



## **SAFE AND CARING SCHOOLS**

### **Guiding Principles**

The Swan Valley School Division shares responsibility to work collaboratively with all citizens in providing school environments where every student feels safe and respected, thereby allowing him or her to maximize learning potential.

Within this responsibility, the following principles are recognized and valued in ensuring safe and inclusive school environments for all:

- positive school cultures,
- respect, inclusion, fairness and equity,
- clear and consistent communication regarding expectations of conduct,
- social responsibility,
- peaceful problem solving that respects value for human diversity and human rights,
- understanding issues such as bullying, harassment and discrimination,
- fair and reasoned responses to incidents involving discrimination, harassment and bullying,
- interventions that repair harm, strengthen relationships and restore a sense of belonging,
- continuous improvement of policies, procedures and practice that promote, monitor and evaluate safe and inclusive school environments, and
- celebrating progress and achievements.

This Administrative Procedure is formulated in compliance with *The Public Schools Act, The Education Administration Act, Appropriate Disciplinary Consequences in Schools Regulation 92/2013 and Administrative Handbook for Schools* and is intended to strengthen school-wide approaches to preventing, intervening in and responding to violence, bullying, cyberbullying and other unacceptable behaviour.

### **Definitions**

***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 feelings, self-esteem, body or reputation and is to create a negative school/work environment for another person.



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

Bullying may be direct (face to face) or indirect (through others) and it may take place through any form of expression – including written, verbal, physical – or by means of any form of electronic communication (referred to as cyberbullying), including social media, text messaging, instant messaging, websites or email etc. (*Manitoba Public Schools Act*)

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

**Discrimination** occurs when people are not treated based on their individual worth but instead are treated differently based on stereotypes and prejudices and this results in a real disadvantage or barrier to equal opportunity.

- Discrimination often involves treating someone differently on the basis of a protected characteristic such as ancestry, age or religion.
- Discrimination may include failure to make reasonable accommodations for the special needs of any individual/group based on the protected characteristics under *The Code*. (*Human Rights Code of Manitoba*)

**Equity** refers to the provision of equitable opportunity, equitable access to programming, services and resources critical to the achievement of outcomes for all students and the staff who serve them.

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

**Harassment** involves vexatious comment or conduct which is known or ought reasonably to be known to be unwelcome and which is linked to a protected ground under the Human Rights Code. *The Code* refers to harassment as a course of abusive and unwelcome conduct or comment made on the basis of any protected characteristic. (*Human Rights Code of Manitoba*)

Harassment normally involves persistent comments or conduct, but may include a single act. Supervision, evaluations and corrective actions in the normal course will not usually be found to be harassment. The two most



common forms of harassment are racial harassment and sexual harassment.  
(*Human Rights Code of Manitoba*)

**Human diversity** encompasses all the ways in which human beings are both similar and different. It means understanding and accepting uniqueness of individuals, as well as respecting their differences. Diversity may include but is not limited to age, ethnic origin, ancestry, culture, socio-economic status, gender identity, sexual orientation, religion, family status, mental and physical disability.

**Inclusion** is a way of thinking and acting that allows every individual to feel accepted, valued and safe. An inclusive community consistently 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. (Manitoba Education and Advanced Learning – Provincial Code of Conduct)

**Preventative Practices** involve the use of instruction and programs that focus on social responsibility and positive behaviour. Such approaches emphasize the collaborative development and teaching of clear behavioural expectations.

**Reasonable Accommodation** is the school's obligation to address the special needs of students where these needs stem from the protected characteristics specified in *The Human Rights Code of Manitoba* and 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. (Manitoba Education and Advanced Learning)

**Restorative Practices** are fair and reasoned responses to conflict, tension and unacceptable conduct designed to repair harm, strengthen relationships and restore a sense of belonging.

**School Community** can be understood to include the group of interacting people and organizations that come together with the operation of a particular school. This includes but is not limited to students and their families, teaching and support staff, administration, parent organizations, government departments, non-government organizations, volunteers, local businesses etc. In school communities intent, belief, resources, preferences, needs, risks



and a number of other conditions may be present and common, affecting the identity of the participants and their degree of cohesiveness.

**Student In-School Suspension** is the temporary removal of a pupil from a classroom, co-curricular, out-of-classroom or transportation activity.

**Student Out-of-School Suspension** is the temporary removal of a pupil from attending school.

**Unacceptable Conduct** includes abusing another person physically, sexually, or psychologically, verbally, in writing, or otherwise. It also includes bullying another individual.

## Policy Statements

In Manitoba School Divisions, 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 of a richer future for us all.

All members of the school community have a right to learn and work in a safe and inclusive environment where human diversity is respected and bullying, discrimination and harassment are not tolerated. All members of the school community have a responsibility to work collaboratively toward this end.

The Swan Valley School Division 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.

## Approach to Discipline

The Swan Valley School Division endorses successful approaches for preventing and changing challenging behaviour, which 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 Advanced Learning 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. These focus on acknowledging students for meeting these expectations rather than punishing them for failing to meet them. Student self-control, problem solving, social responsibility and self-reliance are to be developed.

In addition, schools are expected to support the use of **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). **Restorative Practices** are fair and reasoned responses to conflict, tension and unacceptable conduct designed to repair harm, strengthen relationships and restore a sense of belonging.

## Working with Parents and Guardians

Teaching self-discipline is a shared responsibility that hinges on a cooperative approach between the school and parents/guardians. Students will feel safe when they see the adults from these 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 Conduct

In all cases, unacceptable conduct will be addressed. 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 an illicit drug;
- inappropriate use of the Internet and electronic communication.

### I. School Code of Conduct

*The Public Schools Act (PSA)* requires that the principal of each school, in consultation with an ad hoc *Code of Conduct* parental advisory committee to establish a *School Code of Conduct*. Principals are required to ensure that the annual review of the school's code of conduct and emergency response plan is complete by October 31<sup>st</sup> of each academic year. The *Appropriate Disciplinary Consequences in Schools Regulation (92/3013)* 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 the school's *Code of Conduct* is based on the Guiding Principles and Policy Statements of the Swan Valley School Division.
- 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 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 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, email and emerging communication technologies.
  - Digital cameras, cell phones and other electronic or personal communication devices identified in the code of conduct or the policies of the 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.

*The Public Schools Act* requires all school board employees (administrative, teaching and support) 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 is 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 is reasonably possible, notify the student’s parents or guardians. Staff who become aware of cyberbullying are required to report the situation and to act upon it, even if it takes place outside of school hours.

## **Rights and Responsibilities of Students and Parents/Guardians**

### **Students**

#### ***Rights***

- To learn in a safe and inclusive environment where human diversity is respected and bullying, discrimination and harassment are not tolerated.
- 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 behave in a respectful manner and comply with the school code of conduct.
- To monitor their own interactions and conduct in ways that ensure a welcoming, safe and inclusive school environment.
- To attend school and classes regularly and punctually.
- To comply with school and division discipline and behaviour management policies.
- To complete assignments and other related work required by teachers or other employees of the school division.
- To treat school property and the property of others who are employed at or attending the school with respect.
- To assume responsibility if he or she destroys, damages, loses or converts by an intentional or negligent act school or division property.

### **Parents and Guardians**

#### ***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 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*). Manitoba Education and Advanced Learning — Provincial Code of Conduct Page 12.

## **II. Responsibilities and Authorities of Teachers**

- To model inclusiveness and respect for human diversity.
- To maintain a safe and inclusive environment where human diversity is respected and bullying, discrimination and harassment are not tolerated.
- 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, in-school suspension.



- To provide appropriate educational replacement activities when students are suspended including assessment of academic work completed.
- To promptly document and report a student in-school 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.*

### III. Responsibilities and Authority of Principals

- To model inclusiveness and respect for human diversity.
- To maintain a safe and inclusive environment where human diversity is respected and bullying, discrimination and harassment are not tolerated.
- 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 work collaboratively with all SVSD Principals to develop and implement a consistent set of expectations for conduct within schools and a common set of responses to student discipline.
- 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.

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- 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 one business day of a student receiving an out-of-school suspension, 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 appropriate educational replacement take-home activities are provided when students are suspended including a plan for assessment of academic work completed outside of school. To ensure that educational programming is available to a student who has been suspended for more than five days.

#### **IV. Responsibilities and Authority of Superintendents**

- To model inclusiveness and respect for human diversity.
- 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.



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## V. Responsibilities and Powers of School Boards

- To model inclusiveness and respect for human diversity.
- 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.
- 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 educational programming is made available for students under the age of 16 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.

*\*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.*

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



## 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.

### 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. Manitoba Education and Advanced Learning — Provincial Code of Conduct Page 6

### 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 prior to the detention and parents will assume responsibility for transportation. If parents are not able to provide transportation alternative consequences will be assigned.

### **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

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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 behavioural 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 counselling 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, Aboriginal Elders, etc. 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. (Refer to SVSD Policy 10.40.)

### **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

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environment. Parents will be notified unless police direct otherwise. The Superintendent will be notified within one business day of Police notification.

### **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, in-school suspension.
- A principal may suspend a student from the classroom or other school activities and/or from school for not more than five days (in-school suspension and/or out-of-school suspension).
- 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. An appeal begins with 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.