



Ontario Federal Schools Student Suspensions & Expulsions

Protocol
SO-08-01

This document outlines the Ontario Federal Schools Student Suspensions & Expulsions Protocol for all Ontario Federal Schools under the delegated authority of the Director of Ontario Federal Schools, in accordance with the *Indigenous Services Act*.

Our educational philosophy is developed in respect of Haudenosaunee values, principles, and cultural foundations. Our goal is to establish and foster peace, balance, and collaboration through our community teachings. Members of our school communities have opportunity to build, maintain, and restore relationships, and reflect on and accept responsibility with Ga'nigqhi:yo / Ka'nikonhrí:yo / Good Mind including dignity, integrity, and respect.

1.0 Ontario Federal Schools Suspensions and Expulsions Statement:

1.1 Ontario Federal Schools endeavors to create a safe, caring and accepting school environment through the use of positive and culturally appropriate practices, progressive discipline/interventions and compassion. Inappropriate conduct will have consequences that may include suspensions and expulsions.

2.0 Introduction

2.1 When incidents occur that could warrant a suspension or an expulsion of a student, specific processes are followed. These processes ensure that a consistent, fair and equitable set of steps are followed, including ample opportunity for discourse between the parent(s)/guardian(s) of the student and the administration of the school.

2.2 The Principal will contact the Six Nations Police if the incident warrants such contact and inform the Director of Ontario Federal Schools.

2.3 Additional community services may be contacted if deemed necessary.

3.0 Suspension

3.1 When it is determined that the incident falls in line with the list of activities that may lead to suspension, a major incident report is completed by the Principal.

3.2 The authority to suspend a student rests with the Principal of the school.

3.3 A suspension can have a duration from a minimum of **one (1) school day** up to the maximum of **20 school days**. An automatic suspension of 20 school days is levied if expulsion is being considered.

4.0 Suspension from Ontario Federal Schools

4.1 Suspensions can occur whether the incident took place:

- a. at school;
- b. at a school-related activity, such as a field trip; or





- c. in any other circumstances where the student's behaviour has a detrimental impact on the school climate

4.2 If suspension is being considered for a student in Junior Kindergarten to Grade 3, the Principal must consult with the Director of Ontario Federal Schools.

4.3 If suspension is being considered for a student in Grade 4 to Grade 8 and is for more than three (3) days, then the Principal must consult with the Director of Ontario Federal Schools.

5.0 Activities that may lead to suspension:

5.1 The following list of activities may lead to suspension:

- uttering a threat to inflict serious bodily harm on another person;
- possession of tobacco or vape products
- possessing alcohol, cannabis or illegal/restricted drugs;
- being under the influence of alcohol or other substances;
- committing an act of vandalism that causes extensive damage to school property or on school premises;
- bullying, including cyberbullying;
- committing physical aggression or assault;
- using technology to perform inappropriate activities;
- using vulgar or offensive language, including swearing, that is directed at staff or guests; or
- any act considered by the Principal to have a negative impact on the school climate that affects the physical or mental well-being of any member of the school community

6.0 Investigation of the Incident

6.1 If a student is involved in an incident that may lead to a suspension, the Principal must conduct an investigation and fill out an Ontario Federal Schools Major Incident Report.

6.2 As part of the investigation the Principal must speak with the student(s) directly involved in the incident, their parent(s)/guardian(s), student(s) that may be a witness to the incident, and anyone else who may have relevant information about the incident.

6.3 After the investigation, the Principal will decide whether the incident is grounds for suspension and determine the duration of the suspension.

7.0 Mitigating Factors

7.1 The following are to be duly considered prior to levying a suspension:

- a) age
- b) IEP
- c) Identifications/Exceptionalities
- d) Behaviour Plan
- e) Safety Plan
- f) Patterns of behaviour and prior incidents
- g) Previous suspensions for the same activities





8.0 Procedural steps when levying a suspension

8.1 Once a Principal has made the determination that a suspension is warranted, they will ensure the following:

- i) verbal contact is made with the parent(s)/guardian(s) to inform them about the suspension;
- ii) a formal written notice, in the form of a Letter of Suspension, has been sent to the parent(s)/guardian(s) within 24 hours of a decision to suspend;
- iii) the written notice of suspension includes:
 - (a) The reason for suspension;
 - (b) The duration of the suspension;
 - (c) Information about the right to appeal the suspension; and
 - (d) Information about a re-entry meeting, if required.
- iv) the student's teacher(s) have been informed of the suspension;
- v) the suspended student has been provided with school work by school personnel, typically the teacher, to be completed while serving the suspension
- vi) the parent(s)/guardian(s) have been given a time when the school work and a copy of the Letter of Suspension will be available for pick up
- vii) The school will schedule a re-entry meeting if necessary.
- viii) A re-entry meeting:
 - a. will be attended by the student, parent(s)/guardian(s), the Principal, and additional personnel as deemed required
 - b. can be called by the Principal for any length of suspension
 - c. is mandatory for a suspension over **two (2) days**
 - d. may be deemed unsuccessful in which case other options will be discussed.

9.0 After Suspension

9.1 Once a student is suspended from their school, the suspension applies to all federal . school buildings, school grounds, school buses and school-related functions. If a student(s), parent(s) or guardian(s) do not comply to the restrictions of the suspension, further action may be taken.

10.0 Suspension Appeal Process

10.1 Parent(s)/guardian(s) must have an informal review of the suspension with the Principal before an appeal will be heard.

10.2 Suspensions may be appealed by parent(s)/guardian(s) after the informal review.

10.3 An appeal of a suspension does not stay the suspension.

10.4 A person who intends to appeal a suspension must give written notice of the intention to appeal **within five (5) school days** of the commencement of the suspension.

10.5 All requests for a suspension appeal will be received by the Director of Ontario Federal Schools.

10.6 Suspension Appeals will be scheduled and heard by the Director of Ontario Federal Schools.

10.7 The Director of Ontario Federal Schools must hear the appeal and make a determination **within fifteen (15) school days** of receiving the notice of intention to appeal.





10.8 The Director of Ontario Federal Schools and the parent(s)/guardian(s) can mutually agree to an extension of the appeal timelines.

10.9 The parent(s)/guardian(s) will be invited to make an in-person statement.

10.10 The Director of Ontario Federal Schools may ask questions of clarification at any time during the hearing.

10.11 The Director of Ontario Federal Schools shall consider the following:

- a) the Principal's investigative notes, the Major Incident Report, and all other relevant documents including incident reports, and previous suspension letters
- b) submissions and any other information provided by the parent/guardian; and
- c) the analysis and application of the mitigating factors, which may or may not be applicable.

10.12 The Director of Ontario Federal Schools will make a determination as to whether the decision to discipline and the duration of the suspension levied was reasonable and shall determine:

- a) the Suspension was justified and will be upheld; or
- b) the Suspension was justified, however the number of days levied will be reduced and the record of Suspension amended accordingly; or
- c) the Suspension was justified, but that the record of Suspension be removed after a period of time **IF** there are no further incidents requiring discipline; or
- d) the Suspension was not justified, the record of Suspension will be expunged, and the student will be permitted to return to school the next school day. The original Letter of Suspension will be removed from the student's Ontario Student Record and will be returned to the parent/guardian.

10.13 The Director of Ontario Federal Schools will inform all parties, in writing, of the decision within **five (5) school days** after the Suspension Appeal Hearing.

10.14 In accordance with the delegated authority *Indigenous Services Act*, the decision of the Director of Ontario Federal Schools is final, which includes denial of an appeal.

11.0 Expulsion

11.1 When a Principal determines an incident falls in line with the list of activities that may lead to expulsion, they must complete an Ontario Federal Schools Major Incident Report and conduct an investigation.

11.2 If a student has engaged in any of the activities listed in 13.1, an automatic suspension of **20 school days** is levied. The Principal will then launch an investigation into the incident to determine whether expulsion is warranted.

12.0 Expulsion from Ontario Federal Schools

12.1 Expulsion can happen whether the incident took place:

- a) at school;
- b) at a school-related activity, such as a field trip; or
- c) in any other circumstances where the student's behaviour has an impact on the school climate

12.2 If expulsion is being considered for any student of Ontario Federal Schools, the Principal must inform the Director of Ontario Federal Schools.





13.0 Activities that may lead to expulsion

13.1 Students can be expelled for:

- a) possessing a weapon, including a firearm;
- b) using a weapon to cause or threaten to cause bodily harm to another person;
- c) committing physical assault on another person that causes, or has the intent to cause, serious bodily harm;
- d) committing sexual assault;
- e) trafficking in weapons or illegal/restricted drugs;
- f) committing robbery;
- g) giving alcohol or drugs to a minor;
- h) possession of tobacco or vape products for the purpose of trafficking or distribution
- i) bullying (including cyberbullying) – if the student was suspended before for bullying;
- j) the student's presence in the school creates a risk to the safety of another person within the school community;
- k) any activity that is motivated by bigotry/racism, prejudice or hate;
- l) using technology to perpetrate criminal activity; or
- m) any act considered by the Principal to have a negative impact on the school climate that affects the physical or mental well-being of any member of the school community.

14.0 Investigation of the Incident

14.1 If a student(s) is involved in an incident that may lead to expulsion, the Principal must conduct an investigation and fill out the Federal School's Major Incident Report.

14.2 As part of the investigation the Principal must speak with the student(s) directly involved in the incident, their parent(s)/guardian(s), student(s) that may be a witness to the incident, and anyone else who may have relevant information about the incident.

15.0 Mitigating Factors

15.1 The following are to be duly considered prior to levying an expulsion:

- a) age
- b) IEP
- c) Identifications/Exceptionalities
- d) Behaviour Plan
- e) Safety Plan
- f) Patterns of behaviour and prior incidents
- g) Previous suspensions for the same activities

15.2 The principal must also consider the following:

- a) the student's individual circumstances
- b) whether the student's presence in the school creates a risk to the safety of another person
- c) the student's recent history
- d) whether progressive discipline has already been used
- e) how the expulsion will affect the student's ongoing education
- f) other documentation regarding their behaviour





15.3 If a student has special education needs and an Individual Education Plan, the Principal must also consider whether:

- a) the behaviour was a manifestation of a disability identified in the student's plan;
- b) appropriate accommodation has been provided;
- c) the expulsion is likely to aggravate or worsen the student's behaviour or conduct

15.4 An appeal of the automatic **20 day** suspension is not permitted while the principal is conducting the investigation.

16.0 Principal's Recommendation

16.1 The Principal must have an informal review with the parent(s)/guardian(s) to discuss whether the investigation will now lead to a recommendation for expulsion.

16.2 If the Principal **does not** recommend expulsion, the Principal can:

- a) confirm the automatic 20 day suspension and its length;
- b) confirm the student is still suspended, but shorten the length of the suspension and amend the Letter of Suspension in the student's OSR; or
- c) withdraw the suspension and remove the Letter of Suspension from the student's OSR and return original documents to the parent(s)/guardian(s)

16.3 If the Principal recommends expulsion, the Principal must submit to the Director of Ontario Federal Schools the:

- a) Letter Recommending Expulsion, which includes the informal review date
- b) Ontario Federal Schools Major Incident Report;
- c) Principal's investigative notes;
- d) all other relevant documents; and
- e) any previous suspension letters.

16.4 When the package is submitted to the Director of Ontario Federal Schools for decision, a redacted copy will also be sent to the parent(s)/guardian(s) of the student(s).

17.0 Expulsion

17.1 The Director of Ontario Federal Schools will review the recommendation for expulsion from the Principal and all supporting documentation submitted.

17.2 The Director of Ontario Federal School's expulsion review must be completed within the automatic suspension timeline of **twenty (20) school days**.

17.3 The Director of Ontario Federal Schools could decide to:

- a) Uphold the principal's recommendation;
- b) Not support the recommendation.

17.4 If the Director of Ontario Federal Schools upholds the principal's recommendation to expel a student, a Letter of Expulsion will be written by the Director of Ontario Federal Schools and provided to parent(s)/guardian(s) of the student(s) before the end of the **twenty (20) school day** timeline.

17.5 The parent(s)/guardian(s) will be notified in writing of the expulsion. The parent(s)/guardian(s) will receive a written Letter of Expulsion, which will include information about:





- a) Reason for expulsion
- b) Terms of expulsion
- c) How to appeal the decision to expel; and
- d) Next steps regarding the student's ongoing academic endeavors (alternative learning program)

17.6 If the Director of Ontario Federal Schools decides not to support the Principal's recommendation the Director of Ontario Federal School will:

- a) require the Principal revise their expulsion recommendation letter; or
- b) request additional information from the Principal for reconsideration.

18.0 After Expulsion

18.1 Once a student is expelled from their school, the expulsion applies to all federal school buildings, school grounds, school buses and school-related functions. If a student(s), parent(s) or guardian(s) do not comply to the restrictions of the expulsion, further action may be taken.

18.2 Students who are expelled from a Federal School must be:

- a) provided with opportunities to continue their education through an alternative learning program.
- b) provided information about non-academic supports, such as counselling, to promote positive behaviour

18.3 The alternative learning program will be offered at a location off of federal school grounds as determined by the Director of Ontario Federal Schools.

18.4 The Principal will keep the Director of Ontario Federal Schools informed of the student's progress in the alternative learning program.

18.5 Expelled students can re-register to a Federal School after they successfully complete an alternative learning program to the satisfaction of the administration and the Director of Ontario Federal Schools.

18.6 The Principal is responsible for working with the parent(s)/guardian(s) to get the student(s) back into a Federal School.

18.7 The success of the alternative learning program is monitored on an ongoing basis, with regular check-ins and a review at the end of each term to determine whether re-entry into a Federal School is warranted.

18.8 Student's success of the alternative learning program will be based on a variety of factors, which can include but are not limited to:

- a) attendance;
- b) grades;
- c) referrals;
- d) community supports;
- e) restorative justice

18.9 A determination as to which Federal School is the most appropriate placement will be made by the Director of Ontario Federal Schools.

19.0 Expulsion Appeal Process

19.1 Parent(s)/guardian(s) are encouraged to review the expulsion with the administration of the school. An expulsion may be appealed.





19.2 An appeal of an expulsion does not stay the expulsion. An expulsion cannot be appealed within the **(20) twenty day** suspension period.

19.3 A person who intends to appeal an expulsion must give written notice of the intention to appeal **within five (5) school days** of the commencement of the expulsion.

19.4 All requests for an expulsion appeal will be received by the Director of Ontario Federal Schools.

19.5 Expulsion Appeals Hearings will be scheduled and heard by the Director of Ontario Federal Schools.

19.6 The Director of Ontario Federal Schools must hear the appeal and make a determination **within fifteen (15) school days** of receiving the notice of intention to appeal.

19.7 The Director of Ontario Federal Schools and the parent(s)/guardian(s) can mutually agree to an extension of the appeal timelines.

19.8 The parent(s)/guardian(s) will be invited to make an in-person statement.

19.9 The Director of Ontario Federal Schools may ask questions of clarification at any time during the hearing.

19.10 The Director of Ontario Federal Schools shall consider the following:

- a) the Principal's investigative notes, the Major Incident Report, and all other relevant documents including incident reports, and previous suspension letters
- b) submissions and any other information provided by the parent/guardian; and
- c) the analysis and application of the mitigating factors, which may or may not be applicable

19.11 The Director of Ontario Federal Schools will make a determination as to whether the decision to expel the student(s) was reasonable under the circumstances and shall determine whether:

- a) the Expulsion was justified and shall be upheld; or
- b) the Expulsion was not justified, in which case the record of expulsion will be expunged, and the student will be permitted to return to school. The original Letter of Expulsion from the student's Ontario Student Record will be returned to the parent(s)/guardian(s).

19.12 The Director of Ontario Federal Schools will inform all parties, in writing, of their decision **within five (5) school days** after the appeals hearing.

19.13 Decisions made by the Director of Ontario Federal Schools regarding expulsions, including the denial of an appeal, are final under the delegated authority outlined in the *Indigenous Services Act*.

