

| <u>DUFFERIN-PEEL CATHOLIC DISTRICT SCHOOL BOARD</u> | |
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| <u>POLICY</u> | |
| POLICY NUMBER: | P-2016 |
| SUBJECT: | Exclusion Pending Completion of a Police Investigation |
| REFERENCE: | GAP2018 Exclusion Pending Completion of a Police Investigation |
| EFFECTIVE DATE: | May 24, 2022 |
| AMENDED DATE: | January 28, 2025 |

“But let all who take refuge in you rejoice; let them ever sing for joy. Spread your protection over them, so that those who love your name may exult in you.”

Psalms 5:11

1. The Dufferin-Peel Catholic District School Board (DPCDSB) is committed to the implementation, in every school, of DPCDSB’s *Catholic Code of Conduct* (as enumerated in [P-0002 Catholic Code of Conduct](#) and its associated *General Administrative Procedure (GAP)* [GAP2012 Catholic Code of Conduct](#)), that clearly reflects the need to provide and sustain a safe, caring, inclusive, and healthy Catholic school community in which every student can succeed. DPCDSB believes in the dignity of all people and affirms the need for all students and staff to feel safe at school.
2. Students, staff, and other members of the school community have the right to learn and work in a safe and positive learning environment. To that end, [GAP4011 Local Police-School Board Protocol](#) outlines how DPCDSB and police will co-operate with each other in their dealings with students and police-related investigations. Further, GAP4011 outlines the respective roles and responsibilities of DPCDSB and the police for maintaining safe environments in schools, responding to incidents, and maintaining open lines of communication, all in accordance with applicable laws.
3. When an incident occurs which requires police response, whether via mandatory reporting, discretionary reporting, or independent investigation initiated by police, school administrators shall cease the school investigation and seek direction from police regarding next steps (see [GAP4011 Local Police-School Board Protocol](#)).
4. Where police permit the school principal to conduct a parallel or concurrent investigation, the principal (or designate) shall continue their investigation in accordance with the *Education Act* and DPCDSB policies and procedures.
5. In exigent circumstances, police may direct school administrators to pause exercising their responsibility to both speak with students and conduct an investigation, regardless of whether they are an accused, victim, or witness. Where police direct the principal not to conduct a parallel or concurrent investigation, the principal (or designate) shall record the name and badge number of the person who gave the direction, as well as the date and time the direction was received. The principal (or designate) shall not resume the investigation until they receive authorization from police to do so.

6. Where a principal does not have police clearance to conduct a parallel or concurrent investigation, the principal is unable to meet their obligation under the *Education Act* and DPCDSB policies and procedures to assess risk, conduct an investigation, and/or issue a suspension or suspension pending possible expulsion. As such, where the principal is forbidden by police from conducting a parallel or concurrent school investigation, the principal shall not immediately issue discipline. Instead, the principal shall, subject to an appeal to the Board of Trustees, invoke section 265(1)(m) of the *Education Act*, and temporarily refuse to admit to the school (exclude) the alleged individual(s) who caused harm as their presence in the school would be detrimental to the physical or mental well-being of the pupils.
7. A student on exclusion does not have the right to attend a different DPCDSB school, in-person or virtually, while awaiting the end of the exclusion. Instead, the student will receive continuation of learning resources to complete at home in order to maintain meaningful access to education. The principal will comply with all documentation requirements mandated by the Ministry of Education and by DPCDSB [GAP2018](#) *Exclusion Pending Completion of a Police Investigation*.
8. DPCDSB [GAP2018](#) *Exclusion Pending Completion of a Police Investigation* addresses the right to appeal an exclusion to the Board of Trustees.
9. Lifting of this exclusion by the principal of the school is subject to the completion of three conditions:
 - a) The completion of the police investigation and subsequent authorization from police to begin a school investigation; or the authorization from police to begin a parallel or concurrent school investigation; AND
 - b) Consultation between police and the principal (or designate) to determine the excluded student's risk to the school community; AND
 - c) Preliminary principal's investigation is completed to determine the excluded student's risk to the school community and to determine appropriate next steps under the *Education Act* and DPCDSB policy and procedure.
10. When all three conditions listed above have been met, the principal shall lift the exclusion and continue with their obligations, as required by the *Education Act* and DPCDSB policies and procedures.
11. DPCDSB [GAP2018](#) *Exclusion Pending Completion of a Police Investigation* addresses administration of this policy in the following areas:
 - a) Police Response and Investigation
 - i) Parallel or Concurrent Investigation Permitted
 - ii) Parallel or Concurrent Investigation Prohibited
 - b) Exclusion From School, Subject to Completion of Police Investigation or Permission from Police to conduct a parallel or concurrent investigation

- i) Determining Whether to Issue an Exclusion
 - ii) Issuing an Exclusion
 - iii) Completing the Conditions of Exclusion
 - iv) Lifting the Exclusion
 - v) Right to Appeal an Exclusion to the Board of Trustees
- c) Exclusion Pending Completion of a Police Investigation (“Police Exclusion”) Appeal Process
- i) Police Exclusion Appeal Procedures – Elementary and Secondary
 - ii) Police Exclusion Appeal Hearing Guidelines
- d) Notice of Intention to Appeal a Police Exclusion Form

12. **References** relevant to this policy include:

- a) Section 300.2 of the *Education Act* requires a principal to investigate reports that a student of their school may have engaged in activities for which a principal must consider to suspend a pupil (s. 306) or must suspend a pupil (s. 310):

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.

(3) A principal shall investigate any matter reported under subsection (1)

- b) The Ministry of Education’s *Policy/Program Memorandum No. 145: Progressive discipline and promoting positive student behaviour* (PPM 145) further outlines the responsibility of board employees with regard to responding to serious student incidents:

“Board employees who work directly with students – including administrators, teachers, and other school staff – must respond to any student behaviour that is likely to have a negative impact on the school climate. Such behaviour includes serious student incidents and all inappropriate and disrespectful behaviour at any time at school and at any school-related event if, in the employee's opinion, it is safe to respond to it, in accordance with subsection 300.4 of Part XIII of the *Education Act* and *Ontario Regulation 472/07*.”

- c) Section 13 of [GAP4011](#) *Local Police-School Board Protocol* outlines the protocol for school and police investigations of incidents and instructs that administrators may be required to pause the mandatory school investigation if instructed to do so by police:

“In exigent circumstances, police may advise school administrators against exercising their Responsibility to speak with students, regardless of whether they are an accused, victim or witness.

While it is important that the principal not do anything to prejudice the police investigation, it is also important that the police recognize and respect the principal's obligations under the Education Act. Under the Act, a school board's decision regarding expulsion of a student must be made within twenty school days from the date of the student's suspension. When possible, the police will share information with the principal that may be relevant to discipline pursuant to the *Education Act*.

In the event that school staff, while conducting an internal investigation, determines that a criminal offence has been committed, they shall discontinue the investigation and notify police immediately, ensure the involved students are separated, and refrain from further investigation. Any statement(s) taken shall then be turned over to police for purposes of an investigation, if requested. Principals should also be aware that any contact they have with students, after a police investigation has been initiated, may place the principal in the position of becoming a witness in a criminal proceeding."

- d) When a principal cannot conduct a concurrent investigation, they are unable to meet their duties *Education Act* section 300.2, 306 and 310, and PPM 145, which includes assessing the risk of the accused to the physical and mental well-being of other pupils. As such, section 265(1)(m) of the *Education Act* prescribes the following duty of a principal:

265 (1) It is the duty of a principal of a school, in addition to the principal's duties as a teacher, (m) "subject to an appeal to the board, to refuse to admit to the school or classroom a person whose presence in the school or classroom would in the principal's judgment be detrimental to the physical or mental well-being of the pupils."

- e) PPM 145 states the following regarding exclusion:

"In Part X of the *Education Act*, clause 265(1)(m) permits a principal to "refuse to admit" to the school or to a class someone whose presence in the school would be "detrimental to the physical or mental well-being of the pupils". This provision is frequently referred to as the "exclusion provision". Exclusion is not to be used as a form of discipline. If a principal does decide that it is necessary to exclude a student from the school, the principal is expected to notify the student's parents of the exclusion as soon as possible in the circumstances, and to inform them of their right to appeal under clause 265(1)(m)."