Student Discipline & Safety
Understanding the Key Legal Issues

Get a practical and comprehensive update on the complex legal issues in this area, and how to handle them. Attend this program and you will:

- Gain a thorough understanding of your legal obligations, risks and responsibilities regarding student discipline
- Learn practical strategies for minimizing exposure to liability
- Hear directly from a school trustee on their role at discipline committees
- Gain an understanding of student discipline procedures and how to conduct investigations
- Learn about appeals to the Child and Family Services Review Board
- Understand privacy rights and search and seizure issues within the school
- Get tips on preparing a case before a discipline committee
- Learn about Ontario’s bullying and inclusivity initiatives
- Hear lessons from the courts and human rights tribunals on how principals and educators should exercise their duties under Safe Schools legislation
- Hear from an expert panel on best practices for dealing with these issues

Plus! As a special BONUS, gain insights about children’s aggression, bullying and victimization through a replay of a May 2013 talk given by Debra J. Pepler, Ph.D., C.Psych., Distinguished Research Professor of Psychology, LaMarsh Centre for Child and Youth Research, York University

Chairs
Robert G. Keel, Keel Cottrelle LLP
Jennifer Trépanier, Keel Cottrelle LLP

DATES & TIME
May 26 - 27, 2014
9:00 a.m. - 3:30 p.m.

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

ENDORSED BY
Do you understand your legal obligations and risks well enough to make efficient, sound and confident decisions?

The education system today is more challenging than ever before and the governing legislation is constantly evolving. Recent years have seen significant amendments relating to bullying, student discipline and safety and equity and inclusivity – impacting the roles and responsibilities of education professionals. School boards have also seen an escalation in the challenges respecting student discipline and safety, while also facing an increased potential risk of liability.

As an educator, school administrator, supervisory officer, board official, Trustee or lawyer, it is imperative that you stay on top of these changes and your legal obligations. Failure to understand these responsibilities can have serious ramifications for yourself, the school board, students, staff and ultimately the community.

This *Osgoode Professional Development* program, was developed specifically to provide you with an update on the most pertinent legal challenges and give you practical strategies for dealing with these critical issues. Based on your feedback the program has been expanded to 2 days in order to incorporate break-out sessions and delve deeper into these pressing issues. We also encourage you to send in your questions in advance of the program by email to mzacharakis@osgoode.yorku.ca. Your questions will be shared with the presenters so that they may address them as part of their individual talks and the Best Practices panel session on Day 2.

Plus! As a special BONUS during lunch on Day 1, we will be replaying a May 2013 presentation given by Debra J. Pepler, Ph.D., C.Psych., Distinguished Research Professor of Psychology, LaMarsh Centre for Child and Youth Research, York University, providing insights about children’s aggression, bullying and victimization.

You’ll take away information that can be readily implemented in your organization and receive written materials that will act as a valuable resource long after the course is over. This program is essential for those involved in the education system and their legal advisors. Space is limited!

Register now by visiting www.osgoodepd.ca, calling 416.597.9724 or 1.888.923.3394, emailing opd-registration@osgoode.yorku.ca or faxing 416.597.9736.

**Chairs**

- Robert G. Keel, Keel Cottrelle LLP
- Jennifer Trépanier, Keel Cottrelle LLP

**Faculty**

- Mary Birdsell, Executive Director, Justice for Children and Youth
- Ted Byers, Superintendent of Education, Peel District School Board
- J. Paul R. Howard, Shibley Righton LLP
- Michelle Flaherty, Arbitrator, Mediator, Assistant Professor, Faculty of Law, University of Ottawa
- Suzanne Nurse, Trustee and Vice-Chair, Peel District School Board
- Tracey Parish, Principal, APPLE Program, Toronto Catholic District School Board
- Glenn M. Stuart, StuartLaw
- The Hon. Justice Marvin A. Zuker, Ontario Court of Justice
Day One: May 26, 2014

8:30  Registration and Continental Breakfast

9:00  Welcome and Introduction from the Chairs
   Robert G. Keel, Keel Cottrelle LLP
   Jennifer Trépanier, Keel Cottrelle LLP

9:10  Case Study Overview
   To prepare you for the afternoon break-out sessions, Robert G. Keel and Jennifer Trepanier will present a fact scenario to get you thinking about the issues that will be raised during the course of the conference.

9:40  Human Rights and Safe Schools
   J. Paul R. Howard, Shibley Righton LLP
   • Lessons learned from the courts and human rights tribunals
     - how principals and educators should exercise their duties under Safe Schools legislation
   • The availability of the denial of access provisions under the Education Act in respect of safe schools
   • Current human rights decisions relevant to safe schools

10:45 Refreshment Break

11:00 Inclusivity and Bullying: A Human Rights Perspective
   Michelle Flaherty, Arbitrator, Mediator
   Assistant Professor, Faculty of Law, University of Ottawa
   • Ontario’s bullying and inclusivity initiatives
   • The movement towards a safe and inclusive school environment
   • New Ministry of Education / Human Rights Commission initiatives
   • What are the implications from a human rights perspective?
   • Updates on the law in this area

12:00 Luncheon and Bonus Presentation
   Debra J. Pepler, Ph.D., C.Psych., Distinguished Research Professor of Psychology, LaMarsh Centre for Child and Youth Research, York University

1:00 Student Discipline: Best Practices
   Jennifer Trépanier, Keel Cottrelle LLP
   Glenn M. Stuart, StuartLaw
   • Investigations and student discipline procedures
   • Discipline Hearings: insights about trustees’ decision making
   • Tips on preparing a case before a discipline committee
   • Discipline vs. Exclusion: safe schools and special education challenges
   • Discipline vs. Transfer: in what circumstances are they appropriate?
   • Appeals to the Child and Family Services Review Board

2:00 Break-Out Sessions – A Focus on Day 1
   You will break into small groups to discuss the factual situation and identify key issues and strategies based on the sessions of the day. You will learn from your colleagues at other boards and how they are dealing with specific issues.

3:00 Re-Convene and De-Brief
   In this closing session, a spokesperson from each group will report back on three main issues/questions/and resulting strategies that emerged in their group.

3:30 Day One Adjourns

Day Two: May 27, 2014

8:30  Registration and Continental Breakfast

9:00  Welcome from the Chairs – Recap of Case Study
   Robert G. Keel, Keel Cottrelle LLP
   Jennifer Trépanier, Keel Cottrelle LLP

9:15  The Youth Criminal Justice Act: Understanding Your Obligations and Responsibilities
   The Hon. Justice Marvin A. Zuker
   Ontario Court of Justice
   • Search and seizure in an education setting
   • Student’s right to privacy
   • Dealing with youth crime in and out of the school
   • Recent amendments to the YCJA and CCC
   • The sharing of information between schools and discipline committees
   • What steps can be taken to obtain information?
   • The impact of interim release orders
   • What information can school board administrators receive from the police about students who have been charged pursuant to the YCJA?

10:15 Refreshment Break

10:30 The View from the Other Side of the Table: The Role of Trustees at Student Discipline Committees
   Suzanne Nurse, Trustee and Vice-Chair, Peel District School Board
   • Chairing discipline committees
   • Expectations for staff, parents and students
   • Respecting the distinction between the YCJA and discipline committees
   • Multiple Hearings
   • The role of legal counsel and challenges
   • New challenges facing discipline committees: videos; text messaging

11:30 Panel Discussion:
   Safe Schools Round Up: Best Practices
   Mary Birdsell, Executive Director, Justice for Children and Youth
   Ted Byers, Superintendent of Education, Peel District School Board

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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

3. **FAX** your registration to
   416.597.9736

4. **CALL US** at 416.597.9724
   or 1.888.923.3394

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Registration

**Student Discipline & Safety**
Unable to attend? Please contact us to order the Materials/Program Archive.

Name:

Title:

Firm/Company:

Practice Area:

City:      Prov:      Postal Code:      Telephone:      Fax:      Email:

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**Fee Per Delegate**
$795 plus 13% HST for a total of $898.35.
Fees include attendance, program materials, continental breakfast, lunch and break refreshments. Group discounts are available for participants. Visit www.osgoodepd.ca for details. Please inquire about financial assistance and professional development credits.

**Payment Options**
☐ Cheque enclosed (payable to York University — HST# R119306736)
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  ☐ VISA  ☐ Mastercard

Card#      Expiry:      Signature:      Payment amount: $

**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.

**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.

**Dates & Time**
May 26 – 27, 2014
9:00 a.m. - 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

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Agenda [Cont’d]

**Tracey Parish, Principal, APPLE Program**
Toronto Catholic District School Board

**Jennifer Trépanier, Keel Cottrelle LLP**

- Do’s and Don’ts: the Principal’s investigation
- Issues of concern for the Principal report: mitigating and other factors
- Preparing for a suspension appeal
- Preparing for an expulsion hearing
- Interaction with suspension and expulsion programs

12:30 **Luncheon**

1:30 **Briefing - Break Out Session Part II**
We will conduct a quick review of the fact scenario provided on Day 1, incorporating continuing developments raised as part of Day 2.

1:45 **Break-Out Groups - Part II**
In this session you will again break into small groups to discuss and analyze the updated factual situation and identify issues and strategies based on the sessions of the day.

2:45 **Re-Convene and Debrief**
In this closing session of the conference, the spokesperson from each break-out group will report back on the main issues and resulting strategies that emerged in their group. You will walk away with a fistful of strategies and best practices for dealing with these issues in your organization.

3:30 **Program Concludes**