

SAFE AND CARING SCHOOLS

Provincial Code of Conduct

**Appropriate Interventions and Disciplinary
Consequences**

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Safe and Caring School Environment

As citizens, we share a responsibility to work together to provide school environments where all students feel safe and respected, thereby allowing them to reach their full potential.

This Provincial Code of Conduct is a ministerial directive intended to expand upon existing legislation and regulation for the purpose of strengthening school-wide approaches to preventing, intervening in, and responding to violence and bullying, cyberbullying, and other unacceptable student behaviour. Public and funded independent schools must abide by it. Its aim is to be prescriptive only to the extent it is necessary to hold students accountable for unacceptable behaviour while still allowing school personnel to exercise professional judgment. Applying appropriate disciplinary consequences as they are warranted promotes a positive approach to safety and belonging as part of a safe and caring school environment.

This document includes a summary of present legislation and regulation regarding student behavioural expectations and disciplinary consequences.

Philosophy of Inclusion

Manitoba Education and Training is committed to fostering inclusion for all people.

Inclusion is a way of thinking and acting that allows every individual to feel accepted, valued, and safe. An inclusive community consciously evolves to meet the changing needs of its members. Through recognition and support, an inclusive community provides meaningful involvement and equal access to the benefits of citizenship.

In Manitoba we embrace inclusion as a means of enhancing the well-being of every member of the community. By working together, we strengthen our capacity to provide the foundation for a richer future for all of us.

Safe Schools – Legislative Framework

School Code of Conduct

The Public Schools Act (PSA) requires that the principal of each school, in consultation with the school's advisory committee, establish a school code of conduct for students and staff. Principals are required to ensure that the annual review of the school's code of conduct and emergency response plan is completed by October 31 of each year. The *Appropriate Disciplinary Consequences in Schools Regulation (92/2013)* requires the principal to ensure that disciplinary consequences for violation of the code of conduct are consistent with any directives from the Minister.

A school's code of conduct must include the following:

- a statement that students and staff must behave in a respectful manner and comply with the code of conduct
- a statement that the following are unacceptable:
 - abusing another student physically, sexually or psychologically, verbally, in writing, or otherwise
 - bullying another student
 - discriminating unreasonably on the basis of any characteristic set out in subsection 9(2) of *The Human Rights Code*
 - using, possessing, or being under the influence of alcohol, cannabis (marijuana) or illicit drugs at school
- a statement that the following will not be tolerated on school sites:
 - gang involvement
 - possessing a weapon, as “weapon” is defined in section 2 of the *Criminal Code* (Canada)
- a statement that students and staff must adhere to school policies respecting the appropriate use of:
 - the Internet, including social media, text messaging, instant messaging, websites, and e-mail, and
 - digital cameras, cell phones, and other electronic or personal communication devices identified in the code of conduct or the policies of the school board
- the disciplinary consequences, in as much detail as is reasonably possible, of violating the code of conduct, and the process for appealing disciplinary decisions

Safe Schools – Legislative Framework (*continued*)

The *PSA* addresses the challenges that many schools are facing related to the increased use of information and communication technology. The Act defines bullying (including cyberbullying) and requires students and staff to adhere to school board policies respecting appropriate use of e-mail, the Internet (including social media, text messaging, and instant messaging), digital cameras, and cell phones. Moreover, it requires staff members who become aware of cyberbullying to report and act on it, even if it takes place outside of school hours.

To support the efforts of schools to properly report incidences of inappropriate student conduct, the *PSA* requires all school board employees (teachers, educational assistants, and bus drivers, among others) or persons in charge of students (volunteers) who become aware that a student may have engaged in unacceptable conduct at school or at school-approved activities to report the matter to the principal as soon as reasonably possible. Where the principal believes that a student of the school has been harmed as a result of the unacceptable conduct, the principal must, as soon as reasonably possible, notify the student's parent¹.

School boards are also required to establish a respect for human diversity policy, which must promote the acceptance of and respect for others in a safe, caring, and positive school environment, and which accommodates student activity that promotes the school environment as being inclusive of all students.

¹ The legislation's definition of "*parent*" includes legal guardians.

Provincial Code of Conduct

Approach to Discipline

Across Manitoba, schools have been striving to find the best approach for working with students who exhibit challenging behaviours. These efforts have led to successful approaches for preventing and changing challenging behaviour. The themes that are common to a successful approach include the development of a positive school climate, a positive school-wide approach, team planning, community involvement, and professional support.

All schools are expected to engage in preventative practices – in other words, the use of instruction and programs that focus on social responsibility and positive behaviour rather than the need for negative consequences. This includes teaching the Manitoba curriculum and using such approaches as outlined in the Manitoba Education and Training document *A Whole-School Approach to Safety and Belonging: Preventing Violence and Bullying* (2005) or one of a variety of programs that build character and social responsibility. Such approaches emphasize the collaborative development and teaching of clear behavioural expectations; they focus on rewarding students for meeting these expectations rather than punishing them for failing to meet them.

Many schools have successfully introduced restorative practices, that aim to develop community and manage conflict and tensions by repairing harm and building relationships (e.g., conflict resolution or peer mediation programs, restitution, and restorative justice).

Working with Parents

Teaching self-discipline is a shared responsibility that hinges on a cooperative approach between the school and parents. Students will feel safe when they see the adults from the two parts of their lives, school and home, come together to focus on their interests. When teachers and parents communicate regularly and work collaboratively, they are more likely to develop a degree of trust.

Schools and parents may disagree on disciplinary decisions. When positive approaches to resolving disagreements are used, there are opportunities to build strong working relationships and to set positive examples for our students. Parents are encouraged to contact their school any time they have a concern regarding a disciplinary matter. A process for appealing disciplinary decisions must be included in the school code of conduct (see **Appeal Process**).

Unacceptable Behaviour

Unacceptable behaviour includes but is not limited to the following:

- Bullying/cyberbullying
- Harassment/discrimination
- Threats to self and others
- Gang involvement
- Possession of a weapon
- Possession or being under the influence of alcohol, cannabis (marijuana) or an illicit drug
- Inappropriate use of the Internet and electronic communication

Appropriate Interventions and Disciplinary Consequences

The following interventions and disciplinary consequences emphasize positive and proactive strategies that foster student learning, as opposed to punitive and reactive strategies. Negative consequences may be necessary when other approaches to problem behaviour are unsuccessful; however, they are not effective when overused.

The principal must ensure that the school discipline and behaviour management policy, including the consequences for violating the school code of conduct, are consistent with these interventions and disciplinary consequences. The principal maintains the authority to determine which consequence is appropriate in a given situation.

Teachers and principals must ensure that interventions used are appropriate given the frequency and severity of the disciplinary violation and the student's age or state of development. In every situation, when selecting appropriate consequences, school staff should be sensitive to any student who has been the victim or target of unacceptable behaviour, as well as to the student who committed this behaviour. Reasonable accommodation is required for students with exceptional learning needs that affect their behaviour, taking into account the student's ability to comply with disciplinary measures.

Interventions and consequences may be applied as appropriate to the context, but they need not be applied in the order they appear in this document. Schools may expand upon the list of appropriate interventions and disciplinary consequences as long as the additional items are consistent with this Ministerial directive.

Informal Discussion

A teacher or administrator speaks with the student to reach an agreement regarding the student's behaviour. Parent(s) may be contacted in some circumstances. Students who are 18 years of age or older must give their consent to contact parents.

Parental Involvement

Contact is made with the parent/guardian(s) to discuss the student's specific behaviour and the steps that must be undertaken to change it. The contact could vary from a telephone conversation to a formal conference at the school with parent(s), student, and school personnel.

School Counsellor/Resource Teacher

A school counsellor and/or resource teacher meets with the student with the specific goal of developing a plan for changing attitudes and improving student behaviour. Parent(s) should be informed.

Formal Interview

A conference is held with the student, the teacher, and an administrator and/or school counsellor and the parent(s) to develop a plan for changing the student's behaviour. As one example of a plan, it may be useful to conduct a functional behavioural assessment to guide the development of effective positive interventions based on the function of the behaviour.

Withdrawal from Classroom Setting

Where specific student conduct is deemed to have a negative impact upon the classroom learning environment, the student is withdrawn to a supervised alternate location to complete his or her assignment. Such withdrawal would normally be temporary, but when a prolonged withdrawal is recommended, parent(s) will be informed.

Removal of Privileges

Privileges such as access to the playground, cafeteria, library, extracurricular activities, and/or bus transportation are removed under certain circumstances. Parent(s) will be informed.

Detention

The student is detained at the school for specific unacceptable behaviour. Should a detention extend beyond regular school hours, parent(s) will be informed.

Restitution/Compensation

The student and/or parent(s) are required to compensate for damages incurred to school division property by the intentional or negligent act of a child. Such compensation may be monetary in nature, but could take alternative forms such as community service.

Behavioural/Performance Contract

In some instances, the student is required to meet specific behavioural standards in order to avoid more severe consequences. Such expectations are developed among the school, the parent(s), and the student. Outcomes are clarified in order

to meet the behaviour standards agreed upon. Such an agreement is documented, with copies provided for all concerned parties.

Student Services

A referral may be made to school division student services personnel who can assist school personnel in the remediation of inappropriate student conduct. Such involvement may include a level of counseling or clinical supports for the student that is beyond the school's capabilities. Parental permission must be obtained for assessments and/or interventions.

Outside Agency/Community Involvement

A referral to an outside agency or a community resource may be necessary to address a student's behaviour (e.g., a physician, adolescent or adult mental health services, Addictions Foundation Manitoba, the anxiety clinic at St. Boniface Hospital, the Lighthouses and Turnabout crime prevention programs, Boys & Girls Clubs, Big Brothers Big Sisters, or Indigenous Elders). In all cases, parental permission must be obtained.

Threat Assessment

The school will respond to all student threats to self or others through administrative action and/or school division threat assessment protocols or through critical incident preparedness plans. Outside agency and/or police involvement may be requested. Parent(s) will be informed.

Police Notification

Police notification does not mean that police will lay charges in every situation; however, police should be notified for serious incidents that happen at school, during school-related activities in or outside school, or in other circumstances if the incident has a negative impact on the school environment. School boards should identify the types of incidents that require mandatory and discretionary police notification and ensure that principals are aware of protocols respecting police notification. Parents will be notified unless police direct otherwise.

Student Suspension

- Alternatives should be considered before suspension (e.g., classroom strategies, in-school alternatives, school-wide programs, and alternative and/or off-site locations).
- A teacher may suspend a student from the classroom for not more than two days.
- A principal may suspend a student from the school for not more than five days.
- A superintendent may suspend a student from the school for not more than six weeks.
- A parent and/or pupil may make a request to appear before the school board to make representations about a suspension. A school board may, upon

receiving such representation, confirm or modify the suspension or reinstate the pupil.

Student Expulsion

A school board may expel from a school any student who, upon investigation by the school board, is found to be guilty of conduct injurious to the school environment.

Appeal Process

Appeals of Disciplinary Decisions

Students and parents must follow the school board's established appeal process. Typically this involves an appeal to the teacher who made the disciplinary decision, then to the school principal if not resolved, then to the superintendent of schools if not resolved, and finally to the school board. Exceptions are suspensions in excess of five days and expulsions; in these cases, the appeal goes directly to the school board. These are explained below.

Appeals of Suspensions

In the case of a student who has been suspended for more than five days, the school board must permit the student and his or her parent or legal guardian to make representations to the school board about the suspension. The school board may confirm the suspension, modify it, or reinstate the student.

Appeals of Expulsions

A student expulsion may be appealed to the school board. If a parent/guardian (or a student 18 years of age or older), wishes to appeal the board's decision, the school division's appeal process shall be followed.

Definitions:

Bullying: Bullying is behaviour that is intended to cause, or should be known to cause, fear, intimidation, humiliation, distress or other forms of harm to another person's body, feelings, self-esteem, reputation, or property. It is also behaviour that is intended to create, or should be known to create, a negative school environment for another person.

Bullying takes place in a context of a real or perceived power imbalance between the people involved and is typically (but need not be) repeated behaviour.

It may be direct (face to face) or indirect (through others); it may take place through any form of expression, including written, verbal, physical, or any form of electronic communication (referred to as cyberbullying), including social media, text messages, instant messages, websites, or e-mail.

Cyberbullying: Cyberbullying is bullying by means of any form of electronic communication, including social media, text messaging, instant messaging, websites, or e-mail.

Expulsion: The removal of a student from all schools of a school division permanently, at the discretion of the school board.

Reasonable accommodation: The school's obligation to address students' special needs that stem from the protected characteristics specified in Manitoba's *Human Rights Code*, such as physical or mental disabilities, et cetera, and that affect the individual's ability to access educational/school services or facilities. The measures to accommodate special needs will be reasonable and required unless they cause undue hardship due to cost, risk to safety, impact on others, or other factors.

Unacceptable conduct: Unacceptable conduct includes abusing another student physically, sexually, or psychologically, verbally, in writing, or otherwise. It also includes bullying another student.

Rights and Responsibilities regarding Student Discipline

Students

Rights

- To be accompanied by a parent or other adult to assist and make representations to the school board before a decision is made to expel.

Responsibilities

- To attend school and classes regularly and punctually.
- To comply with school and school division discipline and behaviour management policies.
- To behave in a respectful manner and comply with the school code of conduct.
- To complete assignments and other related work required by teachers or other employees of the school division.
- To treat with respect school property and the property of others who are employed at or attending the school.
- To assume responsibility if he or she destroys, damages, loses, or converts by an intentional or negligent act school or division property.

Parents

Rights

- To be informed regularly of the attendance, behaviour, and academic achievement of his or her child in school.
- To be informed of the discipline and behaviour management policies of the school or school division or school district, and to be consulted before the policies are established or revised.
- To accompany his or her child and assist him or her to make representations to the school board regarding a suspension of more than five days or before a decision is made to expel the child.

Responsibilities

- To cooperate fully with teachers and other school/division employees to ensure their child complies with school/division discipline and behaviour management policies and the school's code of conduct.
- To take all reasonable measures to ensure the child attends school regularly.
- To assume responsibility with the child where school/division property is damaged, lost, or converted by the intentional or negligent act of that child.
(Note: Teachers and students whose personal property is damaged or lost may bring action under *The Parental Responsibility Act*).

Responsibilities and Authority of Teachers

- To maintain order and discipline among students attending or participating in activities that are sponsored or approved by the school, whether inside or outside the school.
- To behave in a respectful manner and comply with the school code of conduct.
- To ensure that the interventions and responses used or implemented in carrying out duties to maintain order and discipline in school are appropriate, given the frequency and severity of the disciplinary violation, and take into account the student's state of development.
- To report to the principal unacceptable student conduct while at school or at a prescribed school-approved activity as soon as reasonably possible*.
- To report to the principal as soon as reasonably possible that a student may have engaged in cyberbullying or been negatively affected by cyberbullying, whether it occurs during school hours or not*.
- To seize or cause to be seized and take possession of any offensive/dangerous weapon brought to school by a student and hand over same to the principal.
- To suspend a student from the classroom for up to two days when a student engages in disruptive behaviour and suspension is the consequence for that behaviour under school policy or the school code of conduct.
- To promptly document and report a student suspension to the principal.

**The duty to report to the principal also applies to employees of a school board, school division, or school district and persons who have care and charge of one or more pupils during a prescribed school-approved activity.*

Responsibilities and Authority of Principals

- To establish, in consultation with the school's advisory committee, a school code of conduct for students and staff, and to review that code of conduct at least annually.
- To ensure that a school's discipline and behaviour management policies - including disciplinary consequences for violations of the school's code of conduct - are consistent with any Ministerial directives concerning appropriate disciplinary consequences for unacceptable behaviour.
- To supervise buildings and grounds during school hours, including safety, repairs, cleanliness, et cetera.
- To remove, or cause to be removed, persons from school premises who are causing a disturbance or interruption, trespassing, or who are present for a purpose not reasonably associated with the normal functioning of the school.
- To provide disciplinary authority over the conduct of each student of a school from the time the student arrives at the school until the student departs for the day, except during any period that the student is absent from school at the request of his or her parent or guardian.
- To provide disciplinary authority over students on their way to and from school, in terms of their conduct towards one another, while travelling to and from school on school division transportation, and while on school-prescribed activities.

- To ensure that the interventions and responses used or implemented in carrying out duties to maintain order and discipline in school, are appropriate, given the frequency and severity of the disciplinary violation, and take into account the student's state of development.
- To notify parents, as soon as reasonably possible, if the principal believes that a student has been harmed as a result of the unacceptable conduct.
- To suspend a student for up to one week for engaging in conduct that the principal considers injurious to the school environment.
- To inform the student's parent or legal guardian of the suspension and the reasons for the suspension.
- To give the school board or designate, within 24 hours of a student being suspended, a written report setting out the pupil's name, the period of suspension, and a description of the disruptive behaviour for which the pupil was suspended.
- To keep a record of each suspension of a student.
- To develop categories of the reasons for which a student may be suspended, and to ensure that each suspension is accordingly categorized and that the total number of students suspended and the duration of suspensions are tabulated.
- To ensure that educational programming is available to a student who has been suspended for more than five days.

Responsibilities and Authority of Superintendents

- To suspend a student from school for up to six weeks for engaging in conduct that the superintendent considers injurious to the school environment.
- To inform the student's parent or legal guardian of the suspension and the reasons for the suspension.
- To give the school board or designate a written report setting out the student's name, the period of suspension, and a description of the disruptive behaviour for which the student was suspended.

Responsibilities and Powers of School Boards

- To establish written policy* respecting the appropriate use of
 - (i) the Internet, including social media, text messaging, instant messaging, websites, and e-mail, and
 - (ii) digital cameras, cell phones and any other electronic or personal communication devices identified by the board.

**Appropriate-use policies may include provisions that prohibit accessing, uploading, downloading, sharing or distributing information or material that the school board has determined to be objectionable or not in keeping with the maintenance of a positive school environment.*

- To establish written policy on respect for human diversity and ensure that the policy is implemented in each school. The policy must promote and enhance a safe and inclusive learning environment, the acceptance of and respect for others, a positive school environment, and the training of teachers and other staff on bullying prevention and respect for human diversity.
- To permit the student and his or her parent(s) or legal guardian(s) to make representations to the school board about a suspension of more than five days.
- To confirm or modify the suspension or reinstate the student after receiving such a representation.
- To suspend or expel any student who, upon investigation by the school board, is found to be guilty of conduct injurious to the school environment.
- To ensure that alternative programming* is made available for students of compulsory school age who are expelled.
- To limit or place conditions on the teacher's right to suspend, either with respect to an individual student or generally, if the board is of the opinion that the teacher has repeatedly
 - (a) suspended an individual student for reasons that are not justified, or
 - (b) suspended students for reasons that are not justified.

** Alternative programming includes:*

- (a) providing the pupil appropriate supports to perform school work at home;*
- (b) permitting the pupil to enroll in a different school in the school division or school district, or a different program in the same or a different school;*
- (c) facilitating the pupil's participation in an activity or program that is an approved activity or program under the Activities and Programs — Learning to Age 18 Regulation, Manitoba Regulation 139/2011; or*
- (d) facilitating the pupil becoming enrolled in an adult learning centre or in the distant learning options administered by the department.*

Sources: The Public Schools Act, The Education Administration Act, Appropriate Disciplinary Consequences in Schools Regulation 92/2013, and Administrative Handbook for Schools