



## **ADMINISTRATIVE PROCEDURES MEMORANDUM**

### **APC019 EXPULSIONS**

**DATE OF ISSUE:** September 4, 2001  
**Revised:** February 26, 2002; September 3, 2002; October 30, 2003; March 31, 2004, January 25, 2008

**MEMO TO:** Principals; Vice-Principals; Planning and Priorities

**FROM:** Director of Education

---

#### **PURPOSE**

The provincial *Code of Conduct* is designed to promote safety and foster the principles of respect and responsible citizenship in Ontario schools.

The intended purpose of the Education Amendment Act (Progressive Discipline and School Safety), 2007, is to clarify the responsibilities of school boards related to the suspension and expulsion of students who have violated the standards for behaviour outlined in the provincial Code of Conduct and in policies established by school boards that are designed to promote respect, responsibility and civility. The provincial, board and school codes of conduct set clear, consistent, minimum standards of expected behaviour for students, teachers, staff, parents and volunteers in Ontario schools.

The purpose of this administrative procedure is to clarify the process in the Waterloo Catholic District School Board concerning the expulsion of students. The expulsion of a student is a serious matter and should be used as outlined in the Education Act, as amended by the Education Amendment Act (2007) Sections 306-311. This policy refers specifically to:

- Expulsion from a specific school or from all schools within the WCDSB
- Types of infractions and related duration of the expulsion
- Mitigating circumstances affecting the decision to expel a student
- Duties and authority of principals and boards
- Review and appeal of expulsions
- Programs, services, courses for expelled students
- Information collection and disclosure re: expelled students
- Procedures required of principals when expelling students.

#### **REFERENCES**

*Sharing Our Journey*  
*The Education Act and Regulations (Sections 306-311)*  
*Waterloo Regional Police Services Protocol (APCO13)*  
*Policy and Procedure Memoranda 130, 140, 142 (Ministry of Education)*

## DEFINITIONS

**Expulsion from a school within the WCDSB:** Pupil is not entitled to attend school or engage in school-related activities until the pupil has,

- A) successfully completed a program for expelled pupils; or
- B) satisfied the objectives required for the successful completion of a program for expelled pupils.

### **Suspension, Investigation and Possible Expulsion (Section 310):**

A principal shall suspend a student 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. *Possessing a weapon, including possessing a firearm*
2. *Using a weapon to cause or to threaten bodily harm to another person*
3. *Committing physical assault on another person that causes bodily harm requiring treatment by a medical practitioner*
4. *Committing sexual assault*
5. *Trafficking in weapons or in illegal drugs*
6. *Committing robbery*
7. *Giving alcohol to a minor*
8. *Any other activity that, under a policy of a board, is an activity for which a principal must suspend a pupil and, therefore in accordance with this part of the Act, conduct an investigation to determine whether to recommend to the board that the pupil be expelled.*

Under the policy of the Waterloo Catholic District School Board, a pupil will be expelled if the pupil commits any of the following infractions while he or she is at school, either on or off school property, or is engaged in a school related activity :

1. *Committing physical assault on a teacher, member of the support staff or other person in a position of authority within the school or Board which does not require treatment by a medical practitioner*
2. *Possession of illegal drugs or prohibited substances (third offence)*
3. *Physical assault not requiring treatment by a medical practitioner (third offence)*
4. *Threatening (third offence)*
5. *Willful destruction of school property (third offence).*

A principal will also suspend a pupil and initiate an investigation leading to possible expulsion for the following offences:

1. *Being under the influence of alcohol, illegal drugs, prohibited or hazardous substances (third offence)*
2. *Possession of alcohol (third offence)*
3. *Possession of illegal drugs or prohibited substances (second offence)*
4. *Physical assault not requiring treatment by a medical practitioner (second offence)*
5. *Harrassing (sexual, racial or ethnocultural) or bullying other students (third offence)*
6. *Swearing at school staff (third offence)*
7. *Threatening (second offence)*
8. *Willful destruction of school property (second offence)*
9. *Habitual neglect of duty (third offence – secondary only).*

10. *Dissemination or publication in any form (electronic or otherwise) which may come to the attention of students, staff or teachers (via the internet or otherwise) of material which causes concern for the safety of students, staff, teachers or other persons in positions of authority within the school or board which amounts to a breach of the Provincial, Board, or School Code of Conduct, regardless of the time, location or frequency of such dissemination or publication.*

### **Expulsion Procedure**

When it is deemed that a student has committed an act for which an suspension, investigation and possible expulsion is warranted, the principal will immediately contact the police if it is unsafe to intervene. Staff members observing an infraction will refer the matter to the principal.

In such cases the principal will:

- 1) Ensure the safety and care of any injured parties/victims.
- 2) Isolate the student who is identified to have committed the offence, and place the student under direct staff supervision.
- 3) Conduct an initial investigation to establish that an offence has occurred, confiscate appropriate items related to the offence in the presence of another staff member and the student (e.g. drugs, alcohol, weapon etc.) The Supreme Court of Canada in *R. vs. M. (M.R.)* (1998) and the Ontario Court of Appeal in *R. vs. J.M.G.* (1986) have stated that a principal, who has reasonable grounds to do so, may conduct a search of a student or their possessions in carrying out his or her duties to maintain order and discipline in the school. Principals shall not conduct frisk searches of students. Should a student refuse to co-operate with a search, the police will be requested to attend for assistance. Document all interviews and contacts.
- 4) Consider if there are “mitigating circumstances”. (Section 306-2)  
*For the purposes of Section 306-2 of the Act, the expulsion of a pupil is not mandatory if,*
  - a) *the pupil does not have the ability to control his or her behaviour;*
  - b) *the pupil does not have the ability to understand the foreseeable consequences of his or her behaviour*
  - c) *the pupil's continuing presence in the school does not create an unacceptable risk to the safety of any person*

If there appears to be a “mitigating circumstance”, contact a member of the Collaborative Team, Student Services or the appropriate School Superintendent for an immediate consult. Students who are deemed to have “mitigating circumstances” may still be expelled.

- 5) If the occurrence requires police involvement or response, (See Section 7 of the Police Protocol), contact the police and request their attendance at the school and provide some initial information regarding the incident, student’s name, address and date of birth.
- 6) If the student is between the ages of 12 and 17, it is the responsibility of the investigating police officer to inform the student about the nature of the charges, of his/her rights; specifically the right to talk with a lawyer, the right to talk with their parents/guardian or any other adult relative or adult who may be of assistance to them, the right to have the adult he or she talked to present during the interview with the police, and to give the standard cautions.

- 7) If the student is over the age of 18, it is the responsibility of the police officer to inform the student about the nature of the charges, of his/her adult rights and to give the standard cautions (section 10 of the Canadian Charter of Rights and Freedoms).
- 8) If the student being questioned is less than 18 years of age, the principal will consult with the investigating officer to determine whether the student is a witness, suspect, accused or under arrest. The principal will advise the student that their parents/guardians will be contacted and informed of the student's involvement in the incident. Attempts will be made by the principal to notify the parent prior to any interview with the police. Should a parent request that their child not be interviewed by police, the principal will request that the student be interviewed off school property.
- 9) If the student is 18 years or older, the principal shall not contact the parents without the consent of the student.
- 10) If the student is a crown ward or ward of Family and Children's Services, the legal guardian is considered Family and Children's Services.
- 11) A principal may suspend a pupil under this section for up to 20 school days and, in considering how long the suspension should be, the principal shall take into account any mitigating or other factors prescribed by the regulations.
- 12) When a principal suspends a pupil under this section, he or she shall assign the pupil to a program for suspended pupils in accordance with any policies or guidelines issued by the Minister.
- 13) A principal who suspends a pupil under section 310 of the Education Act shall,
  - a) inform the pupil's teacher of the suspension; and
  - b) make all reasonable efforts to inform the pupil's parent or guardian of the suspension within 24 hours of the suspension being imposed, unless,
    - i. the pupil is at least 18 years old, or
    - ii. the pupil is 16 or 17 years old and has withdrawn from parental control.
- 14) A principal who suspends a pupil under section 310 of the Education Act shall ensure that written notice of the suspension is given promptly to the following persons:
  1. The pupil.
  2. The pupil's parent or guardian, unless
    - i. the pupil is at least 18 years old, or
    - ii. the pupil is 16 or 17 years old and has withdrawn from parental control.
  3. Such other persons as may be specified by board policy.
- 15) The notice under # 14 must include the following:
  1. The reason for the suspension.
  2. The duration of the suspension.
  3. Information about any program for suspended pupils to which the pupil is assigned.
  4. Information about the investigation the principal will conduct under section 311.1 of the Act to determine whether to recommend that the pupil be expelled.
  5. A statement indicating that,
    - i. there is no immediate right to appeal the suspension,
    - ii. if the principal does not recommend to the board that the pupil be expelled following the investigation under section 311.1 of the Act, the suspension will become subject to appeal under section 311.2, and

- iii. if there is an expulsion hearing because the principal recommends to the board that the pupil be expelled, the suspension may be addressed by parties at the hearing.
- 16) When a pupil is suspended under section 310, the principal shall conduct a more comprehensive investigation to determine whether to recommend to the board that the pupil be expelled.
  - 17) The principal's investigation shall begin promptly following the suspension and shall be conducted in accordance with the requirements established by board policy. For the purpose of the investigation, the principal has the powers and duties set out in the policy. As part of the investigation, the principal shall make all reasonable efforts to speak with the following persons:
    1. The pupil.
    2. The pupil's parent or guardian, unless,
      - i. the pupil is at least 18 years old, or
      - ii. the pupil is 16 or 17 years old and has withdrawn from parental control.
    3. Any other person whom the principal has reason to believe may have relevant information.
  - 18) In considering whether to recommend to the board that the pupil be expelled, a principal shall take into account any mitigating or other factors prescribed by the regulations.
  - 19)
    - 1) If, on concluding the investigation, the principal decides not to recommend to the board that the pupil be expelled, the principal shall,
      - a. confirm the suspension and the duration of the suspension;
      - b. confirm the suspension but shorten its duration, even if the suspension has already been served, and amend the record of the suspension accordingly; or
      - c. withdraw the suspension and expunge the record of the suspension, even if the suspension has already been served.
    - 2) If the principal does not recommend to the board that the pupil be expelled, the principal shall ensure that written notice containing the following information is given promptly to every person to whom he or she was required to give notice of the suspension under section 311:
      1. A statement that the pupil will not be subject to an expulsion hearing for the activity that resulted in the suspension.
      2. A statement indicating whether the principal has, under subsection (5), confirmed the suspension and its duration, confirmed the suspension but reduced its duration or withdrawn the suspension.
      3. Unless the suspension was withdrawn, information about the right to appeal the suspension under section 311.2, including,
        - i. a copy of the board policies and guidelines governing the appeal established by the board, and
        - ii. the name and contact information of the supervisory officer to whom notice of the appeal must be given under section 311.2.

- 20) 1) If, on concluding the investigation, the principal decides to recommend to the board that the pupil be expelled, he or she shall prepare a report that contains the following:
    1. A summary of the principal's findings.
    2. The principal's recommendation as to whether the pupil should be expelled from his or her school only or from all schools of the board.
    3. The principal's recommendation as to,
      - i. the type of school that might benefit the pupil, if the pupil is expelled from his or her school only, or
      - ii. the type of program for expelled pupils that might benefit the pupil, if the pupil is expelled from all schools of the board .
  - 2) The principal shall promptly provide a copy of the report to the board and to every person whom the principal was required to give notice of the suspension under section 311.
- 21) The principal shall ensure that written notice containing the following is given to every person to whom the principal was required to give notice of the suspension under section 311 at the same time as the principal's report is provided to that person:
1. A statement that the pupil will be subject to an expulsion hearing for the activity that resulted in the suspension.
  2. A copy of the board policies and guidelines governing the expulsion hearing established by the board under subsection 302 (6).
  3. A statement that the person has the right to respond, in writing, to the principal's report provided under this section.
  4. Detailed information about the procedures and possible outcomes of the expulsion hearing, including, but not limited to, information explaining that,
    - i. if the board does not expel the pupil, it will, with respect to the suspension imposed under section 310, confirm the suspension, shorten its duration or withdraw it,
    - ii. the parties will have the right to make submissions during the expulsion hearing as to whether, if the pupil is not expelled, the suspension imposed under section 310 should be confirmed, reduced or withdrawn,
    - iii. any decision of the board with respect to the suspension imposed under section 310 made at the expulsion hearing is final and not subject to appeal,
    - iv. if the board expels the pupil from his or her school only, the board will assign the pupil to another school, and
    - v. if the board expels the pupil from all schools of the board, the board will assign the pupil to a program for expelled pupils.
  5. The name and contact information of a supervisory officer whom the person may contact to discuss any matter respecting the expulsion hearing.
- 22) A person who is entitled to receive the principal's report under this policy and written notice under # 21 above may respond, in writing, to the principal and the board.
- 23) If the principal does not recommend to the board that the pupil be expelled and does not withdraw the suspension, the suspension may be appealed and section 309 of the act applies for that purpose, with necessary modifications, subject to the following:

1. A person who is entitled to appeal must give written notice of his or her intention to appeal within five school days of the date on which he or she is considered, in accordance with the rules set out in subsection 300 (3), to have received the notice given under subsection 311.1 (9).
2. If the principal confirmed the suspension but reduced its duration under subsection 311.1 (8), the appeal is from the reduced suspension and not the original suspension.

### **Appeal Process**

**An appeal of a Board imposed expulsion is heard by a committee of the Family and Children's Services Review Board of the Province of Ontario. The decision of this committee is final.** The expulsion of the student remains in effect pending the outcome of the appeal decision of the Family and Children's Services Review Board committee. **Appeals must be forwarded to the Family and Children's Services Review Board and copied to the Director of Education.**

The procedures, powers, and duties of the persons who are required to conduct this appeal are determined by provincial legislation.

- 1) The following persons may appeal a board's decision to expel a pupil, whether the pupil is expelled from his or her school only or from all schools of the board, to the designated tribunal:
  1. The pupil's parent or guardian, unless,
    - i. the pupil is at least 18 years old, or
    - ii. the pupil is 16 or 17 years old and has withdrawn from parental control.
  2. The pupil, if,
    - i. the pupil is at least 18 years old, or
    - ii. the pupil is 16 or 17 years old and has withdrawn from parental control.
  3. Such other persons as may be specified by the designated tribunal.
- 2) The designated tribunal shall hear and determine an appeal under this section, and, for that purpose, it has the powers and duties set out in the regulations.

#### **Parties to appeal**

The parties to the appeal are:

1. The board
2. The pupil, if,
  - i. the pupil is at least 18 years old, or
  - ii. the pupil is 16 or 17 years old and has withdrawn from parental control.
3. The pupil's parent or guardian, if the parent or guardian appealed the decision.
4. The person who appealed the decision to expel the pupil, if the decision was appealed by a person other than the pupil or the pupil's parent or guardian.

#### **Decision Final**

- 3) The decision of the designated tribunal on an appeal under this section is final.

#### **Status of expelled pupil**

- 4) (1) An expelled pupil continues to be a pupil of the board that expelled him or her if the pupil attends a program for expelled pupils.
  - (a) offered by that board; or
  - (b) offered by another board under an agreement between that board and the board that expelled the pupil.

- (2) An expelled pupil ceases to be a pupil of the board that expelled him or her if,
  - (a) the pupil is assigned by that board to a program for expelled pupils and does not attend the program; or
  - (b) the pupil registers as a pupil of another board.
  
- 5) (1) If a pupil who has been expelled from one board registers as a pupil of another board, the other board may,
  - (a) assign the pupil to a school of that board; or
  - (b) assign the pupil to a program for expelled pupils, unless the pupil satisfies the requirements of clause 314.1 (1) (a) or (b) as determined by a person who provides a program for expelled pupils.
  
- (2) If the other board assigns the expelled pupil to a school without knowing that he or she has been expelled by another board, the board may subsequently remove the pupil from the school and assign him or her to a program for expelled pupils, subject to the following conditions:
  - 1. The board must assign the pupil to a program for expelled pupils promptly on learning that he or she has been expelled from another board.
  - 2. The board shall not assign the pupil to a program for expelled pupils if the pupil satisfies the requirements of clause 314.1 (1) (a) or (b) as determined by a person who provides a program for expelled pupils.
  
- 6) A pupil who has been expelled from all schools of a board is entitled to be readmitted to a school of the board if the pupil has, since being expelled,
  - (a) successfully completed a program for expelled pupils; or
  - (b) satisfied the objectives required for the successful completion of a program for expelled pupils.
  
- 7) The determination of whether an expelled pupil satisfies the requirements of clause (1) (a) or (b) is to be made by a person who provides a program for expelled pupils.
  
- 8) An expelled pupil may apply in writing to a person designated by the board that expelled him or her to be readmitted to a school of that board and, if the pupil satisfies the requirements of clause (1) (a) or (b) as determined by a person who provides a program for expelled pupils, the board shall,
  - (a) readmit the expelled pupil to a school of the board; and
  - (b) promptly inform the pupil in writing of his or her readmittance.
  
- 9) A pupil who has successfully completed a program for expelled pupils provided by any board person under this Part has satisfied the requirements of clause 314.1 (1) (a), and no board shall,
  - (a) require the pupil to attend a program for expelled pupils provided by that board before being admitted to a school of the board; or
  - (b) refuse to admit the pupil on the basis that the pupil completed a program for expelled pupils provided by another board or person.

Return to original school after expulsion.

- 10) A pupil who has been expelled from one school of a board but not from all schools of the board may apply in writing to a person designated by the board to be re-assigned to the school from which he or she was expelled.

### **INFORMATION COLLECTION AND DISCLOSURE REGARDING EXPELLED STUDENTS**

Section 315 of the Education Act gives regulatory authority to District Boards re: collection and disclosure of information re: expelled students, for the purposes of administering programs, courses, services to expelled students and to ensure the safety of students. Appendix H outlines requirements regarding the removal of expulsion notices from the Ontario Student Record.

#### **Expulsion Hearing by Board**

- 1) If a principal recommends to the board that a pupil be expelled, the board shall hold an expulsion hearing and, for that purpose, the board has the powers and duties specified by this policy.
- 2) The parties to the expulsion hearing are:
  1. The principal.
  2. The pupil, if,
    - i. the pupil is at least 18 years old, or
    - ii. the pupil is 16 or 17 years old and has withdrawn from parental control.
  3. The pupil's parent or guardian, unless,
    - i. the pupil is at least 18 years old, or
    - ii. the pupil is 16 or 17 years old and has withdrawn from parental control.
  4. Such other persons as may be specified by board policy. A pupil who is not a party to the expulsion hearing under subsection (3) has the right to be present at the hearing and to make a statement on his or her own behalf.
- 3) At the hearing, the board shall,
  - (a) consider the submissions of each party in whatever form the party chooses to deliver his or her submissions, whether orally, in writing or both;
  - (b) solicit the views of all the parties as to whether the pupil, if he or she is expelled, should be expelled from his or her school only or from all schools of the board; and
  - (c) solicit the views of all the parties as to whether, if the pupil is not expelled, the board should confirm the suspension originally imposed under section 310, confirm the suspension but reduce its duration or withdraw the suspension.
- 4) After completing the hearing, the board shall decide,
  - (a) whether to expel the pupil; and
  - (b) if the pupil is to be expelled, whether the pupil is expelled from his or her school only or from all schools of the board.
- 5) In making the decisions required under subsection (6), the board shall take into account,
  - (a) all submissions and views of the parties, including their views as to whether the pupil, if expelled, should be expelled from his or her school only or from all schools of the board;
  - (b) any mitigating or other factors prescribed by the regulations; and

- (c) any written response to the principal's report recommending expulsion that a person gave to the board under subsection 311.1 (7) before the completion of the hearing.
- 6) The board shall not expel a pupil if more than 20 school days have expired since the pupil was suspended under section 310, unless the parties to the expulsion hearing agree on a later deadline.
- 7) The board may authorize a committee of at least three members of the board to exercise and perform powers and duties on behalf of the board under this section, and may impose conditions and restrictions on the committee.
- 8) If a board does not expel a pupil, the board shall, with respect to the suspension originally imposed under section 310,
  - (a) confirm the suspension and the duration of the suspension;
  - (b) confirm the suspension, but shorten its duration, even if the suspension that is under appeal has already been served, and order that the record of the suspension be amended accordingly; or
  - (c) quash the suspension and order that the record of the suspension be expunged, even if the suspension that is under appeal has already been served.
- 9) In determining which action to take under subsection (1), the board shall take into account,
  - (a) any submissions made by the parties as to whether the suspension and its duration should be confirmed, the suspension should be confirmed but its duration reduced or the suspension should be withdrawn;
  - (b) any mitigating or other factors prescribed by the regulations.
- 10) After determining which action to take under subsection (1), the board shall give written notice containing the following to every person who was entitled to be a party to the expulsion hearing under subsection 311.3 (3):
  - 1. A statement indicating that the pupil is not expelled.
  - 2. A statement indicating whether the board has, under subsection (1), confirmed the suspension and its duration, confirmed the suspension but reduced its duration or withdrawn the suspension.
- 11) The decision of the board under subsection (1) is final.
- 12) If a board expels a pupil, the board shall assign the pupil to,
  - (a) in the case of a pupil expelled from his or her school only, another school of the board; and
  - (b) in the case of a pupil expelled from all schools of the board, a program for expelled pupils

### **REVIEW PROCESS**

This Administrative Procedures Memorandum will be reviewed every three years unless otherwise required by legislative changes.

## MITIGATING CIRCUMSTANCES

For the purposes of suspension leading to expulsion, the following, in accordance with Section 306 (2) , shall be considered a guide for principals in determining the existence of mitigating circumstances in the Waterloo Catholic District School Board:

A student who has committed an offence which, under normal circumstances would indicate an expulsion may be considered to have “mitigating circumstances” if:

- (1) The student has a pre-existing identification through an IEP or IPRC which indicates an inability to control behaviour.
- (2) The offence could be deemed impulsive as identified in the IEP or IPRC and not planned or pre-meditated.
- (3) The student is unable to foresee the consequences of his or her behaviour due to chronological or mental age.
- (4) The student’s continuing presence in the school does not create an unacceptable risk to the safety of any person.

Examples of diagnoses include Attention Deficit Hyperactivity Disorder, Tourette’s Syndrome, Bipolar Disorder, Oppositional Defiant Disorder, Obsessive Compulsive Disorder etc.

For all students, consider that the ability to control one’s behaviour is a gradually developing skill related to both learning and maturation. Thus, we expect more self-control from a grade 12 than a Junior Kindergarten student.

For developmentally challenged students, one may use their mental age as a rough indication of their ability to foresee the consequences of their actions. For all students, consider that the ability to appreciate the long-term impact of one’s behaviour is also a gradually developing skill.

In addition, other mitigating factors to be considered are:

- where racial or other harassment was a factor in the student’s behaviour;
- whether the principles of progressive discipline have first been attempted;
- the impact of the suspension or expulsion on the student’s continued education;
- whether the imposition of suspension or expulsion would likely result in an aggravation or worsening of the student’s behaviour or conduct.

**REQUEST FOR INITIATION  
OF EXPULSION PROCEEDINGS**

(Date)

(Name)  
Superintendent  
Waterloo Catholic District School Board  
91 Moore Ave  
Kitchener, Ontario  
N2G 4G2

Dear (Supervisory Officer's name):

On (date), (student name), a grade \_\_\_ student at (school) was (brief details regarding the offence). The police were called to continue the investigation and as a result, (state whether or not charges were laid or are pending etc.).

In accordance with the Education Act and Board policy, (student name) has been suspended for 20 days. This is to serve notice to the board and parent / guardian that I am requesting the initiation of expulsion proceedings as required by the Act and Board Policy. (Parent's name) was informed of the suspension and pending expulsion proceedings on (date).

Sincerely,

(Name)  
Principal

Cc: (Name of Parent)

**DOCUMENTATION RELATED TO EXPULSION PROCEEDINGS  
(HEARINGS AND APPEALS)**

It is imperative in conducting an investigation of serious infractions, that detailed and accurate documentation be maintained. This documentation is necessary for the principal, and if necessary, legal counsel, to be used in the course of appeals of principal imposed limited expulsions and in the course of hearings of expulsions referred to the Board. Should the Board imposed limited or full expulsions be appealed to the Family and Children's Services Review Board, this documentation would also be required.

- ✓ Notes taken during interviews with staff and students related to the investigation
- ✓ Copies of statements made to police by witnesses, where possible
- ✓ Copies of suspension / expulsion notices
- ✓ Notes made during communications related to the investigation e.g. police calls, parent calls
- ✓ Video and audio tapes, if appropriate
- ✓ Articles seized as part of the investigation (if not seized by police as evidence in a criminal investigation)
- ✓ A principal's report to the school superintendent regarding the incident (attached).



**SCHOOL:** \_\_\_\_\_ **PRINCIPAL:** \_\_\_\_\_

**1. Incident Details**

Date of Incident: \_\_\_\_\_ Time of Incident: \_\_\_\_\_

**Perpetrator of the Incident:** \_\_\_\_\_

Home Phone: \_\_\_\_\_ Age: \_\_\_\_\_

Date of Birth: \_\_\_\_\_ Grade: \_\_\_\_\_

Parent/Guardian: \_\_\_\_\_

Home Phone: \_\_\_\_\_ Work Phone: \_\_\_\_\_

**Victim of the Incident:** \_\_\_\_\_

Home Phone: \_\_\_\_\_ Age: \_\_\_\_\_

Date of Birth: \_\_\_\_\_ Grade: \_\_\_\_\_

Parent/Guardian: \_\_\_\_\_

Home Phone: \_\_\_\_\_ Work Phone: \_\_\_\_\_

**A "Summary of Findings" pertaining to the Incident:**

**Witness(es) to Incident:**

Name: \_\_\_\_\_

Parent/Guardian: \_\_\_\_\_

Home Phone: \_\_\_\_\_ Work Phone: \_\_\_\_\_

Name: \_\_\_\_\_

Parent/Guardian: \_\_\_\_\_

Home Phone: \_\_\_\_\_ Work Phone: \_\_\_\_\_

Name: \_\_\_\_\_

Parent/Guardian: \_\_\_\_\_

Home Phone: \_\_\_\_\_ Work Phone: \_\_\_\_\_

**Police Contact:**  Yes  No Incident Number: \_\_\_\_\_  
Officer Name (s): \_\_\_\_\_

Action taken by Police:

**2. Determination Summary of Mitigating Circumstances:**

No Mitigating Circumstances

**3. Timelines for Suspension, Investigation and Pending Expulsion:**

Suspension and pending expulsion issuance date: \_\_\_\_\_  
End date for the 20 day suspension period: \_\_\_\_\_

**4. Principal's Recommendation:**

Expulsion from Home School

Expulsion from all WCDSB schools

*Recommendation as to the type of school that might benefit the student if the student is expelled from his or her school only or the type of program for expelled students that might benefit the student, if the student is expelled from all schools of the Board*

**5. Attachments to this Report (Insert ✓ in appropriate box)**

- OSR Search Summary including previous suspensions/expulsions, academic achievements/limitations, special education/support, diagnostic test reports, personal/social history, etc.
- Investigation Log summarizing a chronology of investigative steps in the investigation of the incident.
- Participant(s) and Witness Statements should be dated and signed by the participant/witness whether the statement is provided orally or scribed by a staff member. Staff members participating in the taking of a witness statement should also date and sign the statement.

**Completed by:** \_\_\_\_\_ **Date:** \_\_\_\_\_



**APPENDIX D**

**School Name**  
**Address**  
**Phone/FAX**

**NOTICE OF SUSPENSION, INVESTIGATION AND POSSIBLE EXPULSION**

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

**TO:** \_\_\_\_\_  
*Parent(s)/Guardian(s)*

**RE:** \_\_\_\_\_  Male  Female  
*Name of Student*

**DATE OF BIRTH:** \_\_\_\_\_  
*day/month/year*

I hereby notify you that your son/daughter \_\_\_\_\_

is suspended from \_\_\_\_\_ School

for the next \_\_\_\_\_ school days pending the outcome of the investigation and decision to expel or refer the matter to the Board.

According to the Education Amendment Act (Progressive Discipline and School Safety) 2007, and Board policy, this suspension and pending expulsion is mandated for the following reason:

	Robbery
	Giving alcohol to a minor
	Possession of a weapon
	Using a weapon to cause or threaten bodily harm
	Physical assault causing bodily harm requiring treatment by a medical practitioner
	Sexual Assault
	Physical assault on a teacher, support staff or person in authority within the school or Board not requiring treatment by a medical practitioner
	Trafficking in drugs, prohibited substances or weapons
	Possession of illegal drugs or prohibited substances (3 <sup>rd</sup> offence)
	Physical Assault (3 <sup>rd</sup> offence)
	Threatening (3 <sup>rd</sup> offence)
	Wilful destruction of school property (3 <sup>rd</sup> offence)
	Other:

In the case of the matter being referred to the Board, you will be notified of the date for the expulsion hearing by the Director of Education. This hearing will take place not later than 20 school days following the date of this notice.

Yours truly,

\_\_\_\_\_  
*Principal*

- DISTRIBUTION:**
- |                               |                                 |                          |
|-------------------------------|---------------------------------|--------------------------|
| 1. Parent/Student (18 & over) | 2. Student's Teacher(s)         | 3. Director of Education |
| 4. Superintendent of Schools  | 5. School Attendance Counsellor | 6. Guidance (Secondary)  |
| 7. Student Services (Board)   | 8. O.S.R.                       |                          |

APPENDIX E



School Name  
Address  
Phone/FAX

NOTICE OF EXPULSION BY THE WATERLOO CATHOLIC DISTRICT SCHOOL BOARD

Date of Issuance: \_\_\_\_\_

TO: \_\_\_\_\_  
*Parent(s)/Guardian(s)*

RE: \_\_\_\_\_  Male  Female  
*Name of Student*

DATE OF BIRTH: \_\_\_\_\_  
*day/month/year*

I hereby notify you that your son/daughter \_\_\_\_\_

is expelled from \_\_\_\_\_ School

for \_\_\_\_\_ school days beginning \_\_\_\_\_  
(total #)

Pending successful completion of the conditions for re-entry, your son/daughter may return to school on: \_\_\_\_\_

According to the Education Act and Board policy, this expulsion is imposed for the following reason:

\_\_\_\_\_  
\_\_\_\_\_

**CONDITIONS FOR RE-ENTRY:**  
**Prior to re-entry into school, in addition to participation in a program for expelled students, the following conditions must be met:**

\_\_\_\_\_  
\_\_\_\_\_

Appeals to the expulsion may be made in writing to the Director of Education within five (5) school days of the issuance of this notice.

Yours truly,  
\_\_\_\_\_  
*Superintendent*

- DISTRIBUTION:**
- |                               |                                 |                          |
|-------------------------------|---------------------------------|--------------------------|
| 1. Parent/Student (18 & over) | 2. Student's Teacher(s)         | 3. Director of Education |
| 4. Superintendent of Schools  | 5. School Attendance Counsellor | 6. Guidance (Secondary)  |
| 7. Student Services (Board)   | 8. O.S.R. (hot pink)            |                          |

<b>SUMMARY OF OFFENCES &amp; CONSEQUENCES</b>
---

**APPENDIX F**

INCIDENT	FIRST OFFENCE	SECOND OFFENCE (within 5 years)	THIRD OFFENCE (within 5 years)
<b>ALCOHOL ILLEGAL DRUGS AND PROHIBITED SUBSTANCES</b>			
Under the influence (alcohol, illegal drugs, prohibited or hazardous substance) =Suspension Consideration	<ul style="list-style-type: none"> <li>• 1 to 20 day suspension</li> <li>• police may be involved</li> </ul>	<ul style="list-style-type: none"> <li>• 5 to 20 day suspension</li> <li>• police will be involved</li> </ul>	<ul style="list-style-type: none"> <li>• 20 day suspension</li> <li>• expulsion proceedings shall be considered</li> <li>• police will be involved</li> </ul>
Possession of Alcohol = Suspension Consideration	<ul style="list-style-type: none"> <li>• 1 to 20 day suspension</li> <li>• police will be involved</li> </ul>	<ul style="list-style-type: none"> <li>• 5 to 20 day suspension</li> <li>• police will be involved</li> </ul>	<ul style="list-style-type: none"> <li>• 20 day suspension</li> <li>• expulsion proceedings shall be considered</li> <li>• police will be involved</li> </ul>
Possession of Illegal Drugs and prohibited substances =Suspension Consideration	<ul style="list-style-type: none"> <li>• 10 to 20 day suspension</li> <li>• police will be involved</li> </ul>	<ul style="list-style-type: none"> <li>• 20 day suspension</li> <li>• expulsion proceedings may be initiated</li> <li>• police will be involved</li> </ul>	<ul style="list-style-type: none"> <li>• 20 day suspension</li> <li>• expulsion proceedings shall be considered</li> <li>• police will be involved</li> </ul>
Supplying Alcohol = Expulsion Consideration	Police will be contacted. It is mandatory that an expulsion be considered for this infraction while at school or engaged in a school-related activity. Refer to expulsion procedures.		
Trafficking in Illegal Drugs and prohibited substances = Expulsion Consideration	Police will be contacted. It is mandatory that an expulsion be considered for this infraction while at school or engaged in a school-related activity. Refer to expulsion procedures.		
<b>ASSAULT</b>			
Physical Assault On Another Person Not Requiring Treatment by Medical Practitioner = Suspension Consideration	<ul style="list-style-type: none"> <li>• 1 to 20 day suspension</li> <li>• police may be involved</li> </ul>	<ul style="list-style-type: none"> <li>• 5 to 20 day suspension</li> <li>• police may be involved</li> <li>• expulsion proceedings shall be considered</li> </ul>	<ul style="list-style-type: none"> <li>• 20 day suspension</li> <li>• police will be involved</li> <li>• expulsion proceedings shall be considered</li> </ul>
Committing Sexual Assault = Expulsion Consideration	Police will be contacted. It is mandatory that an expulsion be considered for this infraction while at school or engaged in a school-related activity. Refer to expulsion procedures.		
Physical Assault On Another Person Requiring Treatment by Medical Practitioner =Expulsion Consideration	Police will be contacted. It is mandatory that an expulsion be considered for this infraction while at school or engaged in a school-related activity. Refer to expulsion procedures.		
Physical Assault on a Teacher or other person in a position of authority not requiring treatment by a Medical Practitioner = Expulsion Consideration	Police will be contacted. It is mandatory that an expulsion be considered for this infraction while at school or engaged in a school-related activity. Refer to expulsion procedures.		
<b>HARASSMENT/BULLYING</b>			
Bullying and/or Sexual, Racial or Ethnocultural Harassment = Suspension Consideration	<ul style="list-style-type: none"> <li>• 1 to 20 day suspension</li> <li>• police may be involved</li> </ul>	<ul style="list-style-type: none"> <li>• 5 to 20 day suspension</li> <li>• police may be involved</li> </ul>	<ul style="list-style-type: none"> <li>• 20 day suspension</li> <li>• expulsion proceedings shall be considered</li> <li>• police may be involved</li> </ul>
<b>PROFANE OR IMPROPER LANGUAGE</b>			
Profane or Improper Language = Suspension Consideration for Swearing at a Teacher or Person In Authority (All School Staff)	<ul style="list-style-type: none"> <li>• use of early intervention strategies such as parent contact, detention, review of expectations, written apology</li> <li>• suspension up to 5 days</li> </ul>	<ul style="list-style-type: none"> <li>• use of ongoing intervention strategies such as parent meeting, referral to counselling, conflict mediation</li> <li>• 5 to 10 day suspension</li> </ul>	<ul style="list-style-type: none"> <li>• 5 to 20 day suspension</li> <li>• expulsion proceedings shall be considered.</li> </ul>

INCIDENT	FIRST OFFENCE	SECOND OFFENCE (within 5years)	THIRD OFFENCE (within 5 years)
<b>VERBAL ABUSE</b>			
Verbal Abuse = Suspension Consideration	<ul style="list-style-type: none"> <li>• Use of early intervention strategies</li> <li>• suspension up to 5 days</li> </ul>	<ul style="list-style-type: none"> <li>• Use of ongoing intervention strategies</li> <li>• suspension up to 10 days</li> </ul>	<ul style="list-style-type: none"> <li>• suspension up to 10 days</li> </ul>
<b>DISSEMINATION/PUBLICATION OF MATERIAL</b>			
Dissemination/Publication of material (electronic or otherwise) impacting the mental well being of students or staff of the school or Board = Suspension Consideration	<ul style="list-style-type: none"> <li>• 1 to 20 day suspension</li> <li>• police may be involved</li> </ul>	<ul style="list-style-type: none"> <li>• 5 to 20 day suspension</li> <li>• police may be involved</li> <li>• expulsion proceedings shall be considered</li> </ul>	<ul style="list-style-type: none"> <li>• 20 day suspension</li> <li>• police may be involved</li> <li>• expulsion proceedings shall be considered</li> </ul>
<b>SEXUALLY EXPLICIT MATERIAL</b>			
Sexually Explicit Material = Suspension Consideration	<ul style="list-style-type: none"> <li>• suspension up to 5 days</li> </ul>	<ul style="list-style-type: none"> <li>• suspension up to 5 days</li> </ul>	<ul style="list-style-type: none"> <li>• 5 to 10 day suspension</li> </ul>
<b>THEFT</b>			
Theft = Suspension Consideration	<ul style="list-style-type: none"> <li>• suspension up to 20 days and restitution</li> <li>• police may be involved</li> </ul>	<ul style="list-style-type: none"> <li>• suspension up to 20 days and restitution</li> <li>• expulsion proceedings shall be considered</li> <li>• police will be involved</li> </ul>	<ul style="list-style-type: none"> <li>• suspension up to 20 days and restitution</li> <li>• expulsion proceedings shall be considered</li> <li>• police will be involved</li> </ul>
<b>ROBBERY</b>			
Robbery = Expulsion Consideration	Police will be contacted. It is mandatory that an expulsion be considered for this infraction while at school or engaged in a school-related activity. Refer to expulsion procedures.		
<b>THREATS</b>			
Threat = Suspension	<ul style="list-style-type: none"> <li>• 1 to 20 day suspension</li> <li>• police may be involved</li> </ul>	<ul style="list-style-type: none"> <li>• 10 to 20 day suspension</li> <li>• expulsion proceedings shall be considered</li> <li>• police will be involved</li> </ul>	<ul style="list-style-type: none"> <li>• 20 day suspension</li> <li>• expulsion proceedings shall be considered</li> <li>• police will be involved</li> </ul>
<b>WEAPONS</b>			
Possessing A Weapon or Imitation Including Possessing A Firearm = Expulsion Consideration	Police will be contacted. It is mandatory that an expulsion be considered for this infraction while at school or engaged in a school-related activity. Refer to expulsion procedures.		
Using A Weapon To Cause or Threaten Bodily Harm to Another Person = Expulsion Consideration	Police will be contacted. It is mandatory that an expulsion be considered for this infraction while at school or engaged in a school-related activity. Refer to expulsion procedures.		
Trafficking in Weapons = Expulsion Consideration	Police will be contacted. It is mandatory that an expulsion be considered for this infraction while at school or engaged in a school-related activity. Refer to expulsion procedures.		
<b>WILFUL DESTRUCTION OF SCHOOL PROPERTY</b>			
Wilful Destruction of School Property (Arson, Computer Misconduct, Vandalism) = Suspension Consideration. Expulsion may be considered if damage is extensive.	<ul style="list-style-type: none"> <li>• 1 to 20 day suspension and restitution</li> <li>• police may be involved</li> </ul>	<ul style="list-style-type: none"> <li>• 1 to 20 day suspension and restitution</li> <li>• expulsion proceedings shall be considered</li> <li>• police will be involved</li> </ul>	<ul style="list-style-type: none"> <li>• 1 to 20 day suspension and restitution</li> <li>• expulsion proceedings shall be considered</li> <li>• police will be involved</li> </ul>
<b>OTHER</b>			
Conduct Injurious to the Moral Tone of the School or Physical or Mental Well-Being of Others in the School = Suspension Consideration (e.g., smoking, possession of electronic devices).	<ul style="list-style-type: none"> <li>• use of early intervention strategies such as parent contact, detention, review of expectations, written apology</li> <li>• suspension 1-5 days</li> </ul>	<ul style="list-style-type: none"> <li>• use of early intervention strategies such as parent contact, detention, review of expectations, written apology</li> <li>• suspension 5-10 days</li> </ul>	<ul style="list-style-type: none"> <li>• suspension up to 20 days</li> </ul>

<p>Habitual Neglect of Duty = Suspension Consideration (e.g. lates, truancy, incomplete homework/assignments, dress code infractions)</p>	<ul style="list-style-type: none"> <li>• use of early intervention strategies such as parent contact, detention, review of expectations, written apology</li> <li>• suspension up to 5 days</li> </ul>	<ul style="list-style-type: none"> <li>•• use of early intervention strategies such as parent contact, detention, review of expectations, written apology</li> <li>• suspension 5-10 days</li> </ul>	<ul style="list-style-type: none"> <li>• suspension up to 20 days</li> <li>• expulsion proceedings shall be considered</li> </ul>
<p>Persistent Opposition to Authority = Suspension Consideration</p>	<ul style="list-style-type: none"> <li>• suspension up to 20 days</li> </ul>	<ul style="list-style-type: none"> <li>• suspension up to 20 days</li> </ul>	<ul style="list-style-type: none"> <li>• suspension up to 20 days</li> </ul>

- **This Summary of Offences and Consequences applies only to students.**
- **Staff whose actions are not in accordance with board policy and/or the Ethical Standards for the Teaching Profession and the Standards of Practice for the Teaching Profession or expectations of professional conduct prescribed by their respective professional governing body, will be subject to progressive discipline under board policy.**
- **Parents/Guardians and visitors to schools whose actions violate the school/board's Code of Conduct, or are otherwise disruptive to the safe operation of a school, will be dealt with through the Trespass to Property Act or other appropriate legislation.**

Revised: January 2008

Excerpt from: APC013 LOCAL POLICE PROTOCOL; The Waterloo Catholic District School Board, The Waterloo Region District School Board, Conseil Scolaire Public De District Du Centre-Sud-Quest, Conseil Scholaire De District Catholique Centre-Sud and Waterloo Region Police Service.

## DEFINITIONS/EXPLANATION OF TERMS

For the purpose of this protocol, the following definitions shall apply:

### **Assault (Level I)**

*Assault (Level I)* is the intentional application of force to a person without his or her consent or the attempt or the threat by act or gesture to apply force to another if the other believes one has the apparent, present ability to do so.

### **Assault Causing Bodily Harm (Level II)**

*Assault Causing Bodily Harm (Level II)* is an assault where the consequence is more than "transient and trifling" (e.g. laceration, fracture). Medical attention is required.

### **Aggravated Assault (Level III)**

*Aggravated Assault (Level III)* is an assault where the victim is wounded, maimed, disfigured or where his or her life is endangered.

### **Bullying**

*Bullying* is deliberate and repeated physical or verbal behaviour, by an individual or group, that is intended to harm and/or intimidate others.

### **Criminal Harassment**

*Criminal Harassment* is prolonged, repetitive behaviour that is threatening to a person and causes them to fear for their safety or the safety of someone known to them. The behaviour exhibited may involve following, communicating, watching, or threatening conduct.

### **Cyber Bullying**

*Cyber Bullying* involves the use of the internet information and communication technologies such as e-mail, cell phone, pager text messages, instant messaging (IM), defamatory personal Web sites, and defamatory online personal polling Web sites to support bullying.

### **Cyber Harassment**

*Cyber Harassment* is Criminal Harassment carried out by means of the internet information and communication technologies such as e-mail, cell phone, pager text messages, instant messaging (IM), defamatory personal Web sites, and defamatory online personal polling Web sites.

**Drug Possession**

*Drug Possession* involves having consensual control over illicit or non-medically prescribed drugs.

**Extortion**

*Extortion* is the use of threats, intimidation, or violence toward a person to obtain something of value from another or to cause a person to do something.

**Hate/Bias-Motivated Crime**

*Hate/Bias-Motivated Crime* means a criminal offence committed against a person or property which is motivated by hate/bias or prejudice based on race, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, sexual orientation, or any other similar factor.

**Police**

*Police* includes youth sergeant, school resource officer, or police dispatch.

**Principal**

*Principal* refers to the Principal, Vice-principal, or designate responsible at the time for administering the protocol.

**Robbery**

*Robbery* is theft with violence or a threat of violence or an assault with an intent to steal (even if a theft is not completed).

**School Staff**

*School Staff* includes administrators, teachers, support staff, and any other individuals expressly authorized by the Boards.

**Sexual Assault**

*Sexual Assault* is an assault with sexual overtones.

**Theft (Stealing)**

*Theft* occurs when one person, who has no right to the property of another person, takes it.

**Threats**

*Threats* are statements made to a person to cause death, serious bodily harm, or damage to property.

**Trafficking**

*Trafficking* involves assisting, in any manner, with distributing either illicit or non-medically prescribed drug or weapons.

**Under the Influence**

*Under the influence* is established when there is reason to believe there has been consumption of an intoxicating substance.

**Vandalism**

*Vandalism* involves wilful destruction of others' property (referred to as mischief in the Criminal Code of Canada).

**Weapon**

*Weapon* includes any article designed as a weapon or used or intended to be used for the purpose of threatening, intimidating, or injuring a person.

**Young Person**

For purposes of this protocol, *Young Person* is any school-aged person.

For purposes of the Youth Criminal Justice Act, young person is aged 12 to 17 inclusive.

For purposes of the Criminal Code, *young person* indicates anyone under 18 years.

## **Record Keeping of Violent Incidents Leading to Suspension/Expulsion and of Reports to the Police**

The following sections of the Education Act govern the establishment of the Ontario Student Record (OSR):

- Clause 265(d) states that it is the duty of a principal: in accordance with this act, the regulations and the guidelines issued by the Minister, to collect information for inclusion in a record in respect of each pupil enrolled in the school and to establish, maintain, retain, transfer and dispose of the record.
- Subsection 266(2) states in part: A record is privileged for the information and use of supervisory officers and the principal and teachers of the school for the improvement of the instruction of the pupil . . .

In addition, the contents of the OSR are described in the guideline Ontario Student Record (OSR), 1989.

It should be noted that the OSR may be the subject of a search warrant or a subpoena and, if so, must be produced. In such instances, reference should be made to section 4 of the OSR guideline.

The information relating to serious violent incidents leading to reports to the police, as well as the information relating to serious violent incidents leading to suspension or expulsion, must be maintained in the OSR. This information is to be recorded on the Violent Incident Form (see Appendix II).

### **A. Insertion of Information in the OSR**

The following information will be included in the OSR:

a Violent Incident Form, containing:

- a description of the serious violent incident leading to a suspension or expulsion or a call to the police
- a reference to the call to the police, if applicable
- a reference to the school/board disciplinary response to the incident, if applicable

a copy of the school board's letter(s) to the student and/or parent(s) or guardian(s) regarding the suspension or expulsion for violent behaviour.

## **B. Removal of Information from the OSR**

- The information relating to suspension for violent behaviour shall not be removed from the OSR unless three consecutive years have passed during which no further suspensions for serious violent incidents have taken place.
- The information relating to expulsion shall be removed five years after the date on which the school board expelled the student.
- Where an expelled student has been readmitted to school by a school board, and is expelled again, the information relating to the expulsions shall not be removed from the OSR until five consecutive years have passed without any further expulsion.
- Where the student has not been suspended or expelled, the Violent Incident Form shall be removed after three years if no further serious violent incident is reported to the police during that time.

## **C. Transfer of the OSR**

If the student transfers to another school, the information in the OSR relating to the serious violent incident that led to suspension or expulsion, as well as to a report to the police, will remain in the OSR unless removed under (A) or (B) above. **The transfer will occur in accordance with Section 6 of the guideline Ontario Student Record (OSR), 1989.**