



Policy Manual – Students

S.M.09 – Code of Student Conduct and Discipline

Policy Statement

The Hamilton-Wentworth Catholic District School Board is devoted to providing its inclusive school community with a safe, secure and nurturing environment.

The Board’s Mission and Vision statements remind us that we are challenged to live out our Gospel values by demonstrating esteem, respect and responsibility for self and others. These qualities promote an environment in which individuals can develop their God-given talents and achieve their goals.

All students, parents, teachers and staff have the right to be safe and feel safe in their school community. With this right comes the responsibility to be law-biding citizens and to be accountable for actions that put at risk the safety of others and oneself.

Purpose

The Ontario Code of Conduct sets clear provincial standards of behaviour. It specifies the consequences for student actions that do not comply with these standards.

These provincial standards apply not only to students but to all individuals involved in the publicly funded Catholic school system, e.g., parents, students, staff, visitors, volunteers. These standards apply whether the individual is on school property, on school buses, at school authorized events or activities and/or in situations where engaging in an activity will have an impact on the school climate.

Individuals experience a sense of security when they believe that they belong to the community; when they believe they can impact on the decisions made within the community; when they believe they are responsible for their own actions and relationships; and when they believe that interpersonal problems can be solved in a positive, constructive and conciliatory manner.

Responsibility

The Hamilton-Wentworth Catholic District School Board and its schools are responsible for the implementation of this policy. Student Standards of Behaviour and associated items are listed below.

Standards of Behaviour

The Ontario Code of Conduct identifies standards of behaviour that apply to students and the school community. These standards address respect, civility and responsible citizenship; physical safety; alcohol and drugs, and physical aggression. It is expected that students (and all members of the school community) must:

- respect and comply with all applicable federal, provincial and municipal laws;
- demonstrate respect for all students, staff and parents;
- prepare themselves for the full responsibilities of citizenship;
- come to school prepared, on time and ready to learn;
- show respect for themselves, for others and for those in authority;
- refrain from bringing anything to school that may compromise the safety of others;
- follow the established rules and take responsibility for his or her own action;
- demonstrate honesty and integrity;
- respect differences in people, their ideas and opinions;
- treat one another with dignity and respect at all times, and especially when there is disagreement;
- **respect and treat others fairly, regardless of their race, ancestry, place of origin, colour, ethnic origin, creed, sex, gender identity, gender expression, sexual orientation, age, marital status, family status or disability;**
- respect the rights of others;
- **respect the need of others to work in an environment that is conducive to learning and teaching, including by ensuring that cellphones and other personal mobile devices are only used during instructional time for educational purposes (as directed by an educator), for health and medical purposes and/or to support special education needs;**
- show proper care and regard for school property and the property of others;
- take appropriate measures to help those in need;
- respect persons who are in a position of authority;
- respect the need of others to work in an environment of learning and teaching;
- not be in possession of any weapon, including but not limited to firearms;
- not use any object to threaten or intimidate another person;
- not bully or harass;
- not engage in any form of cyber bullying;
- not cause injury to any person with an object;
- **not commit sexual assault;**
- **not traffic in weapons or illegal drugs;**
- **not provide others with alcohol or illegal drugs/controlled drugs including cannabis;**
- **not commit robbery;**
- not be in possession of, or under the influence of alcohol or illegal drugs/**controlled drugs (unless the individual has been authorized to use medically approved forms of cannabis for medical purposes);**
- not inflict or encourage others to inflict bodily harm on another person;
- not swear at a teacher or at another person in authority;
- not engage in hate propaganda and other forms of behaviour motivated by hate or bias;

- not commit an act of vandalism that causes damage to school property or to property located on the premises of the school; **and**,
- seek staff assistance, if necessary, to resolve conflict peacefully.

Requirements for Students

The Education Act of Ontario, RSO 1990, Regulation 298, Section 23(1) & (4) address the requirements for students. A student shall:

- be diligent in attempting to master such studies as are part of the program in which the student is enrolled;
- exercise self-discipline;
- accept such discipline as would be exercised by a kind, firm and judicious parent;
- attend classes punctually and regularly;
- be courteous to fellow pupils and obedient and courteous to teachers;
- be clean in person and habits;
- take such tests and examinations as are required by or under the Education Act or as may be directed by the Minister;
- show respect for school property; **and**,
- be responsible for his/her conduct to the principal of the school that the student attends,
 - (a) on the school premises;
 - (b) on out-of-school activities that are part of the school program; and,
 - (c) while travelling on a school bus that is owned by a board or on a bus or school bus that is under contract to a board.

Rights and Responsibilities

All involved in Catholic education in Hamilton-Wentworth, students, families, staff, trustees, parish and other community members, have the responsibility to ensure the Mission and Vision of the Hamilton-Wentworth Catholic District School Board is brought to life in the schools of the Board. To this end, students can expect the following rights:

Students' Rights and Responsibilities

Students have the right:

- to be treated with respect and courtesy by their fellow students, teachers and administrators;
- to expect the classes in which they are enrolled to commence at the proper time and finish on time;
- to receive instruction that is effective;
- to be provided within normal school hours with the support they will need from time-to-time to overcome problems encountered in their studies;

- to participate in the decisions within the school relating to student activities, athletics, student social affairs, the development and formulation of rules of conduct, and behaviour;
- to a clear statement of the levels of understanding, competence and skills required for satisfactory performance in each school program and activity;
- to facilities which are clean, properly maintained, safe and generally conducive to good health;
- to a system of administrative fairness and necessary advice in the event of disciplinary action, dissatisfaction with examination or test results, decisions of teachers or administrators;
- to learn in an environment that is physically and psychologically conducive to learning and that is safely maintained; **and,**
- to learn in an environment that is free from violence and/or threats or fear of violence.

Students also share, with teachers and parents, the responsibility for maintaining the special spirit and character of the Catholic school. The welfare of the whole community depends upon the cooperation of its members, the mutual support rendered and the commitment of all to promoting its special mission as a school within the Catholic community.

Each student; therefore, has a responsibility:

- to help each individual within the school community develop according to the Christian model promoted within the Catholic school;
- to show respect for all individuals;
- to accept the direction of the teachers and/or authorized supervising adults;
- to show respect for and obey school rules; and,
- to show respect for school property.

Student Discipline

The Provincial Code of Conduct, the Hamilton-Wentworth Catholic District School Board Code of Conduct and the Education Act create expectations for behaviours of all persons on school property.

It is incumbent upon the Hamilton-Wentworth Catholic District School Board to provide and maintain an environment that is safe for all members of the school community. While the vast majority of students are well behaved and responsible, some students occasionally have difficulty adhering to school guidelines and rules. Schools should not and cannot tolerate behaviour which threatens the rights and well being of individuals or groups. In an effort to promote the safety and security of its school community, the Hamilton-Wentworth Catholic District School Board ascribes to a Code of Conduct where there is a non-acceptance of those behaviours that are in opposition to established rules of acceptable conduct. It also takes into account relevant situational factors and is accompanied by a range of progressive disciplinary actions.

Discipline

Discipline must recognize the inherent dignity and rights of each individual. When disciplining, actions must be taken into account with each individual's best interest while considering the welfare of the school's society.

While school-based discipline is normally associated with actions by a student that take place in a school, within a school setting or while engaged in a school-related activity, unacceptable behaviour by a student outside of school, the school setting or school-related activities may also be cause for school disciplinary action especially if such behaviour is adjudged, by the School Principal in consultation with her/his Superintendent, to have an impact on the school climate.

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. When inappropriate behaviour occurs, disciplinary measures shall be applied within a framework that shifts the focus from one that is solely punitive to one that is both corrective and supportive. Schools shall utilize a range of interventions, supports and consequences that include learning opportunities for reinforcing positive behaviours while helping students make good choices.

The Hamilton-Wentworth Catholic District School Board supports and actively promotes the practice of progressive discipline as influenced by the Human Rights Code and other legislative mandate.

A sampling of progressive disciplinary approaches follow. The list is not all - inclusive nor does it imply that each action must be exercised before moving to subsequent actions. There may be occasions wherein a principal adjudges a situation to merit a response that would normally be viewed as a form of discipline associated with interventions as the far end of the continuum of interventions (i.e. suspension, expulsion, **refusal of access**). The practise of progressive discipline allows for this.

- Informal interview with student
- Formal interview with student
- Parental involvement: phone call, correspondence, interview
- Involvement of school support staff (e.g. Guidance, Chaplain, Special Education, etc.)
- Written work assignment with a learning component
- Withdrawal of privileges
- Restorative Practices
- Consultation
- Peer counselling/mediation
- Mentorship Programs
- Referral to counselling and community programs (e.g., for substance abuse counselling)
- Detention of student

- Withdrawal from class
- Transfer to another school placement
- Program modifications or accommodations
- Class placements
- Placement in an Alternative Education program
- Withholding course credit because of non-attendance
- Removal of privileges to attend school related functions or extracurricular programs
- Utilization of a behavioural, attendance or declaration of performance
- Requiring the student to make restitution where appropriate
- Involvement of, or referral to, outside agencies (e.g., Children's Aid, Law Enforcement)
- Suspension as set out in the Education Act and Board Policy, Regulation and Procedure
- Expulsion as set out in the Education Act and Board Policy, Regulation and Procedure

The nature of the discipline administered will be reviewed regularly and modified as deemed necessary.

Situational Factors

When administering disciplinary consequences, it is necessary to take into account a variety of situational factors which assist in placing the behaviour in perspective and in selecting the most appropriate method of discipline.

Situational factors are divided into 2 categories, mitigating factors and other factors.

Mitigating factors are those factors that must be taken into consideration by the principal, before deciding whether to impose a suspension. They include:

- whether the student has the ability to control his or her behaviour;
- whether the student has the ability to understand the foreseeable consequences of his or her behaviour; and,
- 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.

Where the student is able to control his/her behaviour and is able to understand the foreseeable consequences of his/her behaviour, the principal will then consider whether other factors mitigate the length of the suspension or the decision to administer a suspension as a form of discipline for the student. These other factors include, but are not limited to:

- whether or not the progressive discipline might have a disproportionate impact on a pupil protected by the Human Rights Code, including but not limited to, race and disability, and/or exacerbate the pupil's disadvantaged position in society, and whether or not accommodation to the point of undue hardship;
- the student's academic, discipline and personal history;
- whether progressive discipline has been attempted with the student and if so, the progressive discipline approaches that have been attempted and any success or failure;

- whether the infraction for which the student might be disciplined was related to any harassment of the student because of race, ethnic origin, religion, creed, disability, gender or gender identity, sexual orientation or harassment for any other reason;
- the impact of the discipline on the student's prospects for further education;
- the student's age;
- where the student has an IEP or disability
 - whether the behaviours causing the incident was a manifestation of the student's disability;
 - whether appropriate individualized accommodation has been provided;
 - whether a suspension is likely to result in aggravating or worsening the student's;
 - whether a suspension is likely to result in a greater likelihood of further appropriate conduct; **and,**
 - whether or not the student's continuing presence at the school creates an unacceptable risk to the safety of anyone in the school.

Consequences

The Hamilton-Wentworth Catholic District School Board recognizes that, in some circumstances, positive practices might not be effective or sufficient to address inappropriate student behaviour. In such circumstances, the Board supports the use of consequences and recognizes that short term suspension may be a useful tool. Similarly, in the case of a serious incident, long term suspension or expulsion, may be the response that is required.

Suspension

The Education Act identifies two (2) types of suspension. The first type is associated with behaviours for which the School Principal may consider suspension while the latter is associated with those behaviours for which the School Principal must suspend while also considering possible expulsion.

Behaviours Wherein Suspension May Be Considered

When a principal's investigation of an incident, which includes speaking with the adult student or parent/guardian and student, determines that a student has committed one or more infractions outlined below on school property, during a school-related activity or event and/or in circumstances where the infraction has an impact on the school climate, a principal will consider whether that student 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 the *Police/Board* Protocol if the infraction the student is suspected of committing requires such contact. When in doubt, the principal will consult with his or her superintendent.

A principal shall consider whether to suspend a pupil if he or she believes that the pupil has engaged in any of the following activities while at school, at a school related activity or in other circumstances where engaging in the activity will have an impact on the school climate:

1. Uttering a threat to inflict serious bodily harm on another person;
2. Possessing alcohol or illegal drugs **except cannabis** (police notification for possession of illegal drug only);
3. **Possessing cannabis, unless the pupil has been authorized to use medically approved forms of cannabis for medical purposes;**
4. Being under the influence of alcohol/drugs or other hazardous substances;
5. **Being under the influence of cannabis, unless the pupil has been authorized to use medically approved forms of cannabis for medical purposes;**
6. Swearing at a teacher or at another person in a position of authority;
7. Committing an act of vandalism that causes damage to school property at the student's school or property located on the premises of the student's school;
9. Bullying;
10. Any act considered by the principal to be injurious to the moral tone of the school;
11. Any act considered by the principal to be injurious to the physical or mental well-being of any member of the school community, and,
12. Any act considered by the principal to be contrary to the Board or School Code of Conduct *which includes, but is not limited to:*
 - (a) *persistent truancy;*
 - (b) *profane or improper language;*
 - (c) *habitual neglect of duty;*
 - (d) *persistent opposition to authority;*
 - (e) *willful destruction of school property; **and,***
 - (f) *activities which necessitate police involvement.*

School Work

A student who is subject to a suspension of five (5) or fewer days must be provided with school work to complete at home while serving the suspension. The school work must be available to the adult student's designate or the student's parent/guardian or designate the day the student is suspended, if the student is suspended for 1 day. Where the student has been suspended for between two (2) and five (5) days the school work must be available on the first day of the suspension.

Where the period of suspension compromises a student's ability to write a test or exam, or submit an assignment, etc., efforts will be made by the teacher(s) and school administration to accommodate the student.

A student who is subject to a suspension of six (6) or more days must be assigned an alternative program for pupils, subject to lengthy suspension. A student participating in an **alternate suspension program (ASP)** is not considered to be engaging in school or school-related activities.

Alternative Suspension Program

Where a student has been suspended for six (6) or more days the student will be assigned an alternative program for pupils, subject to lengthy suspension (ASP).

A student cannot be compelled to participate in an ASP. Should the adult student or his/her 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 student's parent/guardian (unless the student is an adult student) or a designate at regular intervals during the suspension period, beginning the day after the student or the parent/guardian declines participation in the ASP.

A Student Action Plan (SAP) will be developed for every student subject to a suspension of six (6) or more days who agrees to participate in an ASP.

Agreement to participate in an ASP or refusal to participate may be communicated to the school orally by the student or his/her parent/guardian (unless the student is an adult student).

Where the student or his/her parent/guardian declines the offer to participate in an ASP, the principal shall record the date and time of such refusal.

Suspension Appeal Process

The adult student or parent/guardian may appeal a suspension.

All suspension appeals will be received by the Superintendent responsible for student discipline. *This will be the Superintendent of Education for the respective school.* Appeals should be addressed to: The Hamilton-Wentworth Catholic District School Board, 90 Mulberry St., Hamilton, Ontario L8N 3R9.

- 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).

Expulsion

Behaviour wherein suspension must be administered and expulsion may be considered

When a Principal has reasonable grounds to believe that a student has committed one or more infractions outlined below on school property, during a school-related activity or event, and/or in circumstances where the infraction has an impact on the school climate, the Principal will suspend the student.

The Principal will also contact the police consistent with the Police Board Protocol if the infraction the student is suspected of committing requires such contact. When in doubt, the Principal will consult with his or her Superintendent.

The infractions for which a Principal *shall* suspend and for which an expulsion may be considered by the Principal include:

1. Possessing a weapon, including possessing a firearm or knife;*
2. Using a weapon to cause or to threaten bodily harm to another person;*
3. Committing physical assault on another person that causes bodily harm requiring treatment by a medical practitioner;*
4. Committing sexual assault;*
5. Trafficking in weapons, or in illegal or **controlled drugs or cannabis**;*
6. Committing robbery;*
7. Giving alcohol to a minor;
- 8. Giving cannabis to a minor;**
9. Bullying, if the pupil has previously been suspended for engaging in bullying, and if the student's continuing presence in the school creates an unacceptable risk to the safety of another person;
10. Any activity that is motivated by bias, prejudice or hate based on race, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, sexual orientation, gender identity, gender expression, or any other similar factor;
11. An act considered by the principal to be significantly injurious to the moral tone of the school and/or to the physical or mental well-being of others;
12. A pattern of behaviour that is so inappropriate that the student's continued presence is *adjudged to be* injurious to the effective learning and/or working environment of others;
13. Activities engaged in by the student on or off school property that cause the student'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;
14. Activities engaged in by the pupil on or off school property that have caused extensive damage to the property or the Board or to goods that are/were on Board property;
15. Any act considered by the principal to be a serious violation of the requirements for student behaviour and/or a serious breach of the Board or School Code of Conduct;
and,
16. Where a pupil has no history of discipline or behaviour intervention or no relevant history, a single act, incident or infraction considered by the Principal to be a serious violation of the expectations of student behaviour and/or a serious breach of the Board of School Code of Conduct.

* Activities that necessitate police involvement

A student may be suspended for up to twenty (20) school days and no less than one (1) school day. A student may not be suspended more than once for the same occurrence.

If the student has been suspended for 6 or more school days, the Principal must assign the student to a program for suspended students. This includes students for which expulsion is being considered.

If the student is suspended for 20 school days, the Principal must undertake an investigation to determine whether to recommend to the Discipline Committee that the student be expelled.

Principal's Investigation Leading to Possible Expulsion Recommendation:

The Principal will conduct an investigation promptly following the suspension of the student to determine whether to recommend to the Discipline Committee that the student be expelled. As part of the investigation, the principal will consult with the Superintendent of Education and/or Superintendent responsible for 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 School Principal shall make all reasonable efforts to speak with the following persons: the pupil; the pupil's parent or guardian, unless the pupil is at least 18 years old, or the pupil is 16 or 17 years old and has withdrawn from parental control; any other person whom the Principal has reason to believe may have relevant information.

Should the decision be made to refer the student to the Discipline Committee with a recommendation for expulsion, the student must be referred to and dealt with by the Discipline Committee within twenty (20) school days from the date of suspension (unless timelines are extended on consent).

Any police investigation will be conducted separately from the principal's inquiry.

There are two (2) types of expulsion. The school Principal may recommend either a School or a Board Expulsion. A School Expulsion prohibits the student from attending the school from which he/she is expelled and makes it incumbent upon the Board to relocate the student in another of its schools.

A Board Expulsion prohibits the student from attending all schools within the Board and makes it incumbent upon the Board to direct the student to its Alternative Program for expelled students.

In either case it is the Board that ultimately determines whether an expulsion is administered, the type of expulsion and the duration of the expulsion.

A student is not obligated to accept an alternate school placement or a placement in the Board's alternative program for expelled students. However, while in the alternative school placement or the alternative program placement the student remains a student registered with the Board. Refusal of any alternate placement or a decision to register with another board results in the student being demitted from the Board.

Refusal of Access

The Education Act, R.S.O. 1990, subsection 265 (1) (m) provides for a school principal, in addition to the Principal's duties as a teacher, and subject to an appeal to the Board, to refuse to admit to the school or classroom a person whose presence in the school or classroom would in the Principal's judgement be detrimental to the physical or mental well-being of the pupils. Similar authority is also extended to School Principals under the Access to Premises provisions of Regulation 474/00 of the Education Act.

Refusal of access is used as a temporary measure towards achieving safety and security for all. A student's academic needs will continue to be accommodated by alternative means during a **refusal of access**. Re-entry conditions may also be applied.

The appeal process is the same as suspensions and expulsions.

Violent Incidents

Where an incident is a serious violent incident, including a credible threat to inflict serious bodily harm or vandalism causing extensive damage to Board property or property located on Board property, the Principal must complete, properly route and file a Violent Incident Form.

Regulations

PPM 128: Provincial Code of Conduct and School Board Codes of Conduct

PPM 144: Bullying Prevention and Intervention

**PPM 145: Progressive Discipline and Promoting Positive Student Behaviour
(December 5, 2012) Ontario Human Rights**

Bill 212: The Education Amendment Act (Progressive Discipline and School Safety), 2007

Related Policies

S.M.08 Safe Schools

S.M.15 Policy Against Bullying Behaviour

S.15 Internet-Acceptable Use Policy for Schools

A.04 Equity and Inclusion Education

S.M.20 Administration of Prescribed Medications

B.B.05 Cannabis, Tobacco and Smoke Free Schools (formerly Tobacco-Free Schools)

Related Board Committee

Student Achievement and Well-Being

Policy Review Date

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