
ARTICLE 16 – DISCIPLINE POLICY

1. Progressive Discipline System and Bumping Pathway

1. Policy

CIC is committed to enforcing the provisions of this Code of Conduct. As such, it has established a progressive disciplinary system called Actions, Consequences and Training for Success (“ACTS”) to deal with violations of the Code of Conduct, where misconduct is judged on several criteria including but not limited to the severity of the misconduct and the student’s history of misconduct.

As such, students who (in CIC’s sole discretion) have engaged in misconduct may be subject to the disciplinary measures set out below, which may be amended from time to time.

ACTS are progressive disciplinary measures established by CIC. CIC reserves the right to vary the ACTS disciplinary measure in such cases where the severity of the offence or repeat contraventions of the Code of Conduct warrants greater disciplinary measures. The student and his or her parents/guardians acknowledge and agree that Appendix “A” forms an integral part of, and shall be incorporated into, the provisions of this Progressive Discipline System, and the same agree to be bound by the terms contained therein.

Any contravention of the Code of Conduct may be presented to the Principal or Designate, to determine whether the misconduct warrants a suspension, investigation and/or expulsion. Alternatively, the Principal or Designate may confirm the consequence provided by any CIC staff. If the matter is deemed to be a violation not warranting a suspension or expulsion to be dealt with under the ACTS progressive disciplinary system, the Principal or Designate, shall render an appropriate disciplinary measure (or delegate the decision to the appropriate CIC staff) and record it in the student’s ezReport.

Any student failing to comply with or who is absent from any scheduled ACTS disciplinary task without providing satisfactory evidence (the determination of which shall be made by CIC) to justify the absence shall be subject to further discipline as set out herein. Students excused for an absence are required to complete the ACTS disciplinary activity at a time set out by CIC staff.

ACTS 1

Issued to any first-time offender where the misconduct is deemed by CIC to be a minor contravention of this Code of Conduct.

Consequences of ACTS 1

Disciplinary measures may include but are not limited to: two hours of reflections to be conducted at the school on Fridays between 4:00 and 6:00 PM where the student will be engaged in educational sessions.

Any student found to have engaged in misconduct that would trigger an ACTS 1 offence for the second time in the current semester shall receive no less than an ACTS 2 disciplinary measure.

ACTS 2

Issued to any student found to have engaged in repeat offences warranting an ACTS 1 consequence in the current semester or in such circumstances where the severity of the offence warrants a consequence greater than an ACTS 1.

Consequences of ACTS 2

Disciplinary measures may include but are not limited to: attending the Friday after school reflections; and three (3) hours of community service to be held on Saturday; and/or to withdraw any student from any trip, activity or CIC organized event. CIC retains the discretion to direct any repeat offender of any ACTS 2 to a disciplinary hearing set out herein.

ACTS 3

Issued to any student found to have engaged in repeat offences or misconduct warranting an ACTS 2 consequence in any one semester or in such circumstances where the severity of the offence warrants a consequence greater than an ACTS 1 or ACTS 2.

Consequences of ACTS 3

Disciplinary measures may include but are not limited to: attending the Friday after school reflections; supervision fee of \$50 CAD; and six (6) hours of community service to be held on Saturday. CIC retains the discretion to direct any repeat offender of any ACTS 3 to a disciplinary hearing set out herein.

ACTS 4

Issued by the CICDC following a Disciplinary Hearing to any student where the severity of the offence warrants a consequence greater than an ACTS 1, 2 or 3.

Consequences of ACTS 4

Consequences include but are not limited to: possible temporary re-assignment of the student to a designated residence, under close supervision of a House Parent for a minimum period of four (4) weeks or for a longer period of time as deemed necessary by the Principal or Designate; imposed curfew to be determined by the Principal or Designate; supervision consequence of no less than \$200 CAD per week; counselling and restriction from leaving residence only for classes, for four (4) weeks; relinquish any residence “sign-out” privileges from residence; and/or attend a minimum of four (4) educational sessions to be conducted by the house parents.

A student found to have committed an ACTS 4, shall be responsible for all administrative costs incurred. Further, CIC retains the discretion to direct any repeat offender of any ACTS 4 to an expulsion hearing set out herein.

ACTS 5

Issued by the CICDC following a Discipline Hearing to any student found to have engaged in misconduct warranting a ACTS 5 consequence, in any one semester or in such circumstances where the severity of the offence warrants a consequence greater than an ACTS 1, 2, 3 or 4.

Consequences of ACTS 5

A student may be suspended and an investigation may be conducted by the Principal or Designate to determine if the student should sit before the CICDC for a disciplinary hearing or an expulsion hearing.

ACTS 5 Consequences include but are not limited to: possible temporary re-assignment of the student to a designated residence, under close supervision of a House Parent for a minimum period of eight (8) weeks or for a longer period of time as deemed necessary by the Principal or Designate; imposed curfew to be determined by the Principal or Designate; supervision fee of no less than \$200 CAD per week; counselling and restriction from leaving residence only for classes, for eight (8) weeks; relinquish any residence “sign-out” privileges from residence; and/or attend a minimum of eight (8) educational sessions to be conducted by the house parents.

A student found to have committed an ACTS 5, shall be responsible for all administrative and supervision costs incurred.

Students who do not fulfill the requirements of ACTS 5 may be subject to an expulsion hearing as set out in this Code of Conduct.

Police Involvement

CIC shall cooperate with any police investigation into any student misconduct. In cases where a student has been charged with a crime by the police, CIC reserves the right to place the student on temporary academic leave until such time that the police investigation is concluded.

2. Suspension from School and/or Residence

CIC reserves the right to suspend academic, residential or any other service of any kind to any student for a period of up to twenty (20) days for any breach of this Code of Conduct. The determination of a suspension shall be made by the Principal taking into consideration the severity of the offence and the existence of any mitigating or aggravating factors.

Notices and Appeal of Suspension

The Principal or Designate shall provide prompt notice of a suspension in writing to the student and his or her parents/guardians. In addition, in a form separate from the notice of suspension, the Principal or Designate may also advise the student and his or her parents/guardians based on the severity of the offence or complexity of the issues, allegations, injuries etc., if an investigation into the misconduct of the student is required to address the matter.

The student and his or her parent/guardians by written request within five (5) school days of the notice of suspension may appeal the suspension to the Principal, to request that the Principal review the suspension and the appropriateness of the consequence. A successful appeal does not stay the suspension.

If the Principal or Designate indicates that the matter will undergo an investigation, the student shall not be permitted to appeal the suspension until the investigation has been completed. **If the matter necessitates review by the CICDC, the student and his or her parents/guardians shall receive notice of an expulsion hearing and shall not be permitted to appeal the suspension to the Principal.** If CICDC deems that the matter does not require an expulsion hearing, the student and his or her parents/guardians by written request within five (5) school days of being advised that the matter will not proceed to an expulsion hearing, may appeal the suspension to the Principal to review the appropriateness of the consequence.

The Principal in his or her sole discretion may reduce, affirm or withdraw the suspension. The student and his or her parents/guardians shall have no recourse for any action taken to reduce or withdraw a suspension.

3. Types of Discharge

Statement of Intent

CIC students must adhere to the highest standards of academic achievement and personal behaviour and accordingly, CIC has developed a rigorous academic program and strict behaviour policies to assist students in meeting these goals. CIC students must be committed to the principles of learning, resafety inspection, leadership, dedication, and engaging CIC curriculum and personal development.

Attendance Discharge

CIC reserves the right to immediately discharge any student who fails to meet CIC's attendance standards as set out below and in Article 3, which may be amended by CIC prior to the commencement of any semester. If applicable, CIC shall advise the appropriate government regulatory bodies including Canada Immigration, providing notice that the student has been discharged for breaching the attendance policy. **Any student that is discharged due to attendance by CIC; shall no longer be deemed a student of CIC; removed from all courses that the student is enrolled in at CIC; immediately vacate any CIC residence/homestay; prohibited from entering onto CIC properties; and forfeit any tuition fees,**

residential fees or otherwise, paid to CIC. An attendance discharge shall be permanently documented in the student's Ontario Student Record, which for clarity, is a permanent record that cannot be amended.

Academic Discharge

CIC reserves the right to immediately discharge any student who fails to meet CIC's academic standards as set out below and in Article 2 and Article 3, which may be amended by CIC prior to the commencement of any semester. If applicable, CIC shall advise the appropriate government regulatory bodies including Canada Immigration, providing notice that the student has been discharged on academic grounds. **Any student that is academically discharged by CIC; shall no longer be deemed a student of CIC; removed from all courses that the student is enrolled in at CIC; immediately vacate any CIC residence/homestay; prohibited from entering onto CIC properties; and forfeit any tuition fees, residential fees or otherwise, paid to CIC. An academic discharge shall be permanently documented in the student's Ontario Student Record, which for clarity, is a permanent record that cannot be amended.**

Conduct Discharge

CIC reserves the right to immediately discharge any student whose conduct or behaviour is in contravention of this Code of Conduct. CIC students are expected to be upstanding citizens, tolerant, understanding, and respectful of other persons and property. Students hereby acknowledge and agree that CIC has the sole discretion to cease any and all services, if a student's conduct is determined to have breached any of these fundamental principles or any other enumerated provision under this Code of Conduct. **Any student that is discharged by CIC on account of his or her conduct shall no longer be deemed a student of CIC; expelled from all courses that the student is enrolled in at CIC; prohibited from entering any CIC premises; must immediately vacate any CIC residence/homestay; and forfeit any tuition fees, residential fees or otherwise, paid to CIC. An academic discharge shall be permanently documented on the student's Ontario Student Record.**

What Is An Expulsion?

CIC may expel a student for any breach of any policy contained herein, as well as for any serious misconduct in the sole discretion of CIC, regardless of a student's intent. An expulsion irreparably severs the arrangement between CIC and the student and permits CIC to cease all services and obligations owing to a student without any recourse to the student for taking such action.

CIC may expel a student for failing to fulfill the **academic or behavioural and/or conduct standards** expected of a CIC student ("misconduct"). In addition, a student may be expelled for conduct harming other students, CIC staff and any other person, regardless of his or her relationship to CIC. Any misconduct must not necessarily occur on CIC premises or at a CIC organized event. In any investigation of a student's conduct, CIC may use and consider corroborating evidence such as the testimony of witnesses, aggravating factors including the extent of damage committed to a person or property or mitigating factors arising under the circumstances, as determined by CIC, in its sole discretion.

4. Investigation

Student and parents/guardians hereby acknowledge and agree that the decision to initiate and the final outcome of any investigation into an act of misconduct shall be made by CIC, in its sole discretion.

CIC shall commence an investigation into any alleged misconduct upon receipt of any information, regardless of the form or manner in which it is presented to CIC. CIC shall investigate all serious acts of misconduct, even in such instances where a witness is not available to provide particulars related to the incident or if the information is provided from a third party, either related or unrelated to the incident. In its sole discretion CIC may determine whether an incident is serious in nature, which may justify or warrant certain remedial or disciplinary measures including suspension or expulsion hearing.

CIC's Principal or Designate, shall be responsible for coordinating any disciplinary proceeding and authorizing a security investigation as needed.

Notice

The Principal or Designate, shall in a timely and reasonable manner, given the circumstances of the alleged misconduct, communicate to the student and his or her parents/guardians that there will be an investigation.

CIC may in its sole discretion withhold any identifying particulars in its notice of investigation to the student and his or her parents/guardians.

Academic Leave

Students and parents/guardians hereby acknowledge and agree that in order to ensure (i) student safety; (ii) the administration and operation of CIC continues in a safe manner; or (iii) where CIC students are not distracted by the alleged misconduct of others, it may be necessary for CIC to temporarily cease any services or obligations to a student during a disciplinary proceeding or investigation into a student's alleged misconduct. A student and his or her parents/guardians shall be advised of any decision to place a student on Academic Leave in a timely manner.

Students and parents/guardians and CIC acknowledge that no culpability shall be attributed to the student by requiring him or her to take an Academic Leave.

Further, to ensure that any investigation on into student misconduct is conducted without prejudice, CIC may temporarily remove a student from classes, residence/homestay and/or it may suspend all other obligations owing to the student. In some instances, under an Academic Leave, the student may be removed from his or her designated residence/homestay and required to reside at another residence, at the sole discretion of CIC, under increased supervision and restricted privileges.

Role of an Investigator

For offences where a student faces suspension or expulsion, the Investigator may investigate any incident of alleged misconduct by using all necessary means, which would bring a reasonable person to conclude whether an act of misconduct has occurred or not. The Investigator has the authority to use means, which include but are not limited to: interviewing the alleged wrongdoer; interviewing witnesses; seizing copies of all relevant documentation; and meeting with CIC staff.

5. Expulsion Hearings

Notice and Timing of the Hearing

The school shall provide a minimum of 48 hours advanced notice of the date and time of the expulsion hearing to the student and his or her parents/guardian. CIC shall take all reasonable efforts to have an expulsion hearing no later than fifteen (15) school days following the date of the alleged incident.

If the circumstances exist where it is not practical to sit and hear the matter within fifteen (15) school days of a suspension, the CICDC may provide notice to the student and his or her parents/guardians to delay the expulsion hearing to a later date, provided that such date is reasonable and fair to the student.

The Expulsion Hearing

Adjudicators

All expulsion hearings shall be heard and determined by the CICDC. The CICDC shall be composed of no less than three (3) members of CIC, who have not disclosed a conflict in adjudicating the matter. Unless otherwise advised, the expulsion hearing shall be heard by the Principal, Vice Principal and the Residence Director. The Principal or Designate shall preside as chair over all proceedings of the CICDC.

A CICDC member is required to disclose, prior to the commencement of any expulsion hearing, any conflicts or bias, which may affect his or her impartiality. In the event that any sitting member of the CICDC declares a conflict or bias, such member may be excused from the proceeding or disqualified from rendering a decision. If the conflict of a member of the CICDC results in there being less than three (3) adjudicators for a particular expulsion hearing, the Principal may temporarily appoint as many alternate members necessary to return the CICDC to the requisite number of members.

A student and/or parents/guardians must declare any perceived conflict or bias of any member of the CICDC, which may affect a decision from the hearing, prior to the commencement of the expulsion hearing. In such an instance, the student and/or parents/guardians shall submit the reasons for the member to be excused from the proceeding or disqualified from rendering a decision. The Principal, in his or her sole discretion, shall render a decision on the merits of such claim (including claims of a conflict or bias of the Principal) and shall appoint an alternate member to the CICDC for the

purposes of that expulsion hearing, if the member is deemed to be acting in conflict or bias, the Vice Principal shall assume the duties and act as chair of the CICDC for the duration of the expulsion hearing.

The CICDC shall not preside over a hearing for more than one student at a time. Expulsion hearings are not open to the public and are limited to the CICDC, the Investigator, the student and his or her parents/guardians, any representative to assist them in the process, and or relevant CIC staff. Students and parents/guardians are not permitted to be accompanied by legal counsel during any CIC expulsion hearing.

No student cell phones or recording device is permitted at the hearing. The official CICDC recording for fairness and the accuracy of minutes will be the school's digital recorder.

Role of the Investigator

The Investigator shall present evidence gathered from the investigation into the student's misconduct and any other relevant information to the CICDC. The Investigator may commence the proceeding with opening statements. The Investigator may present the investigation report, make oral or written submissions, show camera footage, and/or respond to arguments made by the student and/or his or her parents/guardians.

Respondents

A written statement from the student and/or his or her parents/guardians to the allegations of misconduct may be submitted to the CICDC at least one (1) day prior to the commencement of the expulsion hearing. During the expulsion hearing the student and/or his parents/guardians may follow the Investigator's opening statements, with a brief statement. Thereafter, **at the sole discretion of the chair of the CICDC**, the student and/or parents/guardians may make oral or written submissions at the expulsion hearing, offer evidence supporting the existence of mitigating factors; and/or respond to arguments made by the Investigator. The student and/or parents/guardians or representative may conclude with a brief, closing statement following the closing statement of the Investigator. The student's Admission/Liaison officer may attend the expulsion hearing to assist the student or his or her parents/guardians with asserting any arguments but may not interrupt the hearing at any time.

The Decision

The CICDC must take into account all of the arguments of the parties and the submissions of the parties. In reaching a conclusion in this regard, the CICDC may also take into consideration the student's disciplinary history; the severity of the offence and whether a progressive disciplinary approach would have been prudent given the misconduct. The CICDC's written decision shall be delivered, along with any reasons for the decision, to the student and his or her parents/guardians within one (1) week of the CICDC coming to a decision. The reasons for the decision will not be released to the public, CIC students, CIC staff, unless required by law.

The members of the CICDC must reach a unanimous decision in order to expel a student.

Any expulsions may be appealed to the Appeals Committee.

6. Appeals To An Expulsion

If a student or student's parents/guardians are appealing the CICDC's decision, the decision is directed to the **Appeals Committee**. The Appeals Committee may be composed of two managers of CIC, who are not members of the CICDC, appointed by CIC in its sole discretion, as well as the Executive Director or his or her designate. The Executive Director or his or her designate shall act as chair of the Appeals Committee. The CICDC's decision may be appealed on the following grounds only

- the CICDC misapplied or misinterpreted a provision of the Code of Conduct or CIC procedure, rule or regulation;
- mistake of fact related to the commission or omission of the misconduct;
- there is new evidence in favour of the student;
- the CICDC's decision to expel the student did not take into account mitigating factors or the student's disciplinary history.

In order to commence an appeal, a letter from a student's parents/guardians or adult student must be delivered to the Executive Director within ten (10) school days following their receipt of the CICDC's decision. The letter requesting an appeal must include a reason for the appeal, citing one of the enumerated grounds set out above, as well as an explanation detailing the reasons the CICDC erred in arriving at its decision. The letter requesting an appeal should also attach a copy of the CICDC's written decision.

Upon receipt of a letter requesting an appeal of an CICDC expulsion, the Executive Director, or his or her designate, of CIC shall convene the Appeals Committee within ten (10) days following receipt of the letter. An expelled student shall be excluded from all CIC classes, curriculum, activities, events or premises, while the matter is under appeal.

The Appeals Committee may review the letter of appeal and order a new hearing, to be presided over by the Appeals Committee. The Appeals Committee is under no obligation to order a new hearing. The Appeals Committee shall have in its sole discretion the authority to determine the hearing process for an appeal, which includes the parties that shall be afforded the opportunity to make oral arguments; call witnesses; or submit evidence.

Upon conclusion of the appeals process, as deemed by the Appeals Committee in its sole discretion, the Appeals Committee may only confirm or vacate the expulsion.

A student shall have no recourse for any decision of the Appeals Committee to vacate or confirm a decision of the CICDC.

The decision of the Appeal Committee is final. The decision will be delivered to the student and his or her parents/guardians in writing, with a detailed explanation for the decision.

7. Right to Cure

An expelled student may seek reinstatement from any final decision of the CICDC and/or Appeals Committee to expel, by making a formal request in writing to the Executive Director of CIC, in the form prescribed by CIC.

Upon receipt of an expelled student's request for reinstatement, the Executive Director or his or her designate, may review the application and consider the student for reinstatement. In making a determination on the reinstatement of the expelled student, the Executive Director may meet with the student and his or her parents/guardians but is under no obligation to accommodate or afford the expelled student an opportunity to be heard.

In making a determination on whether to reinstate the student, the Executive Director may also seek counsel from the Principal, Vice Principal or any other CIC staff.

The Executive Director or his or her designate, in his sole discretion, may determine that the student may be entitled to a reinstatement. Any such reinstatement would include a list of conditions that the student is required to uphold. Such conditions may include submitting to counseling, mandatory drug testing, anger management counselling, strict curfew requirements or any other relevant course of action determined in the sole discretion of the Executive Director or his or her designate. The student and his or her parents/guardians must acknowledge and agree to the conditional reinstatement and that any breach of same will result in an automatic expulsion from CIC with no opportunity or grounds to appeal.

Other Consequences

If the CICDC's decision is to expel or uphold a suspension, a record of the disciplinary measure(s) taken will be included in the student's Ontario Student Record ("OSR"). If a student is willing and able to work into good standing, CIC at its sole discretion may consider amending the OSR to reflect the positive changes in the student.

At all times a student may only return to CIC from an expulsion, conditional expulsion or suspension provided that the student can satisfy to the CICDC that he or she:

- has respect for himself/herself, other students, CIC staff, CIC property and the community;
- understands and can accept the consequences of his or her actions;
- has the ability to attend or reside at CIC without compromising the safety of himself/herself or other students; and
- can demonstrate that he or she is capable of adhering to the provisions of this Code of Conduct.