



POLICY SECTION: SAFE SCHOOLS

SUB-SECTION:

**POLICY NAME: SUSPENSION AND EXPULSION
(Consolidated)**

POLICY NO: S.S. 01

Date Approved:

November 20, 2014

Date of Next Review:

2018

Dates of Amendments:

September 2016- Board

Cross References

Education Act Part XIII, Behaviour, Discipline and Safety

S.S. 09 Code of Conduct

S.S. 11 Bullying Prevention and Intervention

S.S. 10 Progressive Discipline

S.S. 04 Access to School Premises

S. 15 Access to Pupils

S. 16 Access to Pupil Information

S. 17 Suspected Child Abuse Reporting

Police/School Board Protocol

Statutory Powers Procedure Act

Program/Policy Memorandum 141, *School Board Programs for Students on Long-Term Suspension*

Program/Policy Memorandum 142, *School Board Programs for Expelled Students*

Program/Policy Memorandum 144, *Bullying Prevention and Intervention*

Program/Policy Memorandum 145, *Progressive Discipline and Promoting Positive Student Behaviour*

Program/Policy Memorandum 128, *Provincial Code of Conduct and School Board Codes of Conduct*

Program/Policy Memorandum 120, *Reporting Violent Incidents to the Ministry of Education*

Operational Procedures:

Appendix A - Protocol to Suspension

Appendix B – Guidelines to Long-Term Suspension Program (TIPSS)

Appendix C - Protocol to Expulsion

Appendix D – Guidelines to Expulsion Program (Monsignor Fraser College – St. Martin Campus, formerly APPLE)

Appendix E – Protocol for Suspension Appeals and Expulsion Hearings

Appendix F – Statutory Powers Procedure Act

Appendix G – Frequently Asked Questions for Suspension Appeal Hearings

Appendix H - Frequently Asked Questions for Expulsion Hearings

Appendix I – Principal Investigation Guideline



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[...]

OPERATIONAL PROCEDURES: Protocol to Expulsion

**[Revised] APPENDIX C
Operational Procedures: Protocol to Expulsion**

Suspension Pending Possible Expulsion

An expulsion is in response to serious misbehaviour by a student in a school. Under *the Act*, a principal is required to suspend a pupil if he or she believes that the pupil has engaged in any of certain specified activities while at school, at a school-related activity or in circumstances where engaging in the Activity will have an impact on the school climate. *The Act* requires the principal to conduct an investigation to determine whether to recommend to the Board that the pupil be expelled. In considering whether to recommend to the Board that a pupil be expelled, a principal is required to take into account mitigating factors and other factors set out in the regulations.

If a principal recommends an expulsion the Board is required to hold an expulsion hearing. The Board is entitled to authorize a committee of at least three members to conduct the expulsion hearing.

At the hearing, the Safe Schools Hearing Committee is required to consider the submissions of the parties, any mitigating or other factors prescribed by the regulations and any written response by the parent/guardian/adult/student that was provided to the principal's report recommending expulsion.

At the conclusion of the hearing, the Board Safe Schools Hearing Committee will decide whether to expel the pupil at all, and, if so, whether the expulsion will be a school expulsion or board expulsion.

Where the Safe Schools Hearing Committee decides to expel a pupil, it has a further decision to make. If the Discipline Committee decides to expel the pupil from his or her school only, Safe Schools must assign the pupil to another school of the Board. **The student will receive mandatory social work intervention at the new school placement. The Request for Social Work Services form will be signed by the parent/guardian/adult student during the intake**



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meeting at the new school placement. If the Discipline Committee decides to expel the pupil from all schools of the Board, the pupil will be assigned to a program for expelled pupils.

[...]

OPERATIONAL PROCEDURES: Principal Investigation Guideline

(New) APPENDIX I

Operational Procedures: Principal Investigation Guideline

We believe that those entrusted with leadership positions in the Catholic Schools must be conspicuous for their goodness, sincerity and attachment to the faith. In other words, they are men and women who demonstrate in practice the very reason for the Catholic school's existence: an integrated Christian maturity inspired by the Gospel and lived in authentic freedom and commitment. (Fulfilling the Promise: The Challenge of Leadership, 1993).

As outlined in the TCDSB Suspension and Expulsion Policy S.S.01, it is the policy of the Board that, whenever the principal **suspends a student pending possible expulsion, the principal will** ~~conducts an inquiry~~ **an investigation** under the Board's **Suspension and Expulsion Policy (SS01) to determine whether to recommend to the Board that the pupil be expelled.** ~~and Suspension policies to determine whether a student has engaged in activity for which the student shall or may be expelled.~~ The student, and any other person who may reasonably be regarded as having been affected by such activity, shall be given a fair opportunity to promptly furnish information relevant to the principal's ~~inquiry~~ **investigation,** unless it is impractical to do so, ~~ie,~~ **eg.** the student is in custody.

Regulations Guidelines:

1. Where the principal believes that a student ~~may have~~ **has** engaged in activity for which **expulsion must be considered,** ~~the student shall or may be~~



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expelled, immediately after **the principal shall** suspending the student from school and from all school-related activities. **The principal shall discuss with the student and parent/ guardian (if minor) the TCDSB long-term suspension program (TIPSS) and will encourage the student's participation in this program.** ~~and if the principal has not referred the matter to the Board for determination,~~ The principal shall promptly conduct an inquiry (the "inquiry") **an investigation** to determine whether **to recommend to the Board that the student be expelled.** ~~the student has engaged such activity for which expulsion is required or permitted.~~

2. The inquiry **investigation** shall be considered as a matter of the highest priority ~~subject only to the health, safety and security of those present in the school community and/or engaged in school-related activities;~~ and shall be conducted and completed as quickly **soon** as reasonably possible. ~~Although not intended as a formal deadline,~~ **The principal is encouraged to shall complete the inquiry school investigation within 48 hours 5 school days from the start of the suspension** after the matter first came to his/her attention **unless the principal has been given direction by police not to proceed with a school investigation. In these cases where police prohibit investigation, the principal (i) will not begin an investigation and will contact Safe Schools or Corporate Services for consultation and direction, and (ii) will maintain ongoing contact with police to determine when it is permissible for the principal to continue with the school investigation.**
3. The inquiry **investigation** shall be personally conducted by the principal who may request the assistance of **a designate(s).** ~~one or more designates (vice principals, superintendent).~~ **It is recommended that** interviews ~~will~~ be conducted in the presence of another staff person



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designated by the principal, ~~in as informal a manner as is consistent with fairness.~~

4. The principal shall remain neutral in attitude and non-judgmental as to the matters disclosed to him/her during the ~~inquiry~~ **investigation**, and shall ~~gather information from students, staff and other persons about attempt to hear and understand exactly what the student and other persons have to say about the activity that has given rise to the inquiry~~ **investigation**.
5. ~~Unless it is impractical to do so, ie, the student is in custody,~~ The principal shall inform a student what the allegations are, and shall give the accused student an opportunity to respond to those allegations **prior to reaching a final determination** before the principal makes a decision. **unless it is impractical to do so, e.g. the student is in custody.**
6. ~~During the inquiry stage and before being interviewed further by the principal the subject student, and his/her parents if the student is a minor, shall be advised of the student's right to have one other adult present with the student ("accompanying person") during the interview. The principal, however, in his/her sole discretion may permit more than one accompanying person.~~
7. ~~Since intimate personal matters may be disclosed, and in order that undue embarrassment to any person may be avoided as much as reasonably possible, the principal shall, except as noted in sections 3 and 6, exclude persons other than the person then being questioned by the principal.~~
8. ~~In most circumstances, the accuser, if any, need not be present, and the accused student is not entitled to so require.~~



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9. ~~During the conduct of the inquiry, no person shall have a right to address any question or comment to or otherwise cross-examine any person of whom the principal asks one or more questions.~~
8. The Principal **will document information gathered from the school investigation in the Safe Schools Progressive Discipline Application, specifically the online Principal Investigation.** ~~may, for the purpose of accuracy and authenticity, tape record the inquiry either in audio or video form. In any event, the principal shall complete the administrative form prescribed by the Director of Education for recording the particulars of the conduct and content of the inquiry.~~
11. ~~As soon as practicable after the principal has obtained, in his/her judgment, sufficient and reasonably complete information so as to be able to make a reasoned conclusion, the principal shall determine whether the student may have engaged in activity for which the student shall or may be expelled.~~
12. ~~If the principal is satisfied that the student engaged in activity for which the student shall or may be expelled, in accordance with the Board's Conduct Policies for Expulsion and Suspension, the principal shall determine either to refer the matter to the Board for determination or to impose a limited expulsion.~~
9. Before making the **a final** ~~determination noted in section 12,~~ the principal shall consider the ~~following~~ mitigating factors **and other factors** in accordance with the requirements of the Ministry of Education, ~~that the expulsion of a student is not mandatory if,~~



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~~(a) the student does not have the ability to control his or her behaviour;~~

~~-~~

~~(b) the student does not have the ability to understand the foreseeable consequences _____ of _____ his _____ or _____ her _____ behaviour; or~~

~~-~~

~~(c) the student's continuing presence in the school does not create an unacceptable risk _____ to _____ the _____ safety of any person.~~

~~After having made the determination noted in section 12, having considered the mitigating factors noted in section 13, the principal shall consider the student's history when deciding the type and duration of expulsion that may be appropriate in the particular circumstances.~~

10. Upon reviewing the school investigation and relevant mitigating and other factors, the principal shall make a final determination which will include one of the following:

- Board Expulsion**
- School Expulsion**
- Confirmed Suspension**
- Shortened or Reduced Suspension**
- Withdrawal of Suspension and Expungement of the Record**

~~If the determination of the principal noted in section 12 is to impose a limited expulsion, the principal shall then determine the length of the limited expulsion, subject in any event to the latest date prescribed in the Board's Expulsion Policy.~~



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The determinations of the principal noted in sections 12 and 15 shall be recorded on the Notice of Determination Form (Appendix A), and copies of such Notice shall be provided to :-

11. The principal shall provide a written notice outlining details related to the principal's final determination to every person to whom he/she was required to give notice of suspension under Section 311 of *Education Act*. This written notice is entitled "Parent Report Package".

- The student
- The parent / guardian if the student is a minor
- to the teachers of the student,
- the appropriate supervisory officer and
- the Secretary of the Board

Appendix A

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**Inquiry Regarding Expulsion under Board Conduct Policy
Notice of Determination**

-

Student Name - **D.O.B.** - **Student #**
(D/M/Y)

-

**Date of Initial
Suspension:**

-

Notice Given to: *(List all persons to whom Notice of Initial Suspension was given)*



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_____	-	_____
-	-	-
_____	-	_____
-	-	-
_____	-	_____
-	-	-
_____	-	_____
-	-	-

School

Principal

**Date(s) of Principal's
Inquiry:**

-	-	-
_____	-	_____
-	-	-
_____	-	_____
-	-	-

~~The principal believed that the student may have engaged in activity for which the student shall or may be expelled; suspended the student from school and from all school-related activities; and gave Notice of Suspension to those listed above. The principal conducted an inquiry on the dates noted above.~~

- ~~• This will give notice that the principal is NOT satisfied that the student may have engaged in activity for which the student shall or may be expelled.~~
- ~~• This will give notice that the principal is satisfied that the student may have engaged in activity for which the student shall or may be expelled; and imposes a limited expulsion, and~~
- ~~• Orders that the student attend and participate in programs, courses and services for expelled students; and~~
- ~~• Orders that the student fulfill the requirements of Board Policy "Return of Expelled Students to School"~~



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- ~~Orders that, except as provided in the above clauses, the student is prohibited from attending the above school;~~

~~Specifies _____ day, the _____ day of _____, 20__ as the date upon which the student may return to school~~

~~Refers the matter to the Board for determination.~~

~~_____~~

Date

APPENDIX A