

**SAFE SCHOOLS STRATEGY –
PROMOTING AND SUPPORTING POSITIVE STUDENT BEHAVIOUR**

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PROMOTING AND SUPPORTING POSITIVE STUDENT BEHAVIOUR

POLICY

It shall be the policy of the Nipissing-Parry Sound Catholic District School Board that all members of the school community are expected to demonstrate a commitment to promote and support positive student behaviour and a healthy school climate.

ADMINISTRATIVE PROCEDURES AND GUIDING PRINCIPLES

The Board is committed to the development of the whole person and to providing a total education - spiritual, physical, intellectual, emotional and social - in which the true worth of each person is recognized and promoted.

To this end, the Board endorses the right of its students, parents, guardians, staff and community members to learn and work together in a healthy, safe, accepting, compassionate and non-threatening environment, free from violence, harm and disruption.

The Board accepts the challenge of the Ontario Conference of Catholic Bishops to face together “the task of developing schools into communities of faith in which the requirements of good citizenship will be learned in a vital way from the perspective of the message of the Gospel and the teachings of the Church”¹.

The Board recognizes that this is a collaborative endeavour, and that “we ought to work together without violence and without deceit to build up the world in a spirit of genuine peace”².

Accordingly, the Board, in partnership with its students, Catholic School Advisory Council (CSAC), parents/guardians, staff, local agencies, parishes, volunteers and other community members, is committed to providing safe schools and work places that respect the rights of every individual by developing and implementing strategies for dealing with and preventing all forms of violence in its schools, and by providing learning, counselling and in-service opportunities that reflect Catholic charity and Gospel values.

In this regard, the Board will:

- provide the elements of a safe and welcoming environment based on Gospel values which promote a sense of belonging in order that learning can take place;

¹Ontario Conference of Catholic Bishops (1989). *This Moment of Promise: A Pastoral Letter on Catholic Education in Ontario*.

²Vatican II (1965). *Gaudium et Spes*.

- involve parents/guardians, Catholic School Advisory Councils, students, staff and local school communities in the development of Board and school procedures based on Gospel values, which promote safe school environments;
- ensure that all members of the Catholic school community, particularly students and parents, have access to information about progressive discipline;
- require schools to use progressive discipline as a common and standard practice rooted in Catholic teachings of justice, responsibility and reconciliation to build up the reign of God;
- ensure that a principal conducts an investigation prior to determining the consequences to a student for inappropriate behaviour in accordance with legislated and professional standards which support wise decision making and justice;
- provide support to students and their families affected by bullying or acts of violence (i.e. restorative justice);
- support and protect students who have been bullied or affected by violence;
- ensure that in-school disciplinary alternatives are created as steps in a progressive discipline framework with a goal of avoiding suspensions or expulsions, if possible. Despite this being our goal, there are situations which may require a suspension or expulsion for the learning of the student who committed the unacceptable act and the safety of the Catholic school community. This procedure will be based on the principles of progressive discipline and will include but is not limited to:
 - contact with the pupil's parent(s)/guardian(s)
 - oral reminders;
 - review of expectations;
 - written work assignment with a learning component;
 - peer mentoring;
 - detention;
 - peer mediation;
 - restorative justice;
 - referrals for consultation; and
 - transfer.

- violence prevention be incorporated into all aspects of the curriculum, into the culture of each school, and into the interactions among all staff and students;
- provide early and ongoing identification, intervention, and counselling programs for students at risk for presenting social behaviour problems;
- have a Code of Conduct approved by the Board (through the Superintendent of Education) that communicates to all members of the school community the types of acceptable behaviour expected from them, and the consequences of unacceptable behaviour;
- respond to all violent incidents effectively, consistently and fairly, by following the procedures and guidelines established by the Board in collaboration with the schools and the community for dealing with a range of violent incidents;
- provide opportunities for all staff to acquire the knowledge, skills and values necessary to develop and maintain a safe school environment.

Note: The Board recognizes and accepts the authority of the Magisterium of the Roman Catholic Church in respect of matters of faith and morals, as it is entitled to do so under Section 93(1) of the Constitution Act, 1867. The teaching of the Church will be taken into account in the interpretation and application of this policy, related procedures, and codes of behaviour adopted in each of the schools of the Board. Nothing in this policy and related procedures is intended to compromise the teachings of the Church or the constitutional rights of the school board and the class of the persons it represents.

School Environment

Each school will provide the elements of a safe and welcoming environment based on Gospel values which promote a sense of belonging in order that learning can take place.

Expectations

The environment in each school will reflect:

- a climate free of abuse, bullying, intimidation, discrimination, and distraction;
- facilities that are physically safe;
- a sense of responsibility, empowerment, and ownership in a committed partnership with students, staff, parents/guardians, and the community, promoting the self-worth and value of all its members.

MONITORING & REVIEW

Schools and their Safe Schools Team have an important role in assisting with monitoring, review and improvement of the effectiveness of Safe Schools policies and procedures.

Note: The role of the Safe School Team may be fulfilled by the Catholic School Advisory Committee (CSAC).

Every two years schools are required to address issues of bullying, gender based violence, homophobia, sexual, racial and disability related harassment and inappropriate sexual behaviour in their school improvement plans to evaluate the effectiveness of safe schools policies, procedures and programs through the use of school climate surveys.

Climate surveys shall be conducted by the school every two years to provide parents, school staff and pupils with an opportunity to anonymously evaluate and communicate their perception of school safety. Climate surveys shall include questions about bullying, harassment related to immutable characteristics including those protected by the *Human Rights Code*, gender-based violence, and sexual assault. Where possible, climate surveys shall be made available to pupils with cognitive disabilities in a form that might provide them with an opportunity to identify their perception of their safety. Pupils with other special needs shall be accommodated in order to provide them with an opportunity to respond to the climate survey.

The results of climate surveys shall be shared with Safe School Teams in order to assist the Teams to build strategies in school improvement plans to improve the school climate deficits identified. Safe School Teams must include one non-teaching staff member and the chair of the team must be a staff member, and may be the principal or vice-principal.

VIOLENCE PREVENTION IN THE CURRICULUM

Prevention is the establishment and use of programs such as catechesis rooted in the Religious and Family Life education programs, bullying prevention, social skills programs, Sunbeams, Rainbows, Spectrum as well as other positive activities designed to promote the building of healthy relationships and appropriate behaviours.³

Generally, prevention measures and initiatives are either school wide or shaped specifically to address a concern within a class or at a grade level. Catholic schools have prevention and intervention strategies to support the development of a child toward adulthood and to foster a positive school climate that supports academic achievement as well as faith and moral development for all students. Catholic schools

³ *Safe Schools Policy and Practice: An Agenda for Action*, Report of the Safe Schools Action Team (Toronto: June 2006), p. 24.

focus on prevention and early intervention as key to maintaining a positive school environment so that all students can learn.

A positive school climate is a crucial component of prevention; it may be defined as the sum total of all of the personal relationships within a Catholic school. The very ministry of the Catholic school is rooted and flows from the relationships between home, school and parish. When these relationships are founded in mutual acceptance and inclusion, and modelled by all, a culture of respect becomes the norm. A positive climate exists when all members of the Catholic school community feel safe, comfortable, and accepted.

Programs such as *Second Step*, the *Virtues* program, *Steps to Respect* and activities that focus on the building of healthy relationships, and positive peer relations provide the foundation for an effective continuum of strategies within a school and school-related activities. These supportive strategies and empowerment programs are the basis for creating a positive school climate.

In addition to teachers and administrators, all other support staff play an important role in supporting students and contributing to a positive learning and teaching environment. A positive school climate also includes the participation of the school community, including parents, parish members as well as the broader community, which can have a major impact on the success of all students in the school.

The Board will implement a continuum of preventative strategies and empowerment programs rooted in the catechetical programs which focus on:

- Anti-bullying and violence prevention programs

- Mentorship program

- Student success strategies

- Alternative dispute resolution

- Healthy lifestyles and relationships

- Student leadership

- Catholic virtues

- Restorative Justice

- Reconciliation

- Bullying prevention

- Peer Mediation

Further, the Board will ensure that for students with special needs who exhibit behaviours that could endanger themselves or others, their IEP includes a safety plan.

The Board recognizes the importance of actively promoting and supporting those appropriate and positive behaviours that create and sustain a positive learning environment. When inappropriate behaviour occurs, schools look at and employ a range of consequences that are developmentally appropriate with the opportunity for the individual to learn from mistakes, focus on improving behaviour and create opportunities for reconciliation to occur. Schools work in collaboration with parents/guardians and maintain communication through meetings, reports or phone calls about student behaviour and learning. Additionally, school teams of administration, educators and professional staff meet to review student learning and behaviour to implement a pyramid of interventions designed to redirect negative student behaviour so that it supports the student's learning more successfully and provides the student with the knowledge, skills, values, attitudes and actions to achieve the *Catholic School Graduate Expectations*:

PROGRESSIVE DISCIPLINE

Progressive discipline is a whole-school approach that utilizes a continuum of interventions, supports, and consequences to address inappropriate student behaviour and to build upon strategies that promote positive behaviours. When inappropriate behaviour occurs, disciplinary measures should be applied within a framework that shifts the focus from one that is solely punitive to a focus that is both corrective and supportive. A Catholic School is challenged to ensure that while appropriate consequences are in place should a serious behaviour occur, the school must take measures which leave open the possibility of conversation and reconciliation. The school must never give the student the message that they have given up on the student. Catholic schools utilize a range of interventions, supports, and consequences that include learning opportunities for reinforcing positive behaviour while helping students to make good choices.

In some circumstances, short-term suspension may be a useful tool. In the case of a serious incident, long-term suspension or expulsion, which is further along the continuum of progressive discipline, may be the response that is required.

For students with special education needs, interventions, supports, and consequences must be consistent with the student's strengths, needs, goals, and expectations contained in his or her Individual Education Plan (IEP). At times, the impact of a student's behaviour even with the accommodations and/or modifications of the IEP may be so extreme as to warrant a suspension, expulsion or exclusion from the school.

Schools are expected to actively engage parents in the progressive discipline approach. A progressive discipline approach includes the use of early and ongoing intervention strategies and strategies to address inappropriate behaviour, which are described below.

Early and Ongoing Intervention Strategies

Early and ongoing interventions strategies will help prevent unsafe or inappropriate behaviours in a school and in school-related activities. Intervention strategies should provide students with appropriate supports that address inappropriate behaviour and that would result in improved school climate. For example, early interventions may include, but are not limited to:

- contact with parents
- detentions
- withdrawal of privileges
- withdrawal from class
- restitution for damages
- verbal reminders
- review of expectations, or
- a written work assignment with a learning component.

Ongoing interventions may be necessary to sustain and promote positive student behaviour and/or address underlying causes of inappropriate behaviour. For example, ongoing interventions may include, but are not limited to:

- meetings with parents
- volunteer service to the school community
- conflict mediation
- peer mentoring
- behaviour plans, and/or
- a referral to counselling.

Strategies for Addressing Inappropriate Behaviour

When inappropriate behaviour occurs, schools should utilize a range of interventions, supports, and consequences that are developmentally appropriate, and should include opportunities for students to focus on improving behaviour. Consequences for inappropriate behaviour may include, but are not limited to:

- meeting with the parent(s)/guardian(s), student, and principal;
- referral to the Behaviour Management Team and/or community agencies; and
- detentions or loss of privileges.

In considering the most appropriate response to address inappropriate behaviour, the following should be taken into consideration:

- the particular student and circumstances (e.g., student's academic reports, student's behavioural history, mitigating or other factors)
- the nature and severity of the behaviour
- the impact on the school climate (i.e., the relationships within the school community, the degree of risk for further harm)

Framework of Progressive Discipline

Disciplinary measures will be applied within a framework of progressive discipline that shifts the focus from one that is punitive to a focus that is supportive and corrective in nature. In all cases, it is the behaviours which should be judged, rather than the student.

Schools should employ early intervention as a way of fostering and supporting appropriate student behaviour. A wide range of established interventions and strategies should be attempted as common practice within the context of a progressive discipline continuum.

Progressive discipline is a process designed to create the expectation that the degree of discipline will be in proportion to the severity of the behaviour leading to the discipline and that the previous disciplinary history of the student and all other relevant factors will be taken into account.

Disciplinary action and consequences will reflect consideration of a number of factors, including mitigating and other factors, specific to the student involved in the misbehaviour. Previous inappropriate behaviour will be taken into consideration before consequences for new inappropriate behaviour are determined.

Under the provisions of the *Education Act*, student discipline includes suspensions and expulsions. Administrators are required to take into account mitigating factors and/or other factors when considering the appropriate disciplinary approach.

The progressive discipline continuum is a stepped approach to support a positive change in behaviour. However, as indicated above, if an incident is serious in nature and after a full consideration of circumstances affecting a student's behaviour, it is recognized that a step, such as a suspension or expulsion, which is further along in the progressive discipline continuum, may be necessary.

BULLYING PREVENTION AND INTERVENTION

Providing students with an opportunity to learn and develop in a safe and respectful society is a shared responsibility in which school boards and schools play an important role. Catholic schools have bullying prevention and intervention strategies that foster a positive learning and teaching environment that supports academic achievement along with spiritual and moral development for all students.

A positive school climate is a crucial component of prevention; it may be defined as the sum total of all of the personal relationships within a school. When these relationships are founded in mutual acceptance and inclusion, and modelled by all, a culture of respect becomes the norm. A positive school climate exists when all members of the school community feel safe, comfortable, and accepted. To help achieve a positive environment in their schools, the Board and its schools will actively promote and support positive behaviours that reflect their character development initiatives. They will also endeavour to ensure that parents and members of the broader community are involved in the school community.

The Board will support and maintain a positive school climate in its schools. The following are some characteristics of a positive school climate:

Students and staff feel safe and are safe.

- Healthy and inclusive relationships are promoted.
- Students are encouraged to be positive leaders in their school community.
- All partners are actively engaged.
- Bullying prevention messages are reinforced through programs addressing discrimination based on such factors as age, race, sexual orientation, gender, faith, disability, ethnicity, and socio-economic disadvantage.
- Improvement of learning outcomes for all students is emphasized.

In recognition of the importance of addressing bullying, which can have a significant impact on student safety, learning, and the school climate, bullying is included in the list of infractions for which suspension must be considered.

DEFINITION OF BULLYING

In Policy/Program Memorandum No. 144, released by the Ministry of Education on October 4, 2007, “bullying” has been defined as:

“a form of repeated, persistent and aggressive behaviour that is directed at an individual or individuals that is intended to cause (or should be known to cause) fear and distress and/or harm to another person’s body, feelings, self-esteem, or reputation. Bullying occurs in a context where there is a real or perceived power imbalance.”

Students may attain or maintain power over others in the school through real or perceived differences. Some areas of difference may be size, strength, age, intelligence, economic status, social status, solidarity of peer group, religion, ethnicity, disability, need for special education, sexual orientation, family circumstances, gender, and race.

Bullying is a dynamic of unhealthy interaction that can take many forms. It can be physical (e.g., hitting, pushing, tripping), verbal (e.g., name calling, mocking, or making sexist, racist, or homophobic comments), or social (e.g., excluding others from a group, spreading gossip or rumours). It may also occur through the use of technology (e.g., spreading rumours, images, or hurtful comments through the use of e-mail, cell phones, text messaging, Internet websites, or other technology).

Children who suffer prolonged victimization through bullying, as well as children who use power and aggression as bullies, may experience a range of psychosocial problems that may extend into adolescence and adulthood.

MITIGATING FACTORS AND OTHER FACTORS

In considering whether to suspend a pupil or whether to recommend to the Board that a pupil be expelled, a principal will take into account any mitigating factors or other factors prescribed by the regulations.

Mitigating Factors

Pursuant to the *Suspension and Expulsion of Pupils Regulation*, for the purposes of subsections 306 (2), 306 (4), 310 (3), 311.1 (4) and clauses 311.3 (7) (b) and 311.4 (2) (b) of the *Education Act*, the following mitigating factors shall be taken into account:

1. The pupil does not have the ability to control his or her behaviour.
2. The pupil does not have the ability to understand the foreseeable consequences of his or her behaviour.
3. The pupil's continuing presence in the school does not create an unacceptable risk to the safety of any person.

Other Factors

For the purposes of subsections 306 (2), 306 (4), 310 (3), 311.1 (4) and clauses 311.3 (7) (b) and 311.4 (2) (b) of the *Education Act*, the following other factors shall be taken into account if they would mitigate the seriousness of the activity for which the pupil may be or is being suspended or expelled:

1. The pupil's history.
2. Whether a progressive discipline approach has been used with the pupil.
3. Whether the activity for which the pupil may be or is being suspended or expelled was related to any harassment of the pupil because of his or her race, ethnic origin, religion, disability, gender or sexual orientation or to any other harassment.
4. How the suspension or expulsion would affect the pupil's ongoing education.
5. The age of the pupil.
6. In the case of a pupil for whom an individual education plan has been developed,
 - (i) whether the behaviour was a manifestation of a disability identified in the pupil's individual education plan,
 - (ii) whether appropriate individualized accommodation has been provided, and
 - (iii) whether the suspension or expulsion is likely to result in an aggravation or worsening of the pupil's behaviour or conduct.

RIGHTS AND DUTIES OF SCHOOL PRINCIPALS

Statutory Duties

Principals are guided by Ministry of Education and Board policies and by school rules and codes of conduct in performing their statutory duties.

In Ontario, certain duties are set out in the *Education Act* and its Regulations. Section 265 of the Act sets out duties specific to a school principal. Specifically, subsection 265(1) provides that it is the duty of a principal of a school, in addition to the principal's duties as a teacher, to, among other things:

- maintain proper order and discipline in the school;
- develop cooperation and co-ordination of effort among the members of the staff of the school; and
- give assiduous attention to the health and comfort of pupils.

Regulation 298 creates additional duties for principals and to a certain extent, reinforces the duties found in the *Education Act*. Under subsection 11(1) of the Regulation, the principal, subject to the authority of the appropriate supervisory officer, is in charge of:

- the instruction and the discipline of pupils in the school; and
- the organization and management of the school.

Under clause 11(3)(a) of Regulation 298, the principal has a duty to, among other things:

- supervise the instruction in the school, advise and assist any teacher in cooperation with the teacher in charge of an organizational unit or program;
- provide for the supervision of pupils during the period of time during each school day when the school buildings and playgrounds are open to pupils;
- provide for the supervision of and the conducting of any school activity authorized by the board; and
- report promptly any neglect of duty or infraction of the school rules by a pupil to the parent/guardian of the pupil.

In addition, the *Provincial Code of Conduct* (October 2007) provides that principals, under the direction of their school board, take a leadership role in the daily operation of a school by:

- demonstrating care for the school community and a commitment to academic excellence and a safe teaching and learning environment;
- holding everyone under their authority accountable for his or her behaviour and actions;
- empowering students to be positive leaders in their school, (parish) and community; and
- communicating regularly and meaningfully with all members of their school community.

An appropriate supervisory officer may act in place of the principal during a visit to the school in accordance with Regulation 298, subsection 26 (1):

The appropriate supervisory officer, in addition to the duties under the Act, may, during a visit to the school, assume any authority and responsibility of the principal of the school.

A vice principal may perform the duties of the principal in accordance with Regulation 298, subsections 12 (2) and (3):

A vice-principal shall perform such duties as are assigned to the vice-principal by the principal.

In the absence of the principal of the school, a vice-principal, where a vice-principal has been appointed for the school, shall be in charge of the school and shall perform the duties of the principal.

Referencing the *Education Act*, clause 264 (1) (e) and Regulation 298, subsection 20 (h) respectively, a teacher shall “maintain, under the direction of the principal, proper order and discipline in the teacher’s classroom and while on duty in the school and on the school ground” and “co-operate with the principal and other teachers to establish and maintain consistent disciplinary practices within the school.”

In the case of an extreme emergency involving physical harm, all staff members supervised by the principal or designated person are expected to perform their duties as assigned. The care of the community is sustained by the reassurance that each person is doing their assigned duty.

DELEGATION OF AUTHORITY

Whenever possible, the Board will attempt to have an administrator present on school property.

A principal may delegate authority for discipline matters to a vice-principal or teacher-in-charge in accordance with the Board's procedures. A delegation of authority to a teacher-in-charge will only come into effect if there are no administrators present on school property. Those who are delegated authority for discipline matters must respect and implement their duties and decisions as required by the *Education Act*, Board policies and procedures and the *Human Rights Code* of Ontario.

Delegation of Authority to a Vice-Principal

Vice-principals may be delegated authority by the principal to receive oral and written reports of suspension and expulsion infractions from Board employees and transportation providers in accordance with this procedure, and to report infractions to the police in accordance with the Police and School Response Protocol.

COMMON LAW DUTY OF CARE

Canadian common law has clearly established that educators owe their pupils a duty of care. Teachers and principals have a unique and special relationship with the students that attend their school. Since students are required to attend school, parents who send their children to a school are entitled to expect that educators will take reasonable precautions to protect the students from foreseeable risks of harm.

A standard of care is essentially the standard of behaviour against which the actions or omissions of the defendant(s) in a negligence claim will be judged. Canadian courts have held that the standard of care owed to a pupil by a school board and its principals and teachers is that of a *careful or prudent parent in the circumstances*. This standard has long been applied to the actions of educators in relation to their students. The standard of a careful or prudent parent in the circumstances is a heightened duty of care. In a normal negligence case involving an adult defendant, the standard of care would be that of a reasonable person in the circumstances. The application of a parental standard of care to educators in their work with pupils is reflective of the special relationship they share with their students. Thus, where school authorities stand in a place of a parent in the operation of a school (referred to as acting *in loco parentis*), they will be held to this higher standard.

In a negligence lawsuit, the plaintiff must provide certain elements to be successful. These are:

- The defendant owed a duty of care to the plaintiff;
- The defendant breached the duty of care;
- The defendant's breach was the proximate cause of the plaintiff's injury; and
- The plaintiff suffered actual damage or loss as a result of the injury.

The courts have held that a school board is vicariously liable for all acts of negligence undertaken by its employees and volunteers in the course of their duties. It should be noted that, in most cases, liability “flows” from the teacher to the principal to the school board.

INVESTIGATION OF INCIDENTS

Disciplinary consequences are considered after a thorough investigation of the incident has been completed. Refer to Section E for further information.

ROLE OF THE PRINCIPAL IN INCIDENTS INVOLVING THE POLICE

The Provincial Model for a Local Police/School Board Protocol requires principals to notify the police for specific occurrences. In situations requiring police involvement or response, school administrators will comply with the Police/School Board Protocol (*refer to Section K*).

PROCEDURAL FAIRNESS

It is a fundamental tenet of the common law that persons facing disciplinary consequences be treated fairly. Procedural fairness requires that the disciplinary consequences to a student be administered by a school principal/designate who is impartial with respect to the student and the incident. Depending on the circumstances, fairness may include:

- giving the student reasonable notice of the rule involved;
- the opportunity to be heard – to tell his/her side of the story; and
- the right to know the case against him/her.

THE CANADIAN CHARTER OF RIGHTS AND FREEDOMS

The right to a fair and impartial hearing may also be protected under the *Canadian Charter of Rights and Freedoms*, which has been a part of Canada’s constitution since 1982. The most significant difference between the common law rights and the constitutional rights provided for in the *Charter* is that while common law rights may be modified by legislation, constitutional rights may not. Any law which violates the *Charter* is of no force and effect. Similarly, all government action is subject to the *Charter*, and this would almost certainly include the actions of principals, teachers and school staff.

The *Charter* right most likely to be at issue when students are being disciplined is section 7, which guarantees everyone, “the right to life, liberty and security of the person.” Whether or not disciplinary action will affect this right will depend upon the severity of the penalty imposed. The longer the suspension or expulsion, the more likely that section 7 will be engaged. Section 7 permits a student’s “life, liberty and security of the person,” to be affected, provided that this is done “in accordance with the principles of fundamental justice.” These principles include both procedural and substantive rights, many of which apply equally under the administrative law principles discussed above. Most notably, they include the right to a fair and impartial hearing before a decision is made. The extent of the hearing rights which must be afforded will depend upon the severity of the punishment which may be imposed. The *Charter* may also impose a requirement that the punishment fit the infraction, in the sense that its severity is not grossly disproportionate to the gravity of the offence.

In some cases, disciplinary action may affect other *Charter* rights as well, including the right to equality guaranteed under section 15, which prohibits discrimination, and the right to be free from unreasonable search and seizure, under section 8. In the past, however, courts have been willing to permit school staff to search students, provided that the search is not overly intrusive, and there are reasonable grounds to believe that there has been a breach of school rules. Finally, by virtue of section 1, all *Charter* rights are subject to such reasonable limits, prescribed by law, as can be “demonstrably justified in a free and democratic society.”