Toronto District School Board

Operational Procedure PR697

Title: **PROMOTING A POSITIVE SCHOOL CLIMATE**

Adopted: March 15, 2004
Revised: June 28, 2006, December 10, 2006, January 30, 2008, June 25, 2008, February 20, 2013, November 12, 2018, September 22, 2020; September 15, 2022, **August 14, 2024**
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Authorization: Executive Council

1.0 RATIONALE

The Promoting a Positive School Climate Operational Procedure ("The Procedure") affirms the Board's commitment to creating school learning environments that are caring, accepting, safe, accessible, peaceful, nurturing, positive, equitable and respectful, and that enable all students to reach their full potential. This Procedure supports the implementation of the Caring and Safe Schools Policy (P051).

2.0 OBJECTIVE

To establish a framework to enable, support and maintain a positive school climate.

3.0 DEFINITIONS

Assault – a person commits assault when (a) without the consent of another person, applies force intentionally to the other person, directly or indirectly; (b) attempts or threatened, by an act or gesture, to apply force to another person, has, or causes that other person to believe upon reasonable grounds that has present ability to effect their purpose; (c) while openly wearing or carrying a weapon or an imitation thereof, a person accosts or impedes another person (Source: Police School Board Protocol – PR698).

Bias refers to an opinion, preference, Prejudice, or inclination that limits the ability to make fair, objective, or accurate judgements. Biases may be held by an individual, group, or institution and maybe either conscious/ explicit or unconscious/ implicit. Unconscious/ implicit biases are social stereotypes about certain groups of people that individuals form outside their own conscious

awareness. Everyone holds unconscious beliefs about various social and identity groups, and these biases stem from one's tendency to organize social worlds by categorizing. Unconscious bias is far more prevalent than conscious prejudice and often incompatible with one's conscious values. Certain scenarios can activate unconscious attitudes and beliefs. For example, biases may be more prevalent when multi-tasking, making quick decisions or working under time pressure (Source: Equity Policy – P037).

Board – the Toronto District School Board, which is also referred to as the "TDSB".

Bullying, as per subsection 1(1) *of the Education Act,* refers to aggressive and typically repeated behaviour (through any physical, verbal, electronic, written or other means) by a pupil where:

(a) the behaviour is intended by the pupil to have the effect of, or the pupil ought to know that the behaviour would be likely to have the effect of,

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

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

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

Bullying can occur in situations where there are real or perceived power imbalances between individuals or groups, and may be a symptom of racism, classism, homophobia, sexism, religious discrimination, ethnic discrimination or other forms of bias and discrimination. Bullying can also be based on, but not limited to, body size, appearance, abilities, or other real or perceived factors. Perceptions about differences are often based on stereotypes perpetuated in broader society.

Bullying, including cyber-bullying, may be intentional or unintentional, direct or indirect. It can take many forms including physical (for example, pushing, tripping), verbal (for example, name calling, insults, threats, sexist/racist/transphobic comments), social, also known as relational (for example, spreading rumours, intentionally excluding others, humiliating others with public gestures) and causing harm to one's property.

Bullying, including cyber-bullying, may intersect with other forms of sexual exploitation including, but not limited to, sextortion and the non-consensual sharing

of intimate images. Traffickers and other sexual predators are increasingly using fake accounts to pose as acquaintances or friends of children and youth to lure, groom and recruit them into engaging in sexual acts or services. Children and youth who experience bullying are at increased risk for being sex trafficked.

Cyber-Bullying, as per subsection 1(1) of the Education Act, refers to bullying by electronic means, including, creating a web page or a blog in which the creator assumes the identity of another person;

(a) impersonating another person as the author of content or messages posted on the internet; and

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

Examples of cyber-bullying may include:

- sending or sharing hateful, insulting, offensive, and/or intimidating electronic communication or images via text messages, emails, direct messages
- revealing information considered to be personal, private, and sensitive without consent
- making and/or engaging, and/or participating in fake accounts on social networking sites to impersonate, humiliate and/or exclude others
- excluding or disrupting access to, a student on purpose from online chat groups, access to accounts and during digital gaming sessions

Cannabis – refers to a drug that is made from the dried leaves and flowers of the hemp plant. Often referred to as marijuana, pot, weed, etc., and is typically smoked, vaped, or digested.

Cannabis Related Product **–** refers to any product containing, made or derived from cannabis that is intended for human consumption whether smoked, heated, inhaled or dissolved. Common types of cannabis products include dried cannabis (e.g., joints, spliffs, blunts), concentrated cannabis products (e.g., edibles, hash, hash oil, shatter, wax, etc.), or tetrahydrocannabinol (THC)/cannabidiol (CBD) infused drinks.

Discrimination - unfair or prejudicial treatment of individuals or groups on the basis of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, gender identity, gender expression, sexual orientation, age, marital status, family status, or disability, as set out in the Ontario Human Rights Code, or on the basis of other, similar factors. Discrimination, whether intentional or unintentional, has the effect of preventing or limiting access to opportunities, benefits, or advantages that are available to other members of society. Discrimination may be evident in

organizational and institutional structures, policies, procedures, and programs, as well as in the attitudes and behaviours of individuals.

Educator refers to teachers regulated under the *Ontario College of Teachers Act*, 1996, and early childhood educators regulated under the *Early Childhood Educators Act*, 2007.

Explosive Substance – includes anything used to create an explosive device or is capable or causing an explosion.

Extortion – the use of threats, intimidation, or violence towards a person to obtain something of value from that person or someone else, or to cause that person or someone else to do something.

Firearm – any barreled weapon from which any shot, bullet or other projectile can be discharged and that is capable of causing serious bodily injury or death to a person.

Firearm Replica – is any device that is designed or intended **to exactly resemble or to resemble with near precision, a firearm.**

Gang- related Occurrences - incidents involving a group, consisting of three or more persons, however organized, having as one of its main purposes the commission or facilitation of a criminal offence in which any or all the members engage. *Harassment* refers to a course of vexatious comment or conduct in a TDSB environment, based on a protected ground, which is known, or ought reasonably to be known, to be unwelcome, and includes sexual harassment. Harassment is a form of discrimination. It is usually the result of a series of incidents ("a course" of comment or conduct) but may also result from one very serious incident (Source: Human Rights Policy - P031)

Hate and/or Bias Motivated Occurrences – an incident (e.g. involving statements/ words, gestures) motivated by hatred or bias towards an identifiable group (i.e. a group distinguished by colour, race, religion, gender, sexual orientation, or ethnic origin) that is publicly communicated and that is willfully intended to promote or incite bias or hatred against such a group.

Hate/Bias Incident refers to non-criminal conduct – which does not involve violence, threats or property damage – that is motivated in whole or in part by hatred or bias based on the real or perceived identity or group affiliation of a victim or victims. For the purposes of this procedure, this includes the grounds of disability, gender identity, gender expression, sex, sexual orientation, family status, marital status, socio-economic status, and religion or creed (Note: hate/bias incidents based on race-related grounds, which may sometimes also include religion or creed, are addressed under the category "racism incidents"). A hate/bias incident can also encompass situations in which conduct is directed against people associated with individuals and groups identified with these grounds. The conduct can be verbal, nonverbal or written, and may manifest itself

in the form of slurs, insults, harassment, abusive gestures, taunting, display of offensive materials, or other acts which may intimidate, denigrate and/or marginalize the victim or victims (Source: Reporting and Responding to Racism and Hate Incidents Involving or Impacting Students in Schools – PR728)

Hate Material – includes literature, leaflets, posters, graffiti distributed (or sent by electronic means) to incite violence or hatred against an identifiable group and/or their property. The incitement of hatred or bias-motivated incidents against an identifiable group may include persons distinguished by their race, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, sexual orientation or other similar factor.

Hate –refers to the expressions of bias, prejudice and bigotry that are carried out by individuals, groups, organizations and states, directed against stigmatized and marginalized persons and groups in communities, and intended to affirm and secure existing structures of domination and subordination. Hate activities and incidents represent some of the most destructive forms of Human Rights-based Discrimination by promoting hatred against identifiable groups of people. Some hate incidents are also considered criminal offences committed against a person or property and motivated, in whole or in part, by Bias or Prejudice based on real or perceived Race, Ancestry, Place of Origin, Colour, ethnic origin, citizenship, Creed, Sex, Sexual Orientation, Gender Identity, Gender Expression, Age, Marital Status, Family Status, Socio-Economic Status or Disability/ level of ability/ or any other similar factors (Ontario Human Rights Code prohibited grounds) (Source: P051 – Caring and Safe Schools Policy). *Inappropriate Use of Electronic Communications/Media* – the intentional use of an electronic device or communication medium, such as, but not limited to, all features of a phone, a cell phone, digital camera, blackberry, e-mails, school hotlines, Web-based communication sites and print material, such as flyers, school newspapers and brochures, that negatively impact on the well-being of another person and/or the learning environment in accordance with the definition of Harassment (as set out above).

Medical Cannabis User – a person who is authorized to possess cannabis for the person's own medical purposes in accordance with applicable federal law. Students who are medical cannabis users must adhere to the special considerations given under the Restrictions on Alcohol, Drug and Tobacco Use Policy (P095) and the Medications Procedure (PR536). Adults who are providing cannabis to a student who is a medical cannabis user must also adhere to the special considerations given under the Restrictions on Alcohol, Drug and Tobacco Use Policy (P095) and theMedications Procedure (PR536).

Medical Cannabis Recipient – in the TDSB, no student can receive medical cannabis from another student regardless of whether the students are medical cannabis users.

Medical Cannabis Provider – in the TDSB, no student can be a provider of medical

cannabis to another student, regardless of whether the students are medical cannabis users.

Parent/guardians/caregivers refers to an individual who is on record with the school as a parent or legal guardians or caregivers of a student at the school. Parental involvement applies, except in cases where the student is eighteen years of age or over or is sixteen or seventeen years of age and has "withdrawn from parental control".
Personal mobile device refers to any personal electronic device that can be used to communicate or to access the Internet, such as a cellphone, tablet, laptop or smartwatch.

Physical Assault – the intentional application of force directly or indirectly in any degree at all, to a person without the person's consent.

Physical Assault Causing Bodily Harm – physical assault is the intentional application of force (in any degree at all) to a person without that person's consent. Bodily harm refers to any hurt or injury that is more than merely transient or trifling in nature which interferes with the health or comfort of the person and includes (but is not limited to) injuries that receive medical attention. Any cut that requires stitches or any broken or fractured bone should be considered a serious injury. Serious injury could also include multiple minor injuries.

Prejudice – refers to the pre-judgment (usually negative) of groups or individuals, or preconceived notions about them, based on misinformation, bias, or stereotypes (Source: Equity Policy – P037).

Possession of a Weapon – means anything used, designed to be used or intended for use in causing death or injury to any person, or to threaten or intimidate any person. It can include objects which can be used as weapons. Objects such as a pen, or a screwdriver, if displayed to threaten or intimidate, become weapons under this definition. Weapon includes a firearm and any device that is designed or intended to exactly resemble or to resemble with near precision, a firearm.

Racial Harassment – means engaging in a course of vexatious comment or conduct pertaining to a person's race which is known, or is reasonably known, to be offensive, inappropriate, intimidating, hostile and unwelcome. Race refers to a group of people of common ancestry, distinguished from others by physical characteristics, such as colour of skin, shape of eyes, hair texture or facial features. The term is also used, at present, to designate social categories into which societies divide people according to such characteristics.

Racism, Bias and Hate (RBH) Portal refers to the online system which enables detailed incident reporting on racism and hate incidents involving or impacting students in schools. It also provides a record of responses to such incidents, in the form of action plans and communication strategies, while allowing for the identification of any potential lessons learned, good/best practices, future

preventative measures required, and any other systemic considerations (see PR728 for details).

Robbery – a robbery occurs where a person uses violence or threats of violence to steal money or other property from a victim.

School Climate – the environment, values and relationships found within a school. A positive school climate exists when all members of the school community feel safe, included, and accepted and actively promote positive behaviours and interactions. Human rights, equity, inclusion and respect are critical components embedded in the learning environment.

Sexual Assault –-any type of unwanted sexual act done by one person to another that violates the sexual integrity of the victim. The term refers to a range of behaviours that involve the use of force or control over the victim. In some cases, no overt physical force is used – instead, the victim may be threatened with words or pressured into doing something they don't want to do (Source: Police School Board Protocol – PR698).

Sexual Harassment – refers to (a) engaging in a course of vexatious comment or conduct because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome;

(b) a reprisal or a threat of reprisal for the rejection of a sexual solicitation or advance; or

(c) making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement and the person knows or ought reasonably to know that the solicitation or advance is unwelcome. This creates a higher standard for those in positions of power because the solicitation or advance does not have to be "a course of conduct" or "egregious." Where the unwanted sexual solicitation or advance is from a person not in a position of authority, the usual test of "course of conduct" or "single egregious incident" applies.

Sexual Harassment also includes cyber sexual harassment (Source: Human Rights Policy – P031).

Student refers to pupil, as used in the *Education Act.*

TDSB – The Toronto District School Board, which is also referred to as the "Board".

Theft – anyone who fraudulently and without colour of right, takes or converts to their use or the use of another person, anything with the intent to deprive the owner of the thing.

Threat - any statement, act, or communication, by any means, including electronic means, of intent to cause harm, whether physical or emotional. To any person or thing, in circumstances where the person or thing, in the circumstances where the person threatened believes or has grounds to believe the threat may be carried out.

Threat to Inflict Serious Bodily Harm – a threat to cause death or serious bodily harm to a person. The term "threat", as used here, does not apply to situations in which no real threat was intended.

Trafficking in Drugs and/or Harmful Substances – to sell, administer, transfer, transport, send or deliver any harmful substance, illicit drug or narcotic as set out in the *Controlled Drugs and Substances Act*.

Weapon – any article designed as a weapon or used or intended to be used for the purpose of threatening, intimidating, or injuring a person. All firearms, including replica firearms and imitation firearms, are always considered weapons.

4.0 RESPONSIBILITY

Executive Superintendent, Indigenous Education and Caring and Safe Schools

5.0 APPLICATION AND SCOPE

This Procedure applies to all students and employees of the Board.

The Procedure also covers trustees, parents/guardians/caregivers , occasional staff, volunteers, contractors and visitors.

6.0 PROCEDURES

6.1. Principles

(a) Promoting a positive school climate where learning environments are caring, accepting, safe, peaceful, nurturing, positive, equitable, accessible and respectful so that all members of the school community feel welcomed and supported regardless of their nationality or ethnic origin, language, colour, religion, sex, age, disability, sexual orientation, gender identity, gender expression, or any other similar factor.

(b) Progressive discipline is a whole-school approach that utilizes a continuum of interventions, supports, and consequences to address inappropriate student behaviour and to build on strategies that promote positive behaviours.

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

(c) Mitigating factors must be considered for all students prior to discipline. The following mitigating factors shall be taken into account:

(i) The pupil does not have the ability to control his or her behaviour;

(ii) The pupil does not have the ability to understand the foreseeable consequences of his or her behaviour;

(iii) The pupil's continuing presence in the school does not create an unacceptable risk to the safety of any person.

(d) Other factors must also be considered for all students prior to discipline. The following other factors shall be taken into account:

(i) The pupil's history;

(ii) Whether a progressive discipline approach has been used with the pupil;

(iii) Whether the activity for which the pupil may be or is being suspended or expelled was related to any harassment of the pupil because of his or her race, ethnic origin, religion, disability, gender or sexual orientation, or to any other harassment;

(iv) How the suspension or expulsion would affect the pupil's on-going education;

(v) The age of the pupil;

(vi) When an Individual Education Plan has been developed for the pupil:

(vii) Whether the behaviour was a manifestation of a disability identified in the pupil's IEP;

(viii) Whether appropriate individualized accommodation has been provided;

(ix) Whether the suspension or expulsion is likely to result in an aggravation or worsening of the pupil's behaviour or conduct.

(e) In some circumstances, a short-term suspension may be a useful approach to assist in changing a student's behaviour. In the case of a serious incident, long-term suspension or expulsion, which is further along the continuum of progressive discipline, may be the response that is required.

(f) For students with special education needs, interventions, supports, and consequences must be consistent with the student's strengths, needs, goals, and expectations contained in his or her Individual Education Plan (IEP).

6.2. Practices

School principals must:

(a) develop and implement a progressive discipline approach in dealing with inappropriate student behaviour that promote a positive school climate and include an approach for dealing with the consequences of this behaviour, considering the individual's needs and circumstances and that reflect Board policies and procedures. This plan will include best practices for educators and/or school staff (e.g., Principals, Vice-Principals, Child Youth Worker, Early Childhood Worker,

Professional Support Services Staff) related to classroom management and the responsible use of technology;develop a range of interventions, supports, and consequences including circumstances in which short-term suspension, long-term suspension, or expulsion may be the required response;

(b) during the course of, and following an incident which had a negative impact on school climate school conduct an analysis to ensure that a plan is in place to address the negative impact and that the plan ensures supports are offered to any student involved in the incident whether they are the student that was harmed, the student who caused the harm or a bystander to the incident.

(c) acknowledge historical trauma is intergenerational trauma experienced by historically and currently disadvantaged groups, in particular, Indigenous and Black students and families that have and continue to be impacted by systemic oppression.

(d) utilize trauma-informed approaches and healing engagement strategies in support of all students and families

(e) implement the TDSB's mental health strategy so that all students involved in an incident which negatively influences a school's climate are provided an opportunity to receive mental health support.

(f) use the most appropriate method to respond to a student's behaviour as outlined in this procedure and the school's progressive discipline plan;

(g) understand that complaints related to Human Rights issues can be filed through the Racism, Bias, and Hate Portal as detailed in the Reporting and Responding to Racism and Hate Incidents Involving or Impacting Students in Schools Procedure (PR697) and in accordance with the Human Rights Policy (P031).

(h) consider mitigating and other factors in accordance with Promoting a Positive School Climate (PR697) and use supports and interventions for students with special education needs that are consistent with the expectations in the student's Individual Education Plan;

(i) develop a culturally responsive and relevant process for building on existing partnerships, or developing new partnerships, with community agencies and local police services that support students and their families;

(j) provide culturally responsive and relevant opportunities for on-going dialogue with parents/guardians/caregivers related to student achievement and behaviour;

(k) provide culturally responsive and relevant opportunities for students to improve the school climate by assuming leadership roles (e.g., peer mediation, mentorship);

(l) review the School's Code of Conduct to ensure that it is aligned with a progressive discipline approach;

(m) establish a culturally responsive, relevant and supportive learning environment through appropriate interactions between all members of the school community;

(n) communicate policies and procedures related to the Board and/or School Code of Conduct and progressive discipline to all parents/guardians/caregivers, students,

vice-principals, teachers, other school staff,and other members of the school community in order to obtain their commitment and support; information sharing will take into account ethno-linguistic and other diversities which exist in communities.

- This must include communication of how all members of the school community would appropriately report unacceptable behaviour.
- This must include an annual notification to parents/guardians/caregivers and students reminding them of the restrictions and requirements for student personal mobile device use and the consequences for non-compliance.
- This process must consider and include parents/guardians/caregivers whose first language is a language other than English or French.

(o) establish performance indicators for monitoring, reviewing, and evaluating the effectiveness of this and related procedures.

(p) apply interventions which may include but are not limited to:

- Discussion with a teacher, members of the support staff, settlement worker, staff from special education, vice-principal or principal
- Supports offered by Urban Indigenous Education Centre and Centre of Excellence for Black Student Achievement
- Restorative practices
- Attendance / performance/ behaviour contracts
- Time Out
- Reflection Sheet
- Parental/guardian/caregiver contact and involvement in applying an appropriate remedy
- Loss of privilege to participate in specified school activities
- Peer mediation
- Individual or group counselling
- Assessment
- Detention
- Restitution for damage or stolen property
- Community services
- Mental Health and well-being supports

(q) not suspend any student from JK to Gr.3 for any infraction under section 306(1) of the Education Act (see chart of suspension below)

(r) prior to issuing a mandatory suspension for a student from JK to Gr.3 for any infraction under section 310(1) of the Education Act (see chart of suspensions below), the principal is required to conduct an investigation into the matter and then determine if a suspension is required; if a principal is suspending a student for bullying under s. 310(1)(7.1), the requirement that "the pupil has previously been suspended for engaging in bullying" no longer applies to students in junior kindergarten to Grade 3. The following requirements, as per Regulation 440/20: that "the pupil's continuing presence in the school creates an unacceptable risk to the safety of another person" or " the bullying 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 (for example, socio- economic status, appearance) remains in effect.

(s) prior to suspending any student in Gr. 4 to Gr. 12, under section 306 (1) of the Education Act, the principal is required to conduct an investigation into the incident and consider mitigating and other factors, apply the principles of progressive discipline and document the process used.

(t) prior to recommending an expulsion under section 310(1) of the Education Act for any student in Gr. 4 to Gr. 12, the principal is required to suspend the student, conduct an investigation, consider mitigating and other factors, apply the principles of progressive discipline and document the process used.

SUSPENSIONS Subject to a regulation made under clause 316 (1.1) (a), a principal shall consider whether to suspend a pupil if he or she believe that the pupil has engaged in any of the following activities while at a school, at a school-related activity or in other circumstances where engaging in the activity will have an impact on the school climate (Education Act s.306 (1)).	Principal May Issue Suspension	Notify Police	
		May	Shall
1. Uttering a threat to inflict serious bodily harm on another person *	1–19 Days		X
2. Possessing alcohol, illegal drugs or, unless the pupil is a medical cannabis user, cannabis.	1–19 Days		X
3. Being under the influence of alcohol or unless the pupil is a medical cannabis user, cannabis.	1–19 Days	X	
4. Swearing at a teacher or at another person in a position of authority*	1–19 Days	N/A	N/A
5. Committing an act of vandalism that causes extensive damage to school property at the	1–19 Days		X

	pupil's school or to property located on the premises of the pupil's school*			
6.	Bullying*	1–19 Days	X	
	**Any activity listed in section 306(1) motivated by hate, bias or prejudice based on the prohibited grounds of the OHRC will be considered suspendable under section 310(1) of the Education Act.*			

SUSPENSIONS Subject to a regulation made under clause 316 (1.1) (a), a principal shall consider whether to suspend a pupil if he or she believe that the pupil has engaged in any of the following activities while at a school, at a school-related activity or in other circumstances where engaging in the activity will have an impact on the school climate (Education Act s.306 (1)7.	Principal May Issue Suspension	Notify Police	
		May	Shall
1. Willful destruction of school property; vandalism causing damage to school or Board property or property located on school or Board premises*	1–19 Days	X	
2. Use of profane or improper language*	1–19 Days	N/A	
3. Possession, use and/or providing of alcohol, tobacco, nicotine products, electronic cigarette's, recreational cannabis and related products (unless the individual has been authorized to use cannabis for medical purposes and/or per special considerations under the Restrictions on Alcohol, Drug and Tobacco Use Policy – P095)	1–19 Days	X	
4. Theft*	1–19 Days	X	
5. Aid or incite harmful behaviour*	1–19 Days	X	
6. Physical assault*	1–19 Days	X	
7. Being under the influence of illegal drugs*	1–19 Days	X	
8. Fighting*	1–19 Days	X	
9. Possession or misuse of any harmful substances*	1–19 Days	X	
10. Inappropriate use of electronic communications, * or personal mobile devices	1–19 Days	X	
11. An act considered by the school principal to be a breach of the Board's or school code of conduct*	1–19 Days	X	
12. Immunization	20 Days	N/A	N/A

** Any activity listed in section 306(1) motivated by hate, bias or prejudice based on the prohibited grounds of the OHRC will be considered suspendable under section 310(1) of the Education Act.*

SUSPENSIONS PENDING POSSIBLE EXPULSION Subject to a regulation made under clause 316 (1.1) (a), a principal shall suspend a pupil if he or she believe that the pupil has engaged in any of the following activities while at a school, at a school-related activity or in other circumstances where engaging in the activity will have an impact on the school climate (Education Act s.310 (1). After the suspension is issued an investigation will be conducted by the principal within five (5) school days.	Principal May Issue Suspension	Notify Police	
		May	Shall
1. Possessing a weapon, including a firearm	1–20 Days		X
2. Using a weapon to cause or to threaten bodily harm to another person	1–20 Days		X
3. Committing physical assault on another person that causes bodily harm requiring treatment by a medical practitioner	1–20 Days		X
4. Committing sexual assault (Refer TDSB procedure PR. 608)	1–20 Days		X
5. Trafficking in weapons or in illegal drugs	1–20 Days		X
6. Committing robbery	1–20 Days		X
7. Giving alcohol or cannabis to a minor	1–20 Days		X
7.1 Bullying if, i. The pupil has previously been suspended for engaging in bullying and, ii. The pupil's continuing presence in the school creates an un-acceptable risk to the safety of another person.	1–20 Days	X	
7.2 Any activity listed in section 306(1) 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.	1–20 Days	X	X

SUSPENSIONS PENDING POSSIBLE EXPULSION Subject to a regulation made under clause 316 (1.1) (a), a principal shall suspend a pupil if he or she believe that the pupil has engaged in any of the following activities while at a school, at a school-related activity or in other circumstances where engaging in the activity will have an impact on the school climate (Education Act s.310 (1)8. After the suspension is issued an investigation will be conducted by the principal within five (5) school days.	Principal May Issue Suspension	Notify Police	
		May	Shall
1. Possession of an explosive substance	1–20 Days		X
2. Sexual Harassment	1–20 Days	X	
3. Hate Motivated Occurrences	1–20 Days		X
4. Distribution of Hate Material	1–20 Days	X	
5. Racial Harassment	1–20 Days	X	
6. An act considered by the principal to be a serious breach of the Board's or school's code of conduct.	1–20 Days		X
7. Trafficking in cannabis	1 -20 Days		X
8. Extortion	1 -20 Days		X

6.3 Turning over/handing in of Items, including personal mobile devices as per the Code of Conduct (PR585)

(a) It is the expectation of the TDSB that students adhere to, but not limited to, the *Education Act, Smoke Free Ontario Act, 2017*, related legislations, accompanying PPMs and TDSB policy and procedures while at school or while participating in school related activities. As such, it is hoped that staff will not be put in a position where they are required to manage turned over items. That being said, at times, students in possession of items deemed to be detrimental to the teaching and learning process or to the personal safety of others at school or at a school related activity, will hand in that item to the appropriate school staff. Students who are asked to turn over/hand in an item will do so. Non-compliance of such a request will be dealt with as a breach of the Board or School Code of Conduct under the principles of progressive discipline.

Turning over/handing in of an item will include personal mobile devices that are not being used under the following circumstances;

- for educational purposes, as directed by an educator and/or school staff (e.g., Principals, Vice-Principals, Child Youth Worker, Early Childhood Worker, Professional Support Services Staff),
- for health and medical purposes,
- to support special education needs

For more details regarding personal mobile device use please see the Board Code of Conduct (PR585)

(b) Prior to requesting that a student turn over/hand in of an item, staff will determine if it is safe to have the student store the item in a place where it is not distracting to others or in a place where it is not detrimental to the teaching and learning process or the personal safety of any person. This decision should also be accompanied by a learning opportunity where the student is reminded that their use or possession of the item is interfering with others and their learning. If the student does not turn over/hand in the item, including a personal mobile device, when required, they must be sent to the Principal's office. Principals have discretion under PPM No. 145, Progressive Discipline and Promoting Positive Student Behaviour and this Procedure to consider a range of responses to address this behaviour up to and including suspension.

(c) Schools should create a process for dealing with turned over items that includes storage and return of items as well as notification of parents/guardians/caregivers when an item is handed in at school. As per Ministry of Education directions under PPM 128, "the student is responsible for their personal item, how they use it and the consequences of not following the Code of Conduct."

6.4 Retention of Caring and Safe School Incident Reporting Form Part 1, Violent Incident Form and Suspension and Expulsion documentation

In alignment with the Records and Information Management Policy (P097) and the corresponding Records and Information Management Procedure (PR667) the following retention timelines apply to all documentation related to the Caring and Safe School Incident Reporting Form Part 1, Violent Incident Form and suspension and expulsion documentation whether they are in hard or electronic copy.

In the TDSB the Caring and Safe School Incident Reporting Form Part 1, Violent Incident Form and suspension and expulsion documentation are recorded in two ways. The first way is a paper hard copy that is placed in a student's Ontario School Record (OSR) and the second way is an electronic copy that is stored in the TDSB Incident Tracking Database.

The TDSB incident tracking database will notify the school Principal each time a Caring and Safe School Incident Reporting Form Part 1, Violent Incident Form and suspension and expulsion documentation are to be expunged. The school Principal will verify that the hard and electronic copies of the Caring and Safe School Incident Reporting Form

Part 1, Violent Incident Form and suspension and expulsion documents are expunged in accordance with the retention timelines below and will send a letter to the family indicating that this expungement has occurred. The TDSB Incident tracking database will automatically expunge all electronic documents and will provide a letter for the family to the school Principal to be sent home.

Once notified to do so, the school principal will remove the paper hard copies of the Caring and Safe School Incident Reporting Form Part 1, Violent Incident Form and suspension and expulsion documentation found in the student's OSR according to the retention timelines outlined below.

The electronic copies of the Caring and Safe School Incident Reporting Form Part 1, Violent Incident Form and suspension and expulsion documentation will be automatically (electronically) expunged according to the retention timelines found below. Please note that the electronic documents will no longer be accessible, neither viewable nor printable, against a student's electronic records. The electronic documentation is, however, securely and confidentially stored by the TDSB. These electronic documents are stored for the sole purposes of research analysis which assists the TDSB in the development and implementation of the multi-year strategic plan.

Retention Schedule

Education Act Incidents	Caring and Safe Schools Incident Report form Part I	Violent Incident Form	Suspension Documentation	Expulsion Documentation
S.306 Incident	1 year	Not Applicable	1 year (If applicable)	Not Applicable
S.310 Suspension	3 years	3 years (If applicable)	3 years	Not Applicable
S.310 Expulsion	5 years	5 years (If applicable)	Not Applicable	5 years

TDSB Retention Timelines are as follows:

For incidents relating to S.306 of the Education Act, the Caring and Safe Schools Incident Report Form (CSSIR) will be retained for 1 year from the date of the incident. Incidents related S.306 of the Education Act do not require a violent incident form. If the incident results in a suspension, the suspension documentation will be retained for a period of one year from the date of the incident.

For suspension documentation relating to S.310 of the Education Act, the Caring Safe Schools Incident Report Form (CSSIR) will be retained for 3 years from the date of the incident. The violent incident form, if applicable, will be retained for a period of 3 years from the date of the incident. The suspension documentation will be retained for 3 years from the date of the incident.

For expulsion documentation relating to S.310 of the Education Act, the Caring Safe Schools Incident Report Form (CSSIR) will be retained for 5 years from the date of the incident. The violent incident form, if applicable, will be retained for a period of 5 years from the date of the incident. The expulsion documentation will be retained for 5 years from the date of the incident.

6.5 Duty to Report Harm (Education Act – Part XIII)

Delegation by principals

300.1 (1) A principal of a school may delegate in writing any of his or her powers, duties or functions under this Part to,

(a) vice-principal of the school;

(b) a teacher employed in the school;

(c) a person appointed by a board under paragraph 5.1 of subsection 171 (1) to supervise persons in positions designated by the board as requiring an early childhood educator; and

(d) a person appointed by a board under subsection 260 (2) to a position in an extended day program designated by the board as requiring an early childhood educator. 2009, c. 17, s. 1; 2011, c. 9, Sched. 10, s. 12 (1).

Same
(2) A teacher who is not a vice-principal may only act under a delegation under this section if the principal and vice-principal of the school are absent from the school. 2009, c. 17, s. 1.

Same

(2.1) A person described in clause (1) (c) or (d) may only act under a delegation under this section if,

(a) the principal and vice-principal of the school are absent from the school;

(b) the delegated power, duty or function is exercised in respect of a pupil enrolled in an extended day program in the school; and

(c) the delegated power, duty or function is exercised during the time that the extended day program is operated in the school. 2011, c. 9, Sched. 10, s. 12 (2).

Reporting to the principal (See Appendix A – PR697A)

300.2 (1) An employee of a board who becomes aware that a pupil of a school of the board may have engaged in an activity described in subsection 306 (1) or 310 (1) shall report to the principal of the school about the matter. 2009, c.17, s.1; 2012, c.5, s.8 (1).

Same

(2) An employee shall report to the principal as soon as reasonably possible or, if a different time period is specified by the policies or guidelines, within that time period. 2012, c.5, s.8 (2).

Principal's duty to investigate

(3) A principal shall investigate any matter reported under subsection (1). 2012, c.5, s.8 (2).

Informing reporter (See Appendix B - PR697B)

(4) After investigating a matter reported under subsection (1), the principal shall communicate the results of the investigation to:

(a) if the matter was reported by a teacher, that teacher; or

(b) 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. 2012, c. 5, s. 8(2).

Same

(5) The principal shall not disclose more personal information under subsection (4) than is reasonably necessary for the purpose of communicating the results of the investigation. 2012, c.5, s.8(2).

Notice to parent or guardian

300.3 (1) Subject to subsections (2) and (3), if the principal of a school believes that a pupil of the school has been harmed as a result of an activity described in subsection 306 (1) or 310 (1), the principal shall, as soon as reasonably possible, notify,

(a) the parent or guardian of the pupil who the principal believes has been harmed; and

(b) the parent or guardian of any pupil of the school who the principal believes has engaged in the activity that resulted in the harm. 2012, c.5, s.9 (1).

Same

(2) A principal shall not, without the pupil's consent, notify a parent or guardian of a pupil who is,

(a) 18 years or older; or

(b) 16 or 17 years old and has withdrawn from parental control. 2009, c.17, s.1.

Same

(3) A principal shall not notify a parent or guardian of a pupil if in the opinion of the principal doing so would put the pupil at risk of harm from a parent or guardian of the pupil, such that the notification is not in the pupil's best interests. 2009, c.17, s.1.

Same

(4) When notifying a parent or guardian of a pupil under clause (1) (a), the principal shall disclose,

(a) the nature of the activity that resulted in harm to the pupil;

(b) the nature of the harm to the pupil;

(c) the steps taken to protect the pupil's safety, including the nature of any disciplinary measures taken in response to the activity; and

(d) the supports that will be provided for the pupil in response to the harm that resulted from the activity. 2012, c. 5, s. 9 (2)

Same

(5) When notifying a parent or guardian of a pupil under clause (1) (a), the principal shall not disclose the name of or any other identifying or personal information about a pupil who engaged in the activity that resulted in the harm, except in so far as is necessary to comply with subsection (4). 2009,c.17, s.1; 2012, c.5, s.9 (3).

Same

(6) When notifying a parent or guardian of a pupil under clause (1) (b), the principal shall disclose,

a) the nature of the activity that resulted in harm to the other pupil;

b) the nature of the harm to the other pupil;

c) the nature of any disciplinary measures taken in response to the activity; and

d) the supports that will be provided for the pupil in response to his or her engagement in the activity. 2012, c. 5, s. 9 (4).

Same

(7) When notifying a parent or guardian of a pupil under clause (1) (b), the principal shall not disclose the name of or any other identifying or personal information about a pupil who has been harmed as a result of the activity, except in so far as is necessary to comply with subsection (6). 2012, c.5, s.9 (4).

Parent's right to provide comments

(8) When notifying a parent or guardian under this section, the principal shall invite the parent or guardian to have a discussion with the principal about the supports that will be provided for his or her child. 2012, c.5, s.9(4).

Response by board employees

300.4 (1) If the Minister has established policies or guidelines under subsection 301 (5.6), an employee of a board who observes a pupil of a school of the board behaving in a way that is likely to have a negative impact on the school climate shall respond in accordance with those policies and guidelines and in accordance with any policies and guidelines established by the board under subsection 302 (3.3). 2009, c.17, s.1.

Exception

(2) Subsection (1) does not apply in circumstances set out in a regulation made under clause 316 (1) (d). 2009, c.17, s.1.

Same, reporting to principals

Individuals who are not board employees, who come into direct contact with pupils of a board on a regular basis in the normal course of,

(a) providing goods or services to the board;
(b) carrying out their employment functions as an employee of a person who provides goods or services to the board; ~~or~~
(c) providing services to a person who provides goods or services to the board or
(d) providing programs or services to pupils in a school of the board. 2011, c. 9, sched 10, s.13.

7.0 EVALUATION

This Procedure is to be reviewed and updated as required but at a minimum every four (4) years.

8.0 APPENDICES

Appendix A: Incident Reporting Form – Part I (PR697A)
Appendix B: Incident Reporting Form (Acknowledgement of Receipt of Report) – Part II (PR697B)

9.0 REFERENCE DOCUMENTS

Policies

- Caring and Safe Schools (P051)
- Community Use of Board Facilities (P011)
- Equity (P037)
- Gender-Based Violence (P071)
- Human Rights (P031)
- Restrictions on Alcohol, Drug and Tobacco Use Policy (P095)
- Records and Information Management (P097)

Operational Procedures

- Board Code of Conduct (PR585)
- Bully Prevention and Intervention (PR703)
- Medications Procedure (PR536)
- Non-Discretionary and Discretionary Student Transfers (PR540)
- Programs for Students on Long-Term Suspensions and Expulsions (PR586)
- Progressive Discipline and Promoting Positive Student Behaviour (PR702)
- Sexual Misconduct by Students (PR608) Police-School Board Protocol (PR698)
- Records and Information Management (PR667)
- Reporting and Responding to Racism and Hate Incidents Involving or Impacting Students in Schools (PR728)

Other Documents

- *Education Act,* R.S.O 1990, Chapter E.2 as amended (particularly Part XIII)
- O. Reg 440/20, Suspension of Elementary School Pupils
- O.Reg 472/07, Suspension and Expulsion of Pupils
- O.Reg 612/00, School Councils
- Expected Practices for Understanding, Addressing and Preventing Discrimination

Ministry of Education Policy/Program Memoranda

- PPM 120: Reporting Violent Incidents to the Ministry of Education
- PPM 128: The Provincial Code of Conduct and School Board Code of Conduct
- PPM 141: School Board Programs for Students on Long-Term Suspension
- PPM 142: School Board Programs for Expelled Students
- PPM 144: Bullying Prevention and Intervention
- PPM 145: Progressive Discipline and Promoting Positive Student Behaviour
- Policy/Program Memorandum (PPM) 166: Keeping students safe - Policy framework for school board anti-sex trafficking protocols