

SAFE SCHOOLS

POLICY

The Rainy River District School Board will actively support all members of the school community in creating safe, inclusive, respectful, and accepting learning, teaching, and work environments in which each member can reach their full potential.

RATIONALE

The Rainy River District School Board believes that being and feeling socially, emotionally, and physically safe are preconditions for student learning, achievement, and well-being.

IMPLEMENTATION

As per Policy 2.01 Rainy River District School Board Code of Conduct, Procedure 4.18 Principal Designate/Teacher-in-Charge, Procedure 4.30 Student Discipline, Procedure 4.31 Bullying Prevention, and Intervention, Procedure 4.82 Exclusion of Students, and guidelines.

These procedures might include issues described in Ministry of Education Policy/Program Memoranda as matters of policy. Any such procedures shall be considered guidelines pursuant to the *Education Act* and other relevant and/or related Ministry of Education materials and sufficient for the purposes of implementing the requirements of Ministry of Education Policy/Program Memoranda.

GUIDELINES

1.0 General Guidelines

- 1.1 The Board recognizes that freedom from discrimination, oppression, and racism as well as bias-aware application of progressive discipline are essential to the fair and equitable implementation of this policy.
- 1.2 Open and ongoing culturally- and trauma-sensitive communication between school, home, and the student is essential to building trusting relationships, which support student learning and well-being.
- 1.3 A safe learning environment begins in the classroom through restorative approaches and progressive discipline that promote healthy relationships and community building, while prioritizing prevention and early intervention.
- 1.4 Student behaviour addressed in this policy is not limited to conduct on school property, but also includes:
 - conduct at school-related activities, on school buses, during field trips, or at other school-related activities off school premises; and
 - conduct in other circumstances, where engaging in the conduct is likely to have a negative impact on the school climate.

1.5 For the purposes of this policy, where the student is at least 18 years old or is 16 or 17 and has withdrawn from parental control, the principal shall inform the parent/guardian only with the student's consent.

1.6 The Board recognizes the rights of students to be consistent with the *Universal Declaration of Human Rights*, the *Canadian Charter of Rights and Freedoms*, and the *Ontario Human Rights Code*.

2.0 Progressive Discipline

2.1 Any student who demonstrates behavior inconsistent with Rainy River District School Board policy or the Rainy River District School Board Code of Conduct may receive a range of age and developmentally appropriate interventions, supports, and consequences, which may include restorative practice, direct skill development, counseling, loss of privileges, detention, making restitution, suspension from school or expulsion from any school or all schools in the Rainy River District School Board.

2.2 Consequences should be applied within a progressive discipline framework that shifts the focus from one that is solely punitive to one that is both corrective and supportive.

2.3 School staff who work directly with students shall respond to, and then report to the principal, all breaches of the Rainy River District School Board Code of Conduct in a timely, supportive, and sensitive manner prioritizing student safety.

2.4 The Board recognizes that, in some circumstances, positive practices might not be effective or sufficient to address inappropriate student behaviour. In such circumstances, the Board supports the use of progressive discipline consequences, appropriate action taken to address behaviours that are contrary to the Rainy River District School Board Code of Conduct.

2.5 When addressing inappropriate behaviour, school staff must consider the particular student and circumstances, including any mitigating and other factors as required by the *Education Act* and as set out in Ontario Regulation 472/07 and *Procedure 4.30 Student Discipline*.

2.6 The interventions, supports and consequences for students with special education needs must be consistent with the expectations in the student's Individual Education Plan (IEP).

2.7 With respect to the possession of illegal or restricted items on Board property, these items will be confiscated, and potentially destroyed or disposed of, as per the Joint School Board Police Protocol and *Procedure 4.30 Student Discipline*. This includes, but is not limited to:

- weapons
- electronic cigarettes (vapes) or tobacco, and nicotine products
- alcohol, cannabis, or other illegal/restricted drugs.

3.0 Exclusion

3.1 A student shall not be excluded from the school as a disciplinary measure pursuant to Section 265(1)(m) of the *Education Act*.

- 3.2 When a principal decides that it is necessary to exclude a student from the school, they shall notify the student's parent(s)/guardian(s) of the circumstances of the exclusion as soon as possible, and to inform them of their right to appeal under clause 265(1)(m) of the *Education Act*.

4.0 Suspension

- 4.1 The Board supports the use of suspension as outlined in Section 306 of the *Education Act* where a student in Grades 4-12 has committed one or more of the infractions, while at school, at a school-related activity, or in other circumstances, where engaging in the infraction will have an impact on the school climate.

A student in Junior Kindergarten, Kindergarten, or Grade 1, 2 or 3 shall not be suspended under Section 306 of the *Education Act* for engaging in an activity described in Subsection 306(1) as listed in 4.2.

- 4.2 The infractions for which a Section 306 suspension may be imposed by the principal include:
- Uttering a threat to inflict serious bodily harm on another person,
 - Possessing alcohol, illegal and/or restricted drugs, or cannabis, unless the student is prescribed medical cannabis,
 - Being under the influence of alcohol, and/or illegal or restricted drugs, or cannabis, unless the student is prescribed medical cannabis,
 - Swearing at a teacher or at another person in a position of authority,
 - Committing an act of vandalism that causes extensive damage to school property at the student's school or to property located on the premises of the student's school,
 - Bullying,
 - Other activities for which a principal may consider a Section 306 suspension under a policy of the Board
 - Harassment (unwelcome and offensive conduct related to gender, gender orientation, gender identity, race, colour, ethnic or place of origin, ancestry, citizenship, disability, age, religion or creed, record of offences, sexual orientation, or marital or family status),
 - Fighting,
 - Persistent opposition and/or disrespect to authority,
 - An act considered by the principal to be injurious to the moral tone of the school and/or to the physical or mental well-being of others,
 - An act considered by the principal to be a violation of the requirements for student behaviour and/or a breach of the Rainy River District School Board Code of Conduct.
- 4.3 Activities under s. 306 of the *Education Act* involving students from Junior Kindergarten to Grade 3 should be addressed with the appropriate positive behaviour supports in the school setting.
- 4.4 A student may be suspended only once for an infraction. The suspension for the infraction will be for a minimum of one (1) school day to a maximum of twenty (20) school days.

- 4.5 A principal who suspends a student shall make all reasonable efforts to inform the student's parent/guardian of the suspension within 24 hours of the suspension being imposed. A suspension letter will also be provided to the parent/guardian or student.

5.0 Appeal of Suspension

- 5.1 Where a student's parent/guardian or the student disagrees with the decision of a principal to suspend the student they may appeal the principal's decision to suspend the student, in accordance with *Procedure 4.30 Student Discipline* and Suspension Appeal Guidelines.
- 5.2 Appeals do not stay the suspension. A person who is entitled to appeal must give written notice of intent to the Superintendent of Education, as identified in the suspension letter, within ten (10) school days of the commencement of the suspension. The notice must identify the reason for the appeal, the remedy sought, and the names and relationships of all persons to be present at the appeal.
- 5.3 The Director of Education or designate shall have the procedural powers and duties outlined in *Procedure 4.30 Student Discipline*.

6.0 Suspension Pending Possible Recommendation for Expulsion

- 6.1 A principal shall suspend a student for up to twenty (20) school days and consider that student for a possible expulsion from the student's school or from all schools of the Board, if the principal believes that the student 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:
- Possessing a weapon, including, but not limited to firearms
 - Using a weapon to cause or to threaten bodily harm to another person
 - Committing physical assault on another person that causes bodily harm requiring treatment by a medical practitioner
 - Committing sexual assault
 - Trafficking in weapons and/or in illegal or restricted drugs
 - Committing robbery
 - Giving alcohol, cannabis, and/or illegal or restricted drugs to a minor
 - Bullying, if
 - the student has previously been suspended for engaging in bullying (for students in Grade 4-12), and
 - the student's continuing presence in the school creates an unacceptable risk to the safety of another person.
 - Any activity for which a student may be suspended under Section 306 of the *Education Act* that is motivated by bias, prejudice or hate based on race, nationality or ethnic origin, language, colour, religion, sex, age, mental or physical disability, sexual orientation, gender identity, gender expression, or any other similar factor.
- 6.2 Other activities for which a principal shall suspend a student and conduct an investigation to determine whether to recommend to the Board that the student be expelled, are:

- An act considered by the principal to be significantly injurious to the moral tone of the school and/or to the physical or mental well-being of others.
- An act considered by the principal to be a serious violation of the requirements for student behavior and/or a serious breach of the Rainy River District School Board Code of Conduct.
- Sex trafficking.

6.3 Notwithstanding, the principal shall not suspend a student in Junior Kindergarten, Kindergarten, or Grade 1, 2, or 3 for engaging in an activity set out under Section 310 of the *Education Act* and noted below, unless the principal has conducted an investigation with respect to the allegations.

The condition of a previous suspension for bullying does not apply in respect of a suspension under Section 310 of the *Education Act* for a student in Junior Kindergarten to Grade 3.

- 6.4 Before recommending an expulsion from the student's school or from all schools of the Board, the principal must complete an investigation, consistent with the expectations of the *Ontario Human Rights Code* and as required by the *Education Act*, which is consistent with the expectations for principal investigations outlined in the *Procedure 4.30 Student Discipline*.
- 6.5 The *Education Act* and regulations requires the principal to consider mitigating and other factors in determining the length of the suspension pending investigation and in determining whether to recommend an expulsion from the school or from all schools of the Board.
- 6.6 If, on concluding the investigation, the principal decides not to recommend to the Board that the student be expelled, the principal shall do one of the following:
- Confirm the suspension and the duration of the suspension.
 - Confirm the suspension but shorten its duration, even if the suspension has already been served, and amend the record of the suspension accordingly.
 - Withdraw the suspension and expunge the record of the suspension, even if the suspension has already been served.

7.0 Board Discipline Committee

- 7.1 The Board authorizes the creation of a Discipline Committee of no fewer than three (3) Trustees to decide appeals of suspensions and recommendations for expulsion. The Discipline Committee shall have the powers as set out in the *Education Act* and shall conduct meetings and hearings in accordance with the Board's policies and procedures.
- 7.2 Suspension appeals will not be conducted in accordance with or be subject to the *Statutory Powers Procedure Act*. For these purposes, the Discipline Committee will conduct the suspension appeals and expulsion hearings in accordance with *Procedure 4.30 Student Discipline*, specifically, Suspension Appeal Guidelines, Expulsion Hearing Guidelines and Rules.
- 7.3 The Discipline Committee must consider the mitigating and other factors when deciding:
- whether to expel the student,

- what type of expulsion to impose, or
- alternatively, if the student is not expelled, the appropriateness of the suspension originally imposed.

DEFINITIONS

Alcohol means all substances defined as liquor in the *Liquor License Act* as well as low-alcohol products.

Bullying means aggressive and typically repeated behaviour including the use of any physical, verbal, electronic, written, or other means, by a student where:

- a) the behaviour is intended by the student to have the effect of, or the student 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 student 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.

Cannabis carries the definition used in the *Cannabis Act, 2017*.

Cyber-bullying is bullying by electronic means, including, but not limited to:

- 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 in social networking sites to impersonate, humiliate, and/or exclude others; and/or
- excluding or disrupting access to, a student on purpose from online chat groups, access to accounts, and during digital gaming sessions.

Discrimination means any form of unequal treatment based on a Protected Ground, whether imposing extra burdens or denying benefits. It may be intentional or unintentional. It may involve direct actions that are discriminatory on their face, or it may involve rules, policies, practices, produces or systems that appear neutral, but disadvantage certain groups of people. Discrimination may take obvious forms, or it may happen in very subtle ways.

Gender Identity is each person's internal and individual experience of gender. It is their sense of being a woman, a man, both, neither, or anywhere along the gender spectrum. A person's gender identity may

be the same as or different from their birth-assigned sex. Gender identity is fundamentally different from a person's sexual orientation.

Gender Expression is how a person publicly presents their gender. This can include behaviour and outward appearance such as dress, hair, make-up, body language and voice. A person's chosen name and pronoun are also common ways of expressing gender.

Harassment means a course of comments or actions that are known, or ought reasonably to be known, to be unwelcome. It can involve words or actions that are known or should be known, to be offensive, embarrassing, humiliating, demeaning or unwelcome, and can be based on a ground of discrimination. Grounds of discrimination include race, sex, sexual orientation, gender, gender identity or expression, religion, disability, or other ground. In limited circumstances, a singular incident may be recognized as harassment, depending on the nature of the comment or conduct. Examples of harassment include:

- epithets, remarks, jokes, or innuendos related to a person
- posting or circulating offensive pictures, graffiti, or materials, whether in print form or via email or other electronic means
- singling out a person for humiliating, demeaning "teasing" or jokes
- comments ridiculing a person because of personal characteristics, such as comments about a person's dress, speech, or other practices that may be related to their sex, race, gender identity, or creed.

Harassment includes **Sexual Harassment**, such as unwelcome physical contact, or inappropriate staring, rough and vulgar humor, bragging about sexual prowess or discussions about sexual activity, demands for dates or sexual favors, display of sexually offensive pictures, graffiti or other materials including by electronic means.

Hate Crime means a criminal offense that is committed against a person or property and motivated in whole or in part by bias, prejudice, or hatred based on a *Code*-Protected Ground. This includes, but is not limited to, hate-motivated violence, incitement of hate or hate-motivated violence, and/or the display of symbols or other representations identified with groups promoting hate and violence. It also includes such crimes committed against a person who is associated or perceived to be associated with individuals or groups identified with one of the *Code*-Protected Grounds.

Hate Incident means non-criminal conduct that is motivated in whole or in part by bias, prejudice, or hate against an individual or group on the basis of a *Code*-Protected Ground. 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 hate symbols, or other acts which may intimidate, degrade, and/or marginalize the targeted individual or group. A hate incident can encompass situations in which the conduct is directed against people associated or perceived to be associated, with individuals or groups identified with one of the *Code*-Protected Grounds.

Illegal drugs are any substances deemed illegal under the *Controlled Drugs and Substances Act*. This includes prescription drugs that are used for purposes other than as prescribed by the medical professional issuing the prescription.

A Medical Cannabis User means a person who is authorized to possess cannabis for the person's own medical purposes in accordance with applicable federal law or in accordance with a court order.

Misconduct means conduct by any member of the RRDSB community that contravenes this policy or other related Board policies and/or procedures.

Mitigating Factors are circumstances that would lessen the responsibility of an individual for assuming the consequences of their actions and therefore lessen the severity of the disciplinary consequences flowing therefrom. They are of an explanatory or contributory nature which helps to understand the interaction between students and the environment – or influences in the environment that may cause appropriate or inappropriate behaviour.

Parent/Guardian is the legal guardian of a student. Where the student is aged 18 or older or is 16 or 17-years old and has withdrawn from parental control, the student is understood to be their own guardian.

Personal Mobile Device refers to any personal electronic device that can be used to communicate or to access the Internet, such as a cell phone or a tablet, laptop, or smartwatch.

Progressive Discipline is an approach that makes use of a continuum of interventions, supports, and consequences, building upon strategies that promote positive behaviours.

Protected Ground means the attributes or characteristics upon which discrimination is prohibited under the *Code* or by the RRDSB. The *Code*-Protected Grounds are age, ancestry, citizenship, colour, creed (religion), disability (including mental, physical, developmental, or learning disabilities), ethnic origin, family status, gender expression, gender identity, marital status, place of origin, race, record of offences, sex, and sexual orientation.

Restorative Practice is an overall approach where conflict and tensions are managed by repairing harm and strengthening relationships as a way of building school community. It focuses on repairing the harm caused by offending behaviour while holding the offender accountable for their actions. It provides an opportunity for the parties directly affected by such behaviour – the victim(s), the offender(s), and community – to express how they are affected and to identify and address their needs that result from the offending behaviour. Overall, Restorative Practice seeks a resolution that affords reparation, healing, and reintegration, while preventing future harm. Interventions occur along a continuum of restorative practices.

School Climate involves all members of the school community and exists within school buildings and on school grounds. The school climate is impacted by the material resources and extends to include virtual learning environments, field trips, school buses, before- and after-school programs, and extracurricular activities, as well as other circumstances.

Sex-Trafficking is a form of sexual exploitation and is a crime under the *criminal Code of Canada*. It includes recruiting, harbouring, transporting, obtaining, or providing a person for the purpose of sex. It involves the use of force, physical or psychological coercion or deception.

Weapons are defined in the *Criminal Code* as follows:

- anything used or intended for use in causing death or injury to persons whether designed for such

purpose or not.

- anything used or intended for use for the purpose of threatening or intimidating any person. is any article or thing designed as a weapon or that is 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.

Prohibited Weapons means weapons such as switch blades, stun guns, pepper spray, etc., for which it is a criminal offence to have in one's possession. Restricted Weapon means any weapon that requires a permit to own and/or operate, such as firearms.

All firearms, including replica firearms and imitation firearms, are always considered weapons.

A **Whole-School Approach**, which involves all members of the school community, is important in supporting efforts to ensure that schools are safe, inclusive, respectful, and accepting. Programs and activities that focus on the building of healthy relationships, a safe, inclusive, respectful, and accepting learning environment, character development, and positive peer relations provide the foundation for an effective continuum of strategies within a school and school-related activities. These supportive strategies and programs are the basis for creating a positive school climate.

Use/Abuse of Drugs means the non-medical use/abuse of controlled or restricted drugs, including the following:

- all substances that are listed in the *Controlled Drugs and Substances Act*
- all controlled drugs and restricted drugs as defined and listed in the *Food and Drugs Act*, Schedule G (Sections 33-38) and Schedule H (Section 40)
- all non-prescribed use/abuse of prescription medication
- any other non-prescribed substance, when used to induce a mind-altering effect (such as solvents, correction fluids, gasoline, and cleaning fluids)

Vaping means using a vaporizer or inhalant-type device, whether called an electronic cigarette or any other name, that contains a power source and heating element designed to heat a substance and inhaling the vapor of the device directly through the mouth, whether or not the vapor contains nicotine.

CROSS-REFERENCES

Policies:

- 2.01 Rainy River District School Board Code of Conduct
- 2.12 Access to School Premises
- 2.67 Equity and Inclusive Education
- 4.31 Bullying Prevention and Intervention
- 6.11 Tobacco, Cannabis, Vaping and Smoke-Free Environment

Procedures:

- 4.18 Principal Designate/Teacher-in-Charge
- 4.30 Student Discipline

- 4.31 Bullying Prevention and Intervention
- 6.11 Tobacco, Cannabis, Vaping, and Smoke-Free Environment
- 4.82 Exclusion of Students

Other:

- Joint Transportation Policy
- Police and School Board Response Protocol
- The Provision of Agency Services on School Board Property Protocol
- Anti-Sex Trafficking Protocol

Legal/Ministry of Education:

- *Education Act, Part XIII, 301(2)*
- Ontario Regulation 472/07
- *Ontario Human Rights Code*
- *Controlled Drugs and Substances Act*
- *Food and Drugs Act*
- *Liquor License Act*
- *Criminal Code of Canada*
- *Equity Act*
- *The Child and Family Services Act*
- *Trespass to Property Act*
- *Youth Criminal Justice Act*
- *Smoke-Free Ontario Act 2017*
- *Cannabis Act 2017*
- Ministry of Education Policy/Program Memoranda:
 - 119 – Equity & Inclusion
 - 128 – Code of Conduct
 - 141 – Students on Long-Term Suspensions
 - 142 – School Program for Expelled Students
 - 145 – Progressive Discipline
- *Education Amendment Act (Progressive Discipline and School Safety), 2007: Regulation 472/07 – Suspension and Expulsion of a Pupil*
- Regulation 474/00 Access to School Premises
- Regulation 440/20 Suspension of Elementary School Pupils
- Ontario Human Rights Commission, *A Policy Primer: Guide to developing human rights policies and procedures* (2013)
- *The Statutory Powers Procedure Act*