

STUDENT INVESTIGATIONS

THE LEGAL AND PRACTICAL GUIDE



Over one **comprehensive day**, you will gain **practical and up-to-date information** that you can put to work immediately following the program, including:

- First and foremost - understanding the law, policies and guidelines that guide your actions
- When do you report an incident to the police or CAS?
- What information can you share with staff or students to facilitate an investigation?
- When might an expulsion report be sent back to a Principal for additional information?
- The importance of considering “mitigating and other factors”
- How do you preserve confidentiality?
- What do you do when the student facing allegations has a disability including mental health concerns?

Don't Miss the chance to participate in a **hands-on mock investigation** to gain the **skills** and **practical** knowledge you can put to work right away.

End your day of learning by applying what you've learned into an interactive case study.

There's no better way to reinforce the learning of the prior sessions than by working with colleagues and facilitators on real life examples.

REGISTER NOW AT
OSGOODEPD.CA/STUDENT



Chairs

Robert G. Keel and **Nicola Simmons** of *Keel Cottrelle LLP*

Date and Time

November 14, 2016

8:30am - 3:30pm

Online Replay: December 7, 2016

Location

Osgoode Professional Development
1 Dundas St. W., 26th Floor
Toronto, ON

In Person

Endorsed By



There's An Incident at School and You Must Decide How to Act....

Before you initiate an investigation you need to understand what guides your actions. Before you respond to an expulsion report you need to know what factors to consider. Before you advise your client, you need to understand all the specifics of the situation.

As an educator, school board official, advocate or advisor, you know that student discipline has been at the forefront of legal challenges and significant amendments in recent years. Your role and responsibilities in this area have shifted and without a thorough understanding of the legal regime governing your actions, you could find yourself facing tremendous scrutiny and potential liability.

Using case studies and real life examples this **BRAND NEW** *OsgoodePD* program, developed by education law experts will provide you with a comprehensive understanding of the most pertinent legal issues, best practices & tips that you confront when dealing with student discipline investigations.

How You Apply What You've Learned is Crucial...

The afternoon break-out sessions will allow you to take on the role of one of the parties, roll up your sleeves and put into practice what you've learned from the earlier sessions.

You will gain **practical knowledge & best practices** you can put to work the next time you conduct an investigation.

REGISTER NOW

by visiting osgoodepd.ca/student

Chairs

Robert G. Keel and Nicola Simmons

Keel Cottrelle LLP

Faculty

Liz Cook

School Support Officer

Leadership Development & School Support Services

Peel District School Board

Lawrence De Maeyer

School Services Officer

Peel District School Board

Colin Fleming

Protective Services Consultant

Ontario Principals' Council (OPC)

Joseph Geiser

Protective Services Coordinator

Catholic Principals' Council Ontario (CPCO)

Sheila M. MacKinnon

Shibley Righton LLP

WHO SHOULD ATTEND

- School Administrators – Principals & Vice Principals
- Teachers
- Supervisory Officers
- School trustees
- Directors of Education
- School board staff
- Representatives from Federations, the Ministry of Education, and Ontario College of Teachers
- Advocates for students and parents
- Education law practitioners

AGENDA

8:00

Registration

8:30

Welcome from the Chairs

ROBERT G. KEEL, *Keel Cottrelle LLP*

NICOLA SIMMONS, *Keel Cottrelle LLP*

8:45

What Guides Your Actions? The Statutory Framework Surrounding Student Discipline Investigations

ROBERT G. KEEL, *Keel Cottrelle LLP*

It is critical that you have a thorough understanding of the legal regime that governs your actions in conducting student discipline investigations. In addition to being on top of any relevant Board policies, procedures, guidelines, and relevant Ministry of Education PPM's, you must understand how the following applies:

- *The Education Act and Regulations*
- *Youth Criminal Justice Act ("YCJA")*
- *Criminal Code ("CC")*
- *Child and Family Services Act*
- *Ontario Human Rights Code ("OHRC")*
- *Police Protocols*
- *Ontario Schools Code of Conduct*

9:30

Responding to an Incident: Your Preliminary Considerations

SHEILA M. MACKINNON, *Shibley Righton LLP*

Before you delve into an investigation there are considerations that may guide your actions. Here are some questions to ask yourself at the outset:

- Does the situation call for suspension/recommendation for expulsion?
- What does your school boards' policy say about "mitigating and other factors"?
- Have you considered timelines set out in the *Education Act*?
- Do the allegations necessitate reporting to the police or CAS?
- How do you ensure compliance with YCJA confidentiality protections?
- Have you reviewed Board policies and procedures?
- What information can you share with staff or students to facilitate the investigation?

10:00

Refreshment Break

10:15

Tips & Best Practices to Conducting an Investigation

COLIN FLEMING, *Protective Services Consultant, OPC*

JOSEPH GEISER, *Protective Services Coordinator, CPCO*

NICOLA SIMMONS, *Keel Cottrelle LLP*

You've decided an investigation is appropriate. Here's what you need to understand as you move forward:

- Who do you interview and in what order?
- What types of questions should you be asking?

- Who should be present for the interviews? Parents?
- What steps should you be taking to preserve confidentiality?
- What are your duties to the student who is the subject of the investigation?
 - opportunity to respond; presumption of innocence; fair treatment; objectivity
- What do you consider in determining the appropriate action?
 - the student and their circumstances
 - nature and severity of the behaviour
 - impact on the school climate
 - "mitigating and other factors"
 - is discipline appropriate? What discipline?
 - what to do where the student facing allegations has a disability including mental health concerns?

11:15

The Do's and Don'ts in Drafting Expulsion Reports

LIZ COOK, *School Support Officer, Leadership Development & School Support Services, Peel District School Board*

LAWRENCE DE MAEYER, *School Services Officer, Peel District School Board*

You've decided that expulsion is appropriate. Using a case study approach, experienced school support officers with Peel District School Board will walk you through the process of drafting a good expulsion report.

- What specifics must/must not be included?
- Under what circumstances will a Supervisory Officer send an expulsion report back to the principal for additional information?
- Recognizing the importance of considering "mitigating and other factors"
- How do you prepare for the disciplinary hearing?
- How is the expulsion report presented to the trustees? What is the process?
- Tips & best practices in the drafting of expulsion reports

12:00

Case Study Overview

ROBERT G. KEEL, *Keel Cottrelle LLP*

To prepare you for the afternoon break-out sessions, a complex fact scenario will be presented, meant to get you thinking about the issues directly impacting how to conduct an effective and appropriate student discipline investigations.

12:15

Luncheon

1:00

Break-Out Sessions

LIZ COOK, *School Support Officer, Leadership Development & School Support Services, Peel District School Board*

COLIN FLEMING, *Protective Services Consultant, OPC*

ROBERT G. KEEL, *Keel Cottrelle LLP*

SHEILA M. MACKINNON, *Shibley Righton LLP*

LAWRENCE DE MAEYER, *School Services Officer, Peel District School Board*

NICOLA SIMMONS, *Keel Cottrelle LLP*

AGENDA (Cont'd)

In this interactive session you will break into small groups and working with facilitators, take on different roles in conducting a mock investigation. You may take on the role of the principal, vice principal, the student who is the subject of the investigation, student victim, a witness, a parent, or some other role.

This hands-on opportunity to roll up your sleeves and participate in an investigation will reinforce the learning of the prior sessions and give you practical knowledge, best practices and tips you can put to work the next time you conduct an investigation.

2:30

Refreshment Break

2:45

Bringing it All Together: Group Reporting and Discussion

LIZ COOK, *School Support Officer, Leadership Development & School Support Services, Peel District School Board*

COLIN FLEMING, *Protective Services Consultant, OPC*

ROBERT G. KEEL, *Keel Cottrelle LLP*

SHEILA M. MACKINNON, *Shibley Righton LLP*

LAWRENCE DE MAEYER, *School Services Officer, Peel District School Board*

NICOLA SIMMONS, *Keel Cottrelle LLP*

To close out the day, the facilitators from each group will report back on the main issues and resulting strategies that emerged. The concluding group discussion will reinforce your understanding of the issues with plenty of opportunity for questions and discussion.

Following the program you will be provided with a synopsis of best practices, tips and tools coming out of the case study de-brief with your colleagues.

3:30

Program Concludes



Eligible CPD/MCLE hours:

LSUC (ON): 6.0 CPD Hours (0.5 Professionalism; 5.5 Substantive)

OsgoodePD programs may be eligible for CPD/MCLE credits in other Canadian jurisdictions. To inquire about credit eligibility, please contact cpd@osgoode.yorku.ca

REGISTRATION

Please complete all registrant information.

Student Investigations: The Legal and Practical Guide

I will attend:

☐ On site - November 14, 2016

☐ Online Replay - December 7, 2016

Name: _____

Title: _____

Firm/Company: _____

Practice Area: _____

Address: _____

City: _____

Prov: _____

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Payment amount: \$ _____

Fee Per Delegate

\$525 plus HST

Fees include attendance, program materials, continental breakfast, lunch and break refreshments. Group discounts are available. Visit www.osgoodepd.ca for details. Please inquire about financial assistance.

Date & Time

November 14, 2016

8:30 a.m. to 3:30 p.m.

Please arrive a half hour early for sign-in and material pick-up.

Dress is business casual.

Location

**Osgoode Professional Development
Downtown Toronto Conference Centre**
1 Dundas St. W., 26th Floor
Toronto, ON M5G 1Z3

Program Changes

We will make every effort to present the program as advertised, but it may be necessary to change the date, location, speakers or content with little or no notice. In the event of program cancellation, York University's and Osgoode Hall Law School's liability is limited to reimbursement of paid fees.

Cancellations and Substitutions

Substitution of registrants is permitted at any time. If you are unable to find a substitute, a full refund (less \$75 administration fee) is available if a cancellation request is received in writing 14 days prior to the program date. No other refund is available.



4 Convenient Ways to Register

1. **MAIL** your registration form to:
Osgoode Professional Development
Downtown Toronto Conference Centre
1 Dundas St. W., 26th Floor
Toronto, ON M5G 1Z3
2. **ONLINE** at
www.osgoodepd.ca/student
3. **FAX** your registration
to 416.597.9736
4. **CALL US** at 416.597.9724
or 1.888.923.3394