposure to: (heat, cold, noise)</b>	<input type="checkbox"/> <b>Chemical exposure to:</b> _____	<input type="checkbox"/> <b>Exposure to Vibration:</b> Whole body Hand/arm								
<b>Other (Please describe)</b> _____											
<b>Prognosis - From the date of this assessment, the above will apply for approximately:</b> <input type="checkbox"/> 1-2 weeks <input type="checkbox"/> 3-5 weeks <input type="checkbox"/> 6-8 weeks <input type="checkbox"/> 2-3 months <input type="checkbox"/> 4-6 months <input type="checkbox"/> 6+ months <input type="checkbox"/> Unknown											
<b>Recommendations for work hours and start date:</b> <input type="checkbox"/> Regular full time hours <input type="checkbox"/> Modified hours <input type="checkbox"/> Graduated hours		Start Date: _____ <div style="text-align: center;">(dd/mm/yyyy)</div>									
<b>Next appointment date to review Limitations and/or Restrictions:</b> _____ <div style="text-align: center;">(dd/mm/yyyy)</div>											

Please provide any additional information/comments/findings/limitations (ex. Physical, Cognitive) which you feel would assist our employee in a safe and timely return to work.

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Durham Catholic District School Board  
 650 Rossland Road West, Oshawa, Ontario L1J 7C4  
 Confidential Fax: (905) 567-1981

## TEMPORARY MODIFIED WORK PLAN (TMWP)

Date: \_\_\_\_\_

<b><u>Employee</u></b>	<b><u>Position, Location</u></b>
<b><u>Date of Illness</u></b>	<b><u>Nature of Illness</u></b>
<b><u>Suggested Restrictions</u></b>	<b><u>Work Assignment</u></b>
<b><u>Start Date</u></b>	<b><u>End Date</u></b>
<b><u>Location</u></b>	<b><u>Supervisor</u></b>
<b><u>Reassess Date</u></b>	<b><u>Comments</u></b> (Note: Any changes in limitations or difficulties should be reported to: Maureen Lecourt at (905) 576-6707 or Toll Free 1-877-482-0722 extension 22366; Confidential Fax # (905) 576-1981)

Employee: \_\_\_\_\_ Principal: \_\_\_\_\_

Date: \_\_\_\_\_ Date: \_\_\_\_\_





## Durham Catholic District School

Board "The Board"

# Policy

**No changes**

Title: <b>Student Protection</b>	Policy #: <b>PO607</b>
Policy Area:	Student Conduct and Safety
Source:	Superintendent of Education – Student Services
Date Approved:	January 27, 2003
Dates of Amendment:	December 8, 2014

## 1.0 **Introduction**

All students need to feel safe and secure to benefit from the advantages of being part of a Catholic education community. The Durham Catholic District School Board also believes that each student has the right to belong. The Board implements this belief through its broader policy of inclusion.

The spiritual, emotional, physical, social, intellectual and psychological development of students is contingent upon the fulfilment of these basic needs for safety and belonging.

Student safety and well-being is the shared responsibility of the home, school, and the community. Due to the amount of time students spend within an educational setting, students who are at risk of abuse or neglect are often identified during the school day.

The Durham Catholic District School Board is committed to ensuring that all persons in its employ and all its students are treated with dignity and respect. The Board further recognizes its responsibility in responding to those situations where an employee is alleged to have abused a student.

## 2.0 **Definitions**

**Child or youth** – a person under 18 years of age

**Child Youth and Family Services Act (CYFSA)** – the purpose of this act is to promote the best interests, protection and well being of children under the age of 18.

**Children's Aid Society (CAS)** – separate, independent organizations which have each been approved by the Ontario government's Ministry of Children and Youth Services to provide child protection services.

**Emotional Harm** – all acts that result in the lack of a nurturing environment for a child or youth. It occurs when the caregiver treats the child or youth in such a negative way that the child or youth's concept of self is seriously impaired. Emotional harm can be the most difficult to identify and prove.

## 2.0 **Definitions (cont'd)**

**Inadequate Medical Treatment** – a caregiver has the responsibility to ensure that the child's medical needs are met. This includes ensuring that appropriate treatment for a child's mental, emotional or developmental conditions.

**Inadequate Supervision** – a child may be at a risk of harm if the caregiver fails to adequately care for, provide for, supervise or protect the child.

**Physical Harm** – any harm to a child or youth caused by the action (or lack of action) of a child's caregiver for example bruises or burns. Physical harm can occur as an isolated incident or continue over a period of time.

**Neglect** – usually results from the lack of knowledge about appropriate care for children or an inability to plan appropriately for a child's needs.

**Sexual Harm** – any sexual exploitation of a child by an older person

## 3.0 **Purpose**

3.1 The purpose of this policy and the associated administrative procedure is to promote the safety and well-being of students and to clarify for staff and administrators the procedures for reporting suspected child abuse and neglect, sexual abuse, or other abuse of students, including any allegation of abuse of a student by a school board employee. It is also the Board's intent to promote co-operation with the staff of the Children's Aid Society and to assist it in its investigations by providing relevant information pertaining to the safety of students.

3.2 The obligation of all employees of the Board, as well as volunteers, to report suspected child abuse, on or off school property, arises under the Child Youth and Family Services Act 2017. A further obligation is imposed on the Board to report sexual abuse of students by teachers to the Ontario College of Teachers in accordance with the Student Protection Act (2002). Beyond the obligations which arise under statutes, this policy recognizes the moral commitment which all members of the community of the Durham Catholic District School Board have to advocate for students who are at risk.

## 4.0 **Application/Scope**

4.1 This policy covers all students enrolled in Junior Kindergarten to grade 12 in all school sites including Alternative and Continuing Education schools.

4.2 Statutory reporting obligations referred to in this Policy, arise with respect to students under the age of 18 years or, in the case of a person who has special needs, 21 years old or less. A person has special needs if,

4.2.1 in the opinion of the Board, the person, by reason of some mental or physical disability, is particularly vulnerable to sexual abuse; or

4.2.2 the Board, exercising reasonable diligence, should have formed the opinion that the person, by reason of some mental or physical disability, is particularly vulnerable to sexual abuse.

4.3 The obligation to report under this policy applies to all employees and volunteers.

## 5.0 **Principles**

- 5.1 Ontario courts have stated that school authorities, in providing for the supervision and protection of students for whom they are responsible, must exercise a standard of care of a kind, firm and judicious parent in the circumstances.
- 5.2 The Child Youth and Family Services Act 2017 requires that any persons including staff members, volunteers or adult students who have reasonable grounds to suspect that a child has suffered or is suffering from abuse or neglect that may have been caused or permitted by a person who has or has had charge of the child, will forthwith report the suspected abuse to the Children's Aid Society (and/or Police, if the student is 18 years or over) in accordance with the Appendix of the Administrative Procedure on Student Protection.
- 5.3 The Student Protection Act (2002), requires a Board to report to the College of Teachers where a teacher, or former teacher, is charged with or convicted of a criminal offence involving sexual conduct with minors, or a criminal offence which indicates that students may be at risk of harm or injury. This Act also requires that the Board report to the College where the Board terminates the employment of a teacher or imposes restrictions on the teacher's duties for reasons of professional misconduct, which includes "sexual abuse" as defined by the Student Protection Act, 2002, or where the Board intended to impose restrictions or terminate the teacher's contract for reasons of professional misconduct but the teacher resigned.

## 6.0 **Procedures**

- 6.1 A person who has reasonable grounds to suspect that a child or young person who is under 18 years of age and is a ward of the Children's Aid Society, may be in need of protection shall notify the Children's Aid Society and the school principal.
- 6.2 When a person is in doubt that reasonable grounds exist to suspect child abuse, the Children's Aid Society should be consulted. A principal or colleague may also be consulted, however, if there is any doubt, it is best to consult with the Children's Aid Society. The employee should continue to observe and monitor the situation even if no report is to be made.
- 6.3 Notification of a reported case of suspected child abuse must be made in writing by the principal to the Director of Education and Family of Schools Superintendent within twenty-four hours of reporting the case to the Children's Aid Society. Therefore, all employees must inform the principal of the school when making a report to CAS.
- 6.4 All employees of the Board will annually read and sign-off this policy and related administrative procedure, so that they understand how to recognize the signs of child abuse and neglect, the legal, professional duty to report and when, how and to whom to report, and how to manage the consequences of making a report.
- 6.5 There is an ongoing duty to report to the Children's Aid Society based upon reasonable grounds to suspect that a child is in need of protection, even if previous reports have been made.

## 6.0 **Procedures** (Cont'd)

- 6.6 A person who has reasonable grounds to believe that a student who is 18 years of age or older has been sexually or emotionally or physically abused shall immediately advise the principal; in these circumstances, where possible a consultation will be held with the student and, if appropriate, the superintendent and, if the student does not agree to contact the Police, a decision will be made as to whether compelling circumstances affecting health or safety of the student or any other individual require that information to be disclosed to the Police or other agency. Such a disclosure will be made in accordance with the Board Police protocol.
- 6.7 If the alleged perpetrator is a Board employee, the Board reserves the right to conduct an investigation as indicated in Administrative Procedure 607-1 Student Protection.
- 6.7.1. The Board recognizes the definition of “sexual abuse” as provided in the Student Protection Act (2002), for the purpose of a teachers professional misconduct, as follows:
- 6.7.1.1 Sexual abuse of a student by a member means:
- 6.7.1.1.1 sexual intercourse or other forms of physical sexual relations between the member and the student;
  - 6.7.1.1.2 touching, of a sexual nature, of the student by the member, or
  - 6.7.1.1.3 behaviour or remarks of a sexual nature by the member towards the student whether made verbally, in writing (including email), by gesturing or through any other form of communication.
- 6.7.1.2 “Abuse” for the purposes of this policy shall also include the following actions by any employee or volunteer of the Board:
- 6.7.1.2.1 “grooming” which refers to the preparation of students, usually at a secondary school level, for a sexual relationship at some future point in time.
  - 6.7.1.2.2 intimidation or exploitation for the personal gain or benefit of the employee or volunteer.
- 6.7.2 In the event that the employee is a member of the Ontario College of Teachers, the Board will make a report to the Ontario College of Teachers in accordance with section 43.3 of the Student Protection Act (2002).
- 6.7.3 The employee will be dismissed if convicted, or if it is determined by an internal investigation of the Board that the circumstances justify the dismissal of the employee.

## **7.0 Sources**

- Child Youth and Family Services Act, (2017)
- Ministry of Community and Social Services, Reporting Child Abuse and Neglect, (2010)
- Ontario Ministry of the Attorney General, Protecting Our Students (Robins Report), (2000)
- Bill 101, Student Protection Act, (2002)
- Standards of Practice for the Teaching Profession (Ontario College of Teachers), (2014)
- Criminal Code of Canada
- Police/School Board Protocol, 2016
- Ontario College of Teachers – Provincial Advisory – Professional Misconduct Related to Sexual Abuse and Sexual Misconduct, (September 27, 2002)
- Teaching Profession Act, 2006
- Regulated Health Professions Act, (1991) Amended 2013
- Social Work and Social Services Work Act, (1998) Amended 2010
- Accepting School Act, (2012)
- Provincial Code of Conduct, (2012)
- Inquest Touching the Death of Jeffrey Baldwin (2014)

## **8.0 References**

- Student Protection Policy (PO607)
- Student Protection Administrative Procedure (AP607-1)
- Code of Conduct Policy (PO610)
- Code of Conduct Administrative Procedure (AP610-1)
- Student Discipline Policy (PO611)
- Student Discipline Administrative Procedure (AP611-1)
- Workplace Violence Policy (PO324)
- Workplace Violence Prevention Administrative Procedure (AP324-1)
- Sexual Harassment Policy (PO307)



Durham Catholic District School

Board "The Board"

## Administrative Procedure

**No changes**

Title: <b>Student Protection</b>	Procedure #: <b>AP607-1</b>
Administrative Area:	Student Conduct and Safety
Policy Reference:	Student Protection (PO607)
Date Approved:	September 15, 2003
Dates of Amendment:	December 8, 2014

### 1.0 Purpose

The purpose of this administrative procedure is to promote the safety and well-being of students and to clarify for staff and administrators the procedures for reporting suspected child abuse, neglect, sexual abuse or any other abuse of students, including any allegation of abuse of a student by a school board employee.

### 2.0 Definitions

**Child or youth** – a person under 18 years of age

**Child Youth and Family Services Act (CYFSA)** – the purpose of this act is to promote the best interests, protection and well being of children under the age of 18.

**Children's Aid Society (CAS)** – separate, independent organizations which have each been approved by the Ontario government's Ministry of Children and Youth Services to provide child protection services.

**Emotional Harm** – all acts that result in the lack of a nurturing environment for a child or youth. It occurs when the caregiver treats the child or youth in such a negative way that the child or youth's concept of self is seriously impaired. Emotional harm can be the most difficult to identify and prove.

**Inadequate Medical Treatment** – a caregiver has the responsibility to ensure that the child's medical needs are met. This includes ensuring that appropriate treatment for a child's mental, emotional or developmental conditions.

**Inadequate Supervision** – a child may be at a risk of harm if the caregiver fails to adequately care for, provide for, supervise or protect the child.

**Physical Harm** – any harm to a child or youth caused by the action (or lack of action) of a child's caregiver for example bruises or burns. Physical harm can occur as an isolated incident or continue over a period of time.

## 2.0 Definitions (cont'd)

**Neglect** – usually results from the lack of knowledge about appropriate care for children or an inability to plan appropriately for a child's needs.

**Sexual Harm** – any sexual exploitation of a child by an older person

## 3.0 Procedures

### 3.1 Reporting Suspected Abuse of Students Under 18 Years

#### 3.1.1 The Role of Employees in Reporting Suspected Child Abuse

- 3.1.1.1 The Child Youth and Family Services Act requires that all professionals working with children, including teachers and school board personnel to report promptly any information or situation where a child has suffered physical harm or where there is reasonable grounds to suspect risk of harm caused by the person in charge of the child or if the child has been inadequately cared for, neglected or maltreated.
- 3.1.1.2 When a staff member has reasonable grounds to suspect that a child is or may be in need of protection, the suspicion and the information upon which it is based **must be reported promptly** to the Durham CAS. The situations that **must** be reported are listed in Appendix 1.
- 3.1.1.3 "Reasonable grounds to suspect that a child is in need of protection" means exercising normal and honest judgement. The employee does not need to be absolutely sure that a child is or may be in need of protection. A staff member is obligated to determine whether there are reasonable grounds to suspect abuse or that a child is at risk.
- 3.1.1.4 Children should not be pressed for answers or details they are unable or unwilling to give and answers should not be suggested to them. Any attempt to clarify information must be done through open-ended questions. Employees are not expected to be responsible for investigating or validating risk of harm or child maltreatment. The CAS conducts the investigation because it has the authority and requisite skills to determine whether abuse has occurred or a child is at risk. The person reporting can assist this process by providing as much clear and factual information as possible. (Please refer to the guidelines in Appendix 2).

### 3.0 **Procedures (cont'd)**

- 3.1.1.5 When a student shares a concern with an employee, the employee should remain as calm as possible. Hearing about abuse or recognizing the circumstances that exist which lead to a suspicion or reasonable grounds that a child is in need of protection, is emotionally charged and draining. The calmer the employee remains, the more clearly he/she will think and act.
- 3.1.1.6 A student who discloses physical, sexual, or emotional abuse will need much support from the adults within and outside the school setting. In order to facilitate the healing process which the student needs to experience, certain messages are very important at the time of the disclosure. Some of these are:
- I'm glad you told me. You did the right thing.
  - It's not your fault.
  - I'm sorry that this has happened to you.
  - You are not alone. This happens to other children, and it's wrong.
  - I'm concerned about your safety and so I have to consult with some other people about what you have told me. I will talk to the principal and a worker from The Children's Aid Society. One of them may want to ask you further questions. Remember we are concerned about your safety.  
**Together we will get some help for you.**
- 3.1.1.7 If a student requests that the information he/she has shared is not disclosed to anyone else, it is important not to make promises that cannot be kept. The above messages should be reinforced.
- 3.1.1.8 After the disclosure, allow the student to remain in a safe place, in the care of another adult, if possible.
- 3.1.1.9 Once a disclosure has been made, the employee receiving the disclosure must advise the principal/designate about the disclosure. Coverage will be provided for the employee so that the call to CAS can be made immediately. Every effort must be made to contact the CAS as early in the day as possible to allow the CAS sufficient time to assess the situation if needed before the child returns home.
- 3.1.1.10 In consultation with the principal/designate, determine if further consultation, e.g., with the school Social Worker or Child and Youth Counsellor, is necessary. If the alleged perpetrator is a board employee, the staff member must notify the C.A.S., Police, and the Principal. If the alleged perpetrator is the Principal, the staff member has to notify the C.A.S., Police and the Superintendent.



### 3.0 **Procedures (cont'd)**

- 3.1.1.11 When calling CAS (telephone number: 905-433-1551), the employee should ask to speak to the intake duty worker and provide the necessary information by following the guidelines in Appendix 2. **The person who witnesses the disclosure must report directly to the C.A.S. and must not rely on anyone else to make the report (CFSA s.72(3)).** Time is often critical to the C.A.S. as siblings will also need to be interviewed. Should there be no follow up from C.A.S. with regard to subsequent support for the child, the supervisor of the case worker should be contacted.
- 3.1.1.12 It is important to be prepared when making a call to the CAS by ensuring that all pertinent information is available. The employee making the report should have begun to fill in the Student Protection Reporting Form in order to have the necessary information required by C.A.S. on hand.
- 3.1.1.13 **Failure to report where reasonable grounds exist to suspect that a child is or may be in need of protection can result in a fine of up to \$1,000 upon conviction. For teachers this failure may also lead to a finding of professional misconduct by the Ontario College of Teachers (CFSA 6.2)**
- 3.1.1.14 The employee should return to the student, and when possible and appropriate, inform him/her about what is to happen. If a C.A.S. worker is coming to the school to interview the student, the employee or the principal may offer to remain with the student during the interview, if approved by the C.A.S. and agreed to by the student. The employee is present during the interview **solely to support the student by his/her presence. Staff must not impede the legal investigation.** (Please refer to following section – School Response to a C.A.S. Investigation).
- 3.1.1.15 The employee is to complete the Student Protection Reporting Form (Appendix 3) (refer to Form 6002) and provide a copy of it to the principal who will forward it to the Director of Education and Family of Schools Superintendent.
- 3.1.1.16 Once the immediate needs of the student have been met, it is important that consideration be given for the safety of the student (e.g., returning home to an alleged perpetrator).
- 3.1.1.17 If a student discloses within a lesson, the educator should acknowledge it, try to remain calm and say something like: “I’m glad you told me” and then follow through with reporting the disclosure as soon as possible.
- 3.1.1.18 The employee should continue to support the student in any way possible, particularly through prayer and understanding.

Remember, there may be negative reactions to the disclosure. Sometimes things get worse before they get better.

### 3.0 **Procedures (cont'd)**

3.1.1.19 If an employee is in doubt about whether there are “reasonable grounds” to report abuse, he/she may contact an intake worker at the Children’s Aid Society. This can be done anonymously. The C.A.S. will help determine whether the suspicions constitute reasonable grounds for reporting. **If the C.A.S. worker determines that the grounds are reasonable, employee must provide all identifying information by following the guidelines in Appendix 2 to fulfil legal and professional obligation.**

3.1.1.20 If the C.A.S. worker determines that there are insufficient grounds to report the abuse, the employee should document this fact and continue to document any observations regarding the student. The employee should advise the Principal of the outcome of the call to C.A.S. Further school level support may be required (e.g., Social Work). **Remember in all cases of reporting, the C.A.S. policy is not to disclose the identity of the referral source.**

#### 3.1.2 **The Role of the Principal**

3.1.2.1 At the beginning of the school year, the principal must ensure that all staff have reviewed this Administrative Procedure for Student Protection.

3.1.2.2 The Principal will support an employee who on reasonable grounds reports incidents of child abuse or that a student is or may be in need of protection.

3.1.2.3 The Principal shall provide coverage for the employee reporting so that there is sufficient time to complete the requirements of reporting.

3.1.2.4 Students 18 years of age or older are covered under the Criminal Code of Canada and should be encouraged to contact the police. However, if the student does not agree to contact police and there are other minors who might be at risk (e.g., siblings), the principal, and/or the person with this knowledge, **shall notify the Police and the Children’s Aid Society.**

3.1.2.5 The Principal shall notify the Director of Education within twenty-four hours of a staff member reporting a case of suspected child abuse to C.A.S. using the Student Protection Reporting Form found in Appendix 3 (refer to Form 6002). Legal and professional responsibilities make it necessary to complete accurate records of all suspected cases of child abuse. Records should be as factual and complete as possible. A court may request that any records be produced in a legal proceeding.

3.1.2.6 If as a result of a School Team Meeting, there is reasonable

grounds to suspect that the child is in need of protection, the administrator present must make the report and notify the principal.

### 3.0 **Procedures (cont'd)**

- 3.1.2.7 The Principal will request the C.A.S. worker/Police Officer to produce formal identification upon entering school property for an investigation.
- 3.1.2.8 The Principal, in discussion with C.A.S./Police Officer, must, after the report has been made, notify the Family of Schools Superintendent and consult with appropriate staff, e.g., the school Social Worker, Child and Youth Counsellor, or Co-ordinator of Special Education.
- 3.1.2.9 If an employee or former employee of the Board is the alleged perpetrator, refer to Section 3 of this procedure.
- 3.1.2.10 If the alleged perpetrator is a volunteer or a service provider under contract with the Board refer to Section 3 of this procedure.

#### 3.1.3 **School Response to a C.A.S. Investigation**

##### 3.1.3.1 **Supporting the Child Through the Process**

- 3.1.3.1.1 When the C.A.S. worker or Police Officer arrives at a school for an investigation, the principal, teacher or other significant adult (e.g., support staff) may ask permission of the C.A.S. worker to be present during the interview between the C.A.S. worker and the child, in order to support the child solely through his/her presence. This is done only if the child requests it.  
**This is a legal investigation; therefore, staff must not impede the legal investigation.**

##### 3.1.3.2 **Support for Staff Member**

- 3.1.3.2.1 Many feelings may accompany the suspicion that a child is being or has been harmed. It is important to acknowledge these feelings, to try to remain calm and get support from the school administrators, or the Employee Family Assistance Program (EFAP).

##### 3.1.3.3 **Investigation on School Premises**

- 3.1.3.3.1 As part of the investigation, the C.A.S. and/or Police may ask to interview the child on school premises. The Principal shall request and document the C.A.S. worker's/Police Officer's formal identification when entering school property. The Police, in consultation with C.A.S., will advise the Principal whether the

parent(s) should be notified. In the absence of the parent or guardian of a student, the principal may be present during the interview unless requested otherwise by Police or C.A.S. (refer to Police/School Board Protocol Section 12 – Police Interviews of Students and Section 13 – Reporting of Children Suspected to be in Need of Protection). If the principal has concerns regarding the absence of the parent at the interview, the principal should contact the Superintendent of Education – Family of Schools.

### 3.1.4 Possible Outcomes of a C.A.S. Investigation

#### 3.1.4.1 Apprehension of a Student from School by C.A.S.

3.1.4.1.1 The C.A.S. has the legal authority to apprehend (temporarily assume custody) and remove a child with or without a warrant, and also without the parents'/guardians' knowledge. **(Forewarning a parent/guardian of a pending or on-going abuse investigation could jeopardize a child's safety.)**

3.1.4.1.2 The principal/staff member should consult with the C.A.S. worker/Police, prior to the investigation, about the following:

- 3.1.4.1.2.1 When/where will the student be interviewed?
- 3.1.4.1.2.2 If/when and how the parents/guardians will be notified?
- 3.1.4.1.2.3 Should the student go home at lunch or after school if the interview has not yet taken place?
- 3.1.4.1.2.4 What information can be shared with the student (and parents/guardians) if the interview is delayed?
- 3.1.4.1.2.5 The principal/designate should also inform C.A.S. about times of school dismissal, the student's expected time of arrival home, and other children in the family. The identifying information, e.g., names/addresses of parents/guardians, siblings, date of birth of student, etc., should also be made available.
- 3.1.4.1.2.6 After speaking with the C.A.S. or Police:
  - 3.1.4.1.2.6.1 Have someone that the child trusts stay with the child until the C.A.S./Police arrive.

**3.0 Procedures (cont'd)**

3.1.4.1.2.6.2 Child enters foster care under a temporary care agreement, with the parents' consent. This is to give the family time to recuperate from extenuating stresses (e.g., unemployment, lack of suitable daycare, mental health problems).

3.1.4.1.2.6.3 Child enters foster care and becomes a society ward through a family court order. The child could remain in foster care for a considerable period of time.

3.1.4.1.2.6.4 Child enters foster care and eventually becomes a crown ward which severs the parents' custody and awards permanent custody to the C.A.S. The child can now be legally adopted.

**3.1.4.2 Placement: In-Home**

3.1.4.2.1 Child remains in the home without any further C.A.S. involvement.

3.1.4.2.2 Child remains in the home with C.A.S. involvement (e.g., voluntary support and counselling).

3.1.4.2.3 Child remains in the home with a court supervision order specifying conditions and requirements.

**3.1.5 Follow-Up to a CAS Investigation**

3.1.5.1 The principal/designate shall initiate contact with the C.A.S. worker after the investigation and/or apprehension to determine:

- 3.1.5.1.1 C.A.S.'s ability to communicate information at this time
- 3.1.5.1.2 the safety of the student
- 3.1.5.1.3 foster care arrangements
- 3.1.5.1.4 access issues
- 3.1.5.1.5 legal status of the investigation
- 3.1.5.1.6 future/ongoing involvement of C.A.S.

### 3.0 **Procedures (cont'd)**

- 3.1.5.2 Upon a student's return to school after an investigation, a teacher or principal may wish to speak with the student as soon as possible in order to ascertain the emotional state, ability to handle schoolwork and how to cope with any inquiries from peers. The student may be fearful about confidentiality, the perpetrator's whereabouts, the family reaction, etc., and have need of reassurance that the student is safe. This "checking in" with the student should be continued periodically until the student appears comfortable and able to cope. A teacher and other resource staff (social worker, child and youth counsellor) can be a great source of support during this time. Any further concerns about the child's safety should be referred to the C.A.S.
- 3.1.5.3 There is an ongoing duty to report based on reasonable grounds to suspect that a child is in need of protection, even if previous reports with respect to the child have been made. (CFSA s.72(2))

### 3.2 **Students 18 Years and Older**

#### 3.2.1 **The Role of An Employee**

- 3.2.1.1 Encourage the student to speak with a guidance counselor, principal/vice principal.
- 3.2.1.2 Encourage the student to make direct contact with the police with the help of a staff member if requested.
- 3.2.1.3 A person who has reasonable grounds to believe that a student who is 18 years of age or older has been sexually or emotionally or physically abused shall immediately advise the Principal: in these circumstances, where possible a consultation will be held with the student and, if appropriate, the Superintendent and, if the student does not agree to contact the Police, a decision will be made as to whether compelling circumstances affecting health or safety of the student, siblings or any other individual require that information to be disclosed to the Police or other agency. (Reference: Code of Conduct Policy, Student Discipline Policy, Student Protection Policy and related Administrative Procedures and Police/School Board Protocol.)

#### 3.2.2 **Role of the Principal**

- 3.2.2.1 Support the disclosure of information from the student to his/her parents/ guardians providing they are not the alleged perpetrator, if the student agrees.
- 3.2.2.2 If disclosure of information indicates that the alleged perpetrator is the parent/ guardian, the principal must inquire to if younger siblings are involved. Follow the protocol procedures as outlined in the Student Protection Reporting Form found in Appendix 3 (refer to Form 6002).

### 3.0 **Procedures (cont'd)**

- 3.2.2.3 Students, who are 18 years of age or older can also be encouraged to speak with their Community Police Liaison Officer and, if the student does not agree to contact the Police, a decision should be made as to whether compelling circumstances affecting health or safety of the student or any other individual require that information to be disclosed to the Police or any other agency.
- 3.2.2.4 If the alleged perpetrator is a staff member, the procedures for allegations against an employee will take effect (refer to Allegations of Abuse against a School Board Employee, Former Employee or Volunteer found in section 3.3).
- 3.2.2.5 If the investigation by the police is delayed, steps should be taken to ensure the safety of the student.

### 3.3 **Allegations of Abuse against a School Board Employee, Former Employee, Volunteer or Service Provider under Contract with the Board**

#### 3.3.1 **The Role of An Employee**

- 3.3.1.1 All employees are required to report the allegation to their respective manager/supervisor/principal.
- 3.3.1.2 When an Ontario College of Teachers member makes a report of suspected sexual abuse of a student by another Ontario College of Teachers member, the member is not required to provide him or her with a copy of the adverse report or with any information about the report (*Student Protection Act, 2002, 7(2),(3)*).

#### 3.3.2 **Sexual abuse of a student by an employee**

- 3.3.2.1 sexual intercourse or other forms of physical sexual relations between the employee and the student;
- 3.3.2.2 touching, of a sexual nature, of the student by an employee, or
- 3.3.2.3 behaviour or remarks of a sexual nature by an employee towards the student including, but not limited to, inappropriate correspondence by email, internet, regular mail or telephone.

### 3.0 **Procedures (cont'd)**

#### 3.3.4 **Responsibilities of Principals/Supervisors**

3.3.4.1 After contacting the Superintendent of Family of Schools to obtain direction, the Principal/Supervisor must:

3.3.4.1.1 consider and take actions to ensure the safety and well-being of the student/victim. This includes not leaving the student alone, ensuring that he or she does not interact with the alleged perpetrator, and that the student can safely return home.

3.3.4.1.2 report the alleged abuse immediately to Children's Aid Society, if the student is under 18 years of age, the Police and the Director of Education.

3.3.4.1.3 use the Guideline for Providing Information to C.A.S. found in Appendix 2 and complete the Student Protection Reporting Form in Appendix 3 (refer to Form 6002) and forward to the Director of Education.

3.3.4.1.4 **not investigate** the allegation with the alleged perpetrator until directed by the Superintendent, so as not to compromise the integrity of the subsequent Police, Board and/or C.A.S. investigation.

3.3.4.1.5 **not inform the staff member** against whom an allegation has been made until directed by the Superintendent. An investigation by the C.A.S., Police and Board will follow. At the direction of the Superintendent, inform the employee **only that an allegation of abuse has been made** and that he/she is not to report for duty until further notice. The employee may be reassigned to duties outside of the school and not involving students.

3.3.4.1.6 advise the employee that the employee is required to attend a meeting under the requirements of the Student Protection Policy and that the employee is entitled to union representation at the meeting should the employee wish to arrange for such representation. This meeting should move forward as quickly as possible.

3.3.4.2 report to the Director of Education when an employee has:

3.3.4.2.1 been charged with or convicted of an offence under the Criminal Code (Canada) involving sexual conduct and minors;

3.3.4.2.2 been charged with or convicted of an offence under the Criminal Code (Canada);



**3.0 Procedures (cont'd)**

3.3.4.2.3 engaged in conduct or taken action that, in the opinion of the principal/ supervisor, may be deemed inappropriate and contrary to the expectations of employment; or

3.3.4.2.4 engaged in conduct or action that, in the opinion of the principal/supervisor, should be reported to the College of Teachers or other applicable regulatory colleges.

3.3.4.3 If charges are laid against an employee, the Principal must:

3.3.4.3.1 in consultation with the Superintendent, prepare a statement to be read to staff and students regarding the reasons the staff member is no longer at the school. The statement will present only the publicly known facts and it will respect the confidentiality of the person or persons who have made the allegations;

3.3.4.3.2 where appropriate, arrange for Student Services staff to provide counselling for students and ensure, specifically, the ongoing support for student victims;

3.3.4.3.3 under the direction of the Superintendent, notify the community that a staff member has been charged. Remember that confidentiality is important and only publicly known facts should be discussed;

3.3.4.3.4 document all conversations and actions taken and forward this documentation to the Director of Education;

3.3.4.3.5 remember that all written records may be subject to subpoena or disclosure in court; and

3.3.4.3.6 in order to assist the staff with the situation, inform them of the services provided by the Employee Assistance Program.

3.3.5 Responsibilities of the Board

3.3.5.1 The Board, through the Director/designate, has the responsibility to:

3.3.5.2 ensure that an investigation of the allegation and of the employee involved has occurred;

3.3.5.3 ensure that every effort is made to provide the student/victim with support and protection;

3.3.5.4 respect the confidentiality and privacy interests of all affected parties;

**3.0 Procedures (cont'd)**

- 3.3.5.5 exchange information and co-operate with C.A.S./Police investigation to ensure that there are no other victims;
- 3.3.5.6 conduct an internal investigation, pending an ongoing C.A.S./Police investigation, review the circumstances surrounding the allegations, pending a determination respecting the allegations against the employee to determine whether, during the interim, it is appropriate to permit the employee to continue to work, either in the original workplace or elsewhere provided that other work is available. Alternatively, the employee may be assigned to home duties with pay or temporarily released from duties without pay;
- 3.3.5.7 revisit, from time to time, the interim placement of the employee to determine if circumstances would support a different interim placement;
- 3.3.5.8 provide to the employee, through the Superintendent of Education, Human Resources, official written notification of its decision regarding the interim employment status of the employee;
- 3.3.5.9 review the status of the employee upon completion of the following investigation of the C.A.S./Police, the Board, and the College of Teachers or acquittal, conviction, or where no criminal investigation has been undertaken;
- 3.3.5.10 report in writing when the employee is a teacher or temporary teacher to the Ontario College of Teachers:
  - 3.3.5.10.1 has been charged or convicted of an offence under the Criminal Code (Canada) involving sexual conduct and minors;
  - 3.3.5.10.2 has been charged with or convicted of an offence under the Criminal Code (Canada) that in the opinion of the employer indicated that the students may be at risk of harm or injury; or
  - 3.3.5.10.3 has engaged in conduct or taken action that, in the opinion of the employer, should be reviewed by a committee of the College (Bill 101, Student Protection Act (2002) 43.3).
  - 3.3.5.10.4 Report in writing to other professional colleges governed by the Regulated Health Professions Act, 1991, and the Social Work and Social Service Work Act, 1998.

### 3.0 **Procedures (cont'd)**

3.3.5.11 dismiss the employee if:

3.3.5.11.1 the employee is convicted of any offence which is deemed inconsistent with his/her employment obligation;

3.3.5.11.2 it is determined by an internal investigation of the Board that the circumstances justify the dismissal of the employee.

3.3.5.12 inform Board employees, volunteers, and service providers under contract with the Board that they are prohibited from entering into a date relationship with a student during the course of the professional relationship or for a period of two years following secondary school graduation.

### 4.0 **Sources**

- Child Youth and Family Services Act, (2017)
- Ministry of Community and Social Services, Reporting Child Abuse and Neglect, (2010)
- Ontario Ministry of the Attorney General, Protecting Our Students (Robins Report), (2000)
- Bill 101, Student Protection Act, (2002)
- Standards of Practice for the Teaching Profession (Ontario College of Teachers), (2014)
- Criminal Code of Canada
- Police/School Board Protocol, 2016
- Ontario College of Teachers – Provincial Advisory – Professional Misconduct Related to Sexual Abuse and Sexual Misconduct, (September 27, 2002)
- Teaching Profession Act, 2006
- Regulated Health Professions Act, (1991) Amended 2013
- Social Work and Social Services Work Act, (1998) Amended 2010
- Accepting School Act, (2012)
- Provincial Code of Conduct, (2012)
- Inquest Touching the Death of Jeffrey Baldwin (2014)
- ~~Durham Children's Aid Society (C.A.S.) Tel: 905-433-1551 or 1-800-461-8140~~
- ~~Durham Regional Police Services Tel: 905-579-1520~~

### 5.0 **References**

- Student Protection Policy (PO607)
- Student Protection Administrative Procedure (AP607-1)
- Code of Conduct Policy (PO610)
- Code of Conduct Administrative Procedure (AP610-1)
- Student Discipline Policy (PO611)
- Student Discipline Administrative Procedure (AP611-1)
- Workplace Violence Policy (PO324)
- Workplace Violence Prevention Administrative Procedure (AP324-1)
- Sexual Harassment Policy (PO307)

## **6.0 Related Forms/Appendices**

- Student Protection Reporting Form (6002)
- Appendix 1 – Resource Document on Student Protection
- Appendix 2 – A Guideline for Providing Information to C.A.S.
- Appendix 3 – Student Protection Reporting Form

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## Appendix 1

### Resource Document on Student Protection

#### What is Reportable Child Abuse?

In situations where reasonable grounds exist to suspect child abuse, we must ensure that we report all **suspicion of abuse** with any available **supporting information**.

**“Suspicion of abuse”** includes all explicit, factual information.

**“Supporting information”** may be behavioural or incidental in nature and might also indicate abuse.

School Principals, Student Services personnel (e.g., Social Workers, Child and Youth Counsellors) and the Children’s Aid Society (C.A.S.), are available for consultation if you are faced with an ambiguous situation.

***The Child and Family Services Act*** (2001) (C.F.S.A.) specifies that a child “is in need of protection” (i.e., has suffered child abuse) which is referred to as “child abuse” in both this Administrative Procedure and the Student Protection Policy.

1. The child has suffered **physical** harm, inflicted by the person having charge of the child or caused by or resulting from that person’s:
  - a) failure to adequately care for, provide for, supervise or protect the child, or
  - b) pattern of neglect in caring for, providing for, supervising, or protecting the child.
2. There is a **risk** that the child is likely to suffer **physical harm** inflicted by the person having charge of the child or caused by or resulting from that person’s:
  - a) failure to adequately care for, provide for, supervise or protect the child, or
  - b) pattern of neglect in caring for, providing for, supervising or protecting the child.
3. The child has been **sexually molested** or **sexually exploited** by the person having charge of the child or by another person where the person having charge of the child knows or should know of the possibility of sexual molestation or sexual exploitation and fails to protect the child.
4. There is a **risk** that the child is likely to be **sexually molested** or **sexually exploited** as described in paragraph 3.
5. The child requires **medical treatment** to cure, prevent or alleviate physical harm or suffering and the child’s parent or the person having charge of the child **does not provide**, or **refuses** or is **unavailable** or **unable to consent to**, the treatment.

**What is Reportable Child Abuse?** (Cont'd)

6. The child has suffered **emotional harm**, demonstrated by serious:

- a) anxiety
- b) depression
- c) withdrawal
- d) self-destructive or aggressive behaviour, or
- e) delayed development, and

there are **reasonable grounds** to believe that the **emotional harm** suffered by the child results from the actions, failure to act, or pattern of neglect on the part of the child's parent or the person having charge of the child.

7. The child has suffered **emotional harm** of the kind described above in section 6 and the child's **parent or the person having charge of the child does not provide, or refuses or is unavailable or unable to consent to, services or treatment to remedy or alleviate the harm.**
8. There is a **risk** that the child is likely to suffer **emotional harm** of the kind described above in section 6 **resulting from the actions, failure to act or pattern of neglect on the part of the child's parent or the person having charge of the child.**
9. There is a **risk** that the child is likely to suffer **emotional harm** of the kind described above in section 6 and that the child's **parent or the person having charge of the child does not provide, or refuses or is unavailable or unable to consent to, services or treatment to prevent the harm.**
10. The child suffers from a **mental, emotional, or developmental condition** that, if not remedied, **could seriously impair the child's development** and the child's **parent or the person having charge of the child does not provide, or refuses or is unavailable or unable to consent to, treatment to remedy or alleviate the condition.**
11. The child has been **abandoned**, the child's parent has died or is unavailable to exercise his or her custodial rights over the child and **has not made adequate provision for the child's care and custody**, or the child is in a **residential placement** and the parent **refuses or is unable or unwilling to resume the child's care and custody.**
12. The child is **less than 12 years old and has killed or seriously injured another person or caused serious damage to another person's property**, services or treatment are necessary to prevent a recurrence, and the child's parent or the person having charge of the child does not provide, or refuses or is unavailable or unable to consent to, those services or treatment.
13. The child is **less than 12 years old and has on more than one occasion injured another person or caused loss or damage to another person's property**, with the encouragement of the person having charge of the child or because of that person's failure or inability to supervise the child adequately. (CFSA s.72.1)

**Indicators of Possible Child Abuse**

The following indicators, while not exhaustive, may provide “reasonable grounds” to suspect that a child is being abused. The presence of these and other physical indicators should be treated very seriously.

**Physical Abuse: Possible Indicators**

1. Student reports being injured.
2. Unexplained bruises and welts, especially those:
  - on face, back, buttocks or thighs;
  - in various stages of healing;
  - in the shape of an instrument, such as a belt, hair brush, etc.;
  - in the shape of a hand, fingers
3. Unexplained fractures, especially:
  - to skull or face;
  - in various stages of healing;
  - multiple fractures;
  - repeated injury
4. Unexplained burns:
  - burns that appear to be cigarette burns (to hands, feet, back or buttocks);
  - immersion burns or scalds (sock-like or glove-like shape);
  - burns patterned like an electric burner, iron, etc.;
  - rope burns (arms, legs, torso)
5. Unlikely or inconsistent explanations for bruises, burns, etc.; denial that these injuries exist.
6. Unexplained, prolonged absence (parent/guardian may keep child at home while injuries heal).
7. Has received no apparent medical attention for an injury.
8. Child witnesses domestic violence.

**Neglect: Possible Indicators**

1. Poor personal hygiene
2. Foraging for food
3. Lack of lunch
4. unkempt appearance
5. Often hungry
6. Often home alone
7. Inappropriately dressed for winter



**Indicators of Possible Child Abuse** (Cont'd)**Emotional Abuse: Possible Indicators**

1. Child appears sad and/or anxious much of the time
2. Child cries easily
3. Child appears to have a sense of low self-worth
4. Child makes self-deprecating comments
5. Child plays by self, has few friends
6. Child witnesses family violence

**Note:** Neglect and Emotional Abuse are probably the most difficult areas to determine. The above indicators may be the result of a number of conditions or situations. A pattern of a combination of these indicators over a period of time should be observed in order to provide “reasonable grounds” to suspect that a child is being emotionally abused or neglected.

**Sexual Abuse: Possible Indicators**

1. Student reports being sexually abused.
2. Indication of age-inappropriate sexual knowledge and behaviour (may be reflected in drawings, verbal statements, play with peers or toys).
3. Difficulty in sitting or walking; genital area discomfort.
4. Exposure to pornography.
5. Questions about pregnancy, STDs, etc.
6. Unwillingness to change, participate in gym.
7. Excessive fear or avoidance of men.

**Child Sexual Behaviour – Normal Experimentation vs. Potential Sexual Abuse**

According to the Children’s Aid Society (Minimal Practice Standard on Child Sexual Behaviour), when intervening they must determine whether the sexual behavior is the result of normal childhood curiosity and experimentation or potential sexual abuse.

Children may display sexual behaviours or engage in sexual activity with other children beyond their developmental stage and knowledge. Potential sexual abuse and normal childhood experimentation can be differentiated in the following ways:

**Childhood Experimentation**

- Sexual behaviour does not preoccupy the children.
- Children feel free to “take it or leave it”; no force, bribery, or trickery is involved.
- The age or power differential between the children is minimal.
- Sexual behaviour tends to involve undressing and observation.

## **Child Sexual Behaviour – Normal Experimentation vs. Potential Sexual Abuse** (Cont'd)

### **Potential Sexual Abuse**

- Force and/or bribery and/or threats are involved.
- Moderate to significant difference of age, power or maturity between the children is present.
- Sexual activity between children is more adult-like in nature, such as attempted or simulated intercourse or oral sex; such children may have been prematurely exposed to sexual knowledge through pornography, purposeful demonstration or accidental observations, or have been victims of sexual abuse.

**If the victim and/or the alleged perpetrator involved in the sexual behavior exhibits indicators that would lead you to suspect that they themselves may have been sexually abused, the Children Aid's Society must be contacted.**

## Appendix 2

### A Guideline for Providing Information to C.A.S.

(Some of the information about the student will be found in the O.S.R. and/or emergency form)

Name of Student:		Date of Birth:
Address:		
Child Lives with: <input type="checkbox"/> Mother <input type="checkbox"/> Father <input type="checkbox"/> Both		
Mother's Name		
Address (if different from child's):		Phone #
Father's Name		
Address (if different from above):		Phone #
Siblings: (Please indicate if siblings are known as C.A.S. will need to investigate other children in the family)		
Name:	School:	Age:
Name:	School:	Age:
Name:	School:	Age:

Please provide as much of the following factual information as possible and record the information in writing:

- specify why a report is being made at this time;
- state your relationship to the child and family;
- indicate what you heard from the child and what you observed, i.e., where and when the allegation took place and who the alleged abuser is (if stated). **If the alleged abuser is a member of the child's family, this is very important information for C.A.S. to follow-up with respect to the child's safety;**
- offer any facts, such as relevant dates, descriptions of the child, information about the family;
- provide any other relevant background information, if known, e.g., knowledge of other agency or community involvement of the child and/or family;
- if appropriate, obtain a written account of the incident from the student.

**A report with relevant information will assist C.A.S. in determining whether to investigate and will provide better protection for a child at risk.**

## Appendix 3

(refer to Form 6002)

# Durham Catholic District School Board

## Student Protection Reporting Form

(To be completed by Principal/Designate and forwarded to the Director of Education and Superintendent of Family of Schools within 24 hours)

Date:	Time:	
Name of Student:	DOB: (Year/Month/Date)	
Address:	Phone #:	
School:	Grade:	
Any other children at home:		
Name:	Age:	
Name:	Age:	
Name:	Age:	
<b>Disclosure</b>		
Suspected abuse reported by:		
Position:		
Nature of Disclosure: <input type="checkbox"/> Sexual <input type="checkbox"/> Emotional <input type="checkbox"/> Physical <input type="checkbox"/> Failure to seek medical treatment		
Suspected Abuser: _____ Is the individual a Board employee? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Description (facts surrounding the disclosure)		
<b>Action Taken</b>		
Date: Time:	Name of CAS Worker Contacted:	Action Taken/Consultation with: Date:
Principal Signature		Date:



Durham Catholic District School

Board "The Board"

# Policy

Title: <b>Code of Conduct</b>	Policy #: <b>PO610</b>
Policy Area:	Student Conduct and Safety
Source:	Superintendent of Education – Safe Schools
Date Approved:	April 14, 2008
Dates of Amendment:	November 11, 2013 (Interim); May 12, 2014

## 1.0 Introduction

~~A school should be a place that~~ **Schools in the Durham Catholic District School Board** promote responsibility, respect, civility, and academic excellence in a safe learning and teaching environment. A positive school climate exists when all members of the school community feel safe, comfortable, and accepted **and actively promote positive behaviours and interactions.**

All students, parents/guardians, teachers, other staff members, trustees, volunteers, visitors, parish and community members have the right to be safe, and to feel safe, in their school community. With this right comes the responsibility to contribute to a positive school climate.

**The Durham Catholic District School Board and its schools focus on prevention, early intervention and progressive discipline as the key to maintaining a positive school environment in which students can learn and teachers can teach. When inappropriate behaviour occurs, schools in the Board will be required to utilize a range of interventions, supports and consequences that are developmentally appropriate, that include opportunities for students to learn from mistakes, and that focus on improving behaviour. In some circumstances, short term suspension may be a useful tool. In the case of a serious incident, long-term suspension or expulsion, which is further along the continuum of progressive discipline, may be the response that is required.**

~~Catechism of the Catholic Church in section 1807:~~

~~1807 \_\_\_\_\_ Justice is the moral virtue that consists in the constant and firm will to give their due to God and neighbour. Justice toward God is called the "virtue of religion." Justice toward men disposes one to respect the rights of each and to establish in human relationships the harmony that promotes equity with regard to persons and to the common good. The just man, often mentioned in the Sacred Scriptures, is distinguished by habitual right thinking and the uprightness of his conduct toward his neighbour. "You shall not be partial to the poor or defer to the great, but in righteousness shall you judge your neighbour."~~

## 1.0 **Introduction (cont'd)**

~~The promotion of the Catholic Social Teachings and the Catholic Graduate Expectations establishes our foundation. Through various strategies and initiatives such as Student Success and character development, along with the employment of prevention and intervention strategies to address inappropriate behaviour, fosters a positive school climate that supports academic achievement for all students. The Durham Catholic District School Board and its schools therefore focuses on prevention, early intervention and progressive discipline as the key to maintaining a positive school environment in which students can learn and teachers can teach.~~

~~When inappropriate behaviour occurs, schools in the Board will be required to utilize a range of interventions, supports and consequences that are developmentally appropriate, that include opportunities for students to learn from mistakes, and that focus on improving behaviour. In some circumstance, short term suspension may be a useful tool. In the case of a serious incident, long-term suspension or expulsion, which is further along the continuum of progressive discipline, may be the response that is required.~~

## 2.0 **Definitions**

The following definitions apply for the purposes of student discipline:

**Adult Pupil** – is a pupil who is 18 years or older, or 16 or 17 and has removed him/herself from parental control.

**Alternative Suspension Program (ASP)** – this program is provincially mandated where a pupil has been suspended for six (6) or more days.

**Arrest** – the taking of physical control or custody of a person by a peace officer or other person as empowered by statute or common law.

**Assaults Causing Bodily Harm** – the intentional application of force resulting in an injury requiring medical attention, but not including instances where medical attention is sought solely on a cautionary basis.

**Board Employee** – any person employed by any of the District School Boards who are a party to this protocol agreement on a temporary, part-time or full-time basis.

**Board Expulsion** – is an expulsion from all schools of the Board.

**Bullying** – means aggressive and typically repeated behaviour by a pupil where:

- (a) the behaviour is intended by the pupil to have the effect of, or the pupil 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

## 2.0 **Definitions (cont'd)**

- (b) the behaviour occurs in a context where there is a real or perceived power imbalance between the pupil 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;

For the purposes of the definition of “bullying”, behaviour includes the use of any physical, verbal, electronic, written or other means.

Cyber-bullying – for the purposes of the definition of cyber-bullying, this includes bullying by electronic means (commonly known as cyber-bullying), including:

- (a) creating a web page or a blog in which the creator assumes the identity of another person;
- (b) impersonating another person as the author of content or messages posted on the internet; and
- (c) communicating material electronically to more than one individual or posting material on a website that may be accessed by one or more individuals.

Aggressive behaviour may be intentional or unintentional, direct or indirect. It can take many forms, including physical, verbal, and social. If aggressive behaviour is physical, it may include hitting, pushing, slapping, and tripping. If it is verbal, it may include name calling, mocking, insults, threats, and sexist, racist, homophobic, or transphobic comments. If it is social, or relational, aggression, it is more subtle and may involve such behaviours as gossiping, spreading rumours, excluding others from a group, humiliating others with public gestures or graffiti, and shunning or ignoring. Social aggression may also occur through the use of technology (e.g., spreading rumours, images, or hurtful comments through the use of e-mail, cell phones, text messaging, Internet websites, social networking, or other technology).

**Child** – a person who is, or appears to be in the absence of evidence to the contrary, less than twelve years of age, except with reference to the Child **Youth** and Family Services Act (CYFSA), wherein child is defined as any person under the age of sixteen.

**Child Abuse** – an act or omission resulting in or reasonably leading an individual to believe a child is at risk of being a “child in need of protection” as defined in the Child **Youth** and Family Services Act. (CYFSA)

**Child and Family Services Review Board (CFSRB)** – The Child and Family Services Review Board is the body empowered to hear Appeals of Expulsions imposed by a District School Board as per the Education Act and Regulations.

**Criminal Harassment** – any course of conduct intended or resulting in a person feeling tormented, troubled, worried continually or chronically, plagued, bedeviled, badgered, vexed, or annoyed continually or chronically such that police or legal authorities believe the conduct is of sufficient severity that criminal charges are or may be laid.

## 2.0 **Definitions (cont'd)**

**Daily Care** – a person with daily care is an adult person (18 years of age or older) who is not the custodial parent/guardian of a pupil, who is less than 18 years old, but is a person who cares for the pupil on a daily basis and is known by the school to provide daily care, for example a relative.

**Detention (legal definition - not the school definition)** – includes both a deprivation of liberty or physical constraint other than arrest and a demand or direction by a person in authority other than a Board employee which may have significant legal consequences.

**Discipline Committee** – a committee of three or more trustees designated to determine suspension appeals and recommendations for expulsion.

**Expulsion** – an expulsion is a student's removal from school and related activities, academic and social, for a period of at least 21 days. A student may be expelled from his or her school only or all the schools of the Board.

**Expulsion Program** – if a student is expelled from all the schools of the Board, he or she must be assigned to a Board program for expelled students. The student and/or his or her parent(s) must notify the principal verbally or in writing that the student is committed to attending the program. Once the principal has received this notification, development of the Student Action Plan (SAP) must begin immediately.

**Extortion** – by threat, accusation, menace or violence inducing or attempting to induce any person to do or not to do something or to cause something to be done or not done.

**Gang** – two or more persons engaged in antisocial behaviour who form an allegiance for a common criminal purpose, and who individually or collectively are creating an atmosphere of fear and intimidation within a community.

**Harassment** – words, conduct or action that is directed at an individual that serves no legitimate purpose, and which annoys, alarms, or causes that individual emotional distress.

**Hate and/or Bias-Motivated Incidents** – any incident motivated or apparently or primarily motivated by hatred or bias towards an identifiable group (i.e. distinguished by colour, race, religion, or ethnic origin), or intended to incite or encourage bias or hatred against such a group.

**Impact of School Climate** – an incident or activity which has a negative impact on the school community.

**Incendiary Device** – any device or item used or intended to be used for the setting of fires other than for socially acceptable or reasonable purposes.

**Indictable Offence** – any offence under the Criminal Code, Controlled Drugs and Substances Act or other federal legislation upon which a prosecutor can and may choose to proceed by indictment.

**Medical Cannabis User** – a person who is authorized to possess cannabis for the person's own medical purposes in accordance with federal law.



## 2.0 **Definitions (cont'd)**

### **Mitigating and Other Factors:**

1. the student does not have the ability to control his or her behaviour;
2. the student does not have the ability to understand the foreseeable consequences of his or her behaviour; or
3. the continuing presence of the pupil in the school does not create an unacceptable risk to the safety of any person in the school.

### **Other Factors:**

1. the pupil's history;
2. whether a progressive discipline approach has been used with the pupil;
3. whether the activity for which the pupil may be or is being suspended or expelled was related to any harassment of the pupil because of his or her race, ethnic origin, religion, disability, gender or sexual orientation or to any other harassment;
4. how the suspension or expulsion would affect the pupil's ongoing education;
5. the age of the pupil; or
6. in the case of a pupil whom an individual education plan has been developed:
  - i. whether the behaviour was a manifestation of a disability identified in the pupil's individual education plan;
  - ii. whether appropriate individualized accommodation has been provided, and
  - iii. whether the suspension or expulsion is likely to result in an aggravation or worsening of the pupil's behaviour or conduct.

**Parent/Guardian** – where there is a reference to involving or informing a parent/guardian it means the custodial parent or guardian of a minor child who is not 16 or 17 and removed from parental control.

**Police Involvement** – the course of action determined to be appropriate by the police for the investigation of an incident to which they have been called, including any follow-up and proactive measures.

**Positive Practices** – the Board supports the use of positive practices such as: program modifications or accommodations; class placement; positive encouragement and reinforcement; individual peer and group counselling; conflict resolution; anti-bullying and violence prevention programs; sensitivity programs; and School, Board, and Community Support Programs.

**Principal Designate** – Board employee to whom authority and responsibility has been delegated by the school principal.

**Program for Expelled Students** – this program is provincially mandated for those students who are expelled from all the schools of the Board. Successful completion of the Program and the Student Action Plan is a requirement for the re-entry of the student into the Board.

## 2.0 **Definitions (cont'd)**

**Progressive Discipline** – Progressive Discipline is a whole school approach that utilizes a continuum of interventions, supports and consequences to address inappropriate student behaviour and to build upon strategies that promote positive behaviours. Progressive Discipline may include, but not limited to, consultation; school community service; withdrawal of privileges; withdrawal from class; detention; restitution for damages; peer mediation; restorative practice; suspension; and/or expulsion.

**Requiring Medical Attention** – injury such that a physician's treatment is reasonably necessary or prudent.

**Robbery** – theft or intended theft, during which violence, threat of violence or a weapon is used or threatened.

**School Activity** – any Board or school sponsored activity, included but not limited to field trips, bus trips, sporting activities and dances.

**School Community** – the school community is composed of staff, pupils and parents of the school, and associate schools, as well as the community of people and businesses that are served by or located in the greater neighbourhood of the school.

**School Expulsion** – is an expulsion from the school of the Board that the pupil was attending at the time of the incident.

**School Premises** – school buildings and grounds including parking lots and playing fields.

**Sexual Assault** – touching of a person in a sexual manner without the informed and valid consent of the person touched.

**Student Action Plan (SAP)** – a Student Action Plan (SAP) must be developed for every student on a long-term suspension or expulsion from the board, who make a commitment to attend the board program.

**Suspension** – a suspension is a student's removal from school and related activities both academic and social for a period of at least one school day but not exceeding 20 school days.

**Suspension Appeal Committee** – a Suspension Appeal Committee is a Standing Committee of the Board consisting of three Trustees who will adjudicate Appeals.

**Threat** – any statement, act or communication intended or apparently intended to intimidate a person, in circumstances where the person threatened believes, or has reasonable grounds to believe, the threat may be carried out.

**Trafficking in Drugs** – the selling, administering, offering, transferring, transporting, sending or delivering of any unlawful or controlled drug or substance, or substance held out to be an unlawful or controlled substance, or authorization to obtain any unlawful or controlled drug or substance for use of or on behalf of another person, whether or not for consideration, or the offering to do any of the foregoing except as may be prescribed or dispensed to the person for medical reasons.

## 2.0 **Definitions (cont'd)**

**Trespass** – the attending at or presence on a private premise without permission of a person in authority having care and control of the premises or engaging in a prohibited activity thereon (e.g. Posting a “No Skateboarding” sign means that those skateboarding on that location are trespassing and can be removed).

**Vandalism** – the defacing, damaging or destruction of property.

**Weapons** – is any object or thing used, or threatened to be used, to intimidate, threaten or cause death or harm on another person, and includes, but is not limited to, knives, guns, replica guns, and animals.

## 3.0 **Purpose**

The provincial Code of Conduct sets clear provincial standards of behaviour. These standards of behaviour apply not only to students, but also to all individuals involved in the publicly funded school system whether they are on school property, on school buses, at school-related events or activities, or in other circumstances that could have an impact on the school climate.

The purpose of the Durham Catholic District School Board Code of Conduct Policy is:

1. to ensure that all members of the school community, especially people in positions of authority, are treated with respect and dignity;
2. to promote responsible citizenship by encouraging appropriate participation in the civic life of the school community;
3. to maintain an environment where conflict and difference can be addressed in a manner characterized by respect and civility;
4. to encourage the use of non-violent means to resolve conflict;
5. to promote the safety of people in the schools; and
6. to discourage the use of alcohol and illegal drugs.

This policy identifies the Code of Conduct for the Durham Catholic District School Board and provides direction to assist and ensure that every elementary and secondary school develops and maintains an approved Code of Conduct that communicates to all members of the school community acceptable behavioural expectations and consequences for infractions.

## 4.0 **Application/Scope**

The Board Code of Conduct is consistent with the Board’s belief, as expressed in its Mission Statement:

~~“The Durham Catholic District School Board, as a follower of Jesus, is a Catholic-Learning Community committed to educating students to contribute their God-given talents in service to others.”~~ **“ We are called to celebrate and nurture the God-given talents of each student as we serve with excellence in the light of Christ.”**

#### 4.0 **Application/Scope (cont'd)**

This policy is commensurate with the Education Act, the Provincial Code of Conduct, and the Durham Catholic District School Board Student Discipline Policy, ~~Code of Conduct Policy and School Safety Policy~~ which create expectations for behaviour for all persons on school property, during a school related activity or event, and/or in circumstances where a behaviour has an impact on the school climate. This policy applies to every person involved in the school system. It will be communicated to all students, parents or guardians, teachers, other staff members, volunteers and visitors annually. This policy will be reviewed every three years.

#### 5.0 **Principles**

- 5.1 The Board recognizes and accepts the authority of the Magisterium of the Roman Catholic Church in respect of matters of faith and morals, as it is entitled to do under section 93(1) of the Constitution Act, 1867 and sections 52 and 247.52.1a of the Education Act. The teachings of the Church will be taken into account in interpretation and application of this policy and any subsequent procedures emanating from this policy.
- 5.2 The Board recognizes the behaviour within our school communities should be in accordance with the Gospel values of Jesus Christ, the Board's Mission Statement, the Curriculum Expectations and the requirements set forth by the Education Act and the applicable Regulations.
- 5.3 The Board recognizes that each school community shall in accordance with the Education Act and Regulations establish a School Code of Conduct congruent with this Policy and its applicable procedures. The duties of Principals, teachers and students and the rights of all members of the school community are defined in the Education Act and Regulations.
- 5.4 The Board recognizes that the Principal, subject to the authority of the appropriate Supervisory Officer is in charge of the school and may take specific disciplinary action as outlined in the Education Act, Regulations and respective Board Policy and Procedures.
- 5.5 The Board recognizes and affirms that the Principal has the sole discretion to decide if a pupil shall be subject to a suspension or recommended for an expulsion deemed in accordance with the Safe School Student Discipline Policy and Procedures.
- 5.6 The Board recognizes that responsible citizenship involves appropriate participation in the civic life of the school community.
- 5.7 The Board recognizes that members of the school community are expected to use non-violent means to resolve conflict.
- 5.8 The Board recognizes that physically aggressive behaviour is not a responsible way to interact with others.

## 5.0 **Principles (cont'd)**

- 5.9 The Board recognizes that the possession, use or threatened use of any object to injure another person endangers the safety of oneself and others.
- 5.10 The Board recognizes that alcohol and illegal drugs, **or cannabis, unless the pupil is a medical cannabis user**, are addictive and present a health hazard.
- 5.11 The Board recognizes that the school will work cooperatively with police, drug and alcohol agencies to promote prevention strategies and, where necessary, respond to school members who are in possession of, or under the influence of, alcohol or illegal drugs.
- 5.12 The Board recognizes that insults, disrespect, and other hurtful acts disrupt learning and teaching in a school community.
- 5.13 The Board recognizes that members of the school community have a responsibility to maintain an environment where conflict and difference can be addressed in a manner characterized by respect and civility.
- 5.14 The Board recognizes that parents/guardians, students who are at least 18 years of age or students who are 16 or 17 years of age, and have withdrawn from parental control, shall have recourse to the Appeal Procedures established for Suspensions and for Expulsions and that such Appeal Procedures shall be in accordance with the Education Act, the Regulations and this Policy and its applicable Procedures.
- 5.15 The Board recognizes that the school community is comprised of students, parents or guardians, teachers, other staff members, volunteers, visitors and that all should be involved in the development of the School Code of Conduct in cooperation with the Catholic School Council.

## 6.0 **Requirements**

- 6.1 The standards of behaviour in the Durham Catholic District School Board are consistent with the Provincial Code of Conduct.
- 6.2 The standards of behaviour are for all members of the school community (e.g., parent(s)/guardian(s), students, teachers, other staff, visitors, volunteers, trustees, parish and community members)
- 6.3 The standards of behaviour are for all persons on school property, during a school related activity or event, and/or in circumstances where a behaviour has an impact on the school climate (e.g., in school sports activities, on school buses, in off-site school- sponsored activities)

**6.0 Requirements (cont'd)**

6.3.1 **Standards of Behaviour** in the Durham Catholic District School Board include:

**6.3.1.1 Respect, Civility, and Responsible Citizenship**

6.3.1.1.1 All members of the school community must:

- 6.3.1.1.1.1 respect and comply with all applicable federal, provincial, and municipal laws;
- 6.3.1.1.1.2 demonstrate honesty and integrity;
- 6.3.1.1.1.3 respect differences in people, their ideas, and their opinions;
- 6.3.1.1.1.4 treat one another with dignity and respect at all times, and especially when there is disagreement;
- 6.3.1.1.1.5 respect and treat others fairly, regardless of, for example, race, ancestry, place of origin, colour, ethnic origin, citizenship, religion, gender, sexual orientation, age, or disability;
- 6.3.1.1.1.6 respect the rights of others;
- 6.3.1.1.1.7 show proper care and regard for school property and the property of others;
- 6.3.1.1.1.8 take appropriate measures to help those in need;
- 6.3.1.1.1.9 seek assistance from a member of the school staff, if necessary, to resolve conflict peacefully;
- 6.3.1.1.1.10 respect all members of the school community, especially persons in positions of authority;
- 6.3.1.1.1.11 respect the need of others to work in an environment that is conducive to learning and teaching;
- 6.3.1.1.1.12 not swear at a teacher or at another person in a position of authority.

**6.3.1.2 Safety**

6.3.1.2.1 All members of the Durham Catholic District School Board community must not:

- 6.3.1.2.1.1 engage in bullying behaviours;
- 6.3.1.2.1.2 commit sexual assault;
- 6.3.1.2.1.3 traffic weapons or illegal drugs;
- 6.3.1.2.1.4 give alcohol or cannabis to a minor;
- 6.3.1.2.1.5 commit robbery;

**6.0 Requirements (cont'd)**

- 6.3.1.2.1.6 be in possession of any weapon, including firearms;
- 6.3.1.2.1.7 use any object to threaten or intimidate another person;
- 6.3.1.2.1.8 cause injury to any person with an object;
- 6.3.1.2.1.9 be in possession of, or be under the influence of, ~~or provide others with~~ alcohol, **cannabis (unless the individual has been authorized to use cannabis for medical purposes)** or illegal drugs;
- 6.3.1.2.1.10 **provide others with alcohol or cannabis (unless the individual has been authorized to use cannabis for medical purposes);**
- 6.3.1.2.1.11 inflict or encourage others to inflict bodily harm on another person;
- 6.3.1.2.1.12 engage in hate propaganda and other forms of behaviour motivated by hate or bias; **and**
- 6.3.1.2.1.13 commit an act of vandalism that causes extensive damage to school property or to property located on the premises of the school

**6.3.1.3 Consequences of Behaviour** in the Durham Catholic District School Board:

- 6.3.1.3.1 Commensurate with our Student Discipline Policy, when inappropriate behaviour occurs schools are required to utilize a range of interventions, supports, and consequences that are developmentally appropriate that include opportunities for students to learn from mistakes, and that focus on improving behaviour. In some circumstances, short-term suspension may be a useful tool. In the case of a serious incident, long-term suspension or expulsion, which is further along the continuum of progressive discipline may be the response that is required.

## 6.0 **Requirements** (Cont'd)

### 6.4 **Suspension**

- 6.4.1 The infractions for which a suspension may be considered by the principal include:
- 6.4.1.1 uttering a threat to inflict serious bodily harm on another person;
  - 6.4.1.2 possessing alcohol, illegal drugs **or cannabis (unless the pupil is a medical cannabis user)**;
  - 6.4.1.3 being under the influence of alcohol, **illegal drugs, or cannabis (unless the pupil is a medical cannabis user)**;
  - 6.4.1.4 swearing at a teacher or at another person in a position of authority;
  - 6.4.1.5 committing an act of vandalism that causes extensive damage to school property at the pupil's school or to property located on the premises of the pupil's school;
  - 6.4.1.6 bullying;
  - 6.4.1.7 possession and/or use of tobacco products;
  - 6.4.1.8 uttering a racial slur or comment;
  - 6.4.1.9 sexual slurs or harassment;
  - ~~6.4.1.10 being in possession of or under the influence of drugs;~~
  - 6.4.1.10 disrespect towards or desecration of the religious dimension of the school; and/or
  - 6.4.1.11 conduct deemed to be unacceptable: e.g.
    - 6.4.1.11.1 Fighting
    - 6.4.1.11.2 Persistent tardiness and/or truancy including "skipping" classes
    - 6.4.1.11.3 Use of profane or improper language
    - 6.4.1.11.4 Persistent opposition to authority
    - 6.4.1.11.5 any other behaviours deemed to be unacceptable behaviours
- 6.4.2 A student may be suspended for a minimum of one (1) school day and a maximum of twenty (20) school days.

### 6.5 **Expulsion**

- 6.5.1 The infractions for which a principal shall suspend and may consider recommending to the Board that a pupil be expelled from the pupil's school or from all schools of the Board include:
- 6.5.1.1 possessing a weapon, including possessing a firearm;
  - 6.5.1.2 using a weapon to cause or to threaten bodily harm to another person;
  - 6.5.1.3 Bullying, if,
    - 6.5.1.3.1 the pupil has previously been suspended for engaging in bullying, and
    - 6.5.1.3.2 the pupil's continuing presence in the school creates an unacceptable risk to the safety of another person.



## 6.0 **Requirements** (Cont'd)

- 6.5.1.4 committing physical assault on another person that causes bodily harm requiring treatment by a medical practitioner;
- 6.5.1.5 committing sexual assault;
- 6.5.1.6 trafficking in weapons or restricted or illegal drugs;
- 6.5.1.7 committing robbery;
- 6.5.1.8 giving alcohol to a minor;
- 6.5.1.9 **Giving cannabis to a minor;**
- 6.5.1.10 engaging in activities or patterns of behaviour on or off school property that cause the pupil's continuing presence in the school to create an unacceptable risk to the physical or mental well-being of other person(s) in the school or Board;
- 6.5.1.11 engaging in activities on or off school property that have caused extensive damage to the property of the Board or to goods that are/were on Board property;
- 6.5.1.12 conduct deemed to be unacceptable:
  - 6.5.1.12.1 Any act considered by the Principal and Family of Schools Superintendent to be a serious violation of the Board or school Code of Conduct.

## 7.0 **Roles and Responsibilities**

### **Durham Catholic District School Board**

~~School Boards provide direction to their schools to ensure opportunity, academic excellence, and accountability in the education system. It is the responsibility of the D.C.D.S.B. to:~~

- ~~• model Christian behaviours founded in Catholic tradition;~~
- ~~• develop policies that set out how their schools will implement and enforce the provincial Code of Conduct and all other rules that they develop that are related to the provincial standards that promote and support respect, civility, responsible citizenship, and safety;~~
- ~~• review these policies regularly with students, staff, parents, volunteers, and the community;~~
- ~~• seek input from school councils, their Parent Involvement Committee, their Special Education Advisory Committee, parents, students, staff members, and the school community;~~
- ~~• establish a process that clearly communicates the provincial Code of Conduct and School Board Codes of Conduct to all parents, students, staff members, and members of the school community in order to obtain their commitment and support;~~
- ~~• develop effective intervention strategies and respond to all infractions related to the standards for respect, civility, responsible citizenship, and safety;~~
- ~~• provide opportunities for all of the staff to acquire the knowledge, skills, and attitudes necessary to develop and maintain academic excellence in a safe learning and teaching environment.~~

~~Wherever possible, Boards should collaborate to provide coordinated prevention and intervention programs and services, and should endeavour to share effective practices.~~

### **Principals**

## 7.0 **Roles and Responsibilities (cont'd)**

~~Under the direction of the Durham Catholic District School Board, principals take a leadership role in the daily operation of a school. They provide this leadership by:~~

- ~~• modeling Christian behaviours founded in Catholic tradition;~~
- ~~• demonstrating care for the school community and a commitment to academic excellence in a safe teaching and learning environment;~~
- ~~• demonstrating care for the school community and a commitment to academic excellence in a safe teaching and learning environment;~~
- ~~• holding everyone under their authority accountable for his or her behaviour and actions;~~
- ~~• empowering students to be positive leaders in their school and community;~~
- ~~• communicating regularly and meaningfully with all members of their school community.~~

### **Teachers and Other School Staff Members**

~~Under the leadership of their principals, teachers and other school staff members maintain order in the school and are expected to hold everyone to the highest standard of respectful and responsible behaviour. As role models, teachers and school staff uphold these high standards when they:~~

- ~~• model Christian behaviours founded in Catholic tradition;~~
- ~~• help students work to their full potential and develop their sense of self-worth;~~
- ~~• empower students to be positive leaders in their classroom, school, and community;~~
- ~~• communicate regularly and meaningfully with parents;~~
- ~~• maintain consistent standards of behaviour for all students;~~
- ~~• demonstrate respect for all students, staff, parents, volunteers, and the members of the school community;~~
- ~~• prepare students for the full responsibilities of citizenship.~~

### **Students**

~~Students are to be treated with respect and dignity. In return, they must demonstrate respect for themselves, for others, and for the responsibilities of citizenship through acceptable behaviour. Respect and responsibility are demonstrated when a student:~~

- ~~• models Christian behaviours founded in Catholic tradition;~~
- ~~• comes to school prepared, on time, and ready to learn;~~
- ~~• shows respect for himself or herself, for others, and for those in authority;~~
- ~~• refrains from bringing anything to school that may compromise the safety of others;~~
- ~~• follows the established rules and takes responsibility for his or her own actions.~~

### **Parents**

~~Parents play an important role in the education of their children, and can support the efforts of school staff in maintaining a safe and respectful learning environment for all students. Parents fulfill their role when they:~~

## 7.0 **Roles and Responsibilities (cont'd)**

- ~~support the values of our Catholic school system;~~
- ~~conduct themselves in an appropriate manner;~~
- ~~take responsibility and support the efforts of school staff in maintaining a safe and respectful learning environment for all students;~~
- ~~show an active interest in their child's school work and progress;~~
- ~~communicate regularly with the school;~~
- ~~help their child be neat, appropriately dressed, and prepared for school;~~
- ~~ensure that their child attends school regularly and on time;~~
- ~~promptly report to the school their child's absence or late arrival;~~
- ~~show that they are familiar with the provincial Code of Conduct, the Board's Code of Conduct, and school rules;~~
- ~~encourage and assist their child in following the rules of behaviour;~~
- ~~assist school staff in dealing with disciplinary issues involving their child.~~

### **Community Partners and the Police**

~~Through outreach, partnerships already in place may be enhanced and new partnerships with community agencies and members of the community (e.g., Aboriginal Elders) may also be created. Community agencies are resources that boards can use to deliver prevention or intervention programs. Protocols are effective ways of establishing linkages between boards and community agencies and of formalizing the relationship between them. These partnerships must respect all applicable collective agreements.~~

~~The police play an essential role in making our schools and communities safer. The police investigate incidents in accordance with the protocol developed with the local school board. These protocols are based on a provincial model that was developed by the Ministry of the Solicitor General and the Ministry of Education.~~

## 7.1 **Durham Catholic District School Board**

7.1.1 **The Durham Catholic District School Board provides direction to the schools to ensure opportunity, academic excellence, and accountability in the education system. It is the responsibility of Durham Catholic District School Board to:**

7.1.1.1 **model Christian behaviours founded in Catholic tradition;**

7.1.1.1.1 **develop policies that set out how their schools will implement and enforce the provincial Code of Conduct and all other rules that they develop that are related to the provincial standards that promote and support respect, civility, responsible citizenship, and safety;**

7.1.1.1.2 **review these policies regularly with students, staff, parents, volunteers, and the community;**

## 7.0 **Roles and Responsibilities (cont'd)**

- 7.1.1.1.3 seek input from school councils, the Board's Parent Involvement Committee, the Special Education Advisory Committee, Indigenous Education Advisory Committee, parents, students, staff members, and the school community;
- 7.1.1.1.4 establish a process that clearly communicates the provincial Code of Conduct and School Board Codes of Conduct to all parents, students, staff members, and members of the school community in order to obtain their commitment and support;
- 7.1.1.1.5 develop effective intervention strategies and respond to all infractions related to the standards for respect, civility, responsible citizenship, and safety;
- 7.1.1.1.6 provide opportunities for all of the staff to acquire the knowledge, skills, and attitudes necessary to develop and maintain academic excellence in a safe learning and teaching environment; and
- 7.1.1.1.7 wherever possible, collaborate with other Boards to provide coordinated prevention and intervention programs and services, and should endeavor to share effective practices.

## 7.2 Principals

- 7.2.1 Under the direction of the Durham Catholic District School Board, principals take a leadership role in the daily operation of a school. It is the responsibility of the Principal to:
  - 7.2.1.1 model Christian behaviours founded in Catholic tradition;
  - 7.2.1.2 demonstrate care for the school community and a commitment to student achievement and well-being in a safe, inclusive and accepting learning environment;
  - 7.2.1.3 hold everyone under his/her authority accountable for his or her behaviour and actions;
  - 7.2.1.4 empower students to be positive leaders in their school and community; and
  - 7.2.1.5 communicate regularly and meaningfully with all members of the school community.

**7.0 Roles and Responsibilities (cont'd)****7.3 Teachers and Other School Staff Members**

7.3.1 Under the leadership of their principals, teachers and other school staff members maintain a positive learning environment and are expected to hold everyone to the highest standard of respectful and responsible behaviour. As role models, it is the responsibility of teachers and school staff to uphold these high standards by:

- 7.3.1.1 modeling Christian behaviours founded in Catholic tradition;
  - 7.3.1.1.1 helping students work to their full potential and develop their sense of self-worth;
  - 7.3.1.1.2 empowering students to be positive leaders in their classroom, school, and community;
  - 7.3.1.1.3 communicating regularly and meaningfully with parents;
  - 7.3.1.1.4 maintain consistent standards of behaviour for all students;
  - 7.3.1.1.5 demonstrating respect for all students, staff, parents, volunteers, and the members of the school community; and
  - 7.3.1.1.6 preparing students for the full responsibilities of citizenship.

**7.4 Students**

7.4.1 Students are to be treated with respect and dignity. In return, they must demonstrate respect for themselves, for others, and for the responsibilities of citizenship through acceptable behaviour. Respect and responsibility are demonstrated when students:

- 7.4.1.1 model Christian behaviours founded in Catholic tradition;
- 7.4.1.2 come to school prepared, on time, and ready to learn;
- 7.4.1.3 show respect for themselves, for others, and for those in authority;
- 7.4.1.4 refrain from bringing anything to school that may compromise the safety of others; and
- 7.4.1.5 follow the established rules and takes responsibility for their own actions.

**7.5 Parents**

7.5.1 Parents play an important role in the education of their children, and can support the efforts of school staff in maintaining a safe and respectful learning environment for all students. Parents fulfill their role when they:

- 7.5.1.1 support the values of our Catholic school system;
- 7.5.1.2 are engaged in their child's schoolwork and progress;

## 7.0 **Roles and Responsibilities (cont'd)**

- 7.5.1.3 conduct themselves in an appropriate manner;
- 7.5.1.4 take responsibility and support the efforts of school staff in maintaining a safe and respectful learning environment for all students;
- 7.5.1.5 communicate regularly with the school;
- 7.5.1.6 help their child be neat, appropriately dressed, and prepared for school;
- 7.5.1.7 ensure that their child attends school regularly and on time;
- 7.5.1.8 promptly report to the school their child's absence or late arrival;
- 7.5.1.9 become familiar with the provincial Code of Conduct, the Board's Code of Conduct, and the school Code of Conduct;
- 7.5.1.10 encourage and assist their child in following the rules of behaviour; and
- 7.5.1.11 assist school staff in dealing with disciplinary issues involving their child.

### 7.6 Community Partners

- 7.6.1 Through outreach, partnerships already in place may be enhanced and new partnerships with community agencies and members of the community (e.g., Indigenous Elders) may also be created. Community based service providers are resources that schools can use to deliver prevention or intervention programs. Protocols are effective ways of establishing linkages between boards and community agencies and of formalizing the relationship between them. These partnerships must respect all applicable collective agreements.

### 7.7 Police

- 7.7.1 The police play an essential role in making our schools and communities safer. The police investigate incidents in accordance with Police/School Board Protocol. These protocols are based on a provincial model that was developed by the Ministry of the Community Safety and Correctional Services and the Ministry of Education.

## 8.0 **Sources**

- Education Act
- Accepting Schools Act, 2012
- ~~Education Amendment Act (Progressive Discipline and School Safety), 2007~~
- PPM 128 – Provincial Code of Conduct and School Board Code of Conduct
- PPM 144 – Bullying Prevention and Intervention Policy
- PPM 145 – Progressive Discipline and Promoting Positive Student Behaviour Policy
- ~~PPM 141 – School Board Programs for Students on Long-Term Suspension~~
- ~~PPM 142 – School Board Programs for Students Expelled~~
- Police/School Board Protocol (2016)

## **9.0 Related Administrative Procedures**

- Code of Conduct Administrative Procedure (AP610-1)
- Student Discipline Administrative Procedure (AP611-1)
- Bullying Prevention and Intervention Administrative Procedure (AP612-1)



## Administrative Procedure

Title: <b>Code of Conduct</b>	Procedure #: <b>AP610-1</b>
Administrative Area:	Student Conduct and Safety
Policy Reference:	Code of Conduct (PO610)
Date Approved:	April 14, 2008
Dates of Amendment:	November 11, 2013 (Interim); May 12, 2014

~~A school should be a place that promotes responsibility, respect, civility, and academic excellence in a safe learning and teaching environment. A positive school climate exists when all members of the school community feel safe, comfortable, and accepted.~~

~~All students, parents/guardians, teachers, other staff members, trustees, volunteers, visitors, parish and community members have the right to be safe, and to feel safe, in their school community. With this right comes the responsibility to contribute to a positive school climate.~~

~~The Durham Catholic District School Board and its schools focus on prevention, early intervention and progressive discipline as the key to maintaining a positive school environment in which students can learn and teachers can teach. When inappropriate behaviour occurs, schools in the Board will be required to utilize a range of interventions, supports and consequences that are developmentally appropriate, that include opportunities for students to learn from mistakes, and that focus on improving behaviour. In some circumstance, short term suspension may be a useful tool. In the case of a serious incident, long term suspension or expulsion, which is further along the continuum of progressive discipline, may be the response that is required.~~

### 1.0 **Purpose**

~~The provincial Code of Conduct sets clear provincial standards of behaviour. These standards of behaviour apply not only to students, but also to all individuals involved in the publicly funded school system whether they are on school property, on school buses, at school related events or activities, or in other circumstances that could have an impact on the school climate.~~

~~This policy~~ **The purpose of this Administrative Procedure** identifies the Code of Conduct for the Durham Catholic District School Board and provides direction to assist and ensure that every elementary and secondary school develops and maintains an approved Code of Conduct that communicates to all members of the school community acceptable behavioural expectations and consequences for infractions.



## 2.0 **Definitions**

~~The following definitions apply for the purposes of student discipline:~~

**Adult Pupil** – is a pupil who is 18 years or older, or 16 or 17 and has removed him/herself from parental control

**Alternative Suspension Program (ASP)** – This program is provincially mandated where a pupil has been suspended for six (6) or more days.

**Arrest** – the taking of physical control or custody of a person by a peace officer or other person as empowered by statute or common law.

**Assaults Causing Bodily Harm** – the intentional application of force resulting in an injury requiring medical attention, but not including instances where medical attention is sought solely on a cautionary basis.

**Board Employee** – any person employed by any of the District School Boards who are a party to this protocol agreement on a temporary, part-time or full-time basis.

**Board Expulsion** – is an expulsion from all schools of the Board.

**Bullying** – means aggressive and typically repeated behaviour by a pupil where:

- (a) the behaviour is intended by the pupil to have the effect of, or the pupil 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 pupil 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;

For the purposes of the definition of "bullying", behaviour includes the use of any physical, verbal, electronic, written or other means.

**Cyber-bullying** – for the purposes of the definition of cyber-bullying, this includes bullying by electronic means (commonly known as cyber-bullying), including,

- (a) creating a web page or a blog in which the creator assumes the identity of another person;
- (b) impersonating another person as the author of content or messages posted on the internet; and
- (c) communicating material electronically to more than one individual or posting material on a website that may be accessed by one or more individuals.

## 2.0 **Definitions** (Cont'd)

### **Bullying** (Cont'd)

Aggressive behaviour may be intentional or unintentional, direct or indirect. It can take many forms, including physical, verbal, and social. If aggressive behaviour is physical, it may include hitting, pushing, slapping, and tripping. If it is verbal, it may include name calling, mocking, insults, threats, and sexist, racist, homophobic, or transphobic comments. If it is social, or relational, aggression, it is more subtle and may involve such behaviours as gossiping, spreading rumours, excluding others from a group, humiliating others with public gestures or graffiti, and shunning or ignoring. Social aggression may also occur through the use of technology (e.g., spreading rumours, images, or hurtful comments through the use of e-mail, cell phones, text messaging, Internet websites, social networking, or other technology).

**Child** – according to the Youth Criminal Justice Act a child is defined as a person who is, or ~~appears to be~~ in the absence of evidence to the contrary, ~~appears to be~~ less than twelve years of age old. ~~except with reference to~~ Under the Child Youth and Family Services Act (CYFSA), ~~wherein~~ “a child in need of protection” is ~~child is~~ defined as any person under the age of ~~sixteen~~ 18. Consideration should be given in each situation as to which definition applies.

**Child Abuse** – an act or omission resulting in or reasonably leading an individual to believe a child is at risk of being a “child in need of protection” as defined in the Child Youth and Family Services Act. (CYFSA)

**Child and Family Services Review Board (CFSRB)** – The Child and Family Services Review Board is the body empowered to hear Appeals of Expulsions imposed by a District School Board as per the Education Act and Regulations.

**Criminal Harassment** – any course of conduct intended or resulting in a person feeling tormented, troubled, worried continually or chronically, plagued, bedeviled, badgered, vexed, or annoyed continually or chronically such that police or legal authorities believe the conduct is of sufficient severity that criminal charges are or may be laid.

**Daily Care and Control** – a person with daily care and control is an adult person (18 years of age or older) who is not the custodial parent/guardian of a pupil, who is less than 18 years old, but is a person who cares for the pupil on a daily basis and is known by the school to provide daily care, for example a relative.

**Detention (legal definition – not the school definition)** - includes both a deprivation of liberty or physical constraint other than arrest and a demand or direction by a person in authority other than a Board employee which may have significant legal consequences.

**Discipline Committee** – a committee of three or more trustees designated to determine suspension appeals and recommendations for expulsion.

**Expulsion** – An expulsion is a student’s removal from school and related activities, academic and social, for a period of at least 21 days. A student may be expelled from his or her school only or all the schools of the Board.

## 2.0 **Definitions** (Cont'd)

**Expulsion Program** – If a student is expelled from all the schools of the Board, he or she must be assigned to a Board program for expelled students. The student and/or his or her parent(s) must notify the principal verbally or in writing that the student is committed to attending the program. Once the principal has received this notification, development of the Student Action Plan (SAP) must begin immediately.

**Extortion** – by threat, accusation, menace or violence inducing or attempting to induce any person to do or not to do something or to cause something to be done or not done.

**Gang** – Two or more persons engaged in antisocial behaviour who form an allegiance for a common criminal purpose, and who individually or collectively are creating an atmosphere of fear and intimidation within a community.

**Harassment** – words, conduct or action that is directed at an individual that serves no legitimate purpose, and which annoys, alarms, or causes that individual emotional distress.

**Hate and/or Bias-Motivated Incidents** – any incident motivated or apparently or primarily motivated by hatred or bias towards an identifiable group (i.e. distinguished by colour, race, religion, or ethnic origin), or intended to incite or encourage bias or hatred against such a group.

**Impact of School Climate** – an incident or activity which has a negative impact on the school community.

**Incendiary Device** – any device or item used or intended to be used for the setting of fires other than for socially acceptable or reasonable purposes.

**Indictable Offence** – any offence under the Criminal Code, Controlled Drugs and Substances Act or other federal legislation upon which a prosecutor can and may choose to proceed by indictment.

**Medical Cannabis User** – a person who is authorized to possess cannabis for the person's own medical purposes in accordance with federal law.

### **Mitigating and Other Factors:**

1. The student does not have the ability to control his or her behaviour;
2. The student does not have the ability to understand the foreseeable consequences of his or her behaviour; or
3. The continuing presence of the pupil in the school does not create an unacceptable risk to the safety of any person in the school.

### **Other Factors**

1. The pupil's history;
2. Whether a progressive discipline approach has been used with the pupil;
3. Whether the activity for which the pupil may be or is being suspended or expelled was related to any harassment of the pupil because of his or her race, ethnic origin, religion, disability, gender or sexual orientation or to any other harassment;
4. How the suspension or expulsion would affect the pupil's ongoing education;
5. The age of the pupil

## 2.0 **Definitions** (Cont'd)

6. In the case of a pupil whom an individual education plan has been developed; or
  - i. whether the behaviour was a manifestation of a disability identified in the pupil's individual education plan;
  - ii. whether appropriate individualized accommodation has been provided, and
  - iii. whether the suspension or expulsion is likely to result in an aggravation or worsening of the pupil's behaviour or conduct.

**Parent/Guardian** – where there is a reference to involving or informing a parent/guardian it means the custodial parent or guardian of a minor child who is not 16 or 17 and removed from parental control.

**Police Involvement** – the course of action determined to be appropriate by the police for the investigation of an incident to which they have been called, including any follow-up and proactive measures.

**Positive Practices** – The Board supports the use of positive practices such as: program modifications or accommodations; class placement; positive encouragement and reinforcement; individual peer and group counselling; conflict resolution; anti-bullying and violence prevention programs; sensitivity programs; and School, Board, and Community Support Programs.

**Principal Designate** – Board employee to whom authority and responsibility has been delegated by the school principal.

**Program for Expelled Students** – This program is provincially mandated for those students who are expelled from all the schools of the Board. Successful completion of the Program and the Student Action Plan is a requirement for the re-entry of the student into the Board.

**Progressive Discipline** – Progressive Discipline is a whole school approach that utilizes a continuum of interventions, supports and consequences to address inappropriate student behaviour and to build upon strategies that promote positive behaviours. Progressive Discipline may include, but not limited to, consultation; school community service; withdrawal of privileges; withdrawal from class; detention; restitution for damages; peer mediation; restorative practice; suspension; and/or expulsion.

**Requiring Medical Attention** – injury such that a physician's treatment is reasonably necessary or prudent.

**Robbery** – theft or intended theft, during which violence, threat of violence or a weapon is used or threatened.

**School Activity** – any Board or school sponsored activity, included but not limited to field trips, bus trips, sporting activities and dances.

**School Community** – the school community is composed of staff, pupils and parents of the school, and associate schools, as well as the community of people and businesses that are served by or located in the greater neighbourhood of the school.

## 2.0 **Definitions** (Cont'd)

**School Expulsion** – is an expulsion from the school of the Board that the pupil was attending at the time of the incident.

**School Premises** – school buildings and grounds including parking lots and playing fields.

**Sexual Assault** – touching of a person in a sexual manner without the informed and valid consent of the person touched.

**Student Action Plan (SAP)** – A Student Action Plan (SAP) must be developed for every student on a long-term suspension or expulsion from the board, who make a commitment to attend the board program.

**Suspension** – A suspension is a student's removal from school and related activities both academic and social for a period of at least one school day but not exceeding 20 school days

**Suspension Appeal Committee** – a Suspension Appeal Committee is a Standing Committee of the Board consisting of three Trustees who will adjudicate Appeals.

**Threat** – any statement, act or communication intended or apparently intended to intimidate a person, in circumstances where the person threatened believes, or has reasonable grounds to believe, the threat may be carried out.

**Trafficking in Drugs** – the selling, administering, offering, transferring, transporting, sending or delivering of any unlawful or controlled drug or substance, or substance held out to be an unlawful or controlled substance, or authorization to obtain any unlawful or controlled drug or substance for use of or on behalf of another person, whether or not for consideration, or the offering to do any of the foregoing except as may be prescribed or dispensed to the person for medical reasons.

**Trespass** – the attending at or presence on a private premise without permission of a person in authority having care and control of the premises or engaging in a prohibited activity thereon (e.g. Posting a "No Skateboarding" sign means that those skateboarding on that location are trespassing and can be removed).

**Vandalism** – the defacing, damaging or destruction of property.

**Weapons** – is any object or thing used, or threatened to be used, to intimidate, threaten or cause death or harm on another person, and includes, but is not limited to, knives, guns, replica guns, and animals.

### 3.0 **Procedures**

#### 3.1 School Code of Conduct

3.1.1 ~~Schools~~ **Principals** in the Durham Catholic District School Board are required to:

3.1.1.1 ensure their **School** Code of Conduct reflects the Board and Provincial Code of Conduct;

3.1.1.2 inform staff members, students, parents, and the school community of the terms of the **School** Code of Conduct and School Board Codes of Conduct;

3.1.1.3 communicate the **School and Board** Code of Conduct to all members of staff annually and have them **review this Administrative Procedure as part of the annual Policy and Administrative Procedure Review and Acknowledgment requirement** ~~sign off on the “Employee Acknowledgement and Confirmation of Review Form”;~~

~~3.1.1.4~~ communicate the Code of Conduct to all students annually through the student agenda and have the parent sign-off on a Confirmation of Review Form; ~~and~~

~~3.1.1.5~~ ~~review the School Code of Conduct at least every three years.~~

**3.1.1.5** communicate the **School Code of Conduct** to all members of the **School Community**; and

**3.1.1.6** develop a communication plan that outlines how the **Code of Conduct** will be made clear to everyone including parents whose first language is not English.

3.1.2 The standards of behaviour in School Code of Conduct must be consistent with the Durham Catholic District School Board requirements. ~~In~~ **Principals** must reviewing the **School** Code of Conduct **every three years**. ~~Schools~~ **Principals** must consult with the Catholic School Council. They should also consult with a wide variety of stakeholders, including parents, ~~principals, teachers~~ **staff members**, students, ~~their Parent Involvement Committee, their~~ community partners, community agencies, members of ~~Aboriginal~~ **Indigenous** communities (e.g., Elders), and those groups that are traditionally not consulted.

3.1.3 School codes of conduct must:

3.1.3.1 include the standards stated in the Provincial and Board Code of Conduct;

3.1.3.2 set out standards of behaviour for all members of the school community (e.g., parent(s)/guardian(s), students, staff, visitors, volunteers);

3.1.3.3 link locally developed standards to the relevant provincial standards (e.g., school board rules for the use of electronic devices such as cell-phones could be linked to the provincial standard requiring those at school to “respect the need of others to work in an environment that is conducive to learning and teaching”

### 3.0 **Procedures (cont'd)**

- 3.1.3.4 indicate where and/or when these standards will apply (e.g., in school sports activities, on school buses, in off-site school-sponsored activities, or in circumstances where engaging in an activity could have a negative impact on the school climate); **and**
- 3.1.3.5 include procedures and timelines for review (reviews must be conducted at least every three years).
- ~~3.1.3.6 The School Code of Conducts must be communicated to all members of the school community. Principals must develop a communications plan that outlines how these standards will be made clear to everyone, including parents whose first language is a language other than English or French.~~

~~**Every school in the Durham Catholic District School Board will create a School Code of Conduct which shall:**~~

#### **3.1.4 Purpose of the Code of Conduct**

- 3.1.4.1 ~~Include a~~ **Statement of Purpose** ~~in accordance with~~ The Provincial Code of Conduct, Subsection 301(2) ~~and~~ sets out the purpose of the Code of Conduct, as follows:
  - 3.1.4.1.1 To ensure that all members of the school community, especially people in positions of authority, are treated with respect and dignity;
  - 3.1.4.1.2 To promote responsible citizenship by encouraging appropriate participation in the civic life of the school community;
  - 3.1.4.1.3 To maintain an environment where conflict and difference can be addressed in a manner characterized by respect and civility;
  - 3.1.4.1.4 To encourage the use of non-violent means to resolve conflict;
  - 3.1.4.1.5 To promote the safety of people in the schools;
  - 3.1.4.1.6 To discourage the use of alcohol, illegal drugs **and except by a medical cannabis user, cannabis; and**
  - 3.1.4.1.7 To prevent bullying in schools.**

#### ~~3.1.5 Include under~~ **Guiding Principles that:**

- 3.1.5.1 **The Guiding Principles of the School Code of Conduct are as follows:**
  - 3.1.5.1.1 Responsible citizenship involves appropriate participation in the civic life of the school community;

### 3.0 **Procedures (cont'd)**

- 3.1.5.1.2 Active and engaged citizens are aware of their rights, but more importantly, they accept responsibility for protecting their rights and the rights of others;
- 3.1.5.1.3 Members of the school community are expected to use non-violent means to resolve conflict;
- 3.1.5.1.4 Physically aggressive behaviour is not a responsible way to interact with others;
- 3.1.5.1.5 The possession, use or threatened use of any object to injure another person endangers the safety of oneself and others;
- 3.1.5.1.6 Alcohol and illegal drugs are addictive and present a health hazard;
- 3.1.5.1.7 The school will work cooperatively with police, drug and alcohol agencies to promote prevention strategies and, where necessary, respond to school members who are in possession of, or under the influence of, alcohol or illegal drugs;
- 3.1.5.1.8 Insults, disrespect, and other hurtful acts disrupt learning and teaching in a school community; and
- 3.1.5.1.9 Members of the school community have a responsibility to maintain an environment where conflict and difference can be addressed in a manner characterized by respect and civility.

#### 3.1.6 ~~Articulate the~~ Standards of Behaviour ~~which include~~ of the School Code of Conduct:

##### 3.1.6.1 Respect, Civility, and Responsible Citizenship

- 3.1.6.1.1 All members of the school community must:
  - 3.1.6.1.1.1 respect and comply with all applicable federal, provincial, and municipal laws;
  - 3.1.6.1.1.2 demonstrate honesty and integrity;
  - 3.1.6.1.1.3 respect differences in people, their ideas, and their opinions;
  - 3.1.6.1.1.4 treat one another with dignity and respect at all times, and especially when there is disagreement;
  - 3.1.6.1.1.5 respect and treat others fairly, regardless of, for example, race, ancestry, place of origin, colour, ethnic origin, citizenship, religion, gender, sexual orientation, age, or disability;
  - 3.1.6.1.1.6 respect the rights of others;
  - 3.1.6.1.1.7 show proper care and regard for school property and the property of others;



### 3.0 **Procedures (cont'd)**

- 3.1.6.1.1.8 take appropriate measures to help those in need;
- 3.1.6.1.1.9 seek assistance from a member of the school staff, if necessary, to resolve conflict peacefully;
- 3.1.6.1.1.10 respect all members of the school community, especially persons in positions of authority;
- 3.1.6.1.1.11 respect the need of others to work in an environment that is conducive to learning and teaching; and
- 3.1.6.1.1.12 not swear at a teacher or at another person in a position of authority.

#### 3.1.6.2 Safety

##### 3.1.6.2.1 All members of the school community must not:

- 3.1.6.2.1.1 engage in bullying behaviours;
- 3.1.6.2.1.2 commit sexual assault;
- 3.1.6.2.1.3 traffic weapons or illegal drugs
- 3.1.6.2.1.4 give alcohol **or cannabis** to a minor;
- 3.1.6.2.1.5 commit robbery;
- 3.1.6.2.1.6 be in possession of any weapon, including firearms;
- 3.1.6.2.1.7 use any object to threaten or intimidate another person;
- 3.1.6.2.1.8 cause injury to any person with an object;
- 3.1.6.2.1.9 be in possession of, or be under the influence of ~~or provide others with~~ alcohol, **cannabis (unless the individual has been authorized to use cannabis for medical purposes)** or illegal drugs;
- 3.1.6.2.1.10 **provide others with alcohol or cannabis (unless the individual has been authorized to use cannabis for medical purposes);**
- 3.1.6.2.1.11 inflict or encourage others to inflict bodily harm on another person;
- 3.1.6.2.1.12 engage in hate propaganda and other forms of behaviour motivated by hate or bias; **and**
- 3.1.6.2.1.13 commit an act of vandalism that causes extensive damage to school property or to property located on the premises of the school.

### 3.0 **Procedures (cont'd)**

#### 3.1.7 ~~Identify the~~ Consequences for Student Behaviour

3.1.7.1 Commensurate with our Durham Catholic District School Board Progressive Discipline Policy, when inappropriate behaviour occurs schools are required to utilize a range of interventions, supports, and consequences that are developmentally appropriate that include opportunities for students to learn from mistakes, and that focus on improving behaviour. In some circumstances, short- term suspension may be a useful tool. In the case of a serious incident, long-term suspension or expulsion, which is further along the continuum of progressive discipline may be the response that is required.

#### 3.1.7.2 Suspension

3.1.7.2.1 The infractions for which a suspension may be considered by the principal include:

- 3.1.7.2.1.1 uttering a threat to inflict serious bodily harm on another person;
- 3.1.7.2.1.2 possessing alcohol or illegal drugs **or cannabis (unless the pupil is a medical cannabis user);**
- 3.1.7.2.1.3 being under the influence of alcohol **or illegal drugs or cannabis (unless the pupil is a medical cannabis user);**
- 3.1.7.2.1.4 swearing at a teacher or at another person in a position of authority;
- 3.1.7.2.1.5 committing an act of vandalism that causes extensive damage to school property at the pupil's school or to property located on the premises of the pupil's school;
- 3.1.7.2.1.6 bullying;
- 3.1.7.2.1.7 possession and/or use of tobacco products;
- 3.1.7.2.1.8 uttering a racial slur or comment;
- 3.1.7.2.1.9 sexual slurs or harassment;

### 3.0 **Procedures** (Cont'd)

~~3.7.1.2.1.12 being in possession of or under the influence of drugs;~~

3.7.1.2.1.10 disrespect towards or desecration of the religious dimension of the school;  
or

3.7.1.2.1.11 conduct deemed to be unacceptable:  
e.g.

3.7.1.2.1.11.1 Fighting

3.7.1.2.1.11.2 Persistent tardiness  
and/or truancy including  
“skipping” classes

3.7.1.2.1.11.3 Use of profane or  
improper language

3.7.1.2.1.11.4 Persistent opposition to  
authority

3.7.1.2.1.11.5 any other behaviours  
deemed to be  
unacceptable  
behaviours

3.1.7.2.2 A student may be suspended for a minimum of one (1) school day and a maximum of twenty (20) school days.

#### 3.1.7.3 Expulsion

3.1.7.3.1 The infractions for which a principal shall suspend and may consider recommending to the Board that a pupil be expelled from the pupil's school or from all schools of the Board include:

3.1.7.3.1 Possessing a weapon, including  
possessing a firearm;

3.1.7.3.2 Using a weapon to cause or to threaten  
bodily harm to another person;

3.1.7.3.3 Bullying, if,

3.1.7.3.3.1 the pupil has previously  
been suspended for  
engaging in bullying, and

3.1.7.3.3.2 the pupil's continuing  
presence in the school  
creates an  
unacceptable risk to the  
safety of another  
person.

3.1.7.3.4 Committing physical assault on  
another person that causes bodily  
harm requiring treatment by a  
medical practitioner;

3.1.7.3.5 Committing sexual assault;

## 3.2 **Procedures** (Cont'd)

- 3.2.7.3.1 Trafficking in weapons or restricted or illegal drugs;
- 3.2.7.3.2 Committing robbery;
- 3.2.7.3.3 Giving alcohol to a minor;
- 3.2.7.3.4 Giving cannabis to a minor;
- 3.2.7.3.5 Engaging in activities or patterns of behaviour on or off school property that cause the pupil's continuing presence in the school to create an unacceptable risk to the physical or mental well-being of other person(s) in the school or Board;
- 3.2.7.3.6 Engaging in activities on or off school property that have caused extensive damage to the property of the Board or to goods that are/were on Board property;
- 3.2.7.3.7 Conduct deemed to be unacceptable:
  - 3.2.7.3.7.1 Any act considered by the Principal and Family of Schools Superintendent to be a serious violation of the Board or school Code of Conduct.

## 3.18 ~~Identify the~~ Roles and Responsibilities

### 3.18.1 Durham Catholic District School Board

- 3.18.1.1 The Durham Catholic District School Board provides direction to the schools to ensure opportunity, academic excellence, and accountability in the education system. It is the responsibility of **Durham Catholic District** School Board to:
  - 3.18.1.1.1 model Christian behaviours founded in Catholic tradition;
  - 3.18.1.1.2 develop policies that set out how their schools will implement and enforce the provincial Code of Conduct and all other rules that they develop that are related to the provincial standards that promote and support respect, civility, responsible citizenship, and safety;
  - 3.18.1.1.3 review these policies regularly with students, staff, parents, volunteers, and the community;

### 3.0 **Procedures** (Cont'd)

- 3.18.1.1.4 seek input from school councils, their ~~Board's~~ Parent Involvement Committee, their ~~Special Education Advisory Committee~~, ~~Indigenous Education Advisory Committee~~, parents, students, staff members, and the school community;
- 3.18.1.1.5 establish a process that clearly communicates the provincial Code of Conduct and School Board Codes of Conduct to all parents, students, staff members, and members of the school community in order to obtain their commitment and support;
- 3.18.1.1.6 develop effective intervention strategies and respond to all infractions related to the standards for respect, civility, responsible citizenship, and safety;
- 3.18.1.1.7 provide opportunities for all of the staff to acquire the knowledge, skills, and attitudes necessary to develop and maintain academic excellence in a safe learning and teaching environment; and
- 3.18.1.1.8 wherever possible, ~~Boards should~~ collaborate ~~with other Boards~~ to provide coordinated prevention and intervention programs and services, and should endeavor to share effective practices.

#### 3.18.2 Principals

- 3.18.2.1 Under the direction of the Durham Catholic District School Board, principals take a leadership role in the daily operation of a school. ~~They provide this leadership by~~ ~~It is the responsibility of the Principal to:~~
  - 3.18.2.1.1 modeling ~~ing~~ Christian behaviours founded in Catholic tradition;
  - 3.18.2.1.2 demonstrate care for the school community and a commitment to ~~student achievement and well-being in a safe, inclusive and accepting learning environment~~ ~~academic excellence in a safe teaching and learning environment~~;

## 3.0 **Procedures** (Cont'd)

- 3.18.2.1.3 ~~demonstrating care for the school community and a commitment to academic excellence in a safe teaching and learning environment;~~
- 3.18.2.1.4 holding everyone under ~~their~~ his/her authority accountable for his or her behaviour and actions;
- 3.18.2.1.5 empowering students to be positive leaders in their school and community; and
- 3.18.2.1.6 communicate regularly and meaningfully with all members of ~~their~~ school community.

### 3.18.3 Teachers and Other School Staff Members

3.18.3.1 Under the leadership of their principals, teachers and other school staff members maintain ~~order in the school~~ a positive learning environment and are expected to hold everyone to the highest standard of respectful and responsible behaviour. As role models, it is the responsibility of teachers and school staff to uphold these high standards ~~when they~~ by:

- 3.18.3.1.1 modeling Christian behaviours founded in Catholic tradition;
- 3.18.3.1.2 helping students work to their full potential and develop their sense of self- worth;
- 3.18.3.1.3 empowering students to be positive leaders in their classroom, school, and community;
- 3.18.3.1.4 communicating regularly and meaningfully with parents;
- 3.18.3.1.5 maintain consistent standards of behaviour for all students;
- 3.18.3.1.6 demonstrating respect for all students, staff, parents, volunteers, and the members of the school community; and
- 3.18.3.1.7 preparing students for the full responsibilities of citizenship.

### 3.0 **Procedures** (Cont'd)

#### 3.18.4 Students

3.18.4.1 Students are to be treated with respect and dignity. In return, they must demonstrate respect for themselves, for others, and for the responsibilities of citizenship through acceptable behaviour. Respect and responsibility are demonstrated when students:

- 3.18.4.1.1 model Christian behaviours founded in Catholic tradition;
- 3.18.4.1.2 come to school prepared, on time, and ready to learn;
- 3.18.4.1.3 show respect for ~~himself or herself~~ **themselves**, for others, and for those in authority;
- 3.18.4.1.4 refrain from bringing anything to school that may compromise the safety of others; and
- 3.18.4.1.5 follow the established rules and takes responsibility for ~~his or her~~ **their** own actions.

#### 3.18.5 Parents

3.18.5.1 Parents play an important role in the education of their children, and can support the efforts of school staff in maintaining a safe and respectful learning environment for all students. Parents fulfill their role when they:

- 3.18.5.1.1 support the values of our Catholic school system;
- 3.18.5.1.2 **are engaged in their child's schoolwork and progress;**
- 3.18.5.1.3 conduct themselves in an appropriate manner;
- 3.18.5.1.4 take responsibility and support the efforts of school staff in maintaining a safe and respectful learning environment for all students;
- ~~3.18.5.1.5 show an active interest in their child's school work and progress;~~
- 3.18.5.1.6 communicate regularly with the school;
- 3.18.5.1.7 help their child be neat, appropriately dressed, and prepared for school;
- 3.18.5.1.8 ensure that their child attends school regularly and on time;
- 3.18.5.1.9 promptly report to the school their child's absence or late arrival;

### 3.0 **Procedures** (Cont'd)

- 3.18.5.1.10 ~~show that they are~~ **become** familiar with the provincial Code of Conduct, the Board's Code of Conduct, and ~~the school rules~~ **Code of Conduct**;
- 3.18.5.1.11 encourage and assist their child in following the rules of behaviour; and
- 3.18.5.1.12 assist school staff in dealing with disciplinary issues involving their child.

#### 3.18.6 Community Partners ~~and the Police~~

- 3.18.6.1 Through outreach, partnerships already in place may be enhanced and new partnerships with community agencies and members of the community (e.g., ~~Aboriginal~~ **Indigenous** Elders) may also be created. Community ~~agencies based~~ **service providers** are resources that schools can use to deliver prevention or intervention programs. Protocols are effective ways of establishing linkages between boards and community agencies and of formalizing the relationship between them. These partnerships must respect all applicable collective agreements.

#### 3.18.7 **Police**

- 3.18.7.1 The police play an essential role in making our schools and communities safer. The police investigate incidents in accordance with ~~the protocol developed with the local school board~~ **Police/School Board Protocol**. These protocols are based on a provincial model that was developed by the Ministry of the ~~Solicitor General~~ **Community Safety and Correctional Services** and the Ministry of Education.

### 4.0 **Sources**

- Education Act
- **Accepting Schools Act, 2012**
- ~~Bill 212: Education Amendment Act (Progressive Discipline and School Safety), 2007~~
- PPM 128 - Provincial Code of Conduct **and School Board Code of Conduct**
- PPM 144 - Bullying Prevention and Intervention Policy
- PPM 145 – Progressive Discipline and Promoting Positive Student Behaviour Policy
- ~~PPM 141 – School Board Programs for Students on Long-Term Suspension~~
- ~~PPM 142 – School Board Programs for Students Expelled~~
- **Police/School Board Protocol, 2016**



## 5.0 **References**

- Code of Conduct Policy (PO610)
- Student Discipline Policy (PO611)
- Student Discipline Administrative Procedure (AP611-1)
- Bullying Prevention and Intervention Policy (PO612)
- Bullying Prevention and Intervention Administrative Procedure (AP612-1)

## 6.0 **Related Forms**

No related forms.



## Durham Catholic District School Board

"The Board"

# Policy

Title: <b>Student Discipline</b>	Policy #: <b>PO611</b>
Policy Area:	Student Conduct and Safety
Source:	Superintendent of Education – Safe Schools
Date Approved:	May 12, 2008
Dates of Amendment:	May 13, 2013; May 8, 2017

## 1.0 Introduction

All schools in the Durham Catholic District School Board promote spirituality, responsibility, respect, civility and academic excellence in a safe learning and teaching environment. A positive school climate exists when all members of a school community feel safe, comfortable and accepted. In order to ensure a positive school climate, the Durham Catholic District School Board Code of Conduct outlines expectations for all persons on school property.

Pursuant to the Education Act, principals are required to maintain proper order and discipline in schools, and pupils are responsible to the principal for their conduct and are required to accept such discipline as would be exercised by a reasonable, kind, firm, and judicious parent. A principal may delegate some disciplinary responsibilities to a vice-principal and/or a ~~designated teacher in charge~~ **teacher who has been delegated authority** of the school in accordance with the Education Act, Ministry of Education policies and Board procedures.

To meet the goal of creating a safe, caring and accepting school environment the Durham Catholic District School Board supports the use of progressive discipline which includes early and ongoing prevention and intervention strategies, progressive discipline consequences which include suspension and expulsion where necessary and restorative practices. The Board does not support discipline measures that are solely punitive. Schools are encouraged to implement proactive positive practices and corrective supportive practices when necessary.

## 2.0 Definitions

**Administrator** – a superintendent, principal or vice-principal with responsibility for the school in question.

**Adult Pupil** – a pupil at least 18 years old, or a pupil who is 16 or 17 years old who has withdrawn from parental control.

## 2.0 **Definitions (cont'd)**

**Alternative Suspension Program (ASP)** – a provincially mandated program for a pupil who has been suspended for six (6) or more days.

**Assault** – a person who directly or indirectly applies force intentionally to another person, or who attempts or threatens to do so.

**Assault Causing Bodily Harm** – the intentional application of force resulting in an injury requiring medical attention, but not including instances where medical attention is sought solely on a cautionary basis.

**Board Employee** – any person employed by the Durham Catholic District School Board on a temporary, part-time or full-time basis.

**Board Employees Who Work with Pupils** – administrators, teachers, educational assistants, and other professional and para-professional staff who have regular and direct duties with the Board's pupils.

**Bullying** – aggressive and typically repeated behaviour by a pupil where:

- the behaviour is intended by the pupil to have the effect of, or the pupil ought to know that the behaviour would be likely to have the effect of:
  - causing harm, fear or distress to another individual, including physical, psychological, social or academic harm, harm to the individual's reputation or harm to the individual's property; or
  - creating a negative environment at a school for another individual, and
- the behaviour occurs in a context where there is a real or perceived power imbalance between the pupil 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.
- bullying behaviour includes the use of any physical, verbal, electronic, written or other means.
- bullying by electronic means (commonly known as cyber-bullying) includes:
  - creating a web page or a blog in which the creator assumes the identity of another person;
  - impersonating another person as the author of content or messages posted on the Internet; and
  - communicating material electronically to more than one individual or posting material on the website that may be accessed by one or more individuals.

**Child** – according to the *Youth Criminal Justice Act* a child is defined as a person who is, or in the absence of evidence to the contrary, appears to be less than twelve years old. Under the *Child and Youth Family Services Act (CYFSA)*, a "child in need of protection" is defined as any person under the age of 16 ~~or between 16 and 18 if subject to a child protection order~~. Consideration should be given in each situation as to which definition applies.

## 2.0 **Definitions (cont'd)**

**Child Abuse** – an act or omission resulting in or reasonably leading an individual to believe a child is at risk of being a “child in need of protection” as defined in the CFSA.

**Child and Family Services Review Board (CFSRB)** – the Child and Family Services Review Board is the body empowered to hear appeals of Expulsions imposed by a District School Board as per the Education Act and Regulations.

**Consent to Order** – the form of Expulsion Hearing that follows from a Minutes of Settlement agreed to by parties involved in an Expulsion hearing. The Consent to Order replaces the formal Expulsion Hearing upon the agreement of both parties.

**Criminal Harassment** – conduct whereby: (1) a person repeatedly follows an individual from place to place or repeatedly communicates, directly or indirectly, by any means (including electronic means), with an individual, or watches the home or place of work of an individual, or engages in threatening conduct directed at a person or member of that person’s family; and (2) the victim of the criminal harassment is caused to reasonably, in the circumstances, fear for his or her safety.

**Daily Care** – an adult (18 years of age or older) who is not the custodial parent/guardian of a pupil (who is less than 18 years old) but is the person who cares for the pupil on a daily basis and is known by the school to provide daily care, for example a relative.

**Delegation of Authority of a Teacher** – a teacher delegated authority by the principal to undertake specified duties with respect to school safety and pupil discipline in the absence of administration.

**Discipline Committee** – a committee of three or more trustees designated to determine suspension appeals and recommendations for expulsion.

**Disproportionate Impact** – the result when discipline impacts a pupil to a greater degree in comparison to his or her peers as a result of factors related to grounds protected by the Ontario Human Rights Code.

**Expulsion** – the removal of a student from his/her school or from all schools of the Board and related school activities, for a period of at least 21 days.

**Extortion** – the use of threats, intimidation or violence towards a person to obtain something of value from that person or someone else, or to cause that person or someone else to do something.

**Gang – related occurrences** – incidents involving a group, consisting of three or more persons, however organized, having as one of its main purposes the commission or facilitation of a criminal offence in which any or all of the members engage.

**Harassment** – engaging in a course of vexatious comments or conduct that is known or ought reasonably been known to be unwelcome.

## 2.0 **Definitions (cont'd)**

**Hate and/or Bias-Motivated Occurrences** – incidents (e.g., involving statements, words, gestures) motivated by hatred or bias towards an identifiable group (i.e., a group distinguished by colour, race, religion, gender, sexual orientation or ethnic origin), that are publicly communicated and that are willfully intended to promote or incite bias or hatred against such a group.

**Human Trafficking** – the recruitment, transportation or harbouring of persons for the purpose of exploitation (typically in the sex industry or for forced labour). Traffickers use various methods to maintain control over their victims, including force, sexual assault, threats of violence and physical or emotional abuse.

**Manifestation of a Pupil's Disability** – behaviour that results from a pupil's disability and that a pupil does not intend.

**Medical Cannabis User** – a person who is authorized to possess cannabis for the person's own medical purposes in accordance with federal law.

**Minutes of Settlement** – the parties with respect to an expulsion recommendation (Administrator, Parent or Adult Student), can enter into Minutes of Settlement where they are in agreement with respect to the recommendation for an expulsion, and there-by waive their rights to a full hearing.

**Mitigating and Other Factors** – circumstances that must be considered by the board and school administrators in situations involving suspension and/or expulsion of a student, as required by the *Education Act* and as set out in Ontario Regulation 472/07.

### (a) **Mitigating Factors**

- i) The pupil does not have the ability to control his or her behaviour.
- ii) The pupil does not have the ability to understand the foreseeable consequences of his or her behaviour.

### (b) **Other Factors**

- i) The pupil's history.
- ii) Whether a progressive discipline approach has been used with the pupil.
- iii) Whether the activity for which the pupil may be or is being suspended or expelled was related to any harassment of the pupil because of his or her race, ethnic origin, religion, disability, gender or sexual orientation or to any other harassment.
- iv) How the suspension or expulsion would affect the pupil's ongoing education.
- v) The age of the pupil.
- vi) In the case of a pupil for whom an individual education plan has been developed:
  - i. Whether the behaviour was a manifestation of a disability identified in the pupil's individual education plan;
  - ii. Whether appropriate individualized accommodation has been provided, and
  - iii. Whether the suspension or expulsion is likely to result in an aggravation or worsening of the pupil's behaviour or conduct.

## 2.0 **Definitions (cont'd)**

**Negative impact on school climate** – a possible result of inappropriate activities or behaviours, whether those activities/behaviours occur inside or outside the school. Actions or behaviours that occur outside school may still have a negative impact on school climate.

**Ontario Human Rights Code (OHRC)** – The OHRC recognizes the importance of creating a climate of understanding and respect for the dignity of each person, so that each person can contribute fully to the development and well-being of the Community and Province. The Code guarantees the right to equal treatment in Education, without discrimination on the grounds of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, marital status, family status, disability.

**Parent/Legal Guardian** – a person legally entrusted with the care of, and managing the property and rights of, another person, usually a child/youth who is under the age of 18. Students who are 18 years of age or older, and students who are 16 or 17 years of age but have withdrawn from parental control, are considered to be adults.

**Police Involvement** – the course of action determined to be appropriate by the police for the investigation of an incident to which they have been called, including any follow-up and proactive measures.

**Principal Designate** – Vice-Principal or ~~teacher in charge~~ a teacher who has been delegated authority to whom authority and responsibility has been delegated by the school principal.

**Program for Expelled Students** – the provincially mandated program for those students who are expelled from all the schools of the Board.

**Progressive Discipline** – a whole school approach that utilizes a continuum of interventions, supports and consequences to address inappropriate student behaviour and to build upon strategies that promote positive behaviours. Progressive discipline may include, but is not limited to, consultation; school community service; withdrawal of privileges; withdrawal from class; detention; restitution for damages; peer mediation; restorative practice; suspension; and/or expulsion.

**Restorative Practices** – the belief that people are happier, more cooperative and productive and more likely to make positive changes to their behaviour when those in position of authority do things with them rather than to them or for them.

**Robbery** – the use of violence or threats of violence to steal money or other property from a victim.

**School Activity** – any Board or school sponsored activity, including but not limited to field trips, bus trips, sporting activities and after school events.

**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 and accepted.

## 2.0 Definitions (cont'd)

**School Community** – the school community is composed of staff, pupils and parents of the school, and associate schools, as well as the community of people and businesses that are served by or located in the greater neighbourhood of the school.

**School Premises** – school buildings and grounds including parking lots and playing fields.

~~**Teacher-in-Charge** – a teacher delegated authority by the principal to undertake specified duties with respect to pupil discipline in the absence of administration.~~

**Sexual Assault** – any type of unwanted sexual act done by one person to another that violates the sexual integrity of the victim. The term refers to a range of behaviours that involve the use of force or control over the victim. In some cases, no overt physical force is used – instead, the victim may be threatened with words or pressured into doing something he or she doesn't want to do.

**Sexual Harassment** – comments or actions based on sex, sexual orientation, gender identity or gender expression that are unwelcome or should be known to be unwelcome.

**Student Action Plan (SAP)** – an outline of the goals, objectives and learning expectations for every student on a long-term suspension or expulsion from the Board, who make a commitment to attend the Board program.

**Superintendent of Safe Schools** – the supervisory officer delegated authority regarding procedural issues related to suspension appeals and expulsions **hearings**.

**Suspension** – the removal of a student from his or her school and all school-related activities for a minimum of one school day to a maximum of twenty school days.

**Threats** – any statement, act or communication by any means, including electronic, of an intent to cause harm, whether physical or emotional, to any person or thing, in circumstances where the person threatened believes or has grounds to believe the threat may be carried out.

**Trafficking** – assisting in any manner with the distribution of a controlled drug or substance, as set out in the *Controlled Drugs and Substances Act*, or with the distribution of weapons.

**Trespass** – the attending at or presence on a private premise without permission of a person in authority having care and control of the premises or engaging in a prohibited activity thereon (e.g., posting a “No Skateboarding” sign means that those skateboarding on that location are trespassing and can be removed).

**Undue Hardship** – is the standard for the provision of accommodation, or point to which accommodation must be provided, for a specific pupil by the Board.

**Vandalism** – the defacing, damaging or destruction of property.

**Weapon** – any article designed as a weapon or used or intended to be used for the purpose of threatening, intimidating, or injuring a person. All firearms, including replica firearms and imitation firearms, are always considered weapons.



### 3.0 **Purpose**

The purpose of this policy **is to support a safe, inclusive and accepting learning and teaching environment in which every student can reach his/her potential. This policy** and the resulting procedure ~~is to~~ provides guidelines to ensure that every elementary and secondary school in the Durham Catholic District School Board discharges its obligation to discipline students in compliance with Ministry and Board direction for progressive discipline, up to and including suspension and expulsion.

### 4.0 **Application/Scope**

This policy is commensurate with the Ontario Human Rights Code, the Provincial Code of Conduct, the Durham Catholic District School Board Code of Conduct, and the Education Act which create expectations for behaviour for all persons on school property, during a school related activity or event, and/or in circumstances where a behaviour has an impact on the school climate.

### 5.0 **Principles**

- 5.1 The Board recognizes and accepts the authority of the Magisterium of the Catholic Church in respect of matters of faith and morals, as it is entitled to do under section 93(1) of the Constitution Act, 1867. The teachings of the Church will be taken into account in the interpretation of this policy and any subsequent procedures emanating from it.
- 5.2 The Board recognizes the behaviour within our school communities should be in accordance with the Gospel values of Jesus Christ, the Board's Mission Statement, and the requirements set forth by the Education Act and the applicable regulations.
- 5.3 **The Board recognizes that all inappropriate student behaviour, including bullying, must be addressed.**
- 5.4 The Board recognizes that in some circumstances, positive **school and classroom climate** practices might not be effective or sufficient to address inappropriate behaviour. In such circumstances, the Board supports the use of disciplinary consequences.
- 5.5 **The Board recognizes responses to behaviours that are contrary to the board's Code of Conduct must be developmentally appropriate.**
- 5.6 In circumstances where a pupil will receive a consequence for his/her behaviour, it is the expectation of the Board that the principles of Progressive Discipline, consistent with the Ontario Human Rights Code, Ministry of Education direction and PPM 145 Progressive Discipline and Promoting Positive Student Behaviour Policy, will be applied, if appropriate.
- 5.7 The Board also supports the use of suspension and expulsion as outlined as in Part XIII of the Education Act, where a pupil has committed one or more of the infractions on school property, during a school related event and/or in circumstances where the infraction has had an impact on the school climate. The Board recognizes the importance of consistency across the system in disciplining students for serious breaches of conduct.



## 5.0 **Principles (cont'd)**

- 5.8 The Board recognizes the authority of the principal and the teaching staff in discharging their powers and duties as defined by the Education Act and Regulations and respective Board Policies and Administrative Procedures.
- 5.9 The Board recognizes that the principal, subject to Board Policies and Administrative Procedures, may suspend and recommend expulsion of students in accordance to the Education Act and Regulations.
- 5.10 The Board recognizes its power to expel students in accordance to the Education Act and Regulations.
- 5.11 The Board recognizes its duty to establish procedures for the appeal of suspensions in accordance with the Education Act and Regulations.
- 5.12 The Board recognizes the power of the Child and Family Services Review Board to hear an appeal of the Board's decision to expel a student.

## 6.0 **Requirements**

### ~~6.1 — Progressive Discipline~~

~~Progressive Discipline is a whole school approach that uses a continuum of prevention programs, interventions, supports and consequences to address inappropriate behaviour and to build upon strategies that promote positive behaviours. When inappropriate behaviour occurs, disciplinary measures should be applied within a framework that shifts the focus from one that is punitive to one that is both corrective and supportive. Schools should utilize a range of interventions, supports and consequences that are developmentally appropriate and include learning opportunities for reinforcing and fostering positive behaviour and supporting students in making good choices. Appropriate action must be consistently taken by schools to address behaviours that are contrary to provincial and Board and school Codes of Conduct (PO610 and AP610-1). Progressive discipline is most effective when communication between the school and home regarding student achievement, behaviour and expectations is open, courteous and focused on student success. Principals, vice principals and teachers in charge are expected to engage parents in the progressive discipline approach being used with their children.~~

~~Where a student has special education needs, the interventions, supports and consequences must be consistent with the expectations outlined in the student's Individual Education Plan, Behaviour Plan, and Safety Plan.~~

~~Each school is required to develop and implement a school-wide progressive discipline plan which is consistent with the Board's Student Discipline Policy and Student Discipline Procedures and the Ontario Human Rights Code.~~

### ~~6.2 — Early and Ongoing Prevention and Intervention Strategies~~

~~Progressive Discipline includes the use of early and ongoing prevention and intervention strategies to address inappropriate behaviour and maintain a positive school environment.~~

## 6.0 **Requirements (cont'd)**

~~Intervention strategies should provide students with appropriate supports to address inappropriate behaviour. Parents should be actively engaged in the development and implementation of prevention and intervention strategies.~~

### ~~6.2.1 Prevention strategies include:~~

- ~~• Programs and strategies that support the development of positive~~
- ~~• school climate (e.g., the Religion curriculum and faith formation activities, self-regulation, mindfulness, bullying prevention and intervention lessons, Catholic virtues, Catholic Graduate Expectations, student leadership, violence prevention, equity and inclusive education strategies, etc.).~~
- ~~• Supporting students, student groups and/or school councils to develop student led activities that promote healthy relationships.~~
- ~~• Partnering with community agencies (e.g., the Durham Regional Police and public health departments) to address issues of gender based violence, sexual assault, sexual orientation discrimination, inappropriate sexual behaviour, etc.~~
- ~~• Ongoing review of Individual Education Plans, Behaviour Plans and Safety Plans by Principals and school teams at regular intervals and/or following an incident to ensure that every student with disability related needs is receiving appropriate accommodation up to the point of undue hardship.~~

### ~~6.2.2 Intervention strategies include:~~

- ~~• Program modifications and/or accommodations;~~
- ~~• Class placement;~~
- ~~• Positive encouragement and reinforcement;~~
- ~~• Individual, peer and group counselling;~~
- ~~• Conflict resolution/dispute resolution;~~
- ~~• Mentorship programs;~~
- ~~• Sensitivity programs;~~
- ~~• Safety plans;~~
- ~~• Student Services involvement;~~
- ~~• School, Board and community support programs;~~
- ~~• Student success strategies;~~
- ~~• Contact with student's parent(s)/ guardian(s);~~
- ~~• Oral reminders;~~
- ~~• Review of expectations;~~
- ~~• Assignments that address the behaviour;~~
- ~~• Volunteer service in the school community;~~
- ~~• Conflict mediation and resolution; and/or~~
- ~~• Peer mentoring;~~

## 6.0 Requirements (cont'd)

~~6.2.3 Progressive discipline may also include a range of interventions, supports and consequences when inappropriate behaviours have occurred, with a focus on improving behaviour, such as one or more of the following:~~

- ~~• Meeting with the pupil's parent(s)/guardian(s), pupil and principal;~~
- ~~• Detentions;~~
- ~~• Withdrawal of privileges;~~
- ~~• Withdrawal from class;~~
- ~~• Restitution for damages;~~
- ~~• Restorative practices;~~
- ~~• Referral to a community agency (e.g., support for anger management or substance abuse counselling);~~
- ~~• Transfer to another class or school with support;~~
- ~~• Suspension; and/or~~
- ~~• Expulsion from school or all schools of the Board.~~

### 6.1 Progressive Discipline Continuum

- 6.1.1 Progressive Discipline is a whole school approach that involves all members of the school community and uses a continuum of prevention programs, interventions, supports and consequences to promote and support positive behaviours and address inappropriate behaviour. When inappropriate behaviour occurs, disciplinary measures are applied. The Progressive Discipline Continuum includes creating a positive school and classroom climate, early, ongoing and collaborative intervention, Suspension or Expulsion, restoration and reconciliation are both corrective and supportive and not simply punitive.
- 6.1.2 Schools are required to develop and implement a school-wide progressive discipline plan consistent with the Student Discipline Policy (PO611), this administrative procedure and the Ontario Human Rights Code. Plans should utilize a range of interventions, supports and consequences that are developmentally appropriate and include learning opportunities for reinforcing and fostering positive behaviour and supporting students in making good choices.
- 6.1.3 Progressive discipline is most effective when communication between the school and home is open, courteous and focused on student success. Principals, vice- principals and teachers who have been delegated authority are expected to engage and collaborate with parents in the progressive discipline approach being used with their children.
- 6.1.4 Where a student has special education needs, the interventions, supports and consequences must be consistent with the expectations outlined in the student's Individual Education Plan, (e.g., Behaviour goals) and Safety Plan.

## 6.0 Requirements (cont'd)

### 6.1.5 Creating a positive school and classroom climate

6.1.5.1 Catholic School Communities strive to create positive school and classroom climates by promoting the dignity and worth of all members of the school community. All members of the school community demonstrate accountability and responsibility for their thoughts, words and deeds. Opportunities for contemplation, reconciliation and forgiveness are created when harm has been done to a members of the school community.

6.1.5.1.1 Strategies for creating positive school climate may include, but are not limited to:

- 6.1.5.1.1.1 fostering a safe and accepting school environment by establishing rules and routines that can be implemented by all members;
- 6.1.5.1.1.2 regularly reviewing and explaining the School Code of Conduct to the students;
- 6.1.5.1.1.3 engaging all parents/guardians in the school community;
- 6.1.5.1.1.4 focusing on a restorative mindset;
- 6.1.5.1.1.5 implementing school improvement goals to address all aspects of the well-being strategy:
  - 6.1.5.1.1.5.1 Safe and Accepting Schools;
  - 6.1.5.1.1.5.2 Equity and Inclusive Education;
  - 6.1.5.1.1.5.3 Positive Mental Health;
  - 6.1.5.1.1.5.4 Healthy Schools;
- 6.1.5.1.1.6 ongoing communication with parents/guardians.

6.1.5.1.2 Strategies for creating a positive classroom climate may include, but are not limited to:

- 6.1.5.1.2.1 fostering a safe and accepting environment;
- 6.1.5.1.2.2 utilizing a restorative mindset;
- 6.1.5.1.2.3 co-constructing, communicating and reinforcing classroom and school expectations;
- 6.1.5.1.2.4 recognizing and celebrating the accomplishments of all students;
- 6.1.5.1.2.5 focusing on developing relationships;
- 6.1.5.1.2.6 implementing proactive management of stress behaviours;
- 6.1.5.1.2.7 using community/restorative circles;
- 6.1.5.1.2.8 ongoing communication with parents/guardians.

## 6.0 Requirements (cont'd)

### 6.1.6 Early, ongoing and collaborative intervention

6.1.6.1 Progressive Discipline includes the use of early and ongoing prevention and intervention strategies to address inappropriate behaviour and maintain a positive school environment. Intervention strategies should provide students with the necessary supports to address inappropriate behaviour. Parents/Guardians should be actively engaged in developing and implementing the prevention and intervention strategies.

6.1.6.1.1 Early, ongoing and collaborative intervention strategies may include, but are not limited to:

- 6.1.6.1.1.1 using positive reinforcement and encouragement;
- 6.1.6.1.1.2 collecting and analyzing data to determine the function of the behaviour;
- 6.1.6.1.1.3 making program modifications or accommodations;
- 6.1.6.1.1.4 development and on-going review of IEP by school team;
- 6.1.6.1.1.5 development and on-going review of alternate expectations to address lagging skills in behaviour;
- 6.1.6.1.1.6 reviewing of Code of Conduct and/or classroom expectations;
- 6.1.6.1.1.7 using verbal and non-verbal reminders;
- 6.1.6.1.1.8 meeting with student;
- 6.1.6.1.1.9 loss of privilege;
- 6.1.6.1.1.10 providing reflection sheet;
- 6.1.6.1.1.11 initiating or reviewing Behaviour Contracts;
- 6.1.6.1.1.12 phoning parent/guardian;
- 6.1.6.1.1.13 meeting with parent/guardian;
- 6.1.6.1.1.14 using restorative questions;
- 6.1.6.1.1.15 referrals to support staff or Student Services;
- 6.1.6.1.1.16 initiating restitution or detention;
- 6.1.6.1.1.17 consulting with Administration;

### 6.1.7 Suspension or Expulsion

6.1.7.1 The Education Act gives the principal the sole responsibility to suspend or expel a student based on the list of infractions in the Student Discipline Policy (PO611) and the Code of Conduct Policy (PO610). The principal must consider the mitigating and other factors as listed in the Safe Schools Act prior to making the decision to suspend or expel a student. Decisions regarding appropriate discipline should be unique to each student. Based on the individual factors, and mitigating other factors associated with each student, the principal must decide on the appropriate consequences and supports for each student.

## 6.0 **Requirements (cont'd)**

### 6.1.8 Restoration and Reconciliation

6.1.8.1 Restoration and Reconciliation are key components of our Catholic beliefs and are an integral part of our approach to Progressive Discipline. Restoration and Reconciliation can and should occur during all stages of Progressive Discipline.

6.1.8.1.1 Restoration and Reconciliation strategies may include, but are not limited to:

6.1.8.1.1.1 holding team planning for future success;

6.1.8.1.1.2 providing re-entry meetings with student and parents/guardians;

6.1.8.1.1.3 using restorative circle and/or conference;

### 6.1.9 Understanding of Behaviours that are a Manifestation of Specific Diagnosed Medical or Neurological Developmental Disorders

6.1.9.1 Some students with special education needs have medical/neurological/developmental disorders that can have manifestation behaviour(s) that is/are a direct result (manifestation) of a diagnosed and existing medical, neuropsychological, neurological, or developmental condition (i.e., a condition that is not learned and cannot be “unlearned”). The specific manifestation behaviour may be identified in a professional assessment. Such behaviours may create safety concerns within the school environment.

6.1.9.2 Responding to the behaviour as a purposeful violation of the Code of Conduct and applying consequences in isolation from the behaviour management strategies in a student’s IEP and Safety Plan may be considered a violation of the student’s legal right to accommodation which would be mitigated from that of a neuro-typical developed student. It may also result in an unnecessary increase in the risk of injury behaviour.

6.1.9.3 All staff should make themselves aware of the behaviours associated with common disorders (e.g., Attention Deficit Hyperactivity Disorder, Tourette’s Syndrome) and/or the behaviours associated with the diagnosed disorders of the students they work with or come in contact with on a regular basis in order to fully understand the behaviours as a manifestation of the disability or disorder.

## 6.0 **Requirements (cont'd)**

6.1.9.4 These behaviours must not be responded to as deliberate, intentional or purposeful violations of the Code of Conduct. Rather, these behaviours must be documented, and school interventions must be incorporated into the student's IEP and Safety Plan. Not every student who demonstrates behaviours that present a risk of injury to self and others will have a diagnosis. It is important that the school responds to these behaviours by collecting data, analyzing the data (e.g., doing a Functional Behaviour Analysis) and developing an IEP and a Safety Plan.

### 6.1.10 Progressive Discipline Consequences

6.1.10.1 When early, ongoing and collaborative intervention strategies are not effective or sufficient in addressing inappropriate student behaviour, the Board supports the use of progressive discipline consequences up to and including expulsion from all schools of the Board. Such discipline consequences will be applied in the least restrictive manner to be effective, and so as not to add to the historical disadvantage of racialized pupils and/or pupils with disabilities. The principal or vice-principal may utilize a range of consequences that are developmentally appropriate and include opportunities for students to focus on improving their behaviour.

6.1.10.2 In all cases where a progressive discipline consequence is being considered to address an inappropriate behaviour the principal or vice- principal must:

6.1.10.2.1 consider the individual student and circumstances;

6.1.10.2.2 consider mitigating and other factors (see Section 6.2);

6.1.10.2.3 consider the nature and severity of the behaviour;

6.1.10.2.4 consider the impact of the inappropriate behaviour on the school climate; and

6.1.10.2.5 consider whether or not the progressive discipline consequence might have a disproportionate impact on a student when considering the Ontario Human Rights Code.

6.1.10.3 When a progressive discipline consequence is used, parents should be informed and/or consulted and the teacher, principal or vice principal should keep a record for each pupil. The record should include:

6.1.10.3.1 name of the student;

6.1.10.3.2 date of the incident or behaviour;

6.1.10.3.3 nature of the incident or behaviour;

6.1.10.3.4 progressive discipline approach used;

6.1.10.3.5 outcome; and/or

## 6.0 Requirements (cont'd)

6.1.10.3.6 any contact with parent/guardian unless the student is an adult pupil.

6.1.11 Consequences may include:

- 6.1.11.1 meeting with parent(s)/guardian(s), student and principal
- 6.1.11.2 detentions;
- 6.1.11.3 withdrawal of privileges;
- 6.1.11.4 withdrawal from class;
- 6.1.11.5 restitution for damages;
- 6.1.11.6 suspension; and/or expulsion from school or all schools of the Board.

6.1.12 It is the expectation of the Board that, provided there is no immediate risk of physical harm to any individual including but not limited to, all Board staff who work directly with pupils on a regular basis shall in accordance with Board procedures, respond to any such inappropriate and disrespectful behaviour or any other behaviour that causes a negative impact on school climate or for which a suspension or expulsion may be imposed, which they have observed or heard during the course of their duties or otherwise while on school property or during a school related event.

6.1.13 Any such infractions about which a board staff member or transportation provider becomes aware must be reported to the principal or designate in accordance with Board procedures at the earliest, safe opportunity and no later than the end of the school day, or end of a bus run, if reported by a transportation provider. ~~A written~~ An electronic report in accordance with Board procedures must be made when it is safe to do so.

6.1.14 When addressing inappropriate behaviour, school staff should consider the particular pupil and circumstances, including any mitigating and other factors (see 6.2) ~~as set out in the Student Discipline Administrative Procedures~~, the nature and severity of the behaviour, and the impact on the school climate. The Board supports the use of suspension and expulsion as outlined in Part XIII of the Education Act where a pupil has committed one or more of the infractions on school property, during a school-related activity or event, and/or in circumstances where the infraction has an impact on the school climate.

6.1.15 Exclusion pursuant to section 265(1)(m) of the Education Act is not acceptable for discipline purposes or as an alternative to discipline for students enrolled in the school, and may only be imposed in accordance with the Education Act and Board procedures, and must be consistent with the Human Rights Code.



## 6.0 Requirements (cont'd)

### 6.2 Mitigating Factors and Other Factors

6.2.1 Before issuing any progressive discipline consequence, including suspensions and expulsions, principals must take into account the following mitigating and other factors when making their decisions.

#### 6.2.1.1 Mitigating Factors

6.2.1.1.1 whether the student has the ability to control his or her behaviour

6.2.1.1.2 whether the student has the ability to understand the foreseeable consequences of his or her behaviour; and

6.2.1.1.3 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.

#### 6.2.1.2 Other Factors to be Considered

6.2.1.2.1 the student's academic, discipline and personal history;

6.2.1.2.2 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;

6.2.1.2.3 whether the infraction for which the student might be disciplined was related to any harassment of the student because of race, colour, ethnic origin, place of origin, religion, creed, disability, gender, or gender identity sexual orientation or harassment for any other reason related to an immutable characteristic;

6.2.1.2.4 the impact of the discipline on the student's prospects for further education;

6.2.1.2.5 the student's age;

6.2.1.2.6 where the student has an IEP or disability related needs:

6.2.1.2.6.1 whether the behaviour causing the incident was a manifestation of the student's disability;

6.2.1.2.6.2 whether appropriate individualized accommodation has been provided to the point of undue hardship; and

## 6.0 Requirements (cont'd)

- 6.2.1.2.6.3 whether a suspension is likely to result in aggravating or worsening the student's behaviour or conduct or whether a suspension is likely to result in a greater likelihood of further inappropriate conduct; and
- 6.2.1.2.6.4 whether or not the student's continuing presence at the school creates an unacceptable risk to the safety of anyone in the school.

### 6.3 Suspension

6.3.1 The infractions for which a suspension may be imposed by the principal include:

- 6.3.1.1 uttering a threat to inflict serious bodily harm on another person;
- 6.3.1.2 possessing alcohol, illegal drugs or cannabis (unless the pupil is a medical cannabis user);
- 6.3.1.3 being under the influence of alcohol, illegal drugs, or cannabis (unless the pupil is a medical cannabis user);
- 6.3.1.4 swearing at a teacher or at another person in a position of authority;
- 6.3.1.5 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;
- 6.3.1.6 bullying;
- 6.3.1.7 uttering a racial slur or comment;
- 6.3.1.8 sexual slurs or harassment;
- ~~6.3.1.9 being in possession of/or under the influence of drugs;~~
- 6.3.1.9 disrespect towards or desecration of the religious dimension of the school;
- 6.3.1.10 Possession and/or use of tobacco products;
- 6.3.1.11 Conduct deemed unacceptable, e.g.:
  - 6.3.1.11.1 Fighting/Violence;
  - 6.3.1.11.2 Use of profane or improper language;
  - 6.3.1.11.3 Persistent opposition to authority;
  - 6.3.1.11.4 Persistent tardiness and/or truancy including "skipping" classes;
  - 6.3.1.11.5 Theft;
  - 6.3.1.11.6 Inappropriate use of Social Media.
  - 6.3.1.11.7 Any act considered by the principal to be contrary to the Board or School Code of Conduct.

6.3.2 A pupil may be suspended only once for an infraction and may be suspended for a minimum of one (1) school day to a maximum of twenty (20) school days.

## 6.0 **Requirements (cont'd)**

### 6.4 Suspension Appeal Process

- 6.4.1 Where a pupil's parent/guardian or the adult pupil (if 18 or older or 16 or 17 and has removed him/herself from parental control), disagrees with the decision of a principal to suspend the pupil, that pupil's parent/guardian or the adult pupil (if 18 or older or 16 or 17 and removed from parental control), may appeal the principal's decision to suspend the pupil, in accordance with the Board's Student Discipline Administrative Procedures and Suspension Appeal Guidelines. Suspension appeals will not be conducted in accordance with or be subject to the Statutory Powers Procedures Act. All suspension appeals will be received by the Director of Education.
- 6.4.2 An appeal of a suspension does not stay the suspension.
- 6.4.3 A person who intends to appeal a suspension must give written notice of his/her intention to appeal the suspension within ten (10) school days of the commencement of the suspension.
- 6.4.4 The Board 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).
- 6.4.5 Upon receipt of written notice of the intention to appeal the suspension, the Director of Education will direct the Superintendent of Safe Schools to:
  - 6.4.5.1 promptly advise the principal of the appeal;
  - 6.4.5.2 promptly advise the adult student or the parent/guardian that a review of the suspension will take place and invite the appellant to contact the Family of Schools Superintendent to discuss any matter respecting the incident and/or appeal of the suspension;
  - 6.4.5.3 ensure the Family of Schools Superintendent reviews the suspension (reason, duration, any mitigating or other factors and whether or not the Human Rights Code should be or was appropriately applied); he/she may consult with the principal regarding modifying the length or reason for the suspension or expunging the suspension;
  - 6.4.5.4 consult and/or request a meeting with the adult student or the parent/guardian and the principal to narrow the issues in order to effect a settlement;
  - 6.4.5.5 where a settlement is not effected, provide notice of the review decision to the adult student or parent/guardian;
  - 6.4.5.6 arrange a date for the appeal before the Discipline Committee.
- 6.4.6 Where the suspension is upheld on review, and the adult student or the student's parent/guardian chooses to continue with the appeal, the Superintendent of Safe Schools will:
  - 6.4.6.1 Coordinate the preparation of a written report for the Discipline Committee that will contain at least the following components:

## 6.0 **Requirements (cont'd)**

- 6.4.6.1.1 a report prepared by the principal regarding the incident, the rationale for suspension and how mitigating and other factors were considered;
- 6.4.6.1.2 a copy of the original suspension letter;
- 6.4.6.1.3 a copy of the letter requesting the Suspension Appeal; and
- 6.4.6.1.4 a copy of the correspondence with respect to the decision of the Family of Schools Superintendent regarding the suspension review.

- 6.4.6.2 inform the adult student or the parent/guardian of the date of the Suspension Appeal, provide a guide to the process for the appeal, and a copy of the written report that will be provided to the Discipline Committee.

### 6.5 Suspension Appeal Before the Discipline Committee of the Board

- 6.5.1 The parties in an appeal to the Discipline Committee shall be:

- 6.5.1.1 the principal; and
- 6.5.1.2 the adult student or the parent/guardian, if they appealed the decision

- 6.5.2 Suspension appeals will be heard orally, *in camera*, by the Discipline Committee of Trustees. The Discipline Committee may grant a person with daily care authority to make submissions on behalf of the student. An adult student or student's parent/guardian may bring legal counsel, an advocate or support person with them to the appeal provided they have advised the Superintendent of Safe Schools 5 school days in advance of the appeal date.

- 6.5.2.1 The appellant and/or person with daily care will proceed first by making oral submissions and/or providing written submissions regarding the reason for the appeal and the result desired.
- 6.5.2.2 The student will be asked to make a statement on his/her own behalf.
- 6.5.2.3 The Principal and/or Superintendent of Education for the school will make oral submissions on behalf of the administration, including a response to any issues raised in the appellant's submissions. The Principal/Superintendent may rely on the report prepared for the Discipline Committee.
- 6.5.2.4 The appellant may make further submissions addressing issues raised in the administration's presentation that were not previously addressed by the appellant.
- 6.5.2.5 The Discipline Committee may ask any party, or the student, where appropriate, questions of clarification.

- 6.5.3 Legal counsel for the Board may be present at the appeal if the appellant is represented by legal counsel or an agent.

## 6.0 **Requirements (cont'd)**

- 6.5.4 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 and/or direction, a Trustee may call for the assistance of a police officer to enforce any such order or direction.
- 6.5.5 Where the appellant who has received proper notice of the location, date and time of the appeal fails to attend the appeal or comply with the necessary timelines, the Discipline Committee will wait 15 minutes and then appeal will conclude and the party is not entitled to any further notice of the proceedings.
- 6.5.6 The Discipline Committee will consider, based on the written and/or oral submissions of both parties, whether or not the consequence might have a disproportionate impact on a student when considering the Human Rights Code and whether the decision to discipline and the discipline imposed was reasonable in the circumstances. The Discipline Committee shall either:
- 6.5.6.1 confirm the suspension and its duration; or
  - 6.5.6.2 confirm the suspension but shorten its duration, and amend the record, as necessary; or
  - 6.5.6.3 quash the suspension and order that the record be expunged; or
  - 6.5.6.4 make such other appropriate order.
- 6.5.7 The decision of the Discipline Committee is final. The decision shall be communicated to the appellant in writing.

### 6.6 Re-Entry Following a Suspension

#### 6.6.1 Re-Entry Meeting

- 6.6.1.1 Following a suspension of six (6) or more school days, a re-entry meeting will be held with school and board staff, the student, and the student's parent(s)/guardian(s) if possible, to provide positive and constructive redirection for the student. Where the student has participated in an Alternative Suspension Program (ASP), the student's success in achieving the goals outlined in the Student Action Plan (SAP) will be reviewed with the adult student or student's parent/guardian and pupil. Further programs and services might be recommended by the principal for the purpose of achieving additional or greater success in meeting the goals outlined in the SAP.

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**6.0 Requirements (cont'd)****6.6.2 Transfer to Another School**

- 6.6.2.1 Following an incident at the school, it might be necessary to transfer to another school the student who has been disciplined or victim for safety reasons and/or for compliance with an Order of the Court or police restrictions. To the extent possible, the student who has been disciplined rather than the victim should be transferred.
- 6.6.2.2 The decision to transfer a student to another school shall only be made by a superintendent in consultation with the sending and receiving school principals and shall be made only where it is consistent with the Human Rights Code.
- 6.6.2.3 When it has been determined that a student will be transferred to another school, the principal or vice-principal shall ensure that a Transition Plan is developed identifying any additional supports and resources required in the principal/designates opinion to ensure a successful transition, which might include where appropriate, referrals for social work support, Child & Youth Counsellor (CYC) support and/or support from community agencies as well as the development of a transitional Individual Education Plan. Where the student has been subject to suspension, the Transition Plan shall be consistent with and coordinated with the Student Action Plan (SAP) developed for suspension purposes.
- 6.6.2.4 The principal or vice-principal of the sending school shall invite the adult student or parent/guardian and the student, where appropriate, to a meeting with representatives from both schools for the purpose of reviewing the Transition Plan, including the timeline for transition and the provision of school work prior to transition in circumstances where the student is not subject to an SAP and will not be attending school during the intervening period, to obtain any necessary consents for support services, and to respond to any questions or concerns identified by the receiving school and/or the parent/guardian or student.
- 6.6.2.5 Teaching and support staff of the receiving school who will be working with the student once the student has transferred should be in attendance, where possible.
- 6.6.2.6 All individuals attending the meeting must be informed by the principal or vice-principal at the outset that the information shared during the meeting is personal information that must be kept confidential pursuant to the Municipal Freedom of Information and Protection of Privacy Act and/or Education Act.

## 6.0 **Requirements (cont'd)**

### 6.7 Expulsion

- 6.7.1 The infractions for which a principal may consider recommending to the Board that a pupil be expelled from the pupil's school or from all schools of the Board include:
- 6.7.1.1 Possessing a weapon, including possessing a firearm or knife;
  - 6.7.1.2 Using a weapon to cause or threaten to cause bodily harm to another person;
  - 6.7.1.3 Bullying, if, the pupil has previously been suspended for engaging in bullying, and the pupil's continuing presence in the school creates an unacceptable risk to the safety of another person;
  - 6.7.1.4 Committing physical assault on another person that causes bodily harm requiring treatment by a medical practitioner;
  - 6.7.1.5 Committing sexual assault;
  - 6.7.1.6 Trafficking in weapons or restricted or illegal drugs;
  - 6.7.1.7 Committing robbery;
  - 6.7.1.8 Giving alcohol to a minor;
  - 6.7.1.9 Giving cannabis to a minor;
  - 6.7.1.10 Any activity listed in the Code of Conduct for which a suspension must be considered 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;
  - 6.7.1.11 Engaging in activities or patterns of behaviour on or off school property that cause the pupil's presence in the school to create an unacceptable risk to the physical or mental well-being of other person(s) in the school or in the Board;
  - 6.7.1.12 Engaging in activities on or off school property that have caused extensive damage to the property of the Board or to goods that are/were on Board property;
  - 6.7.1.13 Conduct deemed unacceptable;
  - 6.7.1.14 Any act considered by the Principal and Family of Schools Superintendent to be a serious violation of the Board or school Code of Conduct.
- 6.7.2 The principal and/or Discipline Committee of the Board shall consider whether or not the discipline will have a disproportionate impact on a pupil protected by the Human Rights Code and/or exacerbate the pupil's disadvantaged position in society.

## 6.0 **Requirements (cont'd)**

### 6.7.3 Principal Investigation

- 6.7.3.1 Before determining whether to recommend an expulsion from the pupil's school or from all schools of the Board, the Principal must consider the impact of any mitigating and other factors. If the principal determines it is not appropriate to recommend an expulsion, the principal must consider mitigating and other factors in deciding whether to shorten the length of the suspension.
- 6.7.3.2 For the purpose of the Student Discipline Administrative Procedures, the Board interprets the provisions of the Education Act and Regulations in a broad and liberal manner consistent with the Human Rights Code. The principal or designate shall consider whether or not the discipline will have a disproportionate impact on a pupil protected by the Human Rights Code and/or exacerbate the pupil's disadvantaged position in society.
- 6.7.3.3 The principal or designate is required to provide information, in accordance with Board procedures, to the parent/guardian of a pupil who is less than 18 years of age, is not 16 or 17 and withdrawn from parental control and where the principal is NOT of the opinion that informing the parent/guardian would put the pupil at risk of harm and would not be in the pupil's best interests. The principal may inform a parent of a student 18 years or older or who is 16 or 17 and has withdrawn from parental control, if that student consents to the disclosure of information.

### 6.8 Victims of Serious Student Incidents

- 6.8.1 The Board supports pupils who are victims of serious incidents of pupil behaviour causing harm contrary to the provincial, Board, and school Codes of Conduct. The principal or designate is required to provide information, in accordance with Board procedures, to the parent/guardian of a pupil who is less than 18 years of age, is not 16 or 17 and withdrawn from parental control and where the principal is NOT of the opinion that informing the parent/guardian would put the pupil at risk of harm and would not be in the pupil's best interests. The principal may inform a parent of a student 18 years or older or who is 16 or 17 and has withdrawn from parental control, if that student consents to the disclosure of information. The Board shall develop appropriate plans to protect the victim and will communicate to parents/guardians of victims, information about the plan and a method of identifying dissatisfaction with steps taken to provide support to the victim.



## 6.0 **Requirements (cont'd)**

### 6.9 Discipline Committee

- 6.9.1 The Board authorizes the creation of a Discipline Committee of no fewer than three (3) Trustees to decide appeals of principal suspensions and principal recommendations for expulsion. For these purposes, the Discipline Committee will conduct the suspension appeals and expulsion hearings in accordance with the Student Discipline Administrative Procedures, Suspension Appeal Guidelines and, Expulsion Hearing Guidelines and Rules.
- 6.9.2 In all cases where consequences might be imposed, the Discipline Committee will consider the safety and dignity of all pupils, and the impact of the activity on the school climate.
- 6.9.3 The Discipline Committee shall have the powers as set out in the Education Act and any other powers necessary and shall consider the Ontario Human Rights Code prior to implementing any appropriate Order.

### 6.10 Superintendent of Safe Schools

- 6.10.1 The Superintendent of Safe Schools shall have the powers and duties outlined in the Student Discipline Administrative Procedures and will act as a Resource to the Discipline Committee.

## 7.0 **Sources**

- Ontario Human Rights Code
- Education Act
- Safe and Accepting Schools Act, 2012
- Local Police/School Board Protocol, 2016
- PPM 119 – Developing and Implementing Equity and Inclusive Education Policies in Ontario Schools
- **PPM120** – Reporting Violent Incidents to the Ministry of Education
- PPM128 – The Provincial Code of Conduct and School Board Code of Conduct
- PPM141 – School Board Programs for Students on Long-term Suspension
- PPM142 – School Board Programs for Students Expelled
- PPM144 – Bullying Prevention and Intervention Policy
- PPM145 – Progressive Discipline and Promoting Positive Student Behaviour Policy

## 8.0 **Related Policies and Administrative Procedures**

- Code of Conduct Policy (PO610)
- Code of Conduct Administrative Procedure (AP610-1)
- Student Discipline Administrative Procedure (AP611-1)
- Bullying Prevention and Intervention Policy (PO612)
- Bullying Prevention and Intervention Administrative Procedure (AP612-1)
- Equity and Inclusive Education Administrative Procedure (AP216-1)



## Durham Catholic District School Board

"The Board"

## Administrative Procedure

Title: <b>Student Discipline</b>	Procedure #: <b>AP611-1</b>
Administrative Area:	Student Conduct and Safety
Policy Reference:	Student Discipline (PO611)
Date Approved:	May 13, 2013
Dates of Amendment:	May 8, 2017

### 1.0 **Purpose**

The purpose of this Administrative Procedure is to provide a framework for the implementation of Student Discipline Policy (PO611), the Code of Conduct Policy (PO610) and the Code of Conduct Administrative Procedure (AP610-1). The application of this procedure will help to ensure all students have a safe and caring school environment in order to maximize their learning.

### 2.0 **Definitions**

**Administrator** – a superintendent, principal or vice-principal with responsibility for the school in question.

**Adult Pupil** – a pupil at least 18 years old, or a pupil who is 16 or 17 years old who has withdrawn from parental control.

**Alternative Suspension Program (ASP)** – a provincially mandated program for a pupil who has been suspended for six (6) or more days.

**Assault** – a person who directly or indirectly applies force intentionally to another person, or who attempts or threatens to do so.

**Assault Causing Bodily Harm** – the intentional application of force resulting in an injury requiring medical attention, but not including instances where medical attention is sought solely on a cautionary basis.

**Board Employee** – any person employed by the Durham Catholic District School Board on a temporary, part-time or full-time basis.

**Board Employees Who Work with Pupils** – administrators, teachers, educational assistants, and other professional and para-professional staff who have regular and direct duties with the Board's pupils.

## 2.0 **Definitions (cont'd)**

**Bullying** – aggressive and typically repeated behaviour by a pupil where:

- the behaviour is intended by the pupil to have the effect of, or the pupil ought to know that the behaviour would be likely to have the effect of:
  - causing harm, fear or distress to another individual, including physical, psychological, social or academic harm, harm to the individual's reputation or harm to the individual's property; or
  - creating a negative environment at a school for another individual, and
- the behaviour occurs in a context where there is a real or perceived power imbalance between the pupil 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.
- bullying behaviour includes the use of any physical, verbal, electronic, written or other means.
- bullying by electronic means (commonly known as cyber-bullying) includes:
  - creating a web page or a blog in which the creator assumes the identity of another person;
  - impersonating another person as the author of content or messages posted on the Internet; and
  - communicating material electronically to more than one individual or posting material on the website that may be accessed by one or more individuals.

**Child** – according to the *Youth Criminal Justice Act* a child is defined as a person who is, or in the absence of evidence to the contrary, appears to be less than twelve years old. Under the *Child and Youth Family Services Act (CYFSA)*, a “child in need of protection” is defined as any person under the age of ~~16 or between 16 and 18 if subject to a child protection order~~. Consideration should be given in each situation as to which definition applies.

**Child Abuse** – an act or omission resulting in or reasonably leading an individual to believe a child is at risk of being a “child in need of protection” as defined in the CFSA.

**Child and Family Services Review Board (CFSRB)** – the Child and Family Services Review Board is the body empowered to hear appeals of Expulsions imposed by a District School Board as per the Education Act and Regulations.

**Consent to Order** – the form of Expulsion Hearing that follows from a Minutes of Settlement agreed to by parties involved in an Expulsion hearing. The Consent to Order replaces the formal Expulsion Hearing upon the agreement of both parties.

## 2.0 Definitions (cont'd)

**Criminal Harassment** – conduct whereby: (1) a person repeatedly follows an individual from place to place or repeatedly communicates, directly or indirectly, by any means (including electronic means), with an individual, or watches the home or place of work of an individual, or engages in threatening conduct directed at a person or member of that person's family; and (2) the victim of the criminal harassment is caused to reasonably, in the circumstances, fear for his or her safety.

**Daily Care** – an adult (18 years of age or older) who is not the custodial parent/guardian of a pupil (who is less than 18 years old) but is the person who cares for the pupil on a daily basis and is known by the school to provide daily care, for example a relative.

**Delegation of Authority of a Teacher** – a teacher delegated authority by the principal to undertake specified duties with respect to school safety and pupil discipline in the absence of administration.

**Discipline Committee** – a committee of three or more trustees designated to determine suspension appeals and recommendations for expulsion.

**Disproportionate Impact** – the result when discipline impacts a pupil to a greater degree in comparison to his or her peers as a result of factors related to grounds protected by the Ontario Human Rights Code.

**Expulsion** – the removal of a student from his/her school or from all schools of the Board and related school activities, for a period of at least 21 days.

**Extortion** – the use of threats, intimidation or violence towards a person to obtain something of value from that person or someone else, or to cause that person or someone else to do something.

**Gang – related occurrences** – incidents involving a group, consisting of three or more persons, however organized, having as one of its main purposes the commission or facilitation of a criminal offence in which any or all of the members engage.

**Harassment** – engaging in a course of vexatious comments or conduct that is known or ought reasonably been known to be unwelcome.

**Hate and/or Bias-Motivated Occurrences** – incidents (e.g., involving statements, words, gestures) motivated by hatred or bias towards an identifiable group (i.e., a group distinguished by colour, race, religion, gender, sexual orientation or ethnic origin), that are publicly communicated and that are willfully intended to promote or incite bias or hatred against such a group.

**Human Trafficking** – the recruitment, transportation or harbouring of persons for the purpose of exploitation (typically in the sex industry or for forced labour). Traffickers use various methods to maintain control over their victims, including force, sexual assault, threats of violence and physical or emotional abuse.

**Manifestation of a Pupil's Disability** – behaviour that results from a pupil's disability and that a pupil does not intend.

**Medical Cannabis User** – a person who is authorized to possess cannabis for the person's own medical purposes in accordance with federal law.

## 2.0 **Definitions (cont'd)**

**Minutes of Settlement** – the parties with respect to an expulsion recommendation (Administrator, Parent or Adult Student), can enter into Minutes of Settlement where they are in agreement with respect to the recommendation for an expulsion, and there-by waive their rights to a full hearing.

**Mitigating and Other Factors** – circumstances that must be considered by the board and school administrators in situations involving suspension and/or expulsion of a student, as required by the *Education Act* and as set out in Ontario Regulation 472/07.

### **(a) Mitigating Factors**

- i) The pupil does not have the ability to control his or her behaviour.
- ii) The pupil does not have the ability to understand the foreseeable consequences of his or her behaviour.

### **(b) Other Factors**

- i) The pupil's history.
- ii) Whether a progressive discipline approach has been used with the pupil.
- iii) Whether the activity for which the pupil may be or is being suspended or expelled was related to any harassment of the pupil because of his or her race, ethnic origin, religion, disability, gender or sexual orientation or to any other harassment.
- iv) How the suspension or expulsion would affect the pupil's ongoing education.
- v) The age of the pupil.
- vi) In the case of a pupil for whom an individual education plan has been developed:
  - i. Whether the behaviour was a manifestation of a disability identified in the pupil's individual education plan;
  - ii. Whether appropriate individualized accommodation has been provided, and
  - iii. Whether the suspension or expulsion is likely to result in an aggravation or worsening of the pupil's behaviour or conduct.

**Negative impact on school climate** – a possible result of inappropriate activities or behaviours, whether those activities/behaviours occur inside or outside the school. Actions or behaviours that occur outside school may still have a negative impact on school climate.

**Ontario Human Rights Code (OHRC)** – The OHRC recognizes the importance of creating a climate of understanding and respect for the dignity of each person, so that each person can contribute fully to the development and well-being of the Community and Province. The Code guarantees the right to equal treatment in Education, without discrimination on the grounds of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, marital status, family status, disability.

**Parent/Legal Guardian** – a person legally entrusted with the care of, and managing the property and rights of, another person, usually a child/youth who is under the age of 18. Students who are 18 years of age or older, and students who are 16 or 17 years of age but have withdrawn from parental control, are considered to be adults.

## 2.0 Definitions (cont'd)

**Police Involvement** – the course of action determined to be appropriate by the police for the investigation of an incident to which they have been called, including any follow-up and proactive measures.

**Principal Designate** – Vice-Principal or ~~teacher-in-charge~~ **teacher who has been delegated authority** to whom authority and responsibility has been delegated by the school principal.

**Program for Expelled Students** – the provincially mandated program for those students who are expelled from all the schools of the Board.

**Progressive Discipline** – a whole school approach that utilizes a continuum of interventions, supports and consequences to address inappropriate student behaviour and to build upon strategies that promote positive behaviours. Progressive discipline may include, but is not limited to, consultation; school community service; withdrawal of privileges; withdrawal from class; detention; restitution for damages; peer mediation; restorative practice; suspension; and/or expulsion.

**Restorative Practices** – the belief that people are happier, more cooperative and productive and more likely to make positive changes to their behaviour when those in position of authority do things with them rather than to them or for them.

**Robbery** – the use of violence or threats of violence to steal money or other property from a victim.

**School Activity** – any Board or school sponsored activity, including but not limited to field trips, bus trips, sporting activities and after school events.

**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 and accepted.

**School Community** – the school community is composed of staff, pupils and parents of the school, and associate schools, as well as the community of people and businesses that are served by or located in the greater neighbourhood of the school.

**School Premises** – school buildings and grounds including parking lots and playing fields.

~~**Teacher in Charge** – teacher delegated authority by the principal to undertake specified duties with respect to pupil discipline in the absence of administration.~~

**Sexual Assault** – any type of unwanted sexual act done by one person to another that violates the sexual integrity of the victim. The term refers to a range of behaviours that involve the use of force or control over the victim. In some cases, no overt physical force is used – instead, the victim may be threatened with words or pressured into doing something he or she doesn't want to do.

**Sexual Harassment** – comments or actions based on sex, sexual orientation, gender identity or gender expression that are unwelcome or should be known to be unwelcome.

## 2.0 **Definitions (cont'd)**

**Student Action Plan (SAP)** – an outline of the goals, objectives and learning expectations for every student on a long-term suspension or expulsion from the Board, who make a commitment to attend the Board program.

**Superintendent of Safe Schools** – the supervisory officer delegated authority regarding procedural issues related to suspension appeals and expulsions ~~hearings~~.

**Suspension** – the removal of a student from his or her school and all school-related activities for a minimum of one school day to a maximum of twenty school days.

**Threats** – any statement, act or communication by any means, including electronic, of an intent to cause harm, whether physical or emotional, to any person or thing, in circumstances where the person threatened believes or has grounds to believe the threat may be carried out.

**Trafficking** – assisting in any manner with the distribution of a controlled drug or substance, as set out in the *Controlled Drugs and Substances Act*, or with the distribution of weapons.

**Trespass** – the attending at or presence on a private premise without permission of a person in authority having care and control of the premises or engaging in a prohibited activity thereon (e.g., posting a “No Skateboarding” sign means that those skateboarding on that location are trespassing and can be removed).

**Undue Hardship** – is the standard for the provision of accommodation, or point to which accommodation must be provided, for a specific pupil by the Board.

**Vandalism** – the defacing, damaging or destruction of property.

**Weapon** – any article designed as a weapon or used or intended to be used for the purpose of threatening, intimidating, or injuring a person. All firearms, including replica firearms and imitation firearms, are always considered weapons.

## 3.0 **Procedures**

### 3.1 **Progressive Discipline Continuum**

Progressive Discipline is a whole school approach that ~~involves all members of the school community and~~ uses a continuum of prevention programs, interventions, supports and consequences to ~~promote and support positive behaviours and~~ address inappropriate behaviour ~~and to build upon strategies that promote positive behaviours~~. When inappropriate behaviour occurs, disciplinary measures are applied. ~~within a framework that shifts the focus from one that is punitive to one that is~~ The Progressive Discipline Continuum includes creating a positive school and classroom climate, early, ongoing and collaborative intervention, Suspension or Expulsion, restoration and reconciliation are both corrective and supportive ~~and not simply punitive~~.



**3.0 Procedures (cont'd)**

Schools are required to develop and implement a school-wide progressive discipline plan consistent with the Student Discipline Policy (PO611), this **administrative** procedure and the Ontario Human Rights Code. Plans should utilize a range of interventions, supports and consequences that are developmentally appropriate and include learning opportunities for reinforcing and fostering positive behaviour and supporting students in making good choices.

Progressive discipline is most effective when communication between the school and home is open, courteous and focused on student success. Principals, vice-principals and ~~teachers in charge~~ **teachers who have been delegated authority** are expected to engage **and collaborate with** parents in the progressive discipline approach being used with their children.

Where a student has special education needs, the interventions, supports and consequences must be consistent with the expectations outlined in the student's Individual Education Plan, (**e.g., Behaviour Plan goals**) and Safety Plan.

**3.1.1 ~~Early and Ongoing Prevention and Intervention Strategies~~ Creating a positive school and classroom climate**

**~~3.1.1.1~~ Catholic School Communities strive to create positive school and classroom climates by promoting the dignity and worth of all members of the school community. All members of the school community demonstrate accountability and responsibility for their thoughts, words and deeds. Opportunities for contemplation, reconciliation and forgiveness are created when harm has been done to a member of the school community.**

**3.1.1.1.1 Strategies for creating positive school climate may include, but are not limited to:**

- 3.1.1.1.1.1 fostering a safe and accepting school environment by establishing rules and routines that can be implemented by all members;**
- 3.1.1.1.1.2 regularly reviewing and explaining the School Code of Conduct to the students;**
- 3.1.1.1.1.3 engaging all parents/guardians in the school community;**
- 3.1.1.1.1.4 focusing on a restorative mindset;**
- 3.1.1.1.1.5 implementing school improvement goals to address all aspects of the well-being strategy:**
  - 3.1.1.1.1.5.1 Safe and Accepting Schools;**
  - 3.1.1.1.1.5.2 Equity and Inclusive Education;**
  - 3.1.1.1.1.5.3 Positive Mental Health;**
  - 3.1.1.1.1.5.4 Healthy Schools;**



**3.0 Procedures (cont'd)**

3.1.1.1.1.6 ongoing communication with parents/guardians.

3.1.1.1.2 Strategies for creating a positive classroom climate may include, but are not limited to:

3.1.1.1.2.1 fostering a safe and accepting environment;

3.1.1.1.2.2 utilizing a restorative mindset;

3.1.1.1.2.3 co-constructing, communicating and reinforcing classroom and school expectations;

3.1.1.1.2.4 recognizing and celebrating the accomplishments of all students;

3.1.1.1.2.5 focusing on developing relationships;

3.1.1.1.2.6 implementing proactive management of stress behaviours;

3.1.1.1.2.7 using community/restorative circles;

3.1.1.1.2.8 ongoing communication with parents/guardians.

### 3.1.2 Early, ongoing and collaborative intervention

3.1.2.1 Progressive Discipline includes the use of early and ongoing prevention and intervention strategies to address inappropriate behaviour and maintain a positive school environment. Intervention strategies should provide students with the necessary supports to address inappropriate behaviour. Parents/Guardians should be actively engaged in developing and implementing the prevention and intervention strategies.

3.1.2.1.1 Early, ongoing and collaborative intervention strategies may include, but are not limited to:

3.1.2.1.1.1 using positive reinforcement and encouragement;

3.1.2.1.1.2 collecting and analyzing data to determine the function of the behaviour;

3.1.2.1.1.3 making program modifications or accommodations;

3.1.2.1.1.4 development and on-going review of IEP by school team;

3.1.2.1.1.5 development and on-going review of alternate expectations to address lagging skills in behaviour;

3.1.2.1.1.6 reviewing of Code of Conduct and/or classroom expectations;

3.1.2.1.1.7 using verbal and non-verbal reminders;

3.1.2.1.1.8 meeting with student;

3.1.2.1.1.9 loss of privilege;

3.1.2.1.1.10 providing reflection sheet;

3.1.2.1.1.11 initiating or reviewing Behaviour Contracts;

**3.0 Procedures (cont'd)**

- 3.1.2.1.1.12 phoning parent/guardian;
- 3.1.2.1.1.13 meeting with parent/guardian;
- 3.1.2.1.1.14 using restorative questions;
- 3.1.2.1.1.15 referrals to support staff or Student Services;
- 3.1.2.1.1.16 initiating restitution or detention;
- 3.1.2.1.1.17 consulting with Administration;

**3.1.3 Suspension or Expulsion**

- 3.1.3.1 The Education Act gives the principal the sole responsibility to suspend or expel a student based on the list of infractions in the Student Discipline Policy (PO611) and the Code of Conduct Policy (PO610). The principal must consider the mitigating and other factors as listed in the Safe Schools Act prior to making the decision to suspend or expel a student. Decisions regarding appropriate discipline should be unique to each student. Based on the individual factors, and mitigating other factors associated with each student, the principal must decide on the appropriate consequences and supports for each student.

**3.1.4 Restoration and Reconciliation**

- 3.1.4.1 Restoration and Reconciliation are key components of our Catholic beliefs and are an integral part of our approach to Progressive Discipline. Restoration and Reconciliation can and should occur during all stages of Progressive Discipline.
- 3.1.4.1 Restoration and Reconciliation strategies may include, but are not limited to:
- 3.1.4.1.1 holding team planning for future success;
  - 3.1.4.1.2 providing re-entry meetings with student and parents/guardians;
  - 3.1.4.1.3 using restorative circle and/or conference;
  - 3.1.4.1.4 providing support for victim and offender.

~~Progressive Discipline includes the use of early and ongoing prevention and intervention strategies to address inappropriate behaviour and maintain a positive school environment.~~

~~Intervention strategies should provide students with appropriate supports to address inappropriate behaviour. Parents should be actively engaged in the development and implementation of prevention and intervention strategies.~~

**3.1.1.2 Prevention strategies include:**

- ~~Programs and strategies that support the development of positive school climate (e.g., the Religion Curriculum and faith formation activities, self regulation, mindfulness, bullying prevention and intervention lessons, Catholic virtues, Catholic Graduate Expectations, student leadership, violence prevention, equity and inclusive education strategies, etc.).~~

**3.0 Procedures (cont'd)**

- ~~Supporting students, student groups and/or school councils to develop student led activities that promote healthy relationships.~~
- ~~Partnering with community agencies like the Durham Regional Police and public health departments to address issues of gender based violence, sexual assault, sexual orientation discrimination, inappropriate sexual behaviour, etc.~~
- ~~Ongoing review of Individual Education Plans, Behaviour Plans and Safety Plans by Principals and school teams at regular intervals and following an incident to ensure that every student with disability related needs is receiving appropriate accommodation up to the point of undue hardship.~~

**3.1.1.3 Intervention strategies include:**

- ~~Program modifications and/or accommodations;~~
- ~~Class placement decisions;~~
- ~~Positive encouragement and reinforcement;~~
- ~~Individual, peer and group counselling;~~
- ~~Conflict resolution/dispute resolution;~~
- ~~Mentorship programs;~~
- ~~Sensitivity programs~~
- ~~Safety plans;~~
- ~~Student Services involvement~~
- ~~School, Board and community support programs;~~
- ~~Student success strategies;~~
- ~~Contact with student's parent(s)/ guardian(s);~~
- ~~Oral reminders;~~
- ~~Review of expectations;~~
- ~~Assignments that address the behaviour;~~
- ~~Volunteer service in the school community;~~
- ~~Conflict mediation and resolution; and/or~~
- ~~Peer mentoring.~~

**3.1.5 Understanding of Behaviours that are a Manifestation of Specific Diagnosed Medical or Neurological Developmental Disorders**

- 3.1.5.1** Some students with special education needs have medical/neurological/developmental disorders that can have manifestation behaviour(s) that is/are a direct result (manifestation) of a diagnosed and existing medical, neuropsychological, neurological, or developmental condition (i.e., a condition that is not learned and cannot be “unlearned”). The specific manifestation behaviour may be identified in a professional assessment. Such behaviours may create safety concerns within the school environment.

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3.0 **Procedures (cont'd)**

3.1.5.2 Responding to the behaviour as a purposeful violation of the Code of Conduct and applying consequences in isolation from the behaviour management strategies in a student's IEP and Safety Plan may be considered a violation of the student's legal right to accommodation which would be mitigated from that of a neuro-typical developed student. It may also result in an unnecessary increase in the risk of injury behaviour.

3.1.5.3 All staff should make themselves aware of the behaviours associated with common disorders (e.g., Attention Deficit Hyperactivity Disorder, Tourette's Syndrome) and/or the behaviours associated with the diagnosed disorders of the students they work with or come in contact with on a regular basis in order to fully understand the behaviours as a manifestation of the disability or disorder.

3.1.5.4 These behaviours must not be responded to as deliberate, intentional or purposeful violations of the Code of Conduct. Rather, these behaviours must be documented, and school interventions must be incorporated into the student's IEP and Safety Plan. Not every student who demonstrates behaviours that present a risk of injury to self and others will have a diagnosis. It is important that the school responds to these behaviours by collecting data, analyzing the data (e.g., doing a Functional Behaviour Analysis) and developing an IEP and a Safety Plan.

### 3.1.6 Progressive Discipline Consequences

3.1.6.1 When ~~positive practices~~ **early, ongoing and collaborative** intervention strategies are not effective or sufficient in addressing inappropriate student behaviour, the Board supports the use of progressive discipline consequences up to and including expulsion from all schools of the Board. ~~Such discipline will be applied in the least restrictive manner to be effective, and so as not to add to the historical disadvantage of racialized pupils and/or pupils with disabilities. The principal or vice-principal may utilize a range of interventions, supports and/or consequences that are developmentally appropriate and include opportunities for students to focus on improving their behaviour.~~

**3.0 Procedures (cont'd)**

- 3.1.6.2 In all cases where a progressive discipline consequence is being considered to address an inappropriate behaviour the principal or vice- principal must:
- 3.1.6.2.1 consider the individual student and circumstances;
  - 3.1.6.2.2 consider mitigating and other factors (see Section 3.3);
  - 3.1.6.2.3 consider the nature and severity of the behaviour;
  - 3.1.6.2.4 consider the impact of the inappropriate behaviour on the school climate; **and**
  - 3.1.6.2.5 consider whether or not the progressive discipline consequence might have a disproportionate impact on a student when considering the Ontario Human Rights Code.; **and**
- ~~3.1.5.3.1 consult with the student's parent(s).~~
- 3.1.6.3 **When a progressive discipline consequence is used**, parents should be **informed and/or** consulted and the teacher, principal or vice principal should keep a record for each pupil. The record should include:
- 3.1.6.3.1 name of the student;
  - 3.1.6.3.2 date of the incident or behaviour;
  - 3.1.6.3.3 nature of the incident or behaviour;
  - 3.1.6.3.4 progressive discipline approach used;
  - 3.1.6.3.5 outcome; and/or
  - 3.1.6.3.6 any contact with parent/guardian unless the student is an adult pupil.
- 3.1.6.4 Consequences may include:
- 3.1.6.4.1 meeting with parent(s)/guardian(s), student and principal
  - 3.1.6.4.2 detentions;
  - 3.1.6.4.3 withdrawal of privileges;
  - 3.1.6.4.4 withdrawal from class;
  - 3.1.6.4.5 restitution for damages;
  - ~~restorative practices;~~
  - ~~referral to a community agency for support (e.g., anger management or substance abuse counseling/ intervention);~~
  - ~~transfer to another class or school with support;~~
  - 3.1.6.4.6 suspension; and/or expulsion from school or all schools of the Board.

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3.0 **Procedures (cont'd)**3.2 **Responding to Safe Schools Incidents by Employees Who Work with Students**

- 3.2.1 Schools must consistently take the appropriate action to address behaviours that are contrary to provincial, Board and school Codes of Conduct. In order to ensure a consistent school-level application of Progressive Discipline consequences, the principal shall review each year with all staff members their duty to report breaches to the school Code of Conduct. This review shall include instructions regarding the process for reporting of incidents both in person and by using the Safe Schools Incident Reporting tool on MyDCDSB.
- 3.2.2 Provided that there is no immediate risk of physical harm to the employee, Board employees who work with students are expected to:
- 3.2.2.1 respond to any inappropriate or disrespectful behaviour; ~~as well as any other~~
  - 3.2.2.2 respond to any behaviour that could have a negative impact on school climate;
  - 3.2.2.3 ~~or~~ respond to any behaviour for which a suspension or expulsion may be imposed. This includes any behaviour that ~~they~~ an employee may have observed or heard during the course of ~~their~~ his/her duties, ~~or otherwise~~ while on school property or during a school related event.
- 3.2.3 Staff response should be timely and supportive in an effort to stop and correct the behaviour in a manner that is developmentally appropriate and takes into consideration any special and/or disability related needs that the student might exhibit or about which the employee might be aware. Responses may include one or more of:
- 3.2.3.1 asking the student to stop the behaviour;
  - 3.2.3.2 identifying the behaviour as inappropriate and disrespectful;
  - 3.2.3.3 explaining the impact of the behaviour on others and the school climate;
  - 3.2.3.4 modelling appropriate communication;
  - 3.2.3.5 asking the student to correct his/her behaviour by restating or rephrasing the appropriate response;
  - 3.2.3.6 asking the student to acknowledge his/her behaviour as being inappropriate; and
  - 3.2.3.7 asking the student to explain why and how a different choice or decisions would have been more appropriate and respectful;
- 3.2.4 A response by a staff member to the incident shall not prevent or preclude the principal or vice-principal from imposing appropriate consequences up to and including a recommendation for expulsion from all schools.

**3.0 Procedures (cont'd)****3.3 Mitigating Factors and Other Factors**

3.3.1 Before issuing any progressive discipline consequence, including suspensions and expulsions, principals must take into account the following mitigating and other factors when making their decisions.

**3.3.1.1 Mitigating Factors**

- 3.3.1.1.1 whether the student has the ability to control his or her behaviour;
- 3.3.1.1.2 whether the student has the ability to understand the foreseeable consequences of his or her behaviour; and
- 3.3.1.1.3 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.

**3.3.2 Other Factors to be Considered**

- 3.3.2.1 the student's academic, discipline and personal history;
- 3.3.2.2 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;
- 3.3.2.3 whether the infraction for which the student might be disciplined was related to any harassment of the student because of race, colour, ethnic origin, place of origin, religion, creed, disability, gender, or gender identity sexual orientation or harassment for any other reason related to an immutable characteristic;
- 3.3.2.4 the impact of the discipline on the student's prospects for further education;
- 3.3.2.5 the student's age;
- 3.3.2.6 where the student has an IEP or disability related needs:
  - 3.3.2.6.1 whether the behaviour causing the incident was a manifestation of the student's disability;
  - 3.3.2.6.2 whether appropriate individualized accommodation has been provided to the point of undue hardship; and
  - 3.3.2.6.3 whether a suspension is likely to result in aggravating or worsening the student's behaviour or conduct or whether a suspension is likely to result in a greater likelihood of further inappropriate conduct; and
  - 3.3.2.6.4 whether or not the student's continuing presence at the school creates an unacceptable risk to the safety of anyone in the school.

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3.0 **Procedures (cont'd)**3.4 **Suspension of Pupil**

## 3.4.1 Suspension Infractions

- 3.4.1.1 When a principal's/vice-principal's investigation of an incident determines that a student has committed one or more of the following infractions on school property, during a school-related activity or event and/or in circumstances where the infraction has an impact on the school climate, a principal shall consider whether that student should be suspended.
- 3.4.1.2 The infractions for which a suspension may be imposed by the principal include:
- 3.4.1.1.1 uttering a threat to inflict serious bodily harm on another person;
  - 3.4.1.1.2 possessing alcohol, illegal drugs or cannabis (unless the pupil is a medical cannabis user);
  - 3.4.1.1.3 Being under the influence of alcohol, illegal drugs, or cannabis (unless the pupil is a medical cannabis user);
  - 3.4.1.1.4 swearing at a teacher or at another person in a position of authority;
  - 3.4.1.1.5 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;
  - 3.4.1.1.6 bullying;
  - 3.4.1.1.7 uttering a racial slur or comment;
  - 3.4.1.1.8 sexual slurs or harassment;
  - ~~3.4.1.1.9 being in possession of/or under the influence of drugs;~~
  - 3.4.1.1.9 disrespect towards or desecration of the religious dimension of the school;
  - 3.4.1.1.10 Possession and/or use of tobacco products;
  - 3.4.1.1.11 Conduct deemed unacceptable, e.g.:
    - 3.4.1.1.11.1 Fighting/Violence;
    - 3.4.1.1.11.2 Use of profane or improper language;
    - 3.4.1.1.11.3 Persistent opposition to authority;
    - 3.4.1.1.11.4 Persistent tardiness and/or truancy including "skipping" classes;
    - 3.4.1.1.11.5 Theft;
    - 3.4.1.1.11.6 Inappropriate use of Social Media;



**3.0 Procedures (cont'd)**

3.4.1.1.11.7 Any act considered by the principal to be contrary to the Board or School Code of Conduct.

3.4.1.3 A student may be suspended only once for any incident of an infraction, and may be suspended for a minimum of one (1) school day and a maximum of twenty (20) school days.

### 3.4.2 Factors to Consider Before Imposing a Suspension

3.4.2.1 A principal will make every effort to consult with the student, where appropriate, and the student's parent(s)/guardian(s) (if the student is not an adult student) to identify whether any mitigating and/or other factors might apply in the circumstances (See Section 3.2.3 Mitigating and Other Factors). These factors may be applied to mitigate the decision to suspend or may be applied to mitigate the length of the suspension imposed. If a student does not have the ability to control his or her behaviour or does not understand the foreseeable consequences of his/her behaviour, the principal or vice-principal shall not suspend the student.

3.4.2.2 In circumstances where one or more of the factors mitigate the decision to apply a suspension as a form of discipline for the student, the principal or vice principal may consider whether other progressive discipline interventions or consequences are appropriate.

3.4.2.3 The principal or vice principal must consider whether progressive discipline approaches have been attempted and/or used successfully in the past.

3.4.2.4 The principal/vice-principal shall consider whether or not the suspension might have a disproportionate impact on a student when considering the Ontario Human Rights Code.

3.4.2.5 If the student poses an unacceptable risk to the safety of others in the school, the principal shall consult with his/her Superintendent regarding appropriate accommodations and/or strategies that might be instituted to ensure safety of students, staff, and others in the school.

3.4.2.6 For suspensions that exceed eleven (11) or more school days, the principal must consult with the Superintendent of Education regarding:

3.4.2.6.1 whether mitigating or other factors were considered;

3.4.2.6.2 the investigation undertaken;

3.4.2.6.3 the circumstances of the incident; and

3.4.2.6.4 the appropriate length of the suspension.

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**3.0 Procedures (cont'd)****3.4.3 Reporting Suspension and Expulsion Infractions to the Principal by Board staff**

3.4.3.1 When any Board employee or transportation provider becomes aware of any infractions for which a suspension may be imposed by the principal or any infractions for which a principal may consider recommending to the Board that a student be expelled, he/she must verbally report the infraction and any details to the principal/vice-principal/~~teacher in charge~~ **teacher who has been delegated authority** at the earliest, safest opportunity. If a report is to be made by a transportation provider, it should be reported at the end of the transportation run.

3.4.3.2 The incident must also be reported electronically using the Safe Schools Incident Reporting on-line tool available on the landing page of MyDCDSB as soon as possible.

3.4.3.3 Where two or more board staff and/or transportation providers become aware of the same incident, each staff member and transportation provider must make a report to the principal/vice-principal/~~teacher in charge~~ **teacher who has been delegated authority**.

3.4.3.4 A ~~teacher in charge who~~ **teacher who has been delegated authority** receives an oral or written report of an incident ~~he/she should ensure that~~ **make** the administrator ~~is made~~ aware at the earliest opportunity.

3.4.3.5 Once the report is generated, a report number will be assigned and the principal will respond using the online reporting system to acknowledge the receipt of the report in writing. The report will indicate whether or not action was taken.

**3.4.3.5.1 When No Action is Taken**

3.4.3.5.1.1 **It is recommended that the employee does not print the electronic copy of the report. If printed,** the employee or transportation provider shall destroy the Principal acknowledgement in a manner that protects the privacy of all personal information that may be contained therein.

**3.0 Procedures (cont'd)**

3.4.3.5.1.2 The principal/vice-principal shall retain the report for the balance of the school year, and the following school year, at which time it shall be destroyed unless required for an ongoing proceeding including an application to the Human Rights Tribunal of Ontario.

**3.4.3.5.2 Where Action is Taken**

3.4.3.5.2.1 It is recommended that the employee does not print the electronic copy of the report. If printed, the employee may destroy the Principal acknowledgement. If retained reports must be held in a secure location for ~~at least~~ no more than twelve months.

3.4.3.6 A copy of the report shall be filed in that student's Ontario Student Record (OSR) for at least the balance of the school year and for the following school year, unless

3.4.3.6.1 it is removed from the OSR in accordance with s.266 of the Education Act, or

3.4.3.6.2 as a result of a suspension review, suspension appeal, expulsion appeal, or settlement or final determination of an appeal/review/proceeding/action/claim/application.

3.4.3.7 The principal/vice-principal shall ensure that all information that could identify other students has been redacted before it is filed in the OSR. When action is taken against more than one student, the report shall be filed in each student's OSR, as above.

**3.5 Steps When Imposing a Suspension**

3.5.1 When a principal or vice-principal has determined that a suspension is an appropriate consequence, the following steps must be followed:

3.5.1.1 Step 1: The principal or vice-principal should contact the police, if the infraction the student is suspected of committing requires it according to the Police/ School Board Protocol. When in doubt, the principal should consult with his or her Superintendent.

3.5.1.2 Step 2: Within 24 hours of the decision, the principal or vice-principal must make all reasonable efforts to verbally inform the parent/guardian or the adult student of the suspension.

**3.0     Procedures (cont'd)**

- 3.5.1.3     Step 3: The principal or vice-principal must inform the student's teacher(s) of the suspension.
- 3.5.1.4     Step 4a: For suspensions of 1 to 5 days: The principal or vice-principal, in conjunction with the student's teacher(s), must organize school work to be provided for the student to be completed at home during the duration of the suspension. The work should be available to the adult student's designate or the student's parent/guardian or designate, the day the student is suspended or the following day.
- 3.5.1.5     Step 4b: For suspensions of 6 to 20 days: In addition to receiving school work for the first five (5) school days of suspension, the student must be assigned to the Alternative Suspension Program (ASP). A pupil participating in an ASP is not considered to be engaging in school or school-related activities. The principal or vice principal shall explain the ASP to the parents/guardians or adult student at the time of the suspension.
- 3.5.1.6     Step 5: Every effort should be made to give the suspension letter (and the student's school work) to the parent or student if an adult, at the time of the suspension. If this is not possible, the letter should be mailed, couriered, faxed or emailed to the home address that day.
  - 3.5.1.6.1     If notice is sent by mail or courier, it will be deemed to have been received on the fifth school day after it was sent.
  - 3.5.1.6.2     If notice is sent by fax or email, it is deemed to have been received the first school day after it was sent.
  - 3.5.1.6.3     Written notice of the suspension is also provided to the Family of Schools Superintendent and the Superintendent of Safe Schools.
- 3.5.1.7     Step 6: The written notice of suspension will include:
  - 3.5.1.7.1     the reason for suspension;
  - 3.5.1.7.2     the duration of the suspension, including the student's date of return to school;
  - 3.5.1.7.3     information about the ability to pick up school work;
  - 3.5.1.7.4     information about the Alternative Suspension Program for suspensions for six (6) or more school days;
  - 3.5.1.7.5     information about the right to appeal the suspension, including the relevant policies and guidelines, and the contact information for the Director of Education, to whom notice of the appeal must be given;

**3.0     Procedures (cont'd)**

3.5.1.7.6    refer to Appendix 1 and 2 for appropriate letters

3.5.2    **Alternative Suspension Program (ASP)**

3.5.2.1    An Alternative Suspension Program must be available for a pupil who has been suspended for six (6) or more school days.

3.5.2.2    Agreement or refusal to participate in an ASP may be communicated to the school verbally by the adult student or the student's parent/guardian. Where the adult student or the student's parent/guardian declines the offer for participation in an ASP, the principal or vice-principal shall record the date and time of such refusal. The principal or vice principal of the Alternative Suspension Program will also contact the parents/guardian or adult student to explain the program and will record the date and time if the program is refused.

3.5.2.3    A student cannot be compelled to participate in an ASP. Should the adult student or the student's parent/guardian choose not to have the student participate in an ASP, the student will be provided with school work consistent with the Ontario curriculum or that student's modified or alternative curriculum to be completed at home for the duration of his/her suspension. This school work will be available at the school for pick-up by the adult student's designate or the student's parent/guardian (unless the student is an adult student) or a designate at regular intervals during the suspension period. In circumstances where the school work is not picked up, the principal should contact the adult student or the student's parent(s)/guardian(s) to determine whether the school work will be picked up. The principal should record the follow-up and response.

3.5.3    **Student Action Plan (SAP)**

3.5.3.1    A Student Action Plan shall be developed for every student who receives a suspension of six (6) or more school days and who agrees to participate in the Alternative Suspension Program (ASP).

3.5.3.2    The principal or vice-principal of the school shall hold a planning meeting for the purpose of developing the Student Action Plan (SAP) for a student who has been suspended for 6 to 10 days who has agreed to participate in the ASP.

3.5.3.2.1    The adult student or student's parent/guardian and the student (where appropriate) as well as any appropriate teaching and support staff will be invited to participate in the planning meeting. The adult student or student's parent/guardian shall be invited for the purpose of providing input.

**3.0     Procedures (cont'd)**

- 3.5.3.2.2 The planning meeting will be scheduled to occur within two (2) school days of the adult student or the parent/guardian informing the school that the student will participate in an Alternative Suspension Program.
    - 3.5.3.2.3 If the adult student and/or the parent/guardian are not available to participate in the planning meeting, the meeting will proceed in their absence and a copy of the Student Action Plan (SAP) will be provided to them following the meeting.
    - 3.5.3.2.4 During the planning meeting the principal shall review the issues to be addressed in the pupil's Student Action Plan (SAP).
  - 3.5.3.3 A student subject to suspension for eleven (11) or more school days shall be provided with both academic and non-academic supports, which shall be identified in the student's SAP. Students subject to a suspension of fewer than eleven (11) school days may be offered non-academic supports where such supports are appropriate and available.
    - 3.5.3.3.1 The SAP shall be developed under the direction of the principal of the school with assistance, as appropriate, from the principal of alternative suspension program, vice-principal of the school, guidance counselor, program support teacher, classroom teacher and/or student services staff (e.g., CYC, social worker, psychological services).
    - 3.5.3.3.2 The principal will make every effort to complete the SAP within five (5) school days of being informed that the student will participate in an ASP. This timeline will be communicated to the adult student and/or the parent/guardian if they are unable to attend the planning meeting for the purpose of providing input.
    - 3.5.3.3.3 The principal must ensure that the student is provided with school work until the SAP is in place.
    - 3.5.3.3.4 Once completed, the SAP will be shared with the adult student, or the student's parent/guardian and the student and all necessary staff to facilitate implementation.

**3.0     Procedures (cont'd)**

3.5.3.3.5 A copy of the SAP will be stored in the student's Ontario Student Record until such time as it is no longer conducive to the improvement of instruction of the student.

3.5.3.3.6 The SAP will identify:

3.5.3.3.6.1 the incident for which the student was suspended;

3.5.3.3.6.2 the progressive discipline steps taken prior to the suspension, if any;

3.5.3.3.6.3 any other discipline measures imposed in addition to the suspension;

3.5.3.3.6.4 any other disciplinary issues regarding the student that have been identified by the school;

3.5.3.3.6.5 any learning needs or other needs that might have contributed to the underlying infraction resulting in discipline;

3.5.3.3.6.6 any program(s) or service(s) that might be provided to address those learning or other needs;

3.5.3.3.6.6 the academic program to be provided to the student during the suspension period and details regarding how that academic program will be accessed by the student;

3.5.3.3.6.7 where the student has an IEP and or disability related needs, information regarding how the accommodations/modifications of the student's academic program will be provided during the period of suspension;

3.5.3.3.6.8 the non-academic program and services to be provided to the student, if applicable, during the suspension and details regarding how that non-academic program and those services will be accessed; and

3.5.3.3.6.9 the measurable goals the student will be striving to achieve during the period of suspension.

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**3.0     Procedures (cont'd)****3.5.4     Notification of the Parent/Guardian of the Victim****3.5.4.1     Decision to Notify the Parent/Guardian of the Victim**

- 3.5.4.1.1     Following an incident for which the principal will be considering imposing a suspension or making a recommendation for expulsion, he/she shall provide information to the parent/guardian of the victim, unless in the opinion of the principal or vice-principal providing information to the victim's parent/guardian would put the victim at risk of harm and would not be in the victim's best interest. Where the victim is an adult student, the principal or vice-principal shall inform the parent/guardian only with the victim's consent.
- 3.5.4.1.2     When notifying the parent/guardian of the student who has been the victim of an incident, the principal or vice-principal shall identify:
  - 3.5.4.1.2.1     the nature of the incident that caused the student harm;
  - 3.5.4.1.2.2     the nature of the harm to the student;
  - 3.5.4.1.2.3     its impact on the student to the degree known by the principal or vice-principal;
  - 3.5.4.1.2.4     the steps being taken by the school to protect the student's safety including any disciplinary measures taken in response to the activity and supports being provided.
- 3.5.4.1.3     In addition, where the victim has been harassed, bullied or suffered violence because of one or more immutable characteristics, including on any grounds protected by the Ontario Human Rights Code, or has been sexually assaulted, the principal or vice-principal shall share contact information about professional supports available in the Board and in the community in a form accessible to the parent/guardian. A written list of community contacts will be made available to the victim and/or the victim's parent/guardian.



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3.0 **Procedures (cont'd)**

- 3.5.4.1.4 The principal or vice-principal may communicate to the victim and the victim's parent/guardian:
  - 3.5.4.1.4.1 any school-wide initiatives or preventative measures that have been or will be implemented as a result of the incident and/or other similar incidents;
  - 3.5.4.1.4.2 confirmation that the student(s) disciplined will no longer be attending the same school as the victim, if this is the case.
- 3.5.4.1.5 The Principal or Vice-Principal Shall Not:
  - 3.5.4.1.5.1 identify the names of the student(s) disciplined or confirm the identity of the student(s) disciplined;
  - 3.5.4.5.2 provide other personal information about the student(s) disciplined such that his/her personal identity might be determined or confirmed;
  - 3.5.4.5.3 disclose the specific disciplinary measures that might have been imposed.
- 3.5.4.1.6 The principal or vice-principal shall also inform the parent/guardian that, if the parent/guardian is not satisfied with the measures being taken to protect and support the victim, the parent/guardian may contact the Family of Schools Superintendent to request a review of the measures being taken by the school.
- 3.5.4.2 Decision to Not Notify the Parent/Guardian of the Victim
  - 3.5.4.2.1 Where, in the opinion of principal/vice-principal, providing information to the victim's parent/guardian would put the victim at risk of harm, such that notification would not be in the victim's best interests, or where the victim is an adult student and does not consent to his/her parent/guardian being informed, the principal/vice-principal shall not inform the victim's parent/guardian.

**3.0     Procedures (cont'd)****3.5.4.2.2     The principal or vice-principal shall:**

- 3.5.4.2.2.1     consider, as a result of the victim's disclosure, whether or not the victim is a child in need of protection and, if so, make a report to the Children's Aid Society, and if in doubt, the principal or vice-principal shall make an anonymous consultation call to CAS to inquire about the appropriateness of making a report;
- 3.5.4.2.2.2     document why the parent/guardian was not notified;
- 3.5.4.2.2.3     inform his/her superintendent that the parent/guardian was not informed and why;
- 3.5.4.2.2.4     inform the teacher or whichever individual informed the principal or vice-principal of the potential for harm, that the parent/guardian was not informed and why; and
- 3.5.4.2.2.5     inform other staff working to support the student, as appropriate.

**3.6     Suspension Appeal Process****3.6.1     Suspension Appeal Request**

- 3.6.1.1     Where a student's parent/guardian or the adult student disagrees with the decision of the principal to suspend the student, the adult student or parent/guardian may appeal a suspension. All suspension appeals will be received by the Director of Education.
  - 3.6.1.1.1     An appeal of a suspension does not stay the suspension.
  - 3.6.1.1.2     A person who intends to appeal a suspension must give written notice of his/her intention to appeal the suspension within ten (10) school days of the commencement of the suspension.
  - 3.6.1.1.3     The Board 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).

**3.0 Procedures (cont'd)**

- 3.6.1.1.4 Upon receipt of written notice of the intention to appeal the suspension, the Director of Education will direct the Superintendent of Safe Schools to:
- 3.6.1.1.4.1 promptly advise the principal of the appeal;
  - 3.6.1.1.4.2 promptly advise the adult student or the parent/guardian that a review of the suspension will take place and invite the appellant to contact the Family of Schools Superintendent to discuss any matter respecting the incident and/or appeal of the suspension (see Appendix 4);
  - 3.6.1.1.4.3 ensure the Family of Schools Superintendent reviews the suspension (reason, duration, any mitigating or other factors and whether or not the Ontario Human Rights Code should be or was appropriately applied); he/she may consult with the principal regarding modification or expunging the suspension;
  - 3.6.1.1.4.4 consult and possibly request a meeting with the adult student or the parent/guardian and the principal to narrow the issues and try to effect a settlement;
  - 3.6.1.1.4.5 will, where a settlement is not effected, provide notice of the review decision (see Appendix 5) to the adult student or parent/guardian;
  - 3.6.1.1.4.6 and arrange a date for the appeal before the Discipline Committee.

**3.6.2 Suspension Appeal Meeting**

- 3.6.2.1 Where the suspension is upheld on review, and the adult student or the student's parent/guardian chooses to continue with the appeal, the Superintendent of Safe Schools will:
- 3.6.2.1.1 coordinate the preparation of a written report for the Discipline Committee. This report must contain:
  - 3.6.2.1.2 a report from the principal regarding the incident, the rationale for suspension and how mitigating and other factors were considered;
  - 3.6.2.1.3 a copy of the original suspension letter;
  - 3.6.2.1.4 a copy of the letter requesting the Suspension Appeal;
  - 3.6.2.1.5 a copy of the correspondence with respect to the decision of the Family of Schools Superintendent regarding the suspension review;

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**3.0     Procedures (cont'd)**

- 3.6.2.1.6 any material necessary for the Discipline Committee to review during the Appeal (e.g., witness statements).
- 3.6.2.1.7 inform the adult student or the parent/guardian of the date of the Suspension Appeal, provide a guide to the process for the appeal, and a copy of the written report that will go to the Discipline Committee. (See Appendix 7.)

**3.6.3     Suspension Appeal Before the Discipline Committee of the Board**

- 3.6.3.1     The parties in an appeal to the Discipline Committee shall be the principal and the adult student or the parent/guardian, if they appealed the decision.
- 3.6.3.2     Suspension appeals will be heard orally, *in camera*, by the Discipline Committee of Trustees. The Discipline Committee may grant a person with Daily Care authority to make submissions on behalf of the student. An adult student or student's parent/guardian may bring legal counsel, an advocate or support person with them to the appeal provided they have advised the Superintendent of Safe Schools 5 school days in advance.
- 3.6.3.3     Legal counsel for the Board may be present at the appeal if the appellant is represented by legal counsel or an agent.
- 3.6.3.4     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 and/or direction, a Trustee may call for the assistance of a police officer to enforce any such order or direction.
- 3.6.3.5     Where the appellant, who has received proper notice of the location, date and time of the appeal fails to attend the appeal or comply with the necessary timelines, the Discipline Committee will wait 30 minutes before dismissing the appeal.

**3.6.4     Procedure During a Suspension Appeal**

- 3.6.4.1     The appellant and/or person with daily care will proceed first by making oral submissions and/or providing written submissions regarding the reason for the appeal and the result desired.
- 3.6.4.2     The student, if present, will be asked to make a statement on his/her own behalf.

**3.0     Procedures (cont'd)**

- 3.6.4.3     The Principal and/or Superintendent of Education for the school will make verbal submissions on behalf of the administration, including a response to any issues raised in the appellant's submissions. The Principal/Superintendent may rely on the report prepared for the Discipline Committee.
- 3.6.4.4     The appellant may make further submissions addressing issues raised in the administration's presentation that were not previously addressed by the appellant.
- 3.6.4.5     The Discipline Committee may ask any party, or the student, where appropriate, questions of clarification.
- 3.6.4.6     The Discipline Committee will retire to caucus to make their decision. The Discipline Committee will consider, based on the written and/or verbal submissions of both parties, whether or not the consequence might have a disproportionate impact on a student when considering the Ontario Human Rights Code and whether the decision to discipline and the discipline imposed was reasonable in the circumstances.
- 3.6.4.7     The Discipline Committee will decide to either:
  - 3.6.4.7.1     confirm the suspension and its duration; or
  - 3.6.4.7.2     confirm the suspension but shorten its duration, and amend the record, as necessary; or
  - 3.6.4.7.3     quash the suspension and order that the record be expunged; or
  - 3.6.4.7.4     make such other appropriate order.
- 3.6.4.8     The decision shall be communicated to the appellant in writing. The decision of the Discipline Committee is final.

**3.7     Re-Entry Following a Suspension****3.7.1     Re-Entry Meeting**

- 3.7.1.1     Following a suspension of six (6) or more school days, a re-entry meeting will be held with school and board staff (if necessary), the student, and the student's parent(s)/guardian(s) if possible, to provide positive and constructive redirection for the student. Where the student has participated in an ASP, the student's success in achieving the goals outlined in the SAP will be reviewed with the adult student or student's parent/guardian and pupil. Further programs and services might be recommended by the principal for the purpose of achieving additional or greater success in meeting the goals outlined in the SAP.

**3.0     Procedures (cont'd)****3.7.2     Transfer to Another School**

- 3.7.2.1     Following an incident at the school, it might be necessary to transfer to another school the student who has been disciplined or victim for safety reasons and/or for compliance with an Order of the Court or police restrictions. To the extent possible, the student who has been disciplined rather than the victim, should be transferred.
- 3.7.2.2     The decision to transfer a student to another school shall only be made by a superintendent in consultation with the sending and receiving school principals and shall be made only where it is consistent with the Ontario Human Rights Code.
- 3.7.2.3     When it has been determined that a student will be transferred to another school, the principal or vice-principal shall ensure that a Transition Plan is developed identifying any additional supports and resources required in the principal/ designate's opinion to ensure a successful transition. These might include referrals for Social Work support, Child & Youth Counsellor (CYC) support and/or support from community agencies as well as the development of a transitional Individual Education Plan. Where the student has been subject to suspension, the Transition Plan shall be consistent with and coordinated with the Student Action Plan (SAP) developed for suspension purposes.
- 3.7.2.4     The principal or vice-principal of the sending school shall invite the adult student or parent/guardian and the student, where appropriate, to a meeting with representatives from both schools for the purpose of reviewing the Transition Plan. This meeting should include the timeline for transition and the provision of school work prior to transition in circumstances where the student is not subject to an SAP and will not be attending school during the intervening period. During the meeting, the principal should obtain any necessary consents for support services, and respond to any questions or concerns identified by the receiving school and/or the parent/guardian or student.
- 3.7.2.5     Teaching and support staff of the receiving school who will be working with the student once the student has transferred should be in attendance, where possible.
- 3.7.2.6     All individuals attending the meeting must be informed by the principal or vice-principal at the outset that the information shared during the meeting is personal information that must be kept confidential pursuant to the Municipal Freedom of Information and Protection of Privacy Act and/or Education Act.

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**3.0 Procedures (cont'd)****3.8 Expulsion of Pupils****3.8.1 Expulsion Infractions**

3.8.1.1 When a principal's investigation of an incident determines that he/she has reasonable grounds to believe that a student has committed one or more of the following infractions 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 must consider whether or not to consider an expulsion as the appropriate consequence.

3.8.1.2 The infractions for which an expulsion must be considered are:

- 3.8.1.2.1 Possessing a weapon, including possessing a firearm or knife;
- 3.8.1.1.2 Using a weapon to cause or to threaten bodily harm to another person;
- 3.8.1.1.3 Bullying, if, the pupil has previously been suspended for engaging in bullying, and the pupil's continuing presence in the school creates an unacceptable risk to the safety of another person;
- 3.8.1.1.4 Committing physical assault on another person that causes bodily harm requiring treatment by a medical practitioner;
- 3.8.1.1.5 Committing sexual assault;
- 3.8.1.1.6 Trafficking in weapons or restricted or illegal drugs;
- 3.8.1.1.7 Committing robbery;
- 3.8.1.1.8 Giving alcohol to a minor;
- 3.8.1.1.9 Giving cannabis to a minor;
- 3.8.1.1.10 Any activity listed in the Code of Conduct for which a suspension must be considered 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;
- 3.8.1.1.11 Engaging in activities or patterns of behaviour on or off school property that cause the pupil's presence in the school to create an unacceptable risk to the physical or mental well-being of other person(s) in the school or in the Board;
- 3.8.1.1.12 Engaging in activities on or off school property that have caused extensive damage to the property of the Board or to goods that are/were on Board property;
- 3.8.1.1.13 Conduct deemed unacceptable;
- 3.8.1.2.14 Any act considered by the Principal and Family of Schools Superintendent to be a serious violation of the Board or school Code of Conduct.

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**3.0     Procedures (cont'd)****3.8.2     Factors to Consider Before Deciding to Impose a Suspension Leading to a Possible Expulsion**

- 3.8.2.1     When deciding whether or not to impose a suspension pending a possible recommendation for expulsion, the principal will make every effort to consult with the student, where appropriate, and the student's parent/guardian, if the student is not an adult student, to identify whether any mitigating factors might apply in the circumstances. However, despite consultation, the identification of mitigating and other factors remains the responsibility of the principal (see Section 3.2 Mitigating and Other Factors).
- 3.8.2.2     If a student does not have the ability to control his/her behaviour and does not understand the foreseeable consequences of his/her behaviour, the principal shall not suspend the student. Other progressive discipline and/or other intervention may be considered by the principal in such circumstances.
- 3.8.2.3     The principal shall consider whether or not the 20 day suspension or expulsion might have a disproportionate impact on the student when considering the Ontario Human Rights Code.
- 3.8.2.4     If the student does not have the ability to control his/her behaviour and does not understand the foreseeable consequences of his/her behaviour, but poses an unacceptable risk to the safety of others in the school, the principal will consult with his/her Superintendent regarding appropriate accommodations and/or strategies that might be instituted to ensure student and staff safety.
- 3.8.2.5     Where the student is able to control his/her behaviour and is able to understand the foreseeable consequences of his/her behaviour, the principal or vice-principal shall consider whether the other factors mitigate the length of a suspension, the decision to apply a suspension as a form of discipline for the student, or the decision to expel from the school or all schools of the Board.



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**3.0 Procedures (cont'd)****3.9 Procedural Steps When Imposing a Twenty Day Suspension Pending an Investigation to Determine if an Expulsion is Warranted****3.9.1 Step 1**

3.9.1.1 The principal shall contact the police, consistent with the Local Police/School Board Protocol, if the infraction the student is suspected of committing requires such contact. The principal shall consult with his or her Family of Schools Superintendent. Any police investigation will be conducted separately from the principal's inquiry.

3.9.1.2.1 As part of the school investigation, the principal shall:

- 3.9.1.2.1 make all reasonable efforts to speak with the adult student or the parent/guardian and student;
- 3.9.1.2.2 conduct interviews with witnesses who the principal determines can contribute relevant information to the investigation;
- 3.9.1.2.3 make all reasonable effort to interview any witnesses suggested by the student, or the parent/guardian; and
- 3.9.1.2.4 consider the mitigating and other factors (see Section 3.2) and protections of the Ontario Human Rights Code when determining whether to recommend to the Discipline Committee that the student be expelled.
- 3.9.1.2.5 consider whether Progressive Discipline has been attempted with student.

**3.9.2 Step 2**

3.9.2.1 Within 24 hours of the decision, the principal must make all reasonable efforts to verbally inform the adult student or the parent/guardian of the twenty day suspension pending recommendation for an expulsion.

**3.9.3 Step 3**

3.9.3.1 The principal must provide written notice of the suspension to the adult student or the parent/guardian and student and the Superintendent of Education and the Superintendent of Safe Schools (see Appendix 10). The written notice of suspension will include:

- 3.9.3.1.1 the reason for suspension;
- 3.9.3.1.2 the duration of the suspension;
- 3.9.3.1.3 information about the Alternative Suspension Program that the student is assigned to;

**3.0     Procedures (cont'd)**

3.9.3.1.4 information about the investigation the principal is conducting to determine whether to recommend expulsion; and

3.9.3.1.5 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, and if the principal decides not to recommend an expulsion, that the suspension may be appealed to the Discipline Committee, and if the principal decides to recommend an expulsion, the infraction leading to suspension may be addressed at the expulsion hearing.

3.9.4    Step 4

3.9.4.1    The principal must inform the student's teacher(s) of the suspension.

3.9.5    Step 5

3.9.5.1    Every effort should be made to give the suspension letter and the student's school work to the parent on the day the student is suspended or the following day. If it is not possible, the letter should be mailed, couriered, faxed or emailed to the home address that day, and school work should be made available for the adult student's designate or the student's parent(s)/guardian(s) or designate to pick up from the school the following school day:

3.9.5.1.1    If notice is sent by mail or courier, it will be deemed to have been received on the fifth school day after it was sent.

3.9.5.1.2    If notice is sent by fax or e-mail, it is deemed to have been received the first school day after it was sent.

3.9.6    Step 6

3.9.6.1    Where a student has been suspended, pending an investigation to determine whether to recommend an expulsion, the student will be assigned to the Alternative Suspension Program. The principal or vice-principal shall communicate to the adult pupil or the student's parent/ guardian the purpose and nature of the Alternative Suspension Program (ASP) (see Section 3.5.2).

**3.0 Procedures (cont'd)****3.9.7 Step 7**

- 3.9.7.1 For student's subject to a suspension pending an investigation to determine whether to recommend an expulsion, who choose to participate in an ASP, the principal of the school or designate will hold a planning meeting for the purpose of developing the Student Action Plan (SAP), which will provide both academic and non-academic supports (see Section 3.5.3).

**3.9.8 Step 8**

- 3.9.8.1 Where the incident is one of serious violence, such as possession of weapons, physical assault causing serious bodily harm, sexual assault, robbery, extortion or hate motivated violence, the principal must indicate it as such in the Student Incident Module and by completing a Violent Incident Form (see Appendix 2) to be placed in the student's Ontario Student Record.

**3.9.9 Step 9**

- 3.9.9.1 The principal must immediately begin an investigation following the suspension of the student to determine whether to recommend that the student be expelled. As part of the investigation, the principal will consult with the Superintendent of Education and/or Superintendent of Safe Schools regarding any issues of process and/or timing for conducting the investigation, which must be completed at the earliest opportunity as well as the substantive decision whether or not to recommend that the student be expelled. As part of the investigation the principal must determine whether the teacher(s), principal or vice principal has utilized prevention and ongoing intervention strategies to prevent unsafe or inappropriate behaviour. The principal must also review whether progressive discipline consequences have been used effectively in the past.

**3.9.10 Step 10**

- 3.9.10.1 Before referring a student to the Discipline Committee of the Board for expulsion, the administration shall consider whether or not the recommendation might have a disproportionate impact on a student in consideration of the Ontario Human Rights Code.

**3.9.11 Step 11**

- 3.9.11.1 The decision regarding the recommendation for an expulsion must be communicated to the parent or adult student between Day 6 and Day 10 of the 20 day suspension.

**3.0 Procedures (cont'd)****3.10 Decision Not to Recommend Expulsion**

3.10.1 Following the investigation and consideration of the mitigating and other factors and the application of the Ontario Human Rights Code, if the principal decides not to recommend to the Discipline Committee that the pupil be expelled, the principal must:

- 3.10.1.1 consider whether progressive discipline is appropriate in the circumstances;
- 3.10.1.2 uphold the suspension and its duration; or
- 3.10.1.3 uphold the suspension and shorten its duration and amend the record accordingly; or
- 3.10.1.4 withdraw the suspension and expunge the record
- 3.10.1.5 provide written notice of this decision to the adult student or the parent/guardian and student (see Appendix 11-13). The notice shall include:
  - 3.10.1.5.1 a statement of the principal's decision not to recommend expulsion to the Discipline Committee;
  - 3.10.1.5.2 a statement indicating whether the suspension has been upheld, upheld and shortened, or withdrawn;
  - 3.10.1.5.3 if the suspension has been upheld or upheld and shortened, information about the right to appeal the suspension to the Discipline Committee, including:
    - 3.10.1.5.3.1 a copy of the Board policies and guidelines regarding suspension appeals;
    - 3.10.1.5.3.2 contact information for the Superintendent of Safe Schools;
    - 3.10.1.5.3.3 a statement that written notice of an intention to appeal must be given within five (5) school days following receipt by the party of notice of the decision not to recommend expulsion; or
    - 3.10.1.5.3.4 if the length of the suspension has been shortened, and the parent/guardian or adult student wishes to proceed with an appeal, the notice identifies the shortened length of the suspension.

### 3.0 Procedures (cont'd)

#### 3.11 Decision to Recommend Expulsion

3.11.1 If a principal, in consultation with the Superintendent of Education, determines that a referral for expulsion is warranted, the principal must refer the recommendation for expulsion to the Discipline Committee to be heard within twenty (20) school days from the date the principal suspended the pupil, unless the parties to the expulsion hearing agree upon a later date.

#### 3.12 Expulsion Preparation

3.12.1 Step 1: The **Family of Schools** Superintendent ~~of Education~~ shall advise the Superintendent of Safe Schools ~~for the school involved~~ of the general details of the incident, including actions taken or pending.

3.12.2 Step 2: The principal will prepare ~~a~~ the **Principal's Report** ~~that will~~ which includes:

3.12.2.1.1 **a summary of the investigation that took place;**

3.12.2.1.2 a summary of the findings the principal made in the investigation;

3.12.2.1.3 an analysis of which, if any, mitigating or other factors or Human Rights Code related grounds might be applicable;

3.12.2.1.4 a recommendation of whether the expulsion should be from the school or from the Board;  
and

3.12.2.1.5 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.

3.12.3 Step 3: The principal will submit the ~~written~~ **Principal's Report** to his/her Family of Schools Superintendent for review. The Family of Schools Superintendent will submit two copies of the report (one redacted copy and the original copy) to the Superintendent of Safe Schools. The principal will also submit any evidence that will be relied upon during the expulsion hearing including witness statements, victim statements, OSR review, **and the vice principal report etc.** The Superintendent of Safe Schools will provide the redacted copy to the ~~student~~ student's parent/guardian **or the student if the student is an adult or 16 or 17 of age and has withdrawn from parental control (unless the student is an adult).**

**3.0 Procedures (cont'd)**

3.12.4 Step 4: The Director of Education will provide written notice of the expulsion hearing to the adult student or the student's parent/guardian ~~and student~~. The notice shall include:

- 3.12.4.1 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;
- 3.12.4.2 a copy of the Board's guidelines and rules governing the hearing before the Discipline Committee;
- 3.12.4.3 excerpts from Board policy, and reference to the Board website which includes the Board Code of Conduct and school Code of Conduct;
- 3.12.4.4 a copy of the suspension letter;
- 3.12.4.5 a statement that the student and/or his or her parent/guardian has the right to respond to the principal's report in writing;
- 3.12.4.6 information about the procedures and possible outcomes of the expulsion hearing, including that:
  - 3.12.4.6.1 if the Discipline Committee does not expel the student they will either confirm, confirm and shorten, or withdraw the suspension;
  - 3.12.4.6.2 parties have the right to make submissions with respect to the suspension;
  - 3.12.4.6.3 any decision with respect to the suspension is final and cannot be appealed;
  - 3.12.4.6.4 if the student is expelled from the school, they will be assigned to another school;
  - 3.12.4.6.5 if the student is expelled from the Board, they will be assigned to a program for expelled students;
  - 3.12.4.6.6 if the student is expelled there is a right of appeal to the Child and Family Services Review Board.
- 3.12.4.7 The name and contact information for the Superintendent of Safe Schools.
- 3.12.4.8 **The date, time and location of the Expulsion Hearing.**

3.12.5 Step 5: The Superintendent of Safe Schools will ~~either phone~~ **contact** the adult student or the parent/guardian ~~of the student or arrange a meeting with the adult student or the parent/guardian and student and the principal to:~~

- 3.12.5.1 ~~The Superintendent of Safe Schools will~~ review the Discipline Committee process for expulsion hearings, as well as respond to any questions or concerns the student or the parent/guardian may have regarding the process or incident; and
- 3.12.5.2 if a meeting is arranged, during the meeting the Superintendent of Safe Schools may assist to narrow the issues and identify agreed upon facts.
- 3.12.5.3 discuss, where appropriate the potential for Minutes of Settlement and Consent to Order Hearing instead of an Expulsion Hearing.

**3.0 Procedures (cont'd)**

3.12.5.4 Confirm the date and time of the Expulsion Hearing or the Minutes of Settlement meeting.

**3.12.6 Step 6**

3.12.6.1 The Superintendent of Safe Schools will prepare an Expulsion package for the Discipline Committee, which will include at least the following components:

3.12.6.1.1 a copy of the Principal's Report and any items listed in step 2 (3.12.2)

3.12.6.1.2 a copy of the original suspension letter and the Notice of Expulsion sent to the adult student or the student's parent(s)/guardian(s).

3.12.7 Step 7: The Superintendent of Safe Schools will ~~inform the adult student or student's parent(s)/guardian(s) the date and location of the expulsion hearing and will~~ provide a copy of the Expulsion Hearing Rules, and a redacted copy of the Expulsion package that the Discipline Committee will receive.

3.12.8 Step 8: The Superintendent of Safe Schools will ensure that the item is placed on the Discipline Committee Agenda.

**3.13 Minutes of Settlement and Consent to Order**

3.13.1 The ~~parties~~ Parent/Guardian or adult student may agree to waive their rights to a full hearing and present Minutes of Settlement on the expulsion recommendation for consideration by the Committee. Parties who agree to proceed by Minutes of Settlement must consent to a hearing during the 20 school days the student is suspended.

3.13.2 The Principal/Family of Schools Superintendent will attend the ~~Minutes of Settlement~~ Consent to Order hearing to provide information to the Committee regarding the incident and proposed Minutes of Settlement. The Parent is entitled to attend the ~~Minutes of Settlement~~ Consent to Order hearing to make submissions to the Committee regarding the proposed Minutes of Settlement.

3.13.3 After hearing the submissions of the parties in attendance, the Committee may impose the expulsion requested by the parties as outlined in the Minutes of Settlement or refer the expulsion recommendation for a full hearing on the merits.

**3.14 Expulsion Hearing**

3.14.1 ~~If the principal recommends expulsion,~~ An Expulsion Hearing is held by the Discipline Committee ~~shall hold a hearing that~~ and includes:

3.14.1.1 the principal; and

3.14.1.2 the adult student or the student's parent/guardian.

**3.0 Procedures (cont'd)**

- 3.14.2 If a student is not a party, he/she has the right to be present at the expulsion hearing and to make submissions on his/her own behalf. The Discipline Committee may grant a person with daily care, authority to make submissions on behalf of the pupil. An adult student or student's parent/guardian may bring legal counsel, an advocate or a support person with them to the expulsion hearing as long as they have notified the Superintendent of Safe Schools in advance of the hearing.
- 3.14.3 The hearing will be conducted in accordance with the Rules of the Discipline Committee and the Guideline for Expulsion Hearings, including:
- 3.14.3.1 The Discipline Committee shall consider any verbal and written submissions provided before the completion of the hearing, of all parties;
  - 3.14.3.2 The Discipline Committee shall consider all mitigating and other factors (see section 3.2)
  - 3.14.3.3 The Discipline Committee shall consider whether or not the Ontario Human Rights Code should be applied in the circumstances to mitigate the discipline, if any;
  - 3.14.3.4 The Discipline Committee shall 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;
  - 3.14.3.5 The Discipline Committee shall 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 withdrawn; and
  - 3.14.3.6 Such other matters as the Discipline Committee considers appropriate.
- 3.14.4 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, subject to the requirement that the hearing take place within 20 school days, or the Discipline Committee may assess the evidence and determine whether, on a balance of probabilities, it has been established that it is more probable than not, that the pupil committed the infraction.

**3.15 Decision Not to Impose an Expulsion**

- 3.15.1 If the Discipline Committee decides not to expel the student, the Board shall take the submissions of the parties into account, including mitigating and other factors, in determining whether to:
- 3.15.1.1 Consider if other progressive discipline consequences are appropriate in the circumstances;
    - 3.15.1.1.1 Uphold the suspension and its duration;
    - 3.15.1.1.2 Uphold the suspension and shorten its duration and amend the record accordingly;



**3.0 Procedures (cont'd)**

3.15.1.1.3 Quash the suspension and expunge the record such that no record of the suspension remains in the Ontario Student Record; or

3.15.1.1.4 Make such other orders as the Discipline Committee considers appropriate.

3.15.1.2 The Discipline Committee shall give written notice to all parties of the decision not to impose an expulsion and the decision with respect to the length of suspension.

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

**3.16 Decision to Impose an Expulsion**

3.16.1 ~~In the event~~ **Should** the Discipline Committee decide to impose an expulsion on the student, the Discipline Committee must decide whether to impose **an expulsion from all schools of the Board** ~~expulsion~~ or a school expulsion. In determining the type of the expulsion, the Discipline Committee shall consider all mitigating and other factors (see section 3.3).

3.16.2 The Director, on behalf of the Discipline Committee must promptly provide written notice of the decision to expel the student to all parties, and the student, if he or she was not a party. The written notice shall include:

3.16.3.1 The reason for the expulsion;

3.16.3.2 A statement indicating whether the expulsion is a school expulsion or a Board expulsion;

3.16.3.3 Information about the school or program to which the student has been assigned; and

3.16.3.4 Information about the right to appeal the expulsion, including the steps to be taken.

3.16.3 Where the Discipline Committee decides to impose a **Board expulsion**, the Discipline Committee must assign the student to a program for expelled pupils.

3.16.4 Once the principal of the Alternative Suspension Program has received notice that a student has been expelled, he/she must create a SAP in a manner consistent with the Board's policy and procedures for programs for expelled pupils.

3.16.5 An expelled student is a student of the Board, even where he/she attends a program for expelled students at another school board, unless he/she does not attend the program or registers at another school board.

**3.16.6 Where the Discipline Committee decides to impose a School Expulsion, the Superintendent of Safe Schools will work with the Family of Schools Superintendent to find an appropriate school placement.**

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**3.0 Procedures (cont'd)****3.17 Appeal of Board Decision to Expel**

3.17.1 The adult student or the parent/guardian may appeal a Board decision to expel to the Child and Family Services Review Board. The Child and Family Services Review Board is designated to hear and determine appeals of school Board decisions to expel students. The decision of the Child and Services Review Board is final.

**3.18 Re-entry Requirements Following an Expulsion**

3.18.1 A student who is subject to a Board expulsion is entitled to apply in writing to the Superintendent of Safe Schools for readmission to a school of the Board once he/she has successfully completed a program for expelled students and has satisfied the objectives required for completion of the program, as determined by the Principal of Father Donald MacLellan Secondary School, who provides the program.

3.18.2 The Board shall readmit the pupil and inform the student in writing of the readmission.

3.18.3 A student who is subject to a school expulsion may apply in writing to the Board to be reassigned to the school from which he/she was expelled.

3.18.3.1 The Board will consider whether re-attendance will have a negative impact on the school climate, including on any victims, where applicable;

3.18.3.2 The student will be required to demonstrate that they have learned from the incident and have sought counseling, where appropriate;

3.18.3.3 The student will be required to sign a Declaration of Performance form provided by the Board (Appendix 15).

3.18.3.4 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.

**3.19 Exclusion**

3.19.1 A student shall not be excluded from the school pursuant to section 265(1)(m) of the Education Act as a disciplinary measure, or as an alternative to discipline. An exclusion from the school pursuant to section 265(1)(m) of the Education Act shall only be effected in accordance with the Education Act, and the applicable Board policies and procedures consistent with the Ontario Human Rights Code.

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**3.0 Procedures (cont'd)**

3.19.2 A student is not excluded from a class or from the school pursuant to section 265(1)(m) of the Education Act in circumstances:

3.19.2.1 where the parent/guardian and the principal, in consultation with the superintendent, agree that, as an accommodation and in the best interests of the student, the student's educational program should be modified such that the student is not participating in one or more specific class(es) or is excused from attending school for part or all of the school day during a specific period of time and/or during a specific school event or series of school events.

3.19.2.2 by virtue of serving a detention as part of progressive discipline that has been imposed by the principal or designate.

**3.20 Monitoring and Review**

3.20.1 Every two years, schools are required to:

3.20.1.1 address issues of bullying, gender based violence, sexual, racial and disability related harassment and inappropriate sexual behaviour in their school improvement plans and evaluate the effectiveness of safe schools policies, procedures and programs through the use of school climate surveys.

3.20.1.2 provide school climate surveys to parents, school staff and students that allow them to anonymously evaluate and communicate their perception of school safety as well as the effectiveness of safe schools policies, procedures and programs. Where possible, climate surveys shall be made available and adapted to students with special needs so that they have the opportunity to participate as well.

3.20.1.3 develop Safe School Teams that include one non-teaching staff member. The chair of the team must be a staff member, and may be the principal or vice-principal.

3.20.1.4 share the results of climate surveys with Safe School Teams in order to develop strategies in school improvement plans to improve the school climate deficits identified.

## **4.0 Sources**

- Ontario Human Rights Code
- Education Act
- Safe and Accepting Schools Act, 2012
- Local Police/School Board Protocol, 2016
- PPM 119 – Developing and Implementing Equity and Inclusive Education Policies in Ontario Schools
- **PPM120** – Reporting Violent Incidents to the Ministry of Education
- PPM128 – The Provincial Code of Conduct and School Board Code of Conduct
- PPM141 – School Board Programs for Students on Long-term Suspension
- PPM142 – School Board Programs for Students Expelled
- PPM144 – Bullying Prevention and Intervention Policy
- PPM145 – Progressive Discipline and Promoting Positive Student Behaviour Policy

## **5.0 Related Policies and Administrative Procedures**

- Student Discipline Policy (PO611)
- Code of Conduct Policy (PO610)
- Code of Conduct Administrative Procedure (AP610-1)
- Bullying Prevention and Intervention Policy (PO612)
- Bullying Prevention and Intervention Administrative Procedure (AP612-1)
- Equity and Inclusive Education Administrative Procedure (AP216-1)

## **6.0 Related Appendices**

- Appendix 1 – Suspension Letter (1-5 Days)
- Appendix 2 – Suspension Letter (6-20 Days)
- Appendix 3 – Violent Incident Form
- Appendix 4 – Notice of Suspension Review
- Appendix 5 – Suspension Review Decision
- Appendix 6 – Suspension Appeal Withdrawal
- Appendix 7 – Notice of Suspension Appeal
- Appendix 8 – Suspension Appeal Decision
- Appendix 9 – Suspension Appeal Decision of the Discipline Committee
- Appendix 10 – Twenty Day Suspension Pending Possible Recommendation for Expulsion
- Appendix 11 – Decision Letter Not to Recommend Expulsion – 20 Day Suspension Confirmed
- Appendix 12 – Decision Letter Not to Recommend Expulsion – Suspension Confirmed but Shortened

## 6.0 **Related Appendices (cont'd)**

- Appendix 13 – Decision Letter Not to Recommend Expulsion – Suspension Withdrawn
- Appendix 14 – Notice of Recommendation for Expulsion
- Appendix 15 – Notice of Expulsion Hearing (letter from Director of Education)
- Appendix 16 – Notification of Expulsion Hearing (letter from Safe Schools Superintendent)
- Appendix 17 – Expulsion Decision
- Appendix 18 – Recommendation for Expulsion Decision of the Discipline Committee
- Appendix 19 – Declaration of Performance

## Appendix 1

**Suspension Letter**  
**Suspension 1-5 Days**  
**[On the Letterhead of the School]**

[Date]

[Adult Pupil or Parent/Guardian]

[Address]

Dear [Adult Pupil/Parent/Guardian Name]:

**Re: Suspension of [Pupil's Name], [DOB] from [Name of School]**

[You/Pupil's Name] [have/has] been suspended from [Name of School] and from engaging in all school related activities from [Effective Date of Suspension] to [Last Day of Suspension] inclusive, i.e. [number] school days. This suspension applies to all school buildings, grounds, school buses, school functions, activities and trips. [You/Pupil's Name] may return to school on [Date] at [Time]. [You/Pupil's Name] must report to the office upon returning to school.

This suspension is made in accordance with the *Education Act*, the Board's safe school policies and [Name of School] Code of Conduct.

The reason for the suspension is [use infraction applicable]:

- 

School work is available at the office. Please make arrangements to have it picked up.

Should you wish to appeal this suspension, you must provide written notice of your intention to appeal to Anne O'Brien, Director of Education, within 10 school days of the commencement of the suspension. You may then contact the Superintendent of Education: Family of Schools to discuss the appeal. Please be aware that an appeal does not stay the suspension.

Sincerely,

[Principal]

cc      Teacher(s) of pupil  
 Superintendent of Education, Safe Schools  
 Superintendent of Education, Family of Schools  
 Ontario Student Record

## Suspension

When a principal's investigation of an incident, including consultation with the adult pupil or parent/guardian, supports a determination that a pupil 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, a principal will consider whether that pupil should be suspended, taking into account any mitigating and other factors that might be applicable in the circumstances.

The principal will also contact the police, consistent with our Local Police/School Board Protocol, if the infraction the pupil is suspected of committing requires such contact.

The infractions for which a suspension may be considered by the principal include:	The infractions for which a principal may consider recommending to the Board that a pupil be expelled from the pupil's school or from all schools of the Board include:
1. Uttering a threat to inflict serious bodily harm on another person;	1. Possessing a weapon, including possessing a firearm or knife;
2. Possessing alcohol or illegal drugs and/or restricted drugs <b>other than cannabis</b> ;	2. Using a weapon to cause or to threaten bodily harm to another person;
3. <b>Possessing cannabis, unless the pupil is a medical cannabis user</b> ;	3. Bullying, if, a. the pupil has previously been suspended for engaging in bullying, and the pupil's continuing presence in the school creates an unacceptable risk to the safety of another person.
4. Being under the influence of alcohol <b>or illegal and/or restricted drugs other than cannabis</b> ;	4. Committing physical assault on another person that causes bodily harm requiring treatment by a medical practitioner;
5. <b>Being under the influence of cannabis, unless the pupil is a medical cannabis user</b> ;	5. Committing sexual assault;
6. Swearing at a teacher or at another person in a position of authority;	6. Trafficking in weapons or restricted or illegal drugs;
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;	7. Committing robbery;
8. Bullying;	8. Giving alcohol to a minor;
9. Possession and/or use of tobacco products;	9. <b>Giving cannabis to a minor</b> ;
10. Uttering a racial slur or comment;	10. Engaging in activities or patterns of behaviour on or off school property that cause
11. Sexual slurs or harassment;	11. Engaging in activities on or off school property that have caused extensive damage to the property of the Board or to goods that are/were on Board property;
12. Being in possession of or under the influence of drugs;	12. Any activity listed in the Code of Conduct for which a suspension must be considered that is motivated by bias, prejudice or hate based on race, national or
13. Disrespect towards or desecration of the religious dimension of the school;	12. Conduct deemed to be unacceptable: •An act considered by the Principal and Family of Schools Superintendent to be a serious violation of the Board or School Code of Conduct.
14. Conduct deemed to be unacceptable: e.g. <ul style="list-style-type: none"> <li>Fighting/Violence</li> <li>Persistent tardiness and/or truancy including 'skipping' classes</li> <li>Use of profane or improper language</li> <li>Persistent opposition to authority</li> <li>Theft</li> <li>Inappropriate use of Social Media</li> <li>Any other behaviours deemed to be unacceptable behaviours</li> </ul>	

A student may be suspended for a minimum of one (1) school day and a maximum of twenty (20) school days.

## Suspension Appeal Process

The adult pupil or parent/guardian may appeal a suspension.

All suspension appeals will be received by the Director of Education.

- ☐ An appeal of a suspension does not stay the suspension.
- ☐ A person who intends to appeal a suspension must give written notice of his/her intention to appeal the suspension within ten (10) school days of the commencement of the suspension.
- ☐ The Board 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).

Upon receipt of written notice of the intention to appeal the suspension, the Director of Education will direct the Superintendent of Safe Schools to:

- Promptly advise the principal of the appeal.
- Promptly advise the adult pupil or the parent/guardian that a review of the suspension will take place and invite the appellant to contact the Family of Schools Superintendent to discuss any matter respecting the incident and/or appeal of the suspension;
- Ensure the Family of Schools Superintendent reviews the suspension (reason, duration, any mitigating or other factors), if requested;
- Consult with the principal and Family of Schools Superintendent of Education regarding modification of the suspension;
- Consult and may request a meeting with the adult pupil or the parent/guardian and the principal to narrow the issues and try to effect a settlement, and arrange a date for the appeal before the Discipline Committee;
- Where a settlement is not effected, provide notice of the review decision to the adult pupil or parent/guardian.

Where the suspension is reviewed and upheld, and the parent chooses to continue with the appeal, the Superintendent of Safe Schools will:

- Coordinate the preparation of a written report for the Board.
- Inform the adult pupil or the parent/guardian of the date of the Suspension Appeal, and a copy of the documentation that will go to the Discipline Committee.

IF YOU REQUIRE A COPY OF THE DURHAM CATHOLIC DISTRICT SCHOOL BOARD'S POLICY AND PROCEDURE - CODE OF CONDUCT PLEASE CONTACT THE PRINCIPAL OF THE SCHOOL OR THE AREA SUPERINTENDENT.

# RECORD OF SUSPENSION

(To be submitted to the FOS Superintendent. Please attach to Suspension Notice)

**[Insert School Name]**

NAME OF STUDENT:	SUSPENSION# <i>(for current year):</i>
GENDER: <input type="checkbox"/> Male <input type="checkbox"/> Female	DATE OF BIRTH <i>(Month/Day/Year):</i>
GRADE:	
DATE ISSUED:	DATE OF SUSPENSION
NUMBER OF DAYS:	
I.E.P.: <input type="checkbox"/> Yes <input type="checkbox"/> No	
SOCIAL WORK INTERVENTION: <input type="checkbox"/> Yes <input type="checkbox"/> No	
CHILD YOUTH COUNSELLOR INTERVENTION: <input type="checkbox"/> Yes <input type="checkbox"/> No	

INFRACTION / DESCRIPTION	
TIME:	LOCATION:
DESCRIPTION:	

PROGRESSIVE DISCIPLINE APPROACHES TO DATE		
<input type="checkbox"/> Verbal Reminder	<input type="checkbox"/> Positive Reinforcement	<input type="checkbox"/> Review Code of Conduct
<input type="checkbox"/> Problem Solving Activity	<input type="checkbox"/> Timetabling for Success	<input type="checkbox"/> Program Modification
<input type="checkbox"/> Contact with Parent	<input type="checkbox"/> Time out	<input type="checkbox"/> Quiet Area to Work
<input type="checkbox"/> Loss of Privilege/Added Responsibility	<input type="checkbox"/> Detention	<input type="checkbox"/> Behaviour Contract
<input type="checkbox"/> Parent/Teacher Conference	<input type="checkbox"/> Withdrawal from Class	<input type="checkbox"/> Student Meet with Principal/VP
<input type="checkbox"/> Office Intervention	<input type="checkbox"/> Consult with Administration	<input type="checkbox"/> Restorative Justice (Conf.)
<input type="checkbox"/> Conflict Mediation	<input type="checkbox"/> Refer to Program Support	<input type="checkbox"/> Refer to Community Agency
<input type="checkbox"/> Office Initiated Community Service	<input type="checkbox"/> Ongoing Parental Contact	<input type="checkbox"/> Involve Police Officer
<input type="checkbox"/> Other (indicate below)	<input type="checkbox"/> Consult with Student Services	



## Appendix 2

**Suspension Letter**  
**Suspension 6-20 Days**  
**[On the Letterhead of the School]**

[Date]

[Adult Pupil or Parent/Guardian]  
 [Address]

Dear [Adult Pupil/Parent/Guardian Name]:

**Re: Suspension of [Pupil's Name], [DOB] from [Name of School]**

[You/Pupil's Name] [have/has] been suspended from [Name of School] and from engaging in all school related activities from [Effective Date of Suspension] to [Last Day of Suspension] inclusive, i.e. [number] school days. This suspension applies to all school buildings, grounds, school buses, school functions, activities and trips. [You/Pupil's Name] may return to school on [Date] at [Time]. [You/Pupil's Name] must report to the office upon returning to school.

This suspension is made in accordance with the *Education Act*, the Board's safe school policies and [Name of School] Code of Conduct.

The reason for the suspension is [use infraction applicable]:

- 

School work is available at the office. Please make arrangements to have it picked up.

In addition [you/pupil's name] [have/has] been assigned to an Alternative Suspension Program, a program for suspended pupils. This Alternative Suspension Program will provide an opportunity for continued academic work and support for self-management to assist with the re-entry to school.

Please confirm [your/pupil's] participation in an Alternative Suspension Program at your earliest opportunity by contacting your school Principal or Vice-Principal. The Vice-Principal of the Alternative Suspension Program will also contact you. As soon as notice of [your/pupil's] participation in the Alternative Suspension Program is received, an entry meeting will be scheduled.

Should you wish to appeal this suspension, you must provide written notice of your intention to appeal to Anne O'Brien, Director of Education, within 10 school days of the commencement of the suspension. You may then contact the Superintendent of Education: Family of Schools to discuss the appeal. Please be aware that an appeal does not stay the suspension.

Sincerely,

[Principal]

cc      Teacher(s) of pupil  
          Superintendent of Education, Safe Schools  
          Superintendent of Education, Family of Schools  
          Ontario Student Record

## Suspension

When a principal's investigation of an incident, including consultation with the adult pupil or parent/guardian and pupil, determines that a pupil 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, a principal will consider whether that pupil should be suspended, taking into account any mitigating and other factors that might be applicable in the circumstances.

The principal will also contact the police, consistent with our Local Police/School Board Protocol, if the infraction the pupil is suspected of committing requires such contact.

## Infractions

The infractions for which a suspension may be considered by the principal include:	The infractions for which a principal may consider recommending to the Board that a pupil be expelled from the pupil's school or from all schools of the Board include:
1. Uttering a threat to inflict serious bodily harm on another person;	1. Possessing a weapon, including possessing a firearm or knife;
2. Possessing alcohol or illegal drugs and/or restricted drugs <b>other than cannabis</b> ;	2. Using a weapon to cause or to threaten bodily harm to another person;
3. <b>Possessing cannabis, unless the pupil is a medical cannabis user</b> ;	3. Bullying, if, a. the pupil has previously been suspended for engaging in bullying, and the pupil's continuing presence in the school creates an unacceptable risk to the safety of another person.
4. Being under the influence of alcohol <b>or illegal and/or restricted drugs other than cannabis</b> ;	4. Committing physical assault on another person that causes bodily harm requiring treatment by a medical practitioner;
5. <b>Being under the influence of cannabis, unless the pupil is a medical cannabis user</b> ;	5. Committing sexual assault;
6. Swearing at a teacher or at another person in a position of authority;	6. Trafficking in weapons or restricted or illegal drugs;
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;	7. Committing robbery;
8. Bullying;	8. Giving alcohol to a minor;
9. Possession and/or use of tobacco products;	9. <b>Giving cannabis to a minor</b> ;
10. Uttering a racial slur or comment;	10. Engaging in activities or patterns of behaviour on or off school property that cause
11. Sexual slurs or harassment;	11. Engaging in activities on or off school property that have caused extensive damage to the property of the Board or to goods that are/were on Board property;
12. Being in possession of or under the influence of drugs;	12. Any activity listed in the Code of Conduct for which a suspension must be considered that is motivated by bias, prejudice or hate based on race, national or
13. Disrespect towards or desecration of the religious dimension of the school;	13. Conduct deemed to be unacceptable: •An act considered by the Principal and Family of Schools Superintendent to be a serious violation of the Board or School Code of Conduct.
15. Conduct deemed to be unacceptable: e.g. <ul style="list-style-type: none"> <li>Fighting/Violence</li> <li>Persistent tardiness and/or truancy including 'skipping' classes</li> <li>Use of profane or improper language</li> <li>Persistent opposition to authority</li> <li>Theft</li> <li>Inappropriate use of Social Media</li> <li>Any other behaviours deemed to be unacceptable behaviours</li> </ul>	

A student may be suspended for a minimum of one (1) school day and a maximum of twenty (20) school days.

## Suspension Appeal Process

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- ☐ An appeal of a suspension does not stay the suspension.
- ☐ A person who intends to appeal a suspension must give written notice of his/her intention to appeal the suspension within ten (10) school days of the commencement of the suspension.
- ☐ The Board 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).

Upon receipt of written notice of the intention to appeal the suspension, the Director of Education will direct the Superintendent of Safe Schools to:

- Promptly advise the principal of the appeal.
- Promptly advise the adult pupil or the parent/guardian that a review of the suspension will take place and invite the appellant to contact the Family of Schools Superintendent to discuss any matter respecting the incident and/or appeal of the suspension;
- Ensure the Family of Schools Superintendent reviews the suspension (reason, duration, any mitigating or other factors), if requested;
- Consult with the principal and Family of Schools Superintendent of Education regarding modification of the suspension;
- Consult and may request a meeting with the adult pupil or the parent/guardian and the principal to narrow the issues and try to effect a settlement, and arrange a date for the appeal before the Discipline Committee;
- Where a settlement is not effected, provide notice of the review decision to the adult pupil or parent/guardian.

Where the suspension is reviewed and upheld, and the parent chooses to continue with the appeal, the Superintendent of Safe Schools will:

- Coordinate the preparation of a written report for the Board.
- Inform the adult pupil or the parent/guardian of the date of the Suspension Appeal, and a copy of the documentation that will go to the Discipline Committee.

IF YOU REQUIRE A COPY OF THE DURHAM CATHOLIC DISTRICT SCHOOL BOARD'S POLICY AND PROCEDURE - CODE OF CONDUCT PLEASE CONTACT THE PRINCIPAL OF THE SCHOOL OR THE AREA SUPERINTENDENT.

# RECORD OF SUSPENSION

(To be submitted to the FOS Superintendent. Please attach to Suspension Notice)

**[Insert School Name]**

NAME OF STUDENT:	SUSPENSION# <i>(for current year):</i>
GENDER: <input type="checkbox"/> Male <input type="checkbox"/> Female	DATE OF BIRTH <i>(Month/Day/Year):</i>
GRADE:	
DATE ISSUED:	DATE OF SUSPENSION
NUMBER OF DAYS:	
I.E.P.: <input type="checkbox"/> Yes <input type="checkbox"/> No	
SOCIAL WORK INTERVENTION: <input type="checkbox"/> Yes <input type="checkbox"/> No	
CHILD YOUTH COUNSELLOR INTERVENTION: <input type="checkbox"/> Yes <input type="checkbox"/> No	

INFRACTION / DESCRIPTION	
TIME:	LOCATION:
DESCRIPTION:	

PROGRESSIVE DISCIPLINE APPROACHES TO DATE		
<input type="checkbox"/> Verbal Reminder	<input type="checkbox"/> Positive Reinforcement	<input type="checkbox"/> Review Code of Conduct
<input type="checkbox"/> Problem Solving Activity	<input type="checkbox"/> Timetabling for Success	<input type="checkbox"/> Program Modification
<input type="checkbox"/> Contact with Parent	<input type="checkbox"/> Time out	<input type="checkbox"/> Quiet Area to Work
<input type="checkbox"/> Loss of Privilege/Added Responsibility	<input type="checkbox"/> Detention	<input type="checkbox"/> Behaviour Contract
<input type="checkbox"/> Parent/Teacher Conference	<input type="checkbox"/> Withdrawal from Class	<input type="checkbox"/> Student Meet with Principal/VP
<input type="checkbox"/> Office Intervention	<input type="checkbox"/> Consult with Administration	<input type="checkbox"/> Restorative Justice (Conf.)
<input type="checkbox"/> Conflict Mediation	<input type="checkbox"/> Refer to Program Support	<input type="checkbox"/> Refer to Community Agency
<input type="checkbox"/> Office Initiated Community Service	<input type="checkbox"/> Ongoing Parental Contact	<input type="checkbox"/> Involve Police Officer
<input type="checkbox"/> Other (indicate below)	<input type="checkbox"/> Consult with Student Services	

**Appendix 3**  
**Violent Incident Form**  
**[On School Letterhead]**

STUDENT NAME(S): \_\_\_\_\_

DATE AND TIME OF INCIDENT: \_\_\_\_\_

DESCRIPTION OF INCIDENT:

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WHAT ASPECT OF THE BOARD/SCHOOL CODE OF CONDUCT HAS BEEN BREACHED?

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WITNESSES (NAMES)

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ATTACH Incident reports from witness if applicable

\_\_\_\_\_  
Teacher Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Date

#### Appendix 4

### Notice of Suspension Review [On the Letterhead of the Board]

[Date]

[Adult Pupil or Parent/Guardian]  
[Address]

Dear [Adult Pupil or Parent/Guardian Name]:

**Re: Suspension of [Pupil's Name], [DOB] from [Name of School]**

I am in receipt of your notice of intention to appeal [your/Pupil's Name] suspension from [Name of School], dated [insert date]. [You/Pupil's Name] [were/was] suspended for [insert number] days for [insert infraction applicable].

I will be conducting a review of the suspension. At the conclusion of my review, I will, in consultation with Principal [Name], either confirm, modify or expunge the suspension.

As part of the review process, I will be contacting you. Please also do not hesitate to contact me at [contact info].

Sincerely,

Superintendent Family of Schools

cc      Superintendent of Education, Safe Schools  
Principal

## Appendix 5

### Suspension Review Decision [On the Letterhead of the Board]

[Date]

[Adult Pupil or Parent/Guardian]

[Address]

Dear [Adult Pupil or Parent/Guardian Name]:

**Re: Suspension Review of Suspension of [Pupil's Name], [DOB] from [Name of School]**

I have completed my review of [your/Pupil's Name] suspension from [Name of School]. As a result of my review, I have decided to [expunge/modify/uphold] the suspension.

If you wish to discuss the results of my review or continue with your appeal, please contact me at [insert].

Sincerely,

Superintendent Family of Schools

cc      Superintendent of Education, Safe Schools  
Principal  
Ontario Student Record

## Appendix 6

### Suspension Appeal Withdrawal [On the Letterhead of the Board]

[Date]

[Adult Pupil or Parent/Guardian]  
[Address]

Dear [Adult Pupil or Parent/Guardian Name]:

**Re: Suspension Appeal of [Pupil's Name], [DOB] from [Name of School]**

As a result of our conversation [in person/on the phone] on [date] at [time], I am writing to formally acknowledge that you have agreed to no longer proceed with the suspension appeal as listed above. As such, the appeal meeting has been cancelled.

I will inform the Director who will send you a letter concluding this process. I am pleased to know that closure is being brought to the matter and thank you for your cooperation and input.

OR

I have been advised by [insert name], principal of [insert school], that you have decided to withdraw your suspension appeal as listed above.

I will inform the Director who will send you a letter concluding this process. I am pleased to hear that closure is being brought to the matter and thank you for your cooperation and input.

Sincerely,

Superintendent Family of Schools

cc      Superintendent of Education, Safe Schools  
Principal  
Ontario Student Record

## Appendix 7

### Notice of Suspension Appeal [On the Letterhead of the Board]

[Date]

[Adult Pupil or Parent/Guardian]  
[Address]

Dear [Adult Pupil or Parent/Guardian Name]:

**Re: Appeal of Suspension of [Pupil's Name], [DOB] from [Name of School]**

You have appealed the decision of the Principal, [insert principal name], to suspend [you/pupil's name] from [school name], from [effective date of suspension] to [last day of suspension].

At this time we will proceed with an appeal to be heard by the Discipline Committee of the Board of Trustees as follows:

Date: [insert date of hearing]  
Time: [insert time of hearing]  
Location: [insert location of hearing]

If it is your intent to be represented by legal counsel, you must advise Superintendent [insert name of Safe Schools Superintendent] of your legal counsel's name, address, telephone number and fax number immediately either by telephone (905-576-6150 ext. [insert]) or by email at [insert Safe Schools Superintendent email address].

Enclosed is a copy of the Suspension Appeal process and a copy of the information package that will be relied on by the administration for the Board and will be provided to the Discipline Committee. The information package includes a copy of the suspension letter, your letter requesting the appeal, correspondence with respect to the suspension review and the Principal's Report of the incident. You may provide a written statement setting out your version of events. This must be received by the Board at least five days in advance of the Hearing.

Please be advised that if you fail to attend on time, the Discipline Committee will wait for 30 minutes before dismissing the appeal.

Should you have any questions about the appeal process, please contact me at 905-576-6150 ext. [insert]

Sincerely,

Superintendent of Safe Schools

cc Superintendent of Education, Family of Schools  
Principal  
Ontario Student Record



**Appendix 8**

**Suspension Appeal Decision**  
**[On the Letterhead of the Board]**

[Date]

[Adult Pupil or Parent/Guardian]  
[Address]

Dear [Adult Pupil or Parent/Guardian Name]:

**Re: Decision of Discipline Committee**  
**Suspension Appeal of [Pupil's Name], [DOB] from [Name of School]**

Please find attached the Decision of the Durham Catholic District School Board Discipline Committee regarding your suspension appeal.

The decision of the Durham Catholic District School Board Discipline Committee is final and is not subject to further appeal.

Should you have any questions, please contact the Superintendent of Safe Schools at [insert contact information].

Sincerely,

Director of Education

Encl.

cc     Superintendent of Education, Safe Schools  
       Superintendent of Education, Family of Schools  
       Principal  
       Ontario Student Record

**Appendix 9**

**Suspension Appeal Decision of the Discipline Committee**  
**[On the Letterhead of the Board]**

**SUSPENSION APPEAL DECISION**

IN THE MATTER OF Section 309  
of the *Education Act*, as amended

- and -

IN THE MATTER OF an appeal by  
[Name of Appellant], of the suspension of [Pupil Name],  
a pupil of [School Name]

**Decision**

UPON being satisfied that the Discipline Committee has jurisdiction to conduct the appeal pursuant to section 309 of the *Education Act*;

AND UPON being satisfied that the proper parties to the appeal are [Name of Appellant and relationship to pupil] of [pupil name] and [Principal Name], Principal of [School Name];

AND UPON being satisfied that the parties received reasonable notice of appeal;

AND UPON having provided an opportunity to the applicant to make submissions, having heard the submissions of the Principal, having read any materials submitted by the parties, and having retired to consider the matter;

THE DISCIPLINE COMMITTEE does hereby [confirm the suspension / confirm the suspension but shorten its duration to [number] school days and amend the record accordingly / quash the suspension and expunge the record]. [and determines [pupil's name] suspension not be expunged from the OSR while he is a student within the Durham Catholic District School Board].

THE DECISION OF THE DISCIPLINE COMMITTEE is final.

DATED this [day] day of [month], [year] and signed on behalf of the Discipline Committee and Board of Trustees by the Chair of the Discipline Committee.

Durham Catholic District School Board

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Chair of the Discipline Committee

**Appendix 10**  
**Twenty Day Suspension Pending Possible Recommendation for Expulsion**  
**[on the letterhead of the School]**

[Date]

[Adult Pupil/Parent/Guardian]  
[Address]

Dear [Adult Pupil's Name/Parent's Name]:

**Re: Suspension of [Pupil's Name], [DOB] from [Name of School]**

[You/Pupil's Name] [have/has] been suspended from [Name of School] and from engaging in all school related activities from [Effective Date of Suspension] to [Last Date of Suspension] inclusive, i.e., twenty (20) school days. This suspension applies to all school buildings, grounds, school buses, school functions, activities and trips.

Please be advised that this suspension is made in accordance with the *Education Act*, the Board's Safe School policies and [Name of School] Code of Conduct.

The reason for the suspension is:

- [use the infraction applicable].

Please be advised that I am continuing my investigation of this matter in order to determine whether to recommend to the Discipline Committee of the Board of Trustees that [Pupil's Name] be expelled. An expulsion may be from [Name of School] or from all schools of the Board. You will be informed of the results of my investigation in writing.

The Board is committed to the education and future of its pupils. [You/Pupil's name] [have/has] been assigned to an Alternative Suspension Program, a program for suspended pupils. An Alternative Suspension Program provides pupils with the opportunity to continue academic work and receive support for self-management. Please contact the School at your earliest opportunity to confirm [your/pupil's name] participation in the Alternative Suspension Program. The Vice-Principal of the Alternative Suspension Program will also contact you. As soon as notice of [your/pupil's] participation in the Alternative Suspension Program is received an entry meeting will be scheduled.

You do not have the right to appeal the suspension at this time. Should it be determined at the conclusion of the investigation that a recommendation for expulsion will not be made, you will be entitled to appeal the suspension to the Discipline Committee of the Board of Trustees. Should it be determined that a recommendation for expulsion is warranted, then you may address the suspension before the Discipline Committee at the expulsion hearing.

Sincerely,

[Principal]

Encl.

cc: Superintendent of Education, Family of Schools  
Superintendent of Education, Safe Schools  
Ontario Student Record

**Appendix 11**  
**Decision Letter Not to Recommend Expulsion – 20 day Suspension Confirmed**  
**[on the letterhead of the School]**

[Date]

[Adult Pupil/Parent/Guardian]

[Address]

Dear [Adult Pupil's Name/Parent's Name]:

**Re: [Pupil's Name], [DOB] [Name of School] - Expulsion Not Recommended**

After reviewing the results of the investigation following [your/ pupil's name] suspension from [Effective Date of Suspension] to [Last Date of Suspension], I have decided not to recommend to the Discipline Committee that [you/pupil's name] be expelled.

As part of my investigation, I have reviewed [your/pupil's name] suspension, and I have determined that the suspension should be confirmed to 20 school days and the record amended accordingly.

Should you wish to appeal the suspension, you must provide written notice of your intention to appeal the suspension to the Director of Education [contact information], within 5 school days of the receipt of this notice.

If you provide notice of your intention to appeal, you may contact the Superintendent of Education: Family of Schools to discuss the appeal. Please be aware that an appeal does not stay the suspension.

A copy of the *Suspension Appeal Guidelines* is available at the main office.

Sincerely,

[Principal]

cc: Superintendent of Education, Family of Schools  
Superintendent of Education, Safe Schools  
Ontario Student Record

**Appendix 12**  
**Decision Letter Not to Recommend Expulsion – Suspension Confirmed but Shortened**  
**[on the letterhead of the School]**

[Date]

[Adult Pupil/Parent/Guardian]

[Address]

Dear [Adult Pupil's Name/Parent's Name]:

**Re: [Pupil's Name], [DOB] [Name of School] - Expulsion Not Recommended**

After reviewing the results of the investigation following [your/ pupil's name] suspension from [Effective Date of Suspension] to [Last Date of Suspension], I have decided not to recommend to the Discipline Committee that [you/pupil's name] be expelled.

As part of my investigation, I have reviewed [your/pupil's name] suspension, and I have determined that the suspension should be confirmed but shortened to [INSERT NUMBER] school days and the record amended accordingly.

Should you wish to appeal the suspension, you must provide written notice of your intention to appeal the suspension to the Director of Education [contact information], within 5 school days of the receipt of this notice.

If you provide notice of your intention to appeal, you may contact the Superintendent of Education: Family of Schools to discuss the appeal. Since the suspension has been reduced in length, an appeal would be for the reduced suspension. Please be aware that an appeal does not stay the suspension.

A copy of the *Suspension Appeal Guidelines* is available at the main office.

Sincerely,

[Principal]

cc: Superintendent of Education, Family of Schools  
Superintendent of Education, Safe Schools  
Ontario Student Record

**Appendix 13**  
**Decision Letter Not to Recommend Expulsion – Suspension Withdrawn**  
**[on the letterhead of the School]**

[Date]

[Adult Pupil/Parent/Guardian]

[Address]

Dear [Adult Pupil's Name/Parent's Name]:

**Re: [Pupil's Name], [DOB] [Name of School] - Expulsion Not Recommended**

After reviewing the results of the investigation following [your/ pupil's name] suspension from [Effective Date of Suspension] to [Last Date of Suspension], I have decided not to recommend to the Discipline Committee that [you/pupil's name] be expelled.

As part of my investigation, I have reviewed [your/pupil's name] suspension, and I have determined that the suspension should be withdrawn and the record expunged.

Sincerely,

[Principal]

cc: Superintendent of Education, Family of Schools  
Superintendent of Education, Safe Schools  
Ontario Student Record

**Appendix 14**  
**Notice of Recommendation for Expulsion**  
**[on the letterhead of the School]**

[Date]

[Adult Pupil/Parent/Guardian]

[Address]

Dear [Adult Pupil's Name/Parent's Name]:

**Re: [Pupil's Name], [DOB], [Name of School] Investigation**

On [Date], [you/pupil's name] [were/was] suspended for twenty days. As a result of the investigation to determine whether to recommend an expulsion, the decision has been made to **recommend to the Discipline Committee of the Board of Trustees that [you/pupil's name] be expelled** from [school] [or] [all schools of the Board] for the following:

- [insert infraction(s)]

The Superintendent of Safe Schools, [Name and Contact Information], will contact you to review the Expulsion hearing process and answer any questions that you might have.

Sincerely,

[Principal]

Encl.

cc: Superintendent of Education, Family of Schools  
Superintendent of Education, Safe Schools  
Ontario Student Record

**Appendix 15**  
**Notice of Expulsion Hearing (Letter from Director)**  
**[on the letterhead of the Board]**

[Date]

[Adult Pupil/Parent/Guardian]

[Address]

Dear [Adult Pupil's Name/Parent's Name]:

**Re: [Pupil's Name], [DOB], [Name of School]**

This letter will confirm that the Durham Catholic District School Board will hold a hearing to determine whether the Board will impose an expulsion upon [pupil name] ([date of birth]).

The Discipline Committee will hold the Hearing on:

**Date:** [insert Date]

**Time:** [insert Time]

**Location:** [insert Location]

The Discipline Committee Members are:

- Trustee [insert name]
- Trustee [insert name]
- Trustee [insert name]

The following members of staff will also participate in the Expulsion Hearing in addition to the above-noted Trustees:

- [insert name], Legal Counsel to the Discipline Committee
- [insert name], Superintendent of Education, Resource to the Discipline Committee
- [insert name], Superintendent of Education, Family of Schools
- [insert name], Principal, [insert school name]
- [insert name], Recording Secretary

The following information is enclosed for your review:

Attachment I:	Notice of Expulsion Hearing
Attachment II:	Extract from the Education Act, RSO 1990, c.E.2, as amended
Attachment III:	Expulsion Hearing Rules
Attachment IV:	The Statutory Powers Procedure Act
Attachment V:	Board Procedures – Expulsion Hearing
Attachment VI:	Board Procedures – Expulsion Hearing Proceeding by Minutes of Settlement

**Note:** The Student Discipline and Code of Conduct Policies are available on our website at [www.dcdsb.ca](http://www.dcdsb.ca). If you are unable to access these, please contact the Safe School office at 905-576-6150 ext. [insert]



Page 2

In accordance with the Statutory Powers Procedure Act (Attachment IV), the following notes are provided for your information:

1. If you do not appear at the Hearing, it may proceed in your absence. The Hearing will be closed to the public. It is the responsibility of the Discipline Committee to make any necessary orders to give direction at the Hearing to maintain order. The Hearing will only deal with the expulsion. No other issues may be raised.
2. It is your right to be represented by an agent or legal counsel, to call and examine witnesses, to present arguments and submissions and to conduct cross-examinations of witnesses at the Hearing. If it is your intent to be represented by legal counsel, you must advise Superintendent [insert name of Safe School Superintendent] of your legal counsel's name, address, telephone number and fax number immediately either by telephone (905-576-6150 ext. [insert]) or by email at [insert email of Safe School Superintendent].
3. **You may provide a written statement setting out your version of events. This must be received by the Board at least five days in advance of the Hearing.**
4. Any witness at the Hearing is entitled to be advised by his/her legal counsel, however, the legal counsel may not take part in the Hearing without permission of the Discipline Committee.
5. Once the Hearing has been held, the Discipline Committee will excuse you and, if applicable, your legal counsel, as well as the school and its legal counsel. The Discipline Committee will then move into a Caucus Meeting. You will be notified of the Discipline Committee's decision verbally on the following day, and the final decision will be sent to you in writing as soon as possible. The reason for the Committee's decision will also be provided to you, if you so request.

If you have any questions or concerns, please feel free to contact Superintendent [insert name of Safe School Superintendent], Resource to the Discipline Committee.

Yours truly,

Director of Education

AOB/

Attach: As noted on Page 1

cc: [insert name], Superintendent of Education, Safe Schools and Resource to the Discipline Committee  
 [insert name], Superintendent of Education, Family of Schools  
 [insert name], Principal, [insert school name]  
 Discipline Committee Member

**Appendix 16**  
**Notice of Expulsion Hearing (Letter from Safe Schools Superintendent)**  
**[on the letterhead of the Board]**

[Date]

[Adult Pupil/Parent/Guardian]

[Address]

Dear [Adult Pupil's Name/Parent's Name]:

**Re: [Pupil's Name], [DOB], [Name of School]**

This letter will confirm that the Durham Catholic District School Board will hold a hearing to determine whether the Board will impose an expulsion upon [pupil name], [date of birth].

The Discipline Committee will hold the Hearing on:

**Date:** [insert date]

**Time:** [insert location]

**Location:** [insert location]

It is your right to be represented by an agent or legal counsel, to call and examine witnesses, to present arguments and submissions and to conduct cross-examinations of witnesses at the Hearing. If it is your intent to be represented by legal counsel, you must advise Superintendent [insert name of Safe School's Superintendent] of your legal counsel's name, address, telephone number and fax number immediately either by telephone (905-576-6150 ext. [insert]) or by e-mail at [insert email address of Safe Schools Superintendent].

Enclosed is a copy of the school's information package that will be relied on by the administration for the Board and that will be provided to the Discipline Committee.

Please be advised that if you fail to attend on time, the Discipline Committee will wait for 30 minutes and may then proceed to decide the matter in your absence.

Should you have any questions about the Expulsion Hearing process, please contact me at 905-576-6150 ext. [insert].

Sincerely,

Superintendent of Education – Safe Schools

Encl.

cc: [insert], Superintendent of Education, Family of Schools  
[insert], Principal, [insert school name]  
Discipline Committee Members

**Appendix 17  
Expulsion Decision  
[on the letterhead of the Board]**

[Date]

[Adult Pupil/Parent/Guardian]  
[Address]

Dear [Adult Pupil's Name/Parent's Name]:

**Re:     Decision of Discipline Committee  
          Expulsion Hearing - [Pupil's Name], [DOB]  
          [Name of School]**

Please find attached the Decision of the Discipline Committee dated [insert date].

Should you have any questions, please contact the undersigned at (905) 576-6150 ext. [insert] or 1-877-482-0722 ext. [insert].

Yours truly,

Director of Education

Encl.

cc:     [Insert], Superintendent of Education, Family of Schools  
          [Insert], Superintendent of Education, Safe Schools  
          [Insert], Principal, [Insert Name of School]  
          OSR

## Appendix 18

### Recommendation for Expulsion Decision of the Discipline Committee (on the letterhead of the Board)

#### RECOMMENDATION for EXPULSION DECISION

[School Board Name]

In the Matter of the *Education Act*, R.S.O. 1990, c.E.2, as amended (the “Act”)

and In the Matter of the Recommendation of  
[Principal Name], Principal of [School Name]  
for the expulsion of  
[Pupil Name], (DOB:insert) (the “Student”)

#### DECISION

UPON being satisfied that the Discipline Committee has jurisdiction to conduct the hearing pursuant to section 311.3 of the Act;

AND UPON being satisfied that the proper parties to the hearing are [name of appellant and relationship to pupil], of the Student, and [Principal Name], the Principal of [School Name];

AND UPON being satisfied that the parties received reasonable notice of the hearing;

AND UPON having provided an opportunity to the appellant to make submissions, having heard the submissions of the Principal, having read any materials submitted by the parties, and having retired to consider the matter;

THE DISCIPLINE COMMITTEE does hereby impose an expulsion from [School Name] and assign the pupil to an educational program at [School Name] for the following reasons: [INSERT REASONS FOR EXPULSION]

\*OR

THE DISCIPLINE COMMITTEE does hereby impose an expulsion from all schools of the Board; assign the pupil to the program for expelled pupils; and require that the pupil successfully complete and meet the objectives of the program for expelled pupils before being re-admitted to a regular day school program in Ontario for the following reasons: [INSERT REASONS FOR EXPULSION].

\*OR

THE DISCIPLINE COMMITTEE does not hereby impose an expulsion; and does hereby [confirm the suspension imposed by [Principal Name] / confirm the suspension imposed by [Principal Name] but shorten its duration to [number] school days and amend the record accordingly / quash the suspension and expunge the record].

DATED this [day] of [month], [year], and signed by the members of the Discipline Committee of the Board of Trustees, Durham Catholic District School Board.

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Print Name  
Trustee  
Committee Chairperson

---

Print Name  
Trustee

---

Print Name  
Trustee

**Appendix 19**  
**Declaration of Performance**  
**[on the letterhead of the School]**

[Date]

[Pupil Name]

I agree to comply with the following expectations on my return as a student to [insert the name of School]:

1. I agree to comply with the expectations of the [insert name of school] Code of Conduct and the [insert board] Code of Conduct.
2. I agree to work diligently in a positive manner and to be attentive to my teachers and classmates in an effort to accomplish the goals of my educational program.
3. I agree to be punctual and prepared for class.
4. I agree to be active and participate in the extracurricular life of the School.
5. [insert if applicable] I agree to seek guidance and ask for help from School staff when I feel overwhelmed or anxious.
6. [insert if applicable] I agree to seek assistance from School staff when needed in order to assist me to solve problems in a constructive manner.
7. [insert if applicable] I agree to refrain from [insert one or more: using violence/restricted substances to solve my problems].

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Signature [insert name of student]

---

Date



Durham Catholic District School Board

"The Board"

## Administrative Procedure

<b>Title: Safe Physical Interventions for Student Behaviours Causing a Risk of Injury</b>	<b>Procedure #: AP804-3</b>
Administrative Area: Student Services Policy Reference: Inclusion (PO804) Date Approved: Dates of Amendment:	

### 1.0 Purpose

The purpose of this Administrative Procedure is to provide guidelines that support the safety of all students and staff when a student presents a risk of injury or is likely to present a risk of injury to self, students, staff or others. This administrative procedure assists principals/designates with meeting the safety and behavioural needs of all students, while supporting the safety of staff and students. Principals are expected to promote a safe school environment for all while responding to the student's right to an appropriate education.

The procedures outlined in this Administrative Procedure apply to all students, including those with special education needs. Well-planned prevention and safety-intervention strategies and an ongoing review of programs will significantly reduce or eliminate the risk of injury to staff and students. This Administrative Procedure provides a consistent response to injurious, including self-injurious, student behaviour. It recognizes that when safety is an issue there may be situations where physical intervention may be necessary as a last resort in order to support the safety for all.

### 2.0 Definitions

**Acceptable Forms of Physical Intervention** – Notwithstanding s.43 of the Criminal Code of Canada, acceptable forms of physical intervention such as reaching for a child's hand, holding a child's hand, or blocking a student's arm to prevent a fight, are common and usual methods used by parents/guardians, and teaching and support staff for maintaining order and preventing harm or misconduct. These mild forms of physical contact are not subject to this Administrative Procedure, and do not require consent or approval by the parent/guardian.

## 2.0 **Definitions (cont'd)**

**Behaviour Management Systems (BMS)** – a training program developed by the Ontario Education Services Corporation (OESC) in cooperation with the Ministry of Education and is the only approved behaviour management system for educators in the DCDSB. BMS emphasizes the use of early intervention techniques of a non-physical nature focusing on prevention, rather than control of disruptive and/or unsafe behaviour. BMS teaches staff the importance of identifying early warning signs, and the effective use of calming and de-escalating techniques. BMS also includes a secondary emphasis on defensive techniques (e.g., avoidance, releases, blocks, etc.) combined with intervention methods to be used only as an absolute last resort.

**Emergency Physical Intervention** – the actions taken in a crisis situation in which a student poses an immediate risk to himself/herself, others, or property. Whenever possible, emergency physical Intervention should be implemented by staff trained in Behaviour Management Systems (BMS) in order to move the student out of danger, to remove objects from the student, or to hold/immobilize the student. In emergency situations, any employee of the Board may use physical intervention strategies in an attempt to prevent harm to any student, staff members, or property. Emergency physical intervention does not require prior approval of the parent/guardian.

**Functional Behaviour Assessment (FBA)** – an FBA is a valuable problem solving tool in addressing behaviour problems by looking at both the likely causes and at the characteristics or symptoms of behaviour. An FBA is used to determine the purpose of the behaviour (i.e., the function it serves), to identify contextual factors that may be triggering the behaviour, and to evaluate the effectiveness of intervention strategies.

**Individual Education Plan (IEP)** – a written plan describing the special education program and/or services required by a particular student. It identifies learning expectations that are modified from or alternative to the expectations given in the curriculum policy document for the appropriate grade and subject or course, and/or any accommodations and special education services needed to assist the student in achieving his or her learning expectations.

- For students with the possibility of unsafe behaviours, an IEP should include:
  - Program modifications and/or accommodations that support proactive strategies.
  - Alternative learning expectations outlining skills the student will learn which are more socially acceptable. The learning expectations will be found in one more of the areas of social skills, self-regulation and social communication.
  - Appropriate teaching strategies, behaviour management strategies and assessment/evaluation methods related to each behavioural learning expectation.

**Personal Protective Equipment** – the equipment/devices/clothing that is used to protect a staff member or student from injury during the course of daily activities (e.g., Kevlar, shin pads, etc)

## 2.0 **Definitions (cont'd)**

**Positive Behaviour Supports** – progressive discipline requires that positive behaviour supports be used as an approach to working with challenging behaviours. Educators using positive behaviour supports:

- understand and support students in their behaviour change process, as opposed to controlling or coercing them;
- apply a scientific approach of observation and data collection (e.g., Functional Behaviour Assessment);
- analyze the context in which the behaviour occurs;
- identify a relationship between the behaviour and the context to determine the motivation behind the behaviour;
- reduce potential triggers for the individual in the environment in certain settings and during certain events; and
- provide and model the use of alternative behaviours that are more socially acceptable.

**Safe Physical Intervention** – any procedure in which staff may use any part of their body (hands, trunk, or legs), or any item to restrict the movement of a student. This intervention must be reasonable in the given situation.

**Safety Plan** – an emergency response plan developed for students with risk of injury behaviour including students with special education needs whose behaviour presents a risk of injury to self, staff and/or students and/or is a flight risk. All students with a Safety Plan must have an IEP that identifies the goals and teaching strategies needed to reduce the ongoing risk-of-injury behaviours. While Safety Plans are unique for each student, they generally include the following information:

- a description of the observable behaviour concern(s)
- triggers or antecedents
- prevention and intervention strategies to support staff and student safety
- emergency communication procedures
- consequences (progressive discipline actions)
- documentation
- follow-up and re-evaluation

A Safety Plan should be created when a student requires multiple Emergency Physical Interventions, and/or when the intensity of the behaviour warrants further intervention. This type of intervention requires prior consultation with the parent/guardian.



## 3.0 **Procedures**

### 3.1 **General Procedures for Ensuring a Positive School Climate**

3.1.1 The Education Act and Regulations, assign a “Duty of Care” to the Principal/Designate which confirms that the final decision with respect to safe, and physical intervention (subject to s.43 of the Criminal Code of Canada) rests with the Principal and/or the Vice Principal/Designate. It is expected that all staff members shall resolve situations involving unsafe behaviour by using the least intrusive means possible, and these measures may include, but are not limited to:

- 3.1.1.1 establishing consistent, positive school and classroom rules and routines;
- 3.1.1.2 reinforcing behaviour that is consistent with school and classroom rules and routines;
- 3.1.1.3 identifying antecedents of aggressive behaviour in order to prevent the behaviour from occurring; and
- 3.1.1.4 teaching appropriate replacement behaviours that are socially acceptable alternatives to aggression and verbal escalation.

3.1.2 The Board expects staff to use appropriate prevention and intervention strategies to prevent a student’s behaviour from escalating to the point where the student exhibits an unsafe, potentially injurious response. For some students with special education needs, these strategies will be part of the student’s IEP. The IEP describes the objectives and strategies to be used to help the student increase positive and appropriate behaviours, and decrease behaviours that interfere with learning, self-control, and social interaction.

### 3.2 **General Procedures for Safe Physical Interventions**

3.2.1 Safe physical intervention may be necessary for some students as part of their Safety Plan. For other students, it may be the result of actions outside of their individual baselines.

3.2.2 In situations where prevention and intervention strategies have been unsuccessful in helping the student maintain self-control, and the student’s behaviour has escalated to the point where the student may injure another student or adult; may injure him/herself; may leave, or attempt to leave a supervised area, such that his/her personal safety is at imminent risk; or is causing significant property damage that may cause injury to self or others, staff will need to make a decision whether or not to physically intervene and to obtain assistance as soon as possible.

3.2.3 Safe Physical Intervention will not be used:

- 3.2.3.1 as a tool to manage uncooperative behaviour;
- 3.2.3.2 as a form of punishment;
- 3.2.3.3 as a means to inflict pain;
- 3.2.3.4 as a means to prevent the destruction of property unless the destruction poses a serious, imminent and acute risk of physical injury to students and/or others.

### 3.0 **Procedures (cont'd)**

- 3.2.3.5 As a means to stop a student from trying to escape a situation, when the escape is not putting himself/herself or others at risk.
- 3.2.4 Staff should not regard behaviour that poses a risk of injury as a learning opportunity for teaching or addressing the behaviour with threats of discipline. The goal is to diffuse, not to trigger or escalate behaviour. Discipline and consequences should be addressed when the student is de-escalated and re-engaged in learning.
- 3.2.5 In making a decision regarding physical intervention, the following factors must be considered:
  - 3.2.5.1 indicators that the student's behaviour presents an imminent safety risk to self or others;
  - 3.2.5.2 the safety of the other students (e.g., can staff move the other students to safety without physically intervening);
  - 3.2.5.3 the safety of the staff member (e.g., can staff move away from the student, rather than physically intervening);
  - 3.2.5.4 the student's previous history;
  - 3.2.5.5 the staff/student relationship;
  - 3.2.5.6 staff training and experience;
  - 3.2.5.7 the physical characteristics and/or abilities of the staff member/student (e.g., age, size, health factors);
  - 3.2.5.8 the availability of support;
  - 3.2.5.9 the nature of the physical environment; and
  - 3.2.5.10 whether or not the use of physical intervention techniques will escalate the level of risk.
- 3.2.6 Physical intervention should only be employed as a last resort when all other less restrictive measures have been exhausted and there is an imminent and acute risk of injury to self and others. The physical intervention used must be the least invasive level of specific containment strategies necessary. Physical intervention will be used to manage student behaviour only to the point where the student no longer creates/poses an imminent risk of serious injury to self or others. At this point, the physical intervention should no longer be utilized. If the student returns to an escalated state, the physical intervention should be employed again. Techniques where the student is restrained until calm shall not be used.
- 3.2.7 Physical interventions include a range of holding techniques, as outlined in BMS training used to restrict the student's ability to move freely, either by holding the student in place, or by escorting him or her to a safe place. Whenever possible, a first priority is to remove the target of a student who is striking, kicking, grabbing or biting to avoid injury. A safe physical intervention is an appropriate staff response to strikes, kicks, grabs or bites from a student (i.e., student initiated physical aggression), when the staff member is unable to avoid or get away from the student. It is important that the methods used do not result in pain or injury to the student.

### 3.0 Procedures (cont'd)

- 3.2.8 Students may be escorted to a safe place, as predetermined by the student's Safety Plan. The student can be left alone in the safe place while de-escalating, as long as the educator can continue to observe the student (e.g., through a window, open door, etc). Students should never be locked in a room, including holding the door shut. Appropriate blocking strategies should be utilized if a student has not de-escalated and is trying to leave the safe place.
- 3.2.9 When a student cannot be willingly escorted to a safe location, the current area should be made as safe as possible (e.g., remove students, objects, possible projectiles etc).
- 3.2.10 Calling 9-1-1 for professional assistance by police and/or emergency medical services is always a viable option in an emergency situation, and can be given consideration where the behaviour(s) and physical attributes of the student present a significant risk of serious injury to self and/or others, such that physical interventions cannot be safely used.

### 3.3 Procedures for Safe Physical Interventions as Outlined in a Safety Plan

- 3.3.1 Physical Intervention may be a necessary component of a Safety Plan for a student where known behaviours present a safety risk to the student or others. Physical intervention is the last resort within a hierarchy of prevention and intervention strategies outlined in the Safety Plan. The Safety Plan must clearly state the purpose of physical intervention and the conditions of its use. The plan is developed by school staff in consultation with, but not limited to, the following:
  - 3.3.1.1 Student (if appropriate);
  - 3.3.1.2 Parents/Guardians/Caregivers (signature indicates awareness, not necessarily permission);
  - 3.3.1.3 Student Services personnel; and
  - 3.3.1.4 Community Agency personnel (as required).
- 3.3.2 The details involved in the use of physical intervention with a student are identified in the student's Safety Plan. A Safety Plan that includes physical intervention will outline the following details/procedures:
  - 3.3.2.1 Indicators that student's behaviour presents an imminent safety risk and that physical intervention is required;
  - 3.3.2.2 Who will act as lead and who will assist in containing the student;
  - 3.3.2.3 A contingency plan for staff absences;
  - 3.3.2.4 Intervention techniques to be used
  - 3.3.2.5 Safety/protective equipment required;
  - 3.3.2.6 How the student's condition will be monitored;
  - 3.3.2.7 Monitoring of person(s) doing the intervention; and
  - 3.3.2.8 How it will be determined when to discontinue the physical intervention.

### 3.0 Procedures (cont'd)

- 3.3.3 Wherever possible, only those staff members identified in the Safety Plan should participate in a physical intervention. If a physical intervention occurs, staff and principals are to document the intervention in the Safe Schools Incident Reporting tool on MyDCDSB.

#### 3.4 Unanticipated Emergency Physical Intervention

- 3.4.1 The decision to use physical intervention in an unanticipated emergency situation is a matter of professional judgment. In making the decision whether or not to use physical intervention, the following factors must be considered:
- 3.4.1.1 Imminent risk-of-injury to self or others;
  - 3.4.1.2 Options available other than a physical intervention to maintain safety;
  - 3.4.1.3 Student's Safety Plan;
  - 3.4.1.4 Availability of external support (e.g., parents, police);
  - 3.4.1.5 Characteristics of the staff member and the student (size, age, strength, gender);
  - 3.4.1.6 Previous history of the student (special education needs, patterns of behaviour, health, etc.);
  - 3.4.1.7 Staff training, confidence connection with the student and willingness to intervene; and,
  - 3.4.1.8 Physical setting.

#### 3.5 Behaviour Management Systems (BMS) – Staff Training and Responsibilities

- 3.5.1 Behaviour Management Systems Training program is the only recognized program used for safe physical interventions in the DCDSB. Behaviour Management Systems was developed by the Ontario Educational Services Corporation (OESC) in cooperation with the Ministry of Education as a response to the need expressed by educators throughout the province for a behavioural intervention program that was effective and tailored to the requirements and realities of school settings.
- 3.5.2 Staff who intervene with a student who poses a physical risk-of-injury are potentially vulnerable to personal injury themselves. To reduce the chance of injury to staff, the board trains staff on the use of BMS in both prevention and intervention strategies that are most likely to support a student who poses a risk of injury.
- 3.5.3 BMS Training will be offered to educators and administrators working directly and regularly with students who pose a significant risk-of-injury. It is the principal's responsibility to ensure that staff who are most likely to work with students who pose a risk of injury receive BMS training or updated recertification.
- 3.5.4 In addition, the principal will make personal protective equipment (PPE) available for staff as necessary and appropriate. Principals considering the use of PPE to reduce risk of injury should contact their Student Services Coordinator or Facilitator of Educational Assistants.

### 3.0 Procedures (cont'd)

#### 3.6 Documentation of Safe Physical Interventions

- 3.6.1 All physical interventions must be reported verbally to the principal/designate on the day they occur.
- 3.6.2 In any situation in which a physical interventions is used, staff must indicate it on the Safe Schools Incident Reporting tool on My DCDSB. In these situations, an automatic debrief of the situation is required with the principal/vice-principal. This will also trigger a review of the Safety Plan and consultation with the student, parent and staff directly involved with the student.

#### 3.7 Debriefing and Follow-up

- 3.7.1 All physical interventions place stress on staff and students. Each individual responds to these incidents in a way that is unique to that individual. Review and debriefing strategies will vary with the nature of the school, program and staff allocations. The incident response procedures are to inform both the immediate response and also be a component in reviewing and revising prevention/intervention strategies.
- 3.7.2 Should a physical intervention be used, the following must also be considered:
  - 3.7.1.1 Assessment of any injuries and appropriate action
  - 3.7.1.2 Designation of who will follow up and support the student
  - 3.7.1.3 Communication with school administration
  - 3.7.1.4 Communication with parents/guardians
  - 3.7.1.5 The debrief process for staff involved and students who witnessed the incident
  - 3.7.1.6 Forms to be completed (as required)
    - 3.7.1.6.1 Safe Schools Incident Application
    - 3.7.1.6.2 Workplace Injury Form (Parklane)
    - 3.7.1.6.3 OSBIE Report of Accident (for student injury)
  - 3.7.1.7 Evaluation/review procedures for:
    - 3.7.1.7.1 Staff response to the situation
    - 3.7.1.7.2 Effectiveness of the Safety Plan
    - 3.7.1.7.3 Further planning/IEP modification, as appropriate and necessary
- 3.7.3 In addition to informing parents/guardians there are three (3) types of debriefing that should occur following a physical intervention.
  - 3.7.3.1 Student Debriefing – There must be readiness on the part of the student to participate in the debriefing. This debriefing must be facilitated in order to accommodate the needs of the student. The parent or guardian of the student must be invited to attend during this process. The purpose of this debriefing is to:
    - 3.7.3.1.1 Gain an understanding of the incident from the student's perspective;

### 3.0 Procedures (cont'd)

- 3.7.3.1.2 Validate and empathize with the student's feelings;
- 3.7.3.1.3 Discuss any unresolved emotional distress about the incident;
- 3.7.3.1.4 Negotiate alternative responses for similar situations that might occur in the future; and
- 3.7.3.1.5 Consider how to repair and restore any relationships harmed by the incident.

- 3.7.2.2 Staff Debriefing – The staff debriefing must be led by the principal or designate and preferably occur on the same day as the incident. The purpose of the staff debriefing is to:
  - 3.7.2.2.1 Assess the staff's ability to support the student in a positive manner;
  - 3.7.2.2.2 Gain an understanding of the incident from the staff member's perspective;
  - 3.7.2.2.3 Validate the staff member's feelings;
  - 3.7.2.2.4 Discuss any unresolved emotional distress about the incident;
  - 3.7.2.2.5 Evaluate the effectiveness of the response; and
  - 3.7.2.2.6 Discuss alternative responses for similar situations that might occur in the future.This debriefing is to be recorded in the Safe Schools Incident Application by the Principal or designate.

- 3.7.2.3 Observers Debriefing – Debriefing of observers may include other students, staff, volunteers and/or members of the public that witness the intervention. The principal or designate should consider providing observers the opportunity for debriefing. Students who witness a physical intervention may not understand the situation and/or may require a special debriefing with a focused message regarding maintaining safety at school. The principal should consider the age of the student(s) involved in the debriefing and ensure the message is age-appropriate. The principal should be careful to not disclose private information in order to respect the privacy of student involved in the intervention.

### 3.8 Use of Time Out Rooms/Calm Room and Isolation

- 3.8.1 Considerable caution must be exercised in the use of time-out rooms/isolation rooms as a method of managing inappropriate behaviour on an ongoing basis;
- 3.8.2 In a situation where extreme behaviour occurs and there is an imminent safety risk, it may be necessary to escort a student to a time-out room until the parent or guardian can come to the school to take the student home;

### 3.0 Procedures (cont'd)

#### 3.8.3 If a time-out/calm room/isolation room is used:

- 3.8.3.1 The student must be under continuous supervision by an adult who is either in the room or who has instant access to the room;
- 3.8.3.2 The student must be removed from the room as soon as there is an indication that the imminent risk of safety has subsided; and
- 3.8.3.3 It must not contain any objects that could be used by the student to injure him/herself.
- 3.8.3.4 It must not be locked, which includes holding the door shut.

#### 3.8.4 A time-out/calm room/isolation room is not the same as a safe place that the student may choose to go to calm him/herself.

#### 3.8.5 A safe place does not need to be a designated calm room or sensory room. Any place that helps an individual student de-escalate and does not present a safety risk to self or others can be considered a student's safe place (e.g., space in the classroom, behind a door, on a bench outside the office, in the corner of the library on a bean bag chair, etc); and

#### 3.8.6 If a student cannot be escorted to a safe place or a time-out room under his/her own volition, then the student should be left where he/she is and the place made safe by removing the other students, objects, projectiles etc. It may be safer to leave the student where he/she is with one or two adults than try to escort the student to another room.

### 3.9 Transporting versus Escorting Students

#### 3.9.1 It is important that staff who are engaged in safe physical interventions understand and can differentiate between escorting and transporting because the Durham Catholic District School Board supports the use of escorting a student, but not transporting a student. Transporting students increases the safety risk to both staff and students.

#### 3.9.2 Escort: To escort a student means to accompany the student from one location to another without the use of force or without restricting a student's movements. The student may be reluctant to move, but is not forcibly moved against his/her will. This may include:

- 3.9.2.1 Walking beside the student;
- 3.9.2.2 Holding the student's hand or with a hand on the student's arm or shoulder; or
- 3.9.2.3 Providing gentle guidance, but not force.

#### 3.9.3 Transport: To transport a student means moving a student from one location to another by means of a physical intervention because the student is actively resisting being moved. This may include:

- 3.9.3.1 Staff using their hands or arms to control or restrict the student's freedom of movement; or
- 3.9.3.2 Physically moving a student against his/her will.

### 3.0 **Procedures (cont'd)**

3.9.3.3 Carrying a student from one location to another against his/her will.

3.9.4. Since transporting a student is a physical intervention where staff restrict and/or control student movement, it is considered a form of restraint and should not be used.

### 3.10 **Confidentiality**

3.10.1 Due to the sensitive nature of situations that involve physical intervention, it is imperative that the confidentiality of the situation is maintained. The privacy rights of the students, staff and parents/guardians involved must be respected. A breach of confidentiality by a staff member could be subject to disciplinary action.

### 4.0 **Sources**

- *Child Youth and Family Services Act*
- *Education Act*
- *Criminal Code of Canada*

### 5.0 **References**

- Behaviour Management Systems Practitioner Workbook
- Ministry of Education Policy/Program Memorandum (PPM) 140, Incorporating Methods of Applied Behaviour Analysis (ABA) into Programs for Students with Autism Spectrum Disorders (ASD)

### 6.0 **Related Policies and Administrative Procedures**

- Inclusion Policy (PO804)
- Workplace Violence Prevention – Students (AP324-2)

### 7.0 **Related Forms**



Durham Catholic District School Board  
"The Board"

**POLICY**

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FLEXIBILITY IN ALLOCATING TEACHERS    POLICY AREA: **HUMAN RESOURCES**

POLICY #:        **PO305**

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WHEREAS, the allocation of teaching staff to a school is governed by the Collective Agreement between the teachers and the Board; and

WHEREAS, the application of such pupil/teacher formulae required by such Collective Agreement, may at times, result in situations that are not conducive to maximizing educational principles for students;

THEREFORE, the Director of Education may allocate such additional teachers as he deems necessary in order to meet the contingencies of the situation provided such allocation is within the confines of the Board's budget for instructional salaries.

<b>GUIDELINES</b>
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1. The allocation of additional teaching staff over and above the pupil/teacher formulae as outlined in the Collective Agreement between the Board and the Teachers shall normally take place in September, with the approval of the Director of Education.
2. The allocation of additional teaching staff over and above the pupil/teacher formulae as outlined in the Collective Agreement between the Board and the Teachers may take place at any time within the academic year if circumstances have, in the opinion of the Director, changed with respect to such suggested areas as:
  - Enrolment fluctuations
  - Student grouping requirements
  - Program requirements
  - Accommodation requirements
  - Transportation requirements

POLICY AREA: **HUMAN RESOURCES**

**GUIDELINES Cont'd**

3. Each Principal who seeks consideration for additional staff to be allocated to his/her school shall clearly identify to his/her Superintendent, the rationale for such a request.
4. Such allocations to be reported to the Board at the earliest convenience.

Durham Catholic District School Board  
"The Board"

## POLICY

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**TEACHER RECRUITMENT & HIRING  
(PERSONNEL)**

**POLICY AREA: HUMAN RESOURCES  
POLICY #: PO309**

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### PURPOSE

To hire Catholic teachers for the Durham Catholic District School Board.

### APPLICATION/SCOPE

This policy applies to the hiring of all teachers to the Durham Catholic District School Board.

### PRINCIPLES

- Catholic education is concerned with the formation of the whole person by integrating personal faith and life.
- The Durham Catholic District School Board has the historical right, under the Constitution Act, 1867 and the Education Act, to give preference in hiring to committed Roman Catholic teachers, a right that is necessary to ensure the essential Catholic nature of its schools.
- Schools operated by the Durham Catholic District School Board are responsible for imparting Christian doctrine in a developmental and systematic way in order to initiate students into the fullness of Christian life in the Catholic tradition and for eliciting in response a personal commitment to that way of life.
- For Catholic schools, it is through the teacher-pupil relationship that "*God, His truth, His life are integrated into the entire syllabus, curriculum, and life of the school*". (*What Is A Catholic School?*, Archbishop Pocock).
- All members of the Catholic school community are held to similar standards of faith and morals, but there is a special focus on the teacher. (O.C.C.B. – This Moment of Promise.)

**REQUIREMENTS**

- The Durham Catholic District School Board will take matters of faith into account when recruiting and hiring teachers and will exercise preference to favour committed and practicing Roman Catholic teachers.
- Candidates for teacher positions are required to provide a Pastoral Reference Form delineating the candidate's spiritual orientation and faith commitment.
- Candidates from the Faculties of Education in Ontario must have completed the Religious Education Pre-Service Course.
- Candidates will agree in writing to complete Part 1 of the OCSTA/OECTA Religion Course within the probationary period.
- Candidates will be required, where eligible, to support in writing the appropriate Separate School Board by the assignment of their property tax assessment.
- Candidates for teaching positions must make a commitment in good conscience to support and promote by teaching and witnessing the basic purpose of the school as set out in the Board's Mission Statement.
- All candidates must be sufficiently knowledgeable about Catholicism that they can illustrate its beliefs and values throughout the curriculum.

Durham Catholic District School Board  
"The Board"

**POLICY**

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**TEACHER TRANSFER**

POLICY AREA: **HUMAN RESOURCES**

POLICY #: **PO310**

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WHEREAS, the Board is cognizant of its rights and responsibilities given under the Education Act and Regulations: and

WHEREAS, the Board attempts to be responsive to the needs of its students and teachers; and

WHEREAS, the Board endeavours to maintain integrity and balance of program and services; and

WHEREAS, the Board recognizes its teachers' legitimate request for new teaching assignments; and

WHEREAS, the Board attempts to provide new challenges for the professional growth of its teachers; and

WHEREAS, the Board endeavours to fulfill its obligations with respect to contractual and collective agreement requirements;

THEREFORE, the Durham Catholic District School Board permits the Director of Education or designate to transfer teachers under its jurisdiction within the parameters of the attached guidelines.

**GUIDELINES**

The Director of Education or designate may approve the transfer of teachers provided:

- A.
1. that the transfer is made according to the established time frame with respect to the approved transfer procedures in order to respond to the requirements of the Education Act, the Regulations, the Teacher Collective Agreement or any other legal undertaking by which the Board is bound;
  2. that all teacher vacancies which satisfy the criteria outlined in the established procedures are promulgated throughout the school system so that teachers may be made aware of all such vacancies;
  3. that the integrity and stability of the respective school's program is ensured;
  4. that consideration be given to transfer requests as follows:
    - transfer requests of the superintendent(s) and/or principal(s) which are made for the well being of the school(s) or system;
    - transfer requests made by teachers for reasons of health as certified by a qualified medical practitioner;
    - transfer requests by virtue of the displacement of students/teachers from one school to another
    - transfer requests by virtue of teachers' termination of pro-temp appointment to positions of responsibility
    - transfer requests by virtue of mutual exchange or position sharing arrangements; or
    - transfer requests initiated by teachers for professional or personal reasons.
  5. the procedures adopted by the Director with reference to this policy and these guidelines are developed and reviewed in a cooperative manner with the appropriate teacher affiliates.
- B. Notwithstanding the above, the Director of Education or designate may transfer a teacher at any time for reasons he/she deems appropriate in order to fulfill legislative, contractual, collective agreements, program, personnel or compassionate requirements.

THE DURHAM CATHOLIC DISTRICT SCHOOL BOARD  
"The Board"

**P O L I C Y**

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**TRANSITIONAL WORK PROGRAM**

POLICY AREA: HUMAN RESOURCES  
POLICY #: PO313

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**PURPOSE**

The purpose of this policy is:

- C to facilitate the reintegration of employees of the Durham Catholic District School Board into the work environment in a safe and timely manner, who are unable to perform their regular duties due to either an occupational or non-occupational injury or illness;
- C to promote and ensure the Board's compliance with the requirements of Employee Disability Benefit Plans, the Workplace Safety and Insurance Act, the Occupational Health and Safety Act, and the Ontario Human Rights Code;
- C to promote a planned process that is consistently applied to provide assistance and early intervention opportunities for employees suffering from an injury/illness;
- C to facilitate timely access to rehabilitation services;
- C to allow for occupational re-integration in a timely manner;
- C to provide employees with a means of early restoration of maximum physical/psychological functional ability, enhanced morale, and improved productivity.

**APPLICATION/SCOPE**

Consistent with the Board's belief as expressed in its Mission Statement that "**The Durham Catholic District School Board recognizes the dignity and worth of each person**", this policy applies to all employees of the Board.

**Transitional Work**

Transitional Work is a **temporary work assignment** designed to allow for early and safe return to work for those employees who are unable to perform their regular duties due to either an occupational or non-occupational disability.

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**TRANSITIONAL WORK PROGRAM****POLICY AREA: HUMAN RESOURCES**

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**DEFINITION**

*Transitional Work may be any of the following:*

C      **Modified Regular Work**

Modified regular work indicates that the employee is returning to his/her pre-disability occupation with modifications to the job, hours, and/or the worksite to enable the employee to perform the essential duties of the job.

C      **Alternate or Created Work**

Alternate work is work that may be provided to disabled employees who are able to return to work, but unable to perform their own job even with accommodation. Alternate work may be inside or outside the employee's original department. Before placing employees in assignments outside their department, an agreement must be reached between the Employee Group Representative(s) and the Board. Created work may be a combination of new duties or duties re-assigned from other jobs in whole or in part.

C      **Comparable Alternate Work**

Comparable Alternate work is work that may be provided to the employee who is able to perform their pre-disability job, either with or without accommodation, but whose pre-disability job is not available.

**PRINCIPLES**

- C      the Board recognizes the need to develop a comprehensive transitional work program designed to facilitate an early and safe return to work;
- C      the Board recognizes the importance of facilitating the early and safe return to work of its employees and that both the Board as an employer, and all personnel as employees have important roles to play to ensure the effectiveness of a Transitional Work Program;
- C      the Board recognizes its ultimate responsibility to develop a comprehensive strategy to manage transitional work programs and disability in the workplace;
- C      it is the employee's responsibility to participate actively with the employer in a Transitional Work Program.



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**TRANSITIONAL WORK PROGRAM****POLICY AREA: HUMAN RESOURCES**

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**REQUIREMENTS**

The Board will:

- C establish and maintain a Transitional Work Program and Administrative Procedures to correspond to the requirements of Employee Disability Benefit Plans and appropriate legislation, e.g. the Occupational Health and Safety Act, the Workplace Safety and Insurance Act, and the Ontario Human Rights Code;
- C inform all staff of their individual rights and responsibilities in regards to participating in the Transitional Work Program;
- C develop strategies designed to decrease the prevalence and severity of occupational and non-occupational disability, and a means to accommodate all employees with disabilities;
- C establish appropriate measures to ensure adherence to this policy and any associated policies, procedures, and programs;
- C establish and maintain a Transitional Work committee that will make recommendations to the Board regarding policy, procedure design and program implementation;
- C establish the mechanisms necessary to appropriately monitor and review annually the effectiveness of the Transitional Work and resulting programs;
- C design a quality assurance program to monitor the effectiveness of timely and appropriate treatment for those who have sustained an occupational or non-occupational disability.

# THE DURHAM CATHOLIC DISTRICT SCHOOL BOARD

## ADMINISTRATIVE PROCEDURE 313-1

### TRANSITIONAL WORK PROGRAM

**ADMINISTRATIVE AREA:** Human Resources - All Staff

**POLICY REFERENCE:** Transitional Work Program

**DATE APPROVED:** 04 2000

**REVISED:**

The Durham Catholic District School Board and its Employee Groups reached an agreement in principle to develop the terms and conditions of a formal Transitional Work Program. The parties committed to providing rehabilitation and transitional work for employees who are unable to perform their regular duties because of injury/illness or other disablement. The work will be productive and the result of the work will be of value. These procedures describe the Transitional Work Program developed to meet these objectives.

### **General Information**

#### **Accommodation**

Accommodation is made through the provision of transitional work that is within the employee's medical restrictions.

#### **Types of Accommodation**

Accommodation may include one or more of the following;

- C Modification to equipment and facilities
  - C Changes in work tasks
  - C Changes in working conditions
  - C Ergonomic changes to the worksite or equipment
  - C Progression of work from part-time to full-time hours
- i) The Board is required to accommodate the employee to the point of "Undue Hardship".
  - ii) Operating departments are required to modify and pay for the modifications to the work or the worksite so the employee is able to perform the essential duties of the job.

- iii) Accommodation should be made immediately after medical guidelines have been provided.
- iv) Whenever possible, the employee should be permitted to return to their pre-disability job with modification.
- v) The length of the accommodation is under normal circumstance, three months.
- vi) After performing Transitional Work for three months, if an employee is unable to return to their pre-disability job, one of the following actions will be taken:
  - C The current transitional work assignment will continue;
  - C A new transitional work assignment will be provided;
  - C The transitional work assignment will end and the employee will return to benefits if eligible.

### **Transitional Work Options**

An employee may either accept or decline transitional work.

#### **C Decline**

When an employee declines transitional work, the Workplace Safety and Insurance Board and/or the Insurance Company may discontinue benefits. As a result of the above, the Durham Catholic District School Board has no other option than to discontinue employer supplementation of the WSIB benefits and the employee's employment status will be reviewed.

### **Occupational Injury/Illness**

If it is deemed medically necessary by the treating physician and/ or the Workplace Safety and Insurance Board, every effort will be made to accommodate permanent medical restrictions.

### **Non-Occupational Injury/Illness**

When accommodating medical restrictions, careful consideration should be given to the expected time for full recovery. Lengthy or indefinite transitional work assignments are not appropriate under these circumstances.

**Note:** Regardless of the origin of the injury or illness, job placements resulting from permanent medical restrictions are not considered transitional work.

## **A) Return to Transitional Work Procedures Following an Occupational or Non-Occupational Injury or Illness**

In all occupational lost time incidents and all non-occupational lost time incidents in excess of five consecutive workdays or more, the employee must be authorized by the Principal/Supervisor and confirmed by the Superintendent of Education-Human Resources or the alternate prior to a return to transitional work in accordance with the following procedure:

### **1. Employee**

- i) Following any lost time occupational injury or illness of five consecutive workdays or more, the employee obtains written medical authorization from the treating physician to return to work. A completed Physician's Progress Report Form 5504 is preferable; however, a note on a physician's letterhead will be accepted for a return to regular work.
- ii) A completed Physician's Progress Report Form 5504 is required for a return to transitional work or a job placement resulting from permanent medical restriction for either an occupational or non-occupational injury or illness.
- iii) The employee is responsible for ensuring that his/her Principal/Supervisor receives the required Return to Work Authorization from the treating practitioner, prior to the authorized date of return to work. This is to be done by hand delivery or facsimile transmission. Immediately upon receipt of the information the Principal/Supervisor sends the information by facsimile to the Human Resources Department.

## **B. Procedure for Occupational and Non-Occupational Transitional Work Assignments**

### **1) Employee**

**When deemed fit for transitional work, the employee will:**

- i) Meet with the Disability Management Specialist to discuss the return to transitional work and accept or decline transitional work as offered.
- ii) Work with Principal/Supervisor/Human Resources Department (Employee Group Representative when requested) to establish a mutually agreed upon Transitional Work Plan Form 5505.

- iii) Participate in developing and implementing a progressive Transitional Work Plan Form 5505 which allows for increased activity when the treating physician gradually decreases the medical restrictions.
- iv) Undergo periodic assessments, as specified by the treating physician, to review the physical capability and return to regular work potential.
- v) Notify the Principal/Supervisor immediately if condition deteriorates while performing transitional work.
- vi) Continue with medical rehabilitation necessary to reach maximum level of functional ability before resuming regular work.

**NOTE:**      **If transitional work is rejected, WSIB or LTD benefits may be affected if the employee is qualified and able to perform the transitional work offered.**

## **2) Principal/Supervisor**

- i) After receiving a copy of the Physician's Progress Report Form 5504 from the employee, the Principal/Supervisor forwards the information to the Human Resources Department.
- ii) Assists in developing progressive Transitional Work Plans by working with the Disability Management Specialist and the employee. The Employee Group Representative may be involved when requested by the employee.
- iii) Identifies possible transitional work that is within the employee's medical restrictions taking into account the pre-disability work schedule.
- iv) Implements modifications, where possible, to the work or the worksite to accommodate an permit the employee to perform the essential duties of the regular job.
- v) Follows employee progress and performance on a weekly basis.
- vi) Refers the employee to the Disability Management Specialist when difficulty arises while performing transitional work.
- vii) Notifies Employee Group Representative of relevant details associated with transitional work assignments.
- viii) Identifies vacancies within existing classifications that could be utilized for transitional work placements.

**3) Human Resources Department**

- i) Notifies the Disability Management Specialist of employees who are absent, providing the following:
  - WSIB Employer's Report of Injury/Disease
  - Attending Physician Statement (LTD)
- ii) Liaises with WSIB/Insurance Company to obtain medical and benefit status and return to work potential.
- iii) Notifies the Disability Management Specialist regarding the status of claims and return to work potential from information provided by the WSIB/Insurance Company.
- iv) Administers income supplement benefits and processes claims in accordance with WSIB requirements or LTD plan provisions.
- v) Assists employees and departments regarding WSIB and other benefit entitlement matters.

**4) Disability Management Specialist**

- i) Receives notification from the Human Resources Department of employees that are absent for more than five consecutive work days for an occupational or non-occupational illness/injury.
- ii) When the Employee has been certified fit to return to transitional work by the treating physician, the Disability Management Specialist evaluates the return to work authorization and performs one or more of the following actions:
  - C Receives medical restrictions and contacts the employee to establish an appointment to meet as soon as possible.
  - C Conduct a return to work assessment by determining the compatibility between the medical restrictions and the physical demands of the regular job.
  - C Assesses all available information and verifies the treating physician's written authorization to return to transitional work.
  - C Contacts the treating physician to clarify or obtain further information or to verify that job duties can be safely performed.

- C Provides information regarding the employee's level of fitness by assessing:
- The physical limitations / medical restrictions
  - The physical demands of the regular job
  - Part- Time versus full-time requirements
  - Job placement
  - Health Re-Assessment date
- iii) Liaises with the Principal / Supervisor / Human Resources and provides the medical restrictions to establish if the employee may be accommodated within his/ her own department.
- iv) Assists departments in identifying transitional work and making minor job modifications to accommodate employees.
- v) Makes recommendations for the modifications of jobs and/or the work environments.
- vi) Liases with Principal/Supervisor/Human Resources Department (and Employee Group Representative when requested) regarding the availability of transitional work within the employee's own department that complies with the medical restrictions, and also provides the parties involved with the medical restrictions.
- vii) Ensures employees have adequate training for the transitional work placement by liaising with the appropriate Principal / Supervisor.
- vii) Discusses Alternate or Created Transitional Work with Human Resources Department when the employee cannot be accommodated in their original department.
- viii) Develops a written, mutually agreed upon Transitional Work Plan Form 5505, which allows for increased activity when the treating physician gradually decreases the medical restrictions. This is done in conjunction with the employee, Principal/Supervisor/Human Resource Department (Employee Group Representative(s) when requested). A copy of this plan is to be provided to all stakeholders.
- ix) Determines acceptance or decline of transitional work as indicated by the employee.
- x) Advises the employee to notify his/ her Principal / Supervisor immediately if any deterioration in his/her condition occurs while performing transitional work.

**NOTE:** An explanation is to be provided to employees that rejection of transitional work will be reviewed by WSIB or the Insurance Company and WSIB/LTD benefits may be reduced or denied if the employee declined transitional work that is within their medical capabilities.

- xi) Monitors employee's health status from their return to transitional work to their return to regular work or permanent placement through interviews with employees, Principal/Supervisors/Human Resources, and Employee Group Representatives.
- xii) On re-assessment date(s) of the transitional work assignment, the Disability Management Specialist assesses and provides the employee with a Physician's Progress Report Form 5504 for completion by the treating Physician.
- xiii) Recommends Functional Abilities Evaluations as required.

### **3. Rates of Pay**

#### ***Modified Regular Work***

##### **For Occupational Illness/Injury:**

- C Employees performing modified regular work are paid their regular hourly rate or salary as determined by the Board.
- C Employees are eligible for step-up-rate increases and general adjustments when performing modified regular work.
- C The original department will continue to pay employees from their operating budget.
- C Employees progressing from part-time to full-time hours as prescribed by the treating physician or the WSIB will be paid regular wages as determined by the Board.

##### **For Non-Occupational Illness/Injury:**

- C Employees will be paid for hours worked.
- C Employees will be paid a rehabilitation benefit as stipulated in the insurance carriers policy.



***Alternate Work or Created Work*****For Occupational Illness/Injury:**

- C Employees performing Alternate or Created work are paid their regular hourly rate or salary as determined by the Board.
- C Employees are eligible for rate increases within their pre-injury job classification when performing Alternate or Created work.
- C The original department will continue to pay employees from their operating budgets regardless of the location of the work assignment.
- C When employees are placed into an existing classification on a permanent basis, the department accepting the employee will do so within the normal operating budget and the employee will become an employee of that department.
- C Employees progressing from part-time to full-time hours as prescribed by the treating physician or the WSIB will be paid regular salary as determined by the Board.

**For Non-Occupational Injury/Illness:**

- C Employees will be paid for hours worked.
- C Employees will be paid a rehabilitation benefit as stipulated in the insurance companies policy.

***Comparable Alternate Work***

- C The rate of pay for the job must be within 10% of the current rate of pay of the employees pre-disability job, at the time of placement.
- C An employee's wage rate will be frozen until the rate of pay for the job being performed reaches or exceeds the employee's hourly rate.

**Related Forms Attached:**

*Transitional Work Plan* ..... 5505