



# KAWARTHA PINE RIDGE DISTRICT SCHOOL BOARD

## ADMINISTRATIVE REGULATIONS

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**Section:** Educational Services

• Student Welfare

**Regulation Code:** ES-1.1.2

**Regulation:** SAFE, CARING AND RESTORATIVE  
SCHOOLS: SUSPENSION

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This administrative regulation is written in accordance with the guiding principles in Board Policy No. ES-1.1, Safe, Caring and Restorative Schools.

The Board supports the use of suspension as outlined in Part XIII of the Education Act where a pupil has engaged in one or more of the infractions outlined below on a school-related activity or event, and/or in circumstances where the infraction has an impact on the school climate. The Board Code of Conduct for Students, as set out in Administrative Regulation No. ES-1.1.1, Safe, Caring and Restorative Schools: Discipline/Promoting Positive Student Behaviour/Code of Conduct, sets clear standards of behaviour and specifies a range of consequences for pupil actions that do not comply with those standards.

### 1. Suspending a Pupil

- 1.1 The expectations of this administrative regulation apply to all pupils, and it is applicable on all Board property, on buses, during all Board sanctioned activities, while at school or engaged in a school-related activity, or in other circumstances where engaging in the activity has had a negative impact on the school climate.
- 1.2 A pupil may be suspended only once for an infraction and the minimum length of a suspension is one school day and the maximum duration is twenty school days. For any suspension exceeding ten days, the principal must consult with the supervising superintendent.

### 2. Responding to Incidents

- 2.1 The Board is committed to supporting safe learning and teaching environments in which every pupil can reach their full potential. Appropriate action must consistently be taken by schools to address behaviours that are contrary to provincial and Board Code of Conduct, which includes, but is not limited to, inappropriate sexual behaviour, gender-based violence, homophobia, and harassment on the basis of sex, gender identity, sexual orientation, race, colour, ethnicity, culture, citizenship, ancestry, origin, religion, creed, family status, socio-economic status, disability and/or any other immutable characteristic or ground protected by the Human Rights Code, as well as any other behaviour, such as bullying, swearing, malicious gossip, name-calling, sexist, homophobic or racial slurs, comments, jokes or teasing and defamatory or discriminatory electronic communication and postings, graffiti and other behaviour that might cause a negative school climate.

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- 2.2 Board employees who work directly with students must respond to any student behaviour that is likely to have a negative impact on the school climate, if in the employee's opinion, it is safe to do so. Such behaviour includes all inappropriate and disrespectful behaviour (e.g. swearing, homophobic or racial slurs, sexist comments or jokes, graffiti), as well as those incidents that must be considered for suspension or expulsion. It is not necessary to report incidents to the principals that fall below the threshold for suspension or expulsion.
- 2.3 For incidents where suspension or expulsion would not be considered, but the Board employees feel it is not safe to respond, they will be expected to inform the principal verbally as soon as possible.
- 2.4 It is the expectation of the Board that, provided that there is no immediate risk of physical harm to any individual, Board employees who work with pupils shall respond to any such inappropriate and disrespectful behaviour as well as any other behaviour that causes a negative impact on school climate or for which a suspension or expulsion may be imposed, that they have observed or heard during the course of their duties or otherwise while on school property or during a school-related event. Immediate risk to an individual includes the Board employee, the pupils involved, other pupils, other staff and members of the community who might be impacted as a result of the behaviour being exhibited or because the Board employee who works with pupils cannot leave unattended another pupil(s) in order to respond.
- 2.5 Responses shall be made in a timely, supportive and sensitive manner and made in an effort to stop and correct the behaviour in a manner that is developmentally appropriate and takes into consideration any special and/or disability-related needs that the pupil might exhibit or about which the employee might be aware. Responses may include one or more of:
- 2.5.1 asking the pupil to stop the behaviour;
  - 2.5.2 identifying the behaviour as inappropriate and disrespectful;
  - 2.5.3 explaining the impact of the behaviour on others and the school climate;
  - 2.5.4 modelling appropriate communication;
  - 2.5.5 asking the pupil for a correction of their behaviour by restating or rephrasing their comments;
  - 2.5.6 asking the pupil to apologize for their behaviour;

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- 2.5.7 asking the pupil to promise not to repeat their behaviour;
- 2.5.8 asking the pupil to explain why and how a different choice with respect to their behaviour would have been more appropriate and respectful; and
- 2.5.9 where applicable, identifying the application of the Human Rights Code.
- 2.6 A response by the staff to the incident shall not prevent or preclude the principal or vice-principal from imposing appropriate progressive discipline, up to and including a recommendation for expulsion from all schools. Unless the behaviour is such that it must be considered for suspension or expulsion, a response is sufficient – it is not required that these incidents be reported to the principal. For incidents where suspension or expulsion would not be considered, but the Board employees feel it is not safe to respond, they will be expected to inform the principal verbally as soon as possible.
- 2.7 Where, in the opinion of the Board employee who works with pupils, the behaviour observed or heard might lead to suspension or suspension and a recommendation for expulsion, the employee must report the behaviour orally to the principal or designate at the earliest opportunity and again in writing before the end of the school day. The employee shall follow the procedures outlined for reporting incidents when reporting in writing.

### **3. Reporting Incidents to Principal**

- 3.1 All Board employees (teaching and non-teaching), third party providers of full-day kindergarten, or transportation providers who become aware that a pupil of a school of the Board may have engaged in an activity for which the pupil must be considered for suspension or expulsion shall report the matter to the principal in accordance with Board procedures at the earliest, safe opportunity and no later than the end of the school day, or end of the a transportation run. A written report in accordance with Board procedures must be made when it is safe to do so.
- 3.2 When reporting, Board employees and service providers must:
- 3.2.1 consider the safety of others and the urgency of the situation and report the incident no later than the end of the day,
- 3.2.2 confirm all reports to the principal in writing using the Safe Schools Incident Reporting Form Part 1 provided in the Safe, Caring and Restorative Schools Resource Guide.

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3.2.3 After investigating a matter reported, the principal shall communicate the results of the investigation to:

3.2.3.1 if the matter was reported by a teacher, that teacher, or

3.2.3.2 if the matter was reported by an employee who is not a teacher, that employee unless, in the principal's opinion, it would not be appropriate to do so.

3.3 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:

3.3.1 Uttering a threat to inflict serious bodily harm on another person.

3.3.2 Possessing alcohol, illegal drugs or, unless the pupil is a medical cannabis user, cannabis (to be effective October 17, 2018).

3.3.3 Being under the influence of alcohol or, unless the pupil is a medical cannabis user, cannabis (to be effective October 17, 2018).

3.3.4 Swearing at a teacher or at another person in a position of authority.

3.3.5 Committing an act of vandalism that causes extensive damage to school property at the pupil's school or to property located on the premises of the pupil's school.

3.3.6 Bullying

3.3.6.1 Bullying means aggressive and typically repeated behaviour by a pupil where:

3.3.6.1.1 the behaviour is intended by the pupil to have the effect of, or the pupil ought to know that the behaviour would be likely to have the effect of:

- (i) causing harm, fear or distress to another individual, including physical, psychological, social or academic harm, harm to the individual's reputation or harm to the individual's property; or

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(ii) creating a negative environment at a school for another individual

3.3.6.1.2 the behaviour occurs in a context where there is a real or perceived power imbalance between the pupil and the individual based on factors such as size, strength, age, intelligence, peer group power, economic status, social status, religion, ethnic origin, sexual orientation, family circumstances, gender, gender identity, gender expression, race, disability or the receipt of special education (intimidation).

For the purposes of the definition of bullying above, behaviour includes the use of any physical, verbal, electronic, written or other means.

### 3.3.6.2 Cyber-bullying

For the purposes of the definition of bullying above, bullying includes bullying by electronic means (commonly known as cyber-bullying), including,

3.3.6.2.1 creating a web page or a blog in which the creator assumes the identity of another person;

3.3.6.2.2 impersonating another person as the author of content or messages posted on the internet; and

3.3.6.2.3 communicating inappropriate material electronically to one or more than one individual or posting inappropriate material on a website that may be accessed by one or more individuals.

And, any other activity for which a pupil may be suspended under a policy of the Board being the following activities:

3.3.7 Persistent opposition to authority.

3.3.8 Habitual neglect of duty.

3.3.9 The willful destruction of school or Board property.

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- 3.3.10 The use of profane or improper language.
- 3.3.11 Conduct injurious to the moral tone of the school or to the physical or emotional well-being of self or others in the school.
- 3.3.12 Being involved in a physical altercation.
- 3.3.13 Inappropriate physical contact.
- 3.3.14 Failing to complete medical immunization as required by the Public Health Department.
- 3.3.15 A breach of the Board or School Code of Conduct.

#### **4. Delegation of Authority**

- 4.1 The principal's authority under Part XIII of the Education Act may be delegated, in writing, to a teacher in absence of the principal and vice-principal.
  - 4.1.1 The teacher may be delegated to initially deal with situations involving activities that occur and must be considered for a suspension or expulsion. The safety of those involved is the primary consideration.
  - 4.1.2 The teacher shall report the details of the initial investigation to the principal as soon as possible.
  - 4.1.3 The teacher does not make decisions about suspensions and/or expulsions.
  - 4.1.4 The teacher may be delegated only limited authority to contact the parent(s)/guardian(s) of the victim if it is safe to do so to advise on the nature of the incident. The teacher will not discuss the nature of the disciplinary action, but will refer the parent(s)/guardian(s) to the principal or vice-principal.
- 4.2 Mitigating and Other Factors:
  - 4.2.1 When considering whether to suspend and the duration of the suspension, the following mitigating factors must be taken into account.

The principal shall consider whether:

- 4.2.1.1 The pupil does not have the ability to control his or her behaviour.

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- 4.2.1.2 The pupil does not have the ability to understand the foreseeable consequences of his or her behaviour.
- 4.2.1.3 The pupil's continuing presence in the school does not create an unacceptable risk to the safety of any person.
- 4.3 In addition, when considering whether to suspend and the duration of the suspension, the following other factors shall be taken into account if they would mitigate the seriousness of the activity for which the pupil may be or is being suspended:
  - 4.3.1 if the activity for which the pupil may be or is being suspended was related to any harassment of the pupil because of his or her race, ethnic origin, religion, disability, gender or sexual orientation or to any other harassment;
  - 4.3.2 if the suspension would affect the pupil's ongoing education;
  - 4.3.3 the age of the pupil;
  - 4.3.4 in the case of a pupil for whom an Individual Education Plan (IEP) has been developed
    - 4.3.4.1 whether the behaviour was a manifestation of a disability identified in the pupil's Individual Education Plan,
    - 4.3.4.2 whether appropriate individualized accommodation has been provided, and
    - 4.3.4.3 whether the suspension is likely to result in an aggravation or worsening of the pupil's behaviour or conduct.
- 4.4 The pupil who is suspended shall not attend classes, school-related activities, or attend on Board property, unless specifically authorized by the principal.

### 5. Suspension Notice

- 5.1 Upon suspension, the pupil and the pupil's parent(s)/guardian(s) (if the pupil is under 18 years of age), unless the pupil is 16 or 17 years old and has withdrawn from parental control, must be advised of the suspension and of the right to appeal the suspension.

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When notifying a parent or guardian of a student who has engaged in serious student incidents, the principal shall disclose:

- 5.1.1 the nature of the activity that resulted in harm to the other pupil,
- 5.1.2 the nature of the harm to the other pupil,
- 5.1.3 the nature of any disciplinary measures taken in response to the activity, and
- 5.1.4 the supports that will be provided for the pupil in response to his or her engagement in the activity.

### 5.2 Procedural steps when imposing a suspension

The principal shall:

- 5.2.1 within 24 hours of imposing the suspension, take all reasonable steps to contact the parent(s)/guardian(s) (if the pupil is under 18 years of age), unless the pupil is 16 or 17 years old and has withdrawn from parental control;
- 5.2.2 log the attempts made to contact the parent(s)/guardian(s);
- 5.2.3 contact the parent(s)/guardian(s) of a pupil 18 years of age or over, unless the pupil is 16 or 17 years old and has withdrawn from parental control, only with the written permission of the adult pupil;
- 5.2.4 ensure that suitable arrangements are made for the pupil's safe arrival at home and allow the suspended pupil (who is under the age of 18 years), unless the pupil is 16 or 17 years old and has withdrawn from parental control, to leave the school during regular school hours only when the parent(s)/guardian(s) has/have been notified;
- 5.2.5 respond to the parent's(s')/guardian's(s') inquiries into the suspension;
- 5.2.6 provide written notice of the suspension to the pupil, parent(s)/guardian(s) (if the pupil is under 18 years of age), unless the pupil is 16 or 17 years old and has withdrawn from parental control, and the superintendent which includes:
  - 5.2.6.1 The reason for suspension;

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5.2.6.2 The duration of the suspension, including the pupil's date of return to school;

5.2.6.3 Information about the Long Term Suspension and Expulsion Program (LTSEP) that the pupil is assigned to where the pupil is suspended for six or more school days; and

5.2.6.4 Information about the right to appeal the suspension, including the relevant policies and guidelines and the contact information for the superintendent of education of the school.

### 6. School Work

6.1 A pupil who is subject to a suspension of five or fewer school days must be provided with school work to complete at home while serving the suspension. The school work must be available to the adult pupil's designate or the pupil's parent(s)/guardian(s) or designate the day the pupil is suspended, if the pupil is suspended for one school day. Where the pupil has been suspended for two or more school days the principal or vice-principal shall ensure that the school work provided to the pupil will be available the day the pupil is suspended or the following school day.

6.2 In addition to receiving school work for the first five school days of suspension, a pupil who is subject to a suspension of six or more school days must be assigned an alternative program for pupils subject to lengthy suspension Long Term Suspension and Expulsion Program (LTSEP). A pupil participating in an LTSEP is not considered to be engaging in school or school-related activities.

### 7. Long Term Suspension and Expulsion Program

7.1 Where a pupil has been suspended for six or more school days, the pupil will be provided with school work for the first five school days or until the LTSEP commences, whichever is earlier, and will be assigned to a Long Term Suspension and Expulsion Program (LTSEP) for pupils subject to lengthy suspension. The principal or vice-principal shall communicate to the adult pupil or parent(s)/guardian(s) the purpose and nature of the LTSEP.

7.2 A pupil cannot be compelled to participate in an LTSEP. Should the adult pupil or a pupil's parent(s)/guardian(s) choose not to have the pupil participate in an LTSEP, the pupil will continue to be provided with school work consistent with the Ontario curriculum or that pupil's modified or alternative curriculum to be completed at home for the duration of their suspension. This school work will be available at the school for pick-up by the adult pupil's designate or the pupil's

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parent(s)/guardian(s) or designate at regular intervals during the suspension period. In circumstances where the school work is not picked up, the principal should contact the adult pupil or the pupil's parent(s)/guardian(s) to determine whether the school work will be picked up. The principal should record the follow-up and response.

- 7.3 A Student Action Plan (SAP) shall be developed for every pupil subject to a suspension of six or more school days who agrees to participate in a LTSEP.
- 7.4 Agreement or refusal to participate in a LTSEP may be communicated to the school orally by the adult pupil or the pupil's parent(s)/guardian(s). Where the adult pupil or pupil's parent(s)/guardian(s) declines the offer to participate in an LTSEP, the principal or vice-principal shall record the date and time of such refusal.
- 7.5 In the case of suspensions between six and ten days, the school and support staff shall:
- 7.5.1 develop a SAP for every student who makes a commitment to a program that includes academic support,
  - 7.5.2 provide support consistent with the student's IEP for students on IEPs.
- 7.6 In the case of suspensions between eleven and twenty days, school and support staff shall:
- 7.6.1 develop a SAP with both academic and non-academic support,
  - 7.6.2 for students with special education needs, the Board will provide appropriate support consistent with the student's IEP.
- 7.7 Components of programs for students on long-term suspensions will demonstrate the following:
- 7.7.1 The content and balance of the program will depend upon the needs of the student, the length of the suspension, and the nature and severity of the behaviour including any mitigating or other factors;
  - 7.7.2 Elementary school students must be supported in continuing to acquire the necessary knowledge and skills outlined in the Ontario Curriculum Policy documents (for elementary schools);

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7.7.3 Secondary school students must be supported in continuing to earn credits towards their Ontario Secondary School Diploma.

7.8 School administration shall have completed the Incident Report Form, located in the Safe, Caring and Restorative Schools Resource Guide, in compliance with the Ministry of Education’s directives, when the pupil’s action is any expression of physical, psychological, or verbal abuse that infringes on the rights of another person or another’s property.

7.9 The letters of suspension and relevant incident reports will be filed in the Ontario Student Record (OSR) and retained in accordance with Board procedures. If the principal has identified the incident as a violent incident on the Serious Student Incident Reporting Form, the reporting form and documentation must be retained in the student’s OSR for the following periods:

- five years if the student was expelled for the violent incident
- three years if the student was suspended for the violent incident
- at least one year if the student’s suspension was quashed or withdrawn.

7.10 Following a suspension of six or more school days (or in cases of multiple suspensions of a lesser duration), a re-entry meeting will be held with school and Board staff, the pupil, and the pupil’s parent(s)/guardian(s) if possible, to provide positive and constructive redirection for the pupil. Where the pupil has participated in an LTSEP, the pupil’s success in achieving the goals outlined in the SAP will be reviewed with the adult pupil or the pupil’s parent(s)/guardian(s) (if the pupil is under 18 years of age), unless the pupil is 16 or 17 years old and has withdrawn from parental control, and the pupil. Further programs and services might be recommended by the principal for the purpose of achieving additional or greater success in meeting the goals outlined in the SAP. School administration shall be responsible for convening the re-entry meeting.

### **8. Suspension Review and Appeal Procedures**

8.1 A request to review the suspension must be received within ten days of the commencement of the suspension or the suspension is no longer subject to review or appeal. The principal shall ask that any request to review the suspension be confirmed in writing.

Note: The time limit for the receipt of a request for a review can be extended at the discretion of the supervising superintendent.

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- 8.2 When a suspension is to be reviewed, the following procedures shall be implemented.
- 8.2.1 The supervising superintendent, in consultation with the principal, will:
- 8.2.1.1 investigate the facts of the situation;
- 8.2.1.2 review the suspension with parent(s)/guardian(s) or pupil if 18 years of age, unless the pupil is 16 or 17 years old and has withdrawn from parental control; and
- 8.2.1.3 make a decision on the review of the suspension and notify the parent(s)/guardian(s) or the pupil if 18 years of age, unless the pupil is 16 or 17 years old and has withdrawn from parental control.
- 8.2.2 For the purpose of the review, the supervising superintendent has the authority to confirm the suspension or modify the suspension, and/or expunge the record of the suspension.
- 8.3 The adult pupil or the pupil's parent(s)/guardian(s) may appeal a suspension. An adult pupil is a pupil who is 18 years or older or 16 or 17 years and has removed themselves from parental control.
- 8.4 All suspension appeals will be received by the superintendent responsible for the school.
- 8.5 An appeal of a suspension does not stay the suspension.
- 8.6 A person who intends to appeal a suspension must give written notice of their intention to appeal the suspension within **ten school days** of the commencement of the suspension.
- 8.7 The Board must hear and/or determine the appeal within **fifteen school days** of receiving the notice of intention to appeal (unless the parties agree to an extension).
- 8.8 Upon receipt of written notice of the intention to appeal the suspension, the superintendent:
- 8.8.1 Will promptly advise the superintendent responsible for student discipline and the school principal of the appeal;

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8.8.2 Will promptly advise the adult pupil or the pupil's parent(s)/guardian(s) (if the pupil is under 18 years of age), unless the pupil is 16 or 17 years old and has withdrawn from parental control, that notice of the intention to appeal has been received, and invite the appellant to discuss any matter respecting the incident and/or appeal of the suspension;

8.8.3 Will request a meeting with the adult pupil or the pupil's parent(s)/guardian(s) (if the pupil is under 18 years of age), unless the pupil is 16 or 17 years old and has withdrawn from parental control, and the principal to narrow the issues and try to effect a settlement, and arrange a date for the appeal before the Suspension Committee;

8.8.4 Will, where a settlement is not effected, in consultation with the superintendent of student discipline, coordinate the preparation of a written report for the Board. This report will contain at least the following components:

8.8.4.1 A report prepared by the principal regarding the incident, the rationale for suspension and how the principles of equity and inclusion were applied;

8.8.4.2 A copy of the original suspension letter; and

8.8.4.3 A copy of the letter requesting the Suspension Appeal.

8.9 The superintendent responsible for student discipline will coordinate the Suspension Appeal. They will inform the adult pupil or the pupil's parent(s)/guardian(s) (if the pupil is under 18 years of age), unless the pupil is 16 or 17 years old and has withdrawn from parental control, of the date of the Suspension Appeal, provide a guide to the process for the appeal and a copy of the documentation that will go to the Suspension Committee, and ensure the item is placed on the Suspension Committee's agenda.

### **9. Suspension Committee**

9.1 The Suspension Committee, a minimum of three trustees, will hear and decide upon appeals.

9.2 The parties in an appeal to the Suspension Committee shall be:

9.2.1 The principal; and

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9.2.2 The adult pupil or the pupil's parent(s)/guardian(s) (if the pupil is under 18 years of age), unless the pupil is 16 or 17 years old and has withdrawn from parental control, if they appealed the decision.

9.3 The Suspension Committee may:

9.3.1 confirm the suspension,

9.3.2 modify the duration of the suspension, and/or

9.3.3 expunge the pupil's record of the suspension.

9.4 The Suspension Committee shall notify, in writing, all parties of the appeals meeting regarding its decision. The determination of the Suspension - Committee is final.

9.5 The Chairperson of the Suspension Committee may report to the committee of the whole, in-camera session, of the Board, where appropriate.

### **10. Notification of Parents(s) or Guardian(s) of Person(s) Harmed**

10.1 If the principal of a school believes that a pupil of the school has been harmed as a result of an activity described above, the principal shall, as soon as reasonably possible, notify the parent(s)/guardian(s) of the pupil who the principal believes has been harmed. The principal shall contact the parent(s)/guardian(s) (if the pupil is under 18 years of age), unless the pupil is 16 or 17 years old and has withdrawn from parental control.

### **11. Not Notifying Parent(s) or Guardian(s) of Person(s) Harmed**

11.1 Where, in the opinion of principal/ vice-principal/teacher-in-charge, providing information to the victim's parent(s)/guardian(s) would put the victim at risk of harm, such that notification would not be in the victim's best interests, or where the victim is an adult pupil and does NOT consent to his/her parent(s)/guardian(s) being informed, the principal/vice-principal/teacher-in-charge shall not inform the victim's parent(s)/guardian(s). A teacher-in-charge shall report to the administration at the earliest opportunity the reason(s) why notification was not provided to the parent(s)/guardian(s). The principal or vice-principal shall:

11.1.1 consider, as a result of the victim's disclosure, whether or not the victim is a child in need of protection and, if so, make a report to the Children's Aid Society (CAS), and if in doubt, the principal or vice-principal shall make a

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no-names call to CAS to inquire about the appropriateness of making a report;

11.1.2 document in the Student Information System why the parent(s)/guardian(s) was/were not notified;

11.1.3 inform the superintendent that the parent(s)/guardian(s) was/were not informed and why;

11.1.4 inform the teacher or other professional or para-professional staff person, if that individual informed the principal or vice-principal of the potential for harm, that the parent(s)/guardian(s) was/were not informed and why; and

11.1.5 inform other staff working to support the pupil, as appropriate.

11.2 The principal or vice-principal shall inform the victim of the steps being taken by the school to protect the victim's safety. These measures might include a Safety Plan and the implementation of prevention strategies identified in this procedure. Where the victim has been harassed, bullied or suffered violence as a result of one or more immutable characteristics, including any grounds protected by the Human Rights Code, or has been sexually assaulted, the principal or vice-principal shall provide the victim with contact information about professional supports, such as community agencies, public health facilities and telecommunications forums, such as a help-phone-line or website, that the victim may access for information, assistance and support. Supports might include Kids Help Phone and the Lesbian, Gay, Bisexual and Transgendered Youth Line. A written list of community contacts shall be provided to the victim. Where the victim requires support for linguistic, ethno-cultural or disability related needs, information about community supports that are available shall also be shared with the victim in a form most accessible to the victim.

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Established: May 4, 1998    Reviewed/Revised: May 24, 2001    June 21, 2018  
January 31, 2008  
December 15, 2009  
October 25, 2012  
May 21, 2013  
October 8, 2013