



## **2017-2018 Pilot Project, Use of Independent Legal Counsel for Student Discipline Committee: Update**

**To:** Program and School Services Committee

**Date:** November 6, 2019

**Report No.:** 19-11-3790

### **Strategic Directions**

- Create a Culture for Student and Staff Well-Being
- Provide Equity of Access to Learning Opportunities for All Students

### **Recommendation**

It is RECOMMENDED that this report for information be received.

### **Context**

Consistent with the Board's firm commitment under the Vision for Learning and Service and the Integrated Equity Framework, Staff is providing follow-up update for information at this time related to action items and their outcomes aimed at the continual refining and improving of a clear, open and transparent Student Discipline Committee process.

This work was prompted initially by a request from several trustees to review the need for in-person attendance by independent legal counsel ("ILC") for the discipline committee at each hearing.

Previously, for each student disciplinary hearing of the Board, the Coordinator, Student Discipline Committee retained external counsel to attend hearings in person to provide legal advice to the Student Discipline Committee on hearing procedures and other matters as required. ILC was always present, even in cases where neither the student nor the Principal had their own legal counsel. This practice had been in place for many years. Staff was advised by trustees and staff that at most hearings, the Student Discipline Committee had no need for legal advice.

In response; Staff at the February 8, 2017 regular board meeting presented a plan for a Student Discipline Committee Pilot Project for the term September 2017 to January 2018; including a proposed implementation plan.

At the March 21, 2018 regular board meeting, the Board received a staff report outlining the original and identified actions/initiatives associated with the pilot project, and a summary of the actions taken in response to the pilot project commitments.

Subsequently, and at the November 28, 2018 regular board meeting, the Board received a staff report providing data around outcomes flowing from the now completed pilot project as well as a series of recommended initiatives to better support the student discipline committee process. This report identified the following key themes through the study of all survey responses, specifically:

- a) desire from both parents and school administrators for greater clarity of information being provided;
- b) seeking greater timeliness of information and responses to requests for information;
- c) desire for greater support to guide parties through the process.

Staff analyzed these responses and themes and saw opportunities to take proactive and positive actions to explore methods to greater enhance both timeliness and clarity in communications to support the parties. It was the view of staff that the perceptions captured through the survey provided tremendous opportunities to respond to the voices most directly and keenly impacted by the discipline process; and to use this information to work towards a clearer, more responsive, and transparent approach to the student discipline process.

**UPDATE FROM STAFF IDENTIFIED RESPONSES**

<b><u>IDENTIFIED RESPONSES</u></b>	<b><u>ACTIONS TAKEN</u></b>
<p>a) Independent counsel will not attend hearings in person, but will be on-call and available by phone immediately before, during and after the hearing.</p>	<p>This has become the normal operating process in all matters considered by the Board Discipline Committee.</p>
<p>b) Independent counsel will attend in person if counsel for the student and/or Principal are present; however, the Chair of the Student Discipline Committee has the discretion to decide to not have independent counsel present at the hearing;</p>	<p>This has become the normal operating process in all matters considered by the Board Discipline Committee. During the 2018/2019 school year; independent counsel was retained in only <b>3.5%</b> of matters considered by the Board Discipline Committee.</p>
<p>c) Offering regular weekly online Information/Q&amp;A sessions for parties; leveraging available technologies in a cost effective manner</p>	<p>Did not observe any other school boards providing such a communications option for the topic of student discipline committee. While the idea of a “Q&amp;A” online and real-time forum doesn’t seem to exist; a range of other online resources are provided to guide parties to the student discipline process.</p> <p>While the technological needs were minimal; there would be an ongoing need and as such resource time required in order to be timely and diligent to moderate such a forum.</p>

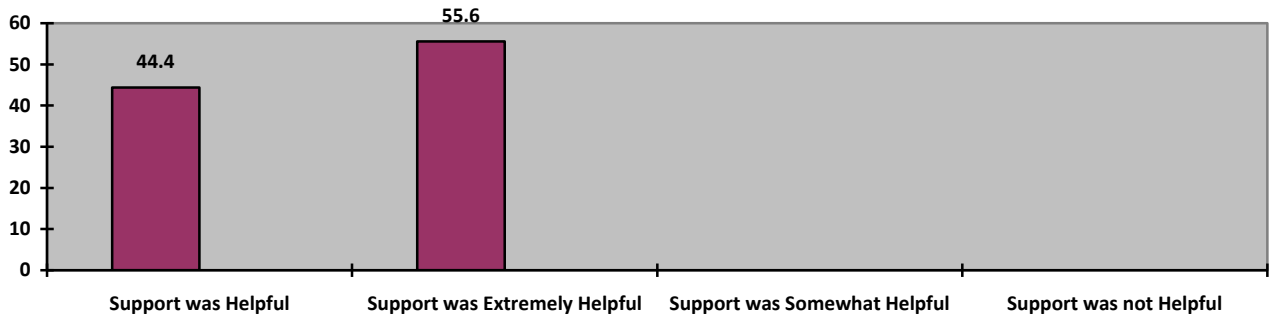
	<p>Decision was made to redirect efforts towards establishing a PODCAST resource along with other companion resource materials.</p>
<p>d) Opening a dedicated Outlook “Your Questions” MAILBOX that allows for the collecting, responding, and tracking of each unique query.</p>	<p>Mailbox <a href="mailto:SDC-TDSB@tdsb.on.ca">SDC-TDSB@tdsb.on.ca</a> was established in January 2019. All letterheads, business cards were revised to include; as was the website, Twitter feed and auto signature</p>
<p>e) As part of the ongoing commitment to identify other methods to inform and educate parties to these processes; the Coordinator, Student Discipline Committee is in the process of developing three information resources covering the following topics: 1) Student Discipline Process – Your Options; 2) How to Call Evidence; 3) What does Expulsion Mean?</p>	<p>Various and alternative methods of production and distribution were considered in order to be able to bring both timely as well as relevant content to stakeholders. Decision was made to use a podcast format. The following podcasts have been created and released:</p> <p><i>How to Call Evidence</i>; released June 2019  <i>What does Expulsion Mean</i>; released August 2019</p> <p>The following podcast will be released before December 1, 2019 – <i>The Student Discipline Process</i></p>
<p>f) Staff will develop a slide deck that visually outlines the stages of the hearing and are projected during the hearing in order to help guide and focus the parties and the committee with regard to time available and remaining portions of the hearing.</p>	<p>Staff canvassed a cross section of parties that have engaged with the student discipline process; seeking input and feedback to preliminary draft slide deck. Slide deck complete and ready for implementation. Will be introduced into hearings as of December 2019.</p>

g) Consistent with the ongoing commitment of staff to identify gaps and execute proactive responses that effectively respond to those gaps; staff will explore the operationalization of an ongoing post hearing survey/feedback opportunity to provide both parties a forum to be heard continually.

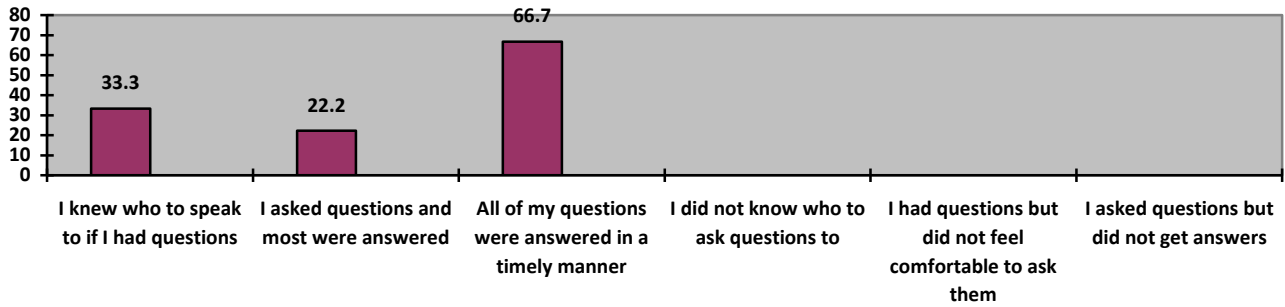
As of May 2019 a process has been operationalized to canvass parties to all student discipline committee processes via a 10 question post hearing survey. This survey has been operationalized to automatically be generated and sent to all parties. SEE Appendix "A".

**KEY FINDINGS FROM POST-HEARING SURVEY PROCESS**

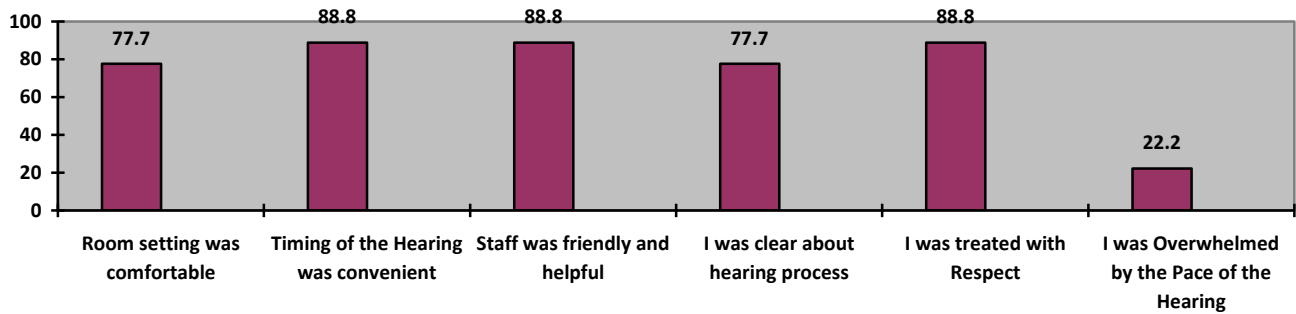
a) Prior to your hearing; please indicate how helpful you found the support and/or information provided to you through the Office of the Student Discipline Committee.



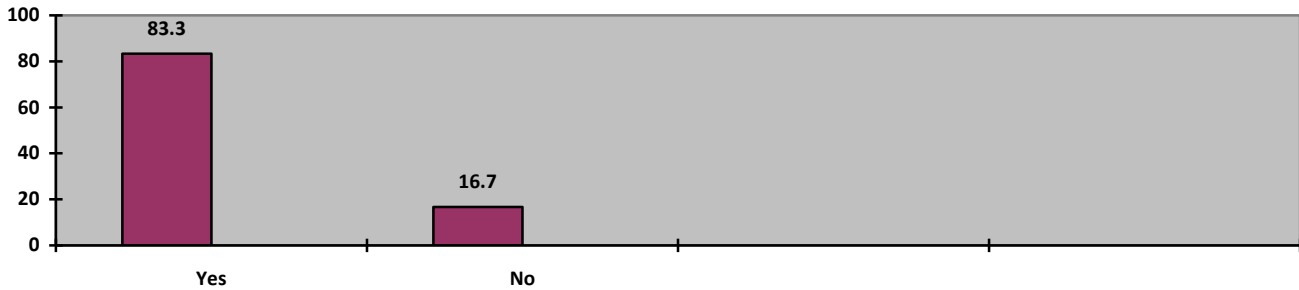
b) Which of the following statements best describes your experience in getting answers to your questions? (Please select all that apply).



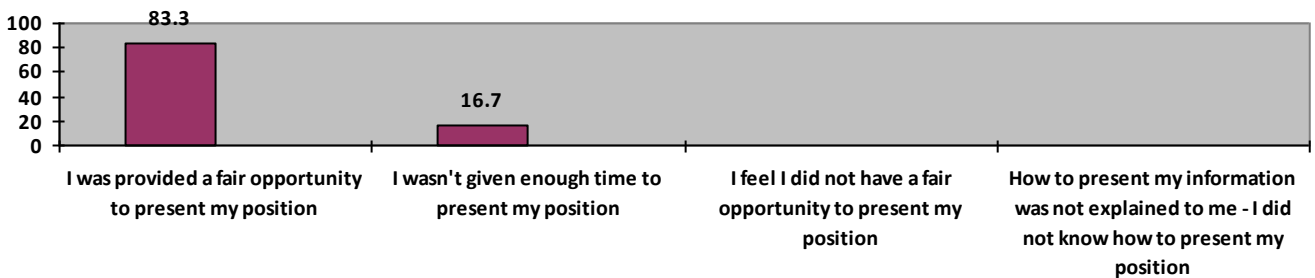
c) To what extent would you agree that the following statements accurately describe your experience at the hearing? If you did not attend the hearing, please skip straight to question 9.



d) Do you believe you were provided with opportunities at the hearing to present your position, ask questions, or express concerns to the Board Discipline Committee?



e) Which of the following statements best describes your experience at the hearing (Please select all that apply).



**QUOTES FROM SURVEY RESPONDENTS**

“In my experience they are very prepared and very helpful.”

“Must be given time to present. Not being asked to go faster as this derailed me. Have more time for trustee to really read and analyse the evidence being provided and explain their decision.”

“Process was extremely easily to follow. All information was provided timely and effectively.”

The chart below presents a full year over year comparison of the activity of the Student Discipline Committee. What is compared over the last three school years is the number of student discipline matters that were referred to the Student Discipline Committee and of those referrals; all that required the attendance of the Student Discipline Committee.

<b><i>Year over Year Comparison of activity of the Student Discipline Committee</i></b>				
<b>FIGURE "A"</b>	<b>Total Matters Referred to Student Discipline Committee</b>	<b>Expulsion Hearings Heard</b>	<b>Suspension Appeals Heard</b>	<b>Total Matters Heard</b>
September 1, 2018 – August 31, 2019	102	50	31	81
September 1, 2017 – August 31, 2018	107	69	27	96
September 1, 2016 – August 31, 2017	137	91	37	128



## Appendices

- Appendix A: TDSB Student Discipline Post Hearing Survey

### From

- Colleen Russell-Rawlins, Associate Director, Equity, Well-Being and School Improvement, [Colleen.Russell-Rawlins@tdsb.on.ca](mailto:Colleen.Russell-Rawlins@tdsb.on.ca)

### Routing

Executive Council	29/10/2019
Program and School Services Committee	6/11/2019
Board of Trustees	27/11/2019

## Appendix "A" - TDSB Student Discipline Hearing Survey

Thank you for taking the time to open this survey invitation; and for considering completing this request for your input and contribution to our board's commitment to work proactively in evaluating the student discipline committee hearing and it's process and methods. You have received this invitation; because you have recently had an engagement with the Toronto District School Board and the student discipline committee. It is vitally important to hear from you about your experience, to help us make improvements to our existing processes and to help the board prioritize how and where improvements may be required. The survey should only take 5 minutes or less, and your responses while extremely valuable are and will be anonymous.

If you have any questions about the survey, please email them to [SDC-TDSB@tdsb.on.ca](mailto:SDC-TDSB@tdsb.on.ca)

Thank you for your participation.

Daniel Nortes  
Coordinator, Student Discipline Committee

\*Required

1. **Email address \***

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### Survey Questions

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2. **Question #1 - Please tell us which of the groups you belong to for the purposes of this student discipline committee process: \***

Mark only one oval.

- I am a Parent/Guardian
- I am an Adult Student
- I am a School Administrator

3. **Question #2 - I was involved in (Please select all that apply) \***

Mark only one oval.

- An Expulsion Hearing Process
- A Suspension Appeal Process

4. **Question #3 - With regards to the process you referred to in the questions above, did you actually attend a hearing before the Board Discipline Committee regarding this matter? \***

Mark only one oval.

- Yes
- No

10/10/2019

TDSB Student Discipline Hearing Survey

**5. Question #4 - Prior to your hearing, please indicate how helpful you found the support and/or information provided to you through the Office of the Student Discipline Committee? \***

*Tick all that apply.*

- The Support was somewhat Helpful
- The Support was Helpful
- The Support was extremely Helpful
- The Support was not very Helpful

**6. Question #5 - Which of the following statements best describes your experience in getting answers to your questions? (Please select all that apply) \***

*Tick all that apply.*

- I had questions, but did not feel comfortable speaking to anyone
- I asked questions and most of them were answered
- I asked questions, but did not receive timely answers
- All of my questions were answered in a timely fashion
- I knew whom to speak to if I had any questions
- I did not know whom to ask my questions

**7. Question #6 - To what extent would you agree that the following statements accurately describe your experience at the hearing? If you did not attend the hearing, please skip straight to question 9.**

*Mark only one oval per row.*

	Strongly agree	Agree	Disagree	Strongly Disagree	Don't Know
The room setting was comfortable	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The timing of the hearing was convenient	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The staff members were friendly and helpful	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I was treated with respect	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I was clear about the hearing process	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I was overwhelmed by the pace of the hearing	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Having access to an interpreter before the hearing date would have helped me better understand the process	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
More information and communication regarding the process before the hearing would have helped me feel better prepared	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

10/10/2019

TDSB Student Discipline Hearing Survey

**8. Question #7 - Do you believe you were provided with opportunities at the hearing to present your position, ask questions, or express concerns to the Board Discipline Committee?**

*Mark only one oval.*

- Yes
- No
- Don't Know

**9. Question #8 - Which of the following statements best describes your experience at the hearing (Please select all that apply)**

*Mark only one oval.*

- How to present information was not explained to me at the beginning of the hearing
- I did not feel that I had a fair opportunity to present my position
- I was not given enough time to present my position
- I believe I was provided a fair opportunity to present my position at the hearing

**10. Question #9 - Did you have access to any of the following supports (Please select all that apply) \***

*Mark only one oval.*

- Access to an interpreter
- Access to a mediation process to try and resolve the issue before the hearing
- Access to independent legal advice before the hearing
- Access to independent legal advice at the hearing
- Access to independent legal advice after the hearing
- Did not request - Did not require

**11. Question #10 - Is there anything that can be done to improve the student discipline committee hearing process? (Please specify)**

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# Our Mission

To enable all students to reach high levels of achievement and well-being and to acquire the knowledge, skills and values they need to become responsible, contributing members of a democratic and sustainable society.

## We Value

- Each and every student's interests, strengths, passions, identities and needs
- A strong public education system
- A partnership of students, staff, family and community
- Shared leadership that builds trust, supports effective practices and enhances high expectations
- The diversity of our students, staff and our community
- The commitment and skills of our staff
- Equity, innovation, accountability and accessibility
- Learning and working spaces that are inclusive, caring, safe, respectful and environmentally sustainable

## Our Goals

### **Transform Student Learning**

We will have high expectations for all students and provide positive, supportive learning environments. On a foundation of literacy and math, students will deal with issues such as environmental sustainability, poverty and social justice to develop compassion, empathy and problem solving skills. Students will develop an understanding of technology and the ability to build healthy relationships.

### **Create a Culture for Student and Staff Well-Being**

We will build positive school cultures and workplaces where mental health and well-being is a priority for all staff and students. Teachers will be provided with professional learning opportunities and the tools necessary to effectively support students, schools and communities.

### **Provide Equity of Access to Learning Opportunities for All Students**

We will ensure that all schools offer a wide range of programming that reflects the voices, choices, abilities, identities and experiences of students. We will continually review policies, procedures and practices to ensure that they promote equity, inclusion and human rights practices and enhance learning opportunities for all students.

### **Allocate Human and Financial Resources Strategically to Support Student Needs**

We will allocate resources, renew schools, improve services and remove barriers and biases to support student achievement and accommodate the different needs of students, staff and the community.

### **Build Strong Relationships and Partnerships Within School Communities to Support Student Learning and Well-Being**

We will strengthen relationships and continue to build partnerships among students, staff, families and communities that support student needs and improve learning and well-being. We will continue to create an environment where every voice is welcomed and has influence.

### **Acknowledgement of Traditional Lands**

We acknowledge we are hosted on the lands of the Mississaugas of the Anishinaabe (A NISH NA BEE), the Haudenosaunee (HOE DENA SHOW NEE) Confederacy and the Wendat. We also recognize the enduring presence of all First Nations, Métis and Inuit peoples.

### **Reconnaissance des terres traditionnelles**

Nous reconnaissons que nous sommes accueillis sur les terres des Mississaugas des Anichinabés (A NISH NA BAY), de la Confédération Haudenosaunee (HOE DENA SHOW NEE) et du Wendat. Nous voulons également reconnaître la pérennité de la présence des Premières Nations, des Métis et des Inuit."

### **Committee Mandate**

The Program and School Services Committee's mandate will be to consider and make recommendations to the Board on education matters referred to it for consideration, including matters presented by the Board's Community Advisory Committees.