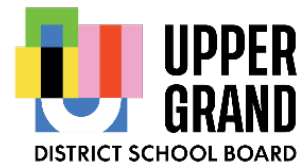


# Safe Schools – Suspension and Expulsion Procedures Manual 503-D



<b>Category:</b>	Students
<b>Administered by:</b>	Safe and Inclusive Schools Superintendent
<b>First Adopted:</b>	November 2020
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<b>Next Review:</b>	2024-25 school year

## 1. General

- 1.1 The Upper Grand District School Board supports the use of a continuum of interventions, supports, and consequences to address inappropriate student behaviour. When interventions and supports to promote positive behaviour have not met with success, and/or in the case of serious incidents, principals have the authority to use other tools, such as suspension.
- 1.2 These procedures guide the discipline of students where a principal receives a report or has reason to believe that a student has committed an infraction:
  - 1.2.1 listed in Section 9 of this procedures manual, for which a suspension for up to twenty days **may** be imposed; or
  - 1.2.2 listed in Section 10 of this procedures manual, for which a suspension **shall** be imposed, pending investigation into possible recommendation for expulsion from either the student's school, or all schools of the board.

and the principal believes that a suspension or expulsion will result in a change in a student's behaviour.

## 2. Definitions

### **Appellant**

The appellant is the person who appeals a decision. For an exclusion, the appellant will be the parent/guardian of the student or the adult student.

### **Adult student**

An adult student is 18 years or older, or is 16 or 17 years old and has removed themselves from parental control.

### **Board Expulsion**

A board expulsion means a student is prohibited from attending any school of the board, or any school-related event, but may attend the board's Youth Options program.

### **Expulsion**

An expulsion means either a school expulsion or a board expulsion.

### **Long-Term Suspension**

A long-term suspension means a suspension for more than 5 days.

### **Medical Cannabis User**

A medical cannabis user means a person who is authorized to possess cannabis for the person's own medical purposes in accordance with Part 14 of the *Cannabis Regulations* (Canada) or in accordance with a court order.

### **School Expulsion**

A school expulsion means a student may no longer attend the school they were attending at the time of the incident that led to their expulsion, or attend any school-related event, but may attend another school of the board.

### **Student Discipline Committee**

Student Discipline Committee means a committee of three (3) or more trustees constituted under the *Education Act* to determine suspension appeals and recommendations for expulsion.<sup>1</sup>

### **Suspension**

Suspension means a student is prohibited from attending their school or any school-related event.

### **Violent Incident**

A violent incident means possessing a weapon, including a firearm, physical assault causing bodily harm requiring medical attention, sexual assault, robbery, using a weapon to cause or threaten bodily harm to another person, extortion, hate and/or bias motivated occurrence.<sup>2</sup>

### **Youth Options Program**

Youth Options program means the board's program for students suspended for more than five (5) days,<sup>3</sup> and for students subject to a board expulsion.<sup>4</sup>

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<sup>1</sup> *Education Act* Sections 309(12) and 311.3(9)

<sup>2</sup> PPM 120

<sup>3</sup> in accordance with PPM 141

<sup>4</sup> in accordance with PPM 141

### 3. Mitigating and Other Factors

#### 3.1 In considering:

3.1.1 whether to suspend a student;

3.1.2 the length of a suspension; and

3.1.3 whether to recommend a student for school or board expulsion,

a principal shall take into account mitigating and other factors, which are outlined below.

#### 3.2 Mitigating Factors

The mitigating factors to be taken into account are:

3.2.1 the student does not have the ability to control their behaviour

3.2.2 the student does not have the ability to understand the foreseeable consequences of their behaviour

3.2.3 the student's continuing presence in the school does not create an unacceptable risk to the safety of any person<sup>5</sup>

#### 3.3 Other Factors

3.3.1 The other factors to be taken into account if they would mitigate the seriousness of the activity for which the student may be or is being suspended or an expulsion is to be recommended are:

3.3.1.1 the student's history

3.3.1.2 whether a progressive discipline approach has been used with the student

3.3.1.3 whether the activity for which the student may be or is being suspended or expelled was related to any harassment of the student because of their race, ethnic origin, religion, disability, gender or sexual orientation or to any other harassment

3.3.1.4 how the suspension or expulsion would affect the student's ongoing education

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<sup>5</sup> Reg. 472/07, Section 2

- 3.3.1.5 the age of the student
- 3.3.1.6 In the case of a student for whom an individual education plan has been developed,
  - 3.3.1.6.1 whether the behaviour was a manifestation of a disability identified in the student's individual education plan,
  - 3.3.1.6.2 whether appropriate individualized accommodation has been provided, and
  - 3.3.1.6.3 whether the suspension or expulsion is likely to result in an aggravation or worsening of the student's behaviour or conduct.<sup>6</sup>

3.3.2 A principal shall also take into account the potential for the discriminatory and disproportionate effects of disciplinary decisions on students with characteristics protected by the *Human Rights Code*.

- 3.3.2.1 The *Human Rights Code* of Ontario has primacy over all other Ontario legislation and government policy. The *Education Act*, regulations made under the *Act*, Ministry of Education program policy memoranda, and board policies and procedures are subject to, and shall be interpreted and applied in accordance with, the *Human Rights Code*, which prohibits discrimination on any of the grounds enumerated in the Code.

## 4. Duty to Report a Disciplinary Infraction

- 4.1 Any employee of the board, transportation provider or Before and After School Care provider, who becomes aware that a student of the board may have engaged in an activity for which a suspension or recommendation for expulsion could be imposed shall report the matter to the principal or designate.
  - 4.1.2 Such report must be made at the earliest, safest opportunity, and in any event no later than the end of the school day, or if reported by a transportation provider, by the end of a transportation run.

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<sup>6</sup> Reg. 472/07, Section 3

- 4.2 The duty to report to the principal or designate includes making a verbal report, and submitting a Safe Schools Incident Report, in either written form or electronically using the online Incident/Accident Reporting System.
  - 4.2.1 If the incident involves an employee and is identified as violent under the *Occupational Health and Safety Act*, an Employee Incident Report must also be submitted. Refer to [Policy 417 Violence in the Workplace](#).
- 4.3 Where two (2) or more employees are aware of the same incident, each person has a duty to inform the principal or designate.
- 4.4 The principal must investigate all reports received, and complete the Safe Schools Incident Report that was submitted summarizing the findings and outcome of their investigation. (*Guidelines for the principal's investigation are available to administrators on UGshare.*)
- 4.5 Once the investigation is complete, the principal shall communicate the results of the investigation to the employee who made the report, except where, if the employee is not a teacher, it would not in the principal's opinion be appropriate to do so.
- 4.6 If a principal determines that it is appropriate to communicate the results of the investigation, no more personal information than is reasonably necessary shall be disclosed.

## 5. Duty to Notify Parents/Guardians of Harm

- 5.1 If a principal believes that a student of the school has been harmed as a result of an activity for which a suspension or expulsion could be imposed, and regardless of whether a suspension or expulsion is or will be imposed, the principal shall, as soon as reasonably possible, notify,
  - 5.1.1 the parent(s)/guardian(s) of the student who the principal believes has been harmed; and
  - 5.1.2 the parent(s)/guardian(s) of any student of the school who the principal believes has engaged in the activity that resulted in the harm,unless the student is an adult student, in which case the adult student's consent to disclose the information is required.

- 5.2 A principal shall not notify the parent(s)/guardian(s) specified in 5.1.1 and 5.1.2 above if in the opinion of the principal doing so would put any student at risk of harm from a parent or guardian of the student, such that the notification would not be in the student's best interests.
- 5.3 A principal who determines not to notify a parent/guardian due to risk of harm to the student shall:
  - 5.3.1 consider whether or not the student is a child in need of protection and, if so, make a report to the Family and Children's Services of Guelph and Wellington County (F&CS) or Dufferin Child and Family Services (DCAFS)
  - 5.3.2 document in the student information system (i.e. Maplewood) why the parent/guardian was not notified
  - 5.3.3 inform the superintendent responsible for the school that the parent(s)/guardian(s) were not informed and why
  - 5.3.4 if appropriate, inform the employee who reported the potential of harm that the parent(s)/guardian(s) were not notified and why
  - 5.3.5 inform other staff working to support the student, as appropriate
  - 5.3.6 inform the student of the steps being taken by the school to protect their safety, and the supports available
- 5.4 When notifying a parent or guardian of a student who is believed to have been harmed, the principal shall disclose,
  - 5.4.1 the nature of the activity that resulted in harm to the student
  - 5.4.2 the nature of the harm to the student
  - 5.4.3 steps taken to protect the student's safety, including the nature of any disciplinary measure taken in response to the activity
  - 5.4.4 the supports that will be provided for the student in response to the harm that resulted from the activity
- 5.5 When notifying a parent or guardian of a student who is believed to have been engaged in the activity that resulted in the harm, the principal shall disclose,
  - 5.5.1 the nature of the activity that resulted in harm to the other student

- 5.5.2 the nature of the harm to the other student
- 5.5.3 the nature of any disciplinary measure taken in response to the activity
- 5.5.4 the supports that will be provided for the student in response to their engagement in the activity
- 5.6 When notifying a parent/guardian of a student who is believed to have engaged in harmful behaviour, the principal shall not disclose the name of or any other identifying or personal information about a student who has been harmed as a result of the activity, except in so far as is necessary to comply with the notification duties above.
- 5.7 When notifying a parent/guardian under this section, the principal shall invite the parent or guardian to have a discussion about the supports available for their child.

## 6. Delegation of Authority

- 6.1 The *Education Act* provides that the school principal is responsible for student discipline, but may delegate in writing some or all of their powers, duties or functions relating to disciplinary matters to a vice-principal of the school, or if both the principal and vice-principal are absent from the school, a teacher-in-charge who is employed at the school.<sup>7</sup>  
*(Administrators can refer to the Designate Handbook on UGshare for more information.)*
- 6.2 Under the *Education Act*, a principal cannot delegate their responsibility for suspensions of 6 days or longer (long-term suspension). In circumstances that result in a long-term suspension, only the principal can act as a decision-maker with respect to the discipline imposed, with other board staff playing a support role.

## 7. Student Information

- 7.1 Student discipline matters must be addressed in accordance with students' legislated right to privacy. The privacy standard followed by the Upper Grand District School Board is outlined in [Policy 315 Privacy Protection and Information Access](#).

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<sup>7</sup> *Education Act*, Section 300.1

## 7.2 Ontario Student Record Documentation

- 7.2.1 Any employee, transportation provider or Before and After School Care provider who becomes aware that a student of the board may have engaged in an activity for which a suspension or recommendation for expulsion could be imposed must report the matter to the principal as soon as possible, and shall in addition to any verbal report submit a Safe Schools Incident Report, in either written form or electronically using the online Incident/Accident Reporting System.
- 7.2.2 If a principal determines that action must be taken as a result of the reported incident, a copy of the Safe Schools Incident Report with documentation indicating the action taken must be placed in the Ontario Student Record (OSR) of each student against whom action is taken, with the names of any other students redacted.
- 7.2.3 In the case of the student who has been harmed, no information about the incident must be placed in the OSR, unless expressly requested by that student's parent/guardian, or unless that student has also engaged in a serious student incident, in which case information regarding the incident and the action taken will be placed in the student's OSR.
- 7.2.4 The Safe Schools Incident Report and accompanying documentation must be kept in the OSR for a minimum of one year.
- 7.2.5 If the incident is identified as violent<sup>8</sup> and the student engaged in the incident is a student of the school, the Safe Schools Incident Report must be retained in the student's OSR for:
- 7.2.5.1 one (1) year, if the student's suspension was quashed or withdrawn and the record of suspension expunged. Documentation of any other action taken (other than suspension or expulsion) must also be retained for this period.
  - 7.2.5.2 three (3) years, if the student was suspended for the violent incident

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<sup>8</sup> See definition of violent incidents in section 2 of this procedures manual.



7.2.5.3 five (5) years, if the student was expelled for the violent incident

#### 7.2.6 Suspension or Expulsion Letter

Only the letter communicating the final decision regarding suspension or expulsion should be kept in a student's OSR. All other documentation and communications relating to the student discipline process should not be in the OSR.

## 8. Written Notifications

Suspension and expulsion proceedings include a number of instances in which written notice to the student and/or parent/guardian, containing prescribed content, is required by law. Templates for written notifications used in the UGDSB must be used by principals in order to ensure compliance with safe schools and privacy legislation. These templates are embedded within the student information system and available on UGshare.

## 9. Suspension of a Student

### 9.1 Suspension Infractions

Under Section 306 of the *Education Act*, a principal **may** impose a suspension of up to twenty (20) days if they believe that a student has engaged in any of the following activities while at school, at a school-related activity, or other circumstances where engaging in the activity will have an impact on the school climate:

- 9.1.1 a threat, either verbal or written, to inflict serious bodily harm on another person
- 9.1.2 possessing alcohol or illegal drugs or, unless the student is a medical cannabis user, cannabis
- 9.1.3 being under the influence of alcohol or, unless the student is a medical cannabis user, cannabis
- 9.1.4 swearing at a teacher or at another person in a position of authority
- 9.1.5 committing an act of vandalism that causes extensive damage to school property at the student's school or to property located on the premises of the student's school

- 9.1.6 bullying, including cyber-bullying
- 9.1.7 any activity that contravenes section 4.2 of the board's [Code of Conduct](#), that is not listed in section 10.1 of this procedures manual

## 9.2 **Restrictions on Suspension of Students in Junior Kindergarten – Grade 3**

As per [Ontario Regulation 440/20](#), students in junior kindergarten, kindergarten, or grades 1, 2 or 3 cannot be suspended for the activities listed in 9.1 above, however these incidents are still unacceptable in schools and must be reported to the principal.

## 9.3 **Investigation**

A principal who receives a report that an infraction listed above has occurred shall as soon as possible conduct an investigation. (*Guidelines for conducting an investigation into an alleged suspension infraction are available to administrators on UGshare*).

## 9.4 **Imposing a Suspension**

- 9.4.1 A suspension under this section means that the student shall be suspended from attending their school and from engaging in all school-related activities.
- 9.4.2 A principal may not suspend a student more than once for the same occurrence.
- 9.4.3 A principal considering a suspension of more than five (5) days shall consult with the superintendent responsible for the school.
- 9.4.4 In considering whether to suspend a student under this section, and the duration of any suspension, the principal shall take into account mitigating or other factors as outlined in section 2 of this procedures manual.

## 9.5 **Duty to Provide Continuing Education**

A student who is suspended for one (1) to five (5) school days must be provided with ongoing school work to complete at home during the suspension, assigned in a manner that takes into account the student's IEP and/or any disability-related learning needs, if any.

## 9.6 Assignment to Youth Options Program

- 9.6.1 A student suspended for more than five (5) school days will be referred to the board's Youth Options program.
- 9.6.2 The principal in consultation with the student's teacher(s), parent/guardian and the student, will develop a Student Action Plan (SAP) to direct the student's Youth Options program activities and learning, and re-entry to school. (*Guidelines for creating the SAP are available to administrators on UGshare.*)
- 9.6.3 Participation in the Youth Options program is not mandatory for a student suspended under this section. Students who do not attend the Youth Options program must be provided with ongoing school work to complete at home throughout the suspension.
- 9.6.4 Where the Youth Options program is declined, the principal shall record the date and time of refusal.

## 9.7 Duty to Inform of Suspension

A principal who suspends a student shall,

- 9.7.1 inform the student's teacher
- 9.7.2 unless the student is an adult student, make all reasonable efforts to inform the student's parent/guardian, within twenty-four (24) hours of the suspension being imposed
- 9.7.3 promptly provide written notice<sup>9</sup> of the suspension to the following people:
- 9.7.3.1 the student; and
  - 9.7.3.2 unless the student is an adult student, the student's parent/guardian

## 9.8 Suspension Appeal

- 9.8.1 A principal's decision to suspend a student under this section may be appealed to the Board of Trustee's Student Discipline Committee, which will hold a hearing to consider the appeal, in accordance with the board's Suspension Appeal and Expulsion

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<sup>9</sup> As per section 8 of this procedures manual.

Hearing Rules of Procedure (Appendix A). The committee's decision on an appeal is final.

9.8.1.1 A person appealing a suspension must give written notice of their intent to appeal, within ten (10) school days of the commencement of the suspension to the superintendent responsible for the school.

9.8.1.2 The superintendent may extend the deadline for written notice of intent to appeal if the person requests an extension to accommodate their disability.

9.8.1.3 After receiving a written notice of intent to appeal, the superintendent shall promptly confirm with the adult student or parent/guardian of a non-adult student that the notice of intent to appeal has been received.

9.8.2 At least one day prior to a suspension appeal hearing, the superintendent responsible for the school shall consult with the student and parent/guardian to discuss the appeal hearing process, Youth Options program, and any agreement of facts and/or potential narrowing of the issues.

## 9.9 School Re-Entry

Where a student is returning from a suspension of more than five (5) days, the principal shall hold a re-entry meeting, to which school staff, the student and the student's parent/guardian, and Youth Options staff if applicable, are invited.

9.9.1 The purpose of the meeting is to develop a re-entry plan, to include strategies for the student's successful transition and integration back to school, and to identify any academic and/or non-academic supports to promote the student's positive behaviour.

## 10. Suspension Pending Possible Expulsion

### 10.1 Suspension Pending Possible Expulsion Infractions

Under Section 310 of the *Education Act*, a principal **shall** suspend a student for up to twenty (20) days, pending an investigation into whether an expulsion should be recommended, if the principal has reasonable

grounds to believe that a student has engaged in any of the following activities while at school, at a school-related activity, or under any other circumstances where engaging in the activity would have an impact on the school climate:

- 10.1.1 possessing a weapon, including possessing a firearm
- 10.1.2 using a weapon to cause or to threaten bodily harm to another person
- 10.1.3 committing physical assault on another person that causes bodily harm requiring treatment by a medical practitioner
- 10.1.4 committing sexual assault
- 10.1.5 trafficking in weapons or illegal drugs
- 10.1.6 committing robbery
- 10.1.7 giving alcohol or cannabis to a minor
- 10.1.8 bullying, if:
  - 10.1.8.1 the student has previously been suspended for bullying; and
  - 10.1.8.2 the student's continuing presence in the school creates an unacceptable risk to the safety of another person
- 10.1.9 any activity listed as an activity for which a suspension may be imposed under Section 306 of the *Education Act* and section 9 herein that is motivated by bias, prejudice or hate based on race, colour, national or ethnic origin, language, religion, sex, age, mental or physical disability, sexual orientation, gender identity, gender expression, or any other similar factor

## 10.2 **Restrictions on Suspensions of Students in Junior Kindergarten – Grade 3**

As stated in [Ontario Regulation 440/20](#), a student in junior kindergarten, kindergarten, or grades 1, 2 or 3:

- 10.2.1 cannot be suspended for any infraction specified in 10.1 above unless the principal has conducted an investigation respecting the allegations.

10.2.2 cannot be suspended for the infraction specified in 10.1.8 above if the student has been previously suspended for bullying.

10.2.3 can be suspended for the infraction specified in 10.1.8 above pending an investigation if the student's continuing presence in the schools creates an unacceptable risk to the safety of another person.

### 10.3 Investigation

A principal who receives a report that an infraction listed above has occurred shall as soon as possible conduct an investigation. (*Guidelines for conducting an investigation into an alleged infraction are available to administrators on UGshare.*)

### 10.4 Imposing a Suspension Pending Possible Expulsion

10.4.1 A student suspended under this section is prohibited from attending their school and from engaging in all school-related activities.

10.4.2 A principal who has suspended a student under this section shall notify and consult with the superintendent responsible for the school at the earliest opportunity.

10.4.3 In determining the length of the suspension, the principal shall take into account mitigating and other factors.

### 10.5 Youth Options Program

A principal suspending a student under this section shall assign the student to the board's Youth Options program.

### 10.6 Duty to Inform of Suspension Pending Possible Expulsion

A principal who suspends a student under this section shall:

10.6.1 inform the student's teacher

10.6.2 if the student is a non-adult student, make all reasonable efforts to inform the student's parent/guardian within twenty-four (24) hours of the suspension being imposed

10.6.3 promptly provide written notice<sup>10</sup> of the suspension pending completion of the principal's investigation to the following people:

10.6.3.1 the student; and

10.6.3.2 unless the student is an adult student, the student's parent/guardian

## 10.7 **Expulsion Not Recommended**

10.7.1 If following an investigation the principal determines not to recommend the student for expulsion, the principal shall determine either to:

10.7.1.1 confirm that the student is still suspended, and that the duration of the suspension shall remain as originally stated

10.7.1.2 confirm that the student is still suspended, but for a shorter duration, even if the suspension has already been served, and the principal shall in this case amend the record of suspension accordingly

10.7.1.3 withdraw the suspension and expunge the student's record, even if the suspension has already been served

10.7.2 The principal shall send written notice<sup>11</sup> of the decision noting the parent's right to appeal any suspension to the Student Discipline Committee.

## 10.8 **Appeal of Suspension**

If the principal does not recommend expulsion and does not withdraw the suspension, the suspension may be appealed. Section 9.8 of this procedures manual shall apply, with the exception of 9.8.1.1. Written notice of the intent to appeal is to be sent to the superintendent responsible for the school within five (5) school days of receiving notice under this section.

## 10.9 **Expulsion Recommended**

10.9.1 If on concluding the investigation the principal decides to

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<sup>10</sup> As per section 8 of this procedures manual.

<sup>11</sup> As per section 8 of this procedures manual.

recommend the student for expulsion, the principal shall prepare a written report containing the following (*a Principal's Report template is available to administrators on UGshare*):

10.9.1.1 a summary of the principal's investigation and findings

10.9.1.2 the principal's recommendation for either a school expulsion or a board expulsion; and

10.9.1.3 the principal's recommendation as to:

10.9.1.3.1 if a school expulsion, the type of school the student should attend; and

10.9.1.3.2 if a board expulsion, the benefits of attending the Youth Options program the student should attend.

10.9.2 The principal shall provide the student and parent/guardian of non-adult students written notice<sup>12</sup> of the decision to recommend expulsion, and attached to the written notice:

10.9.2.1 a copy of the Principal's Report

10.9.2.2 the board's Expulsion Hearing Procedure (see Appendix A)

## 10.10 Pre-Expulsion Hearing Meeting

The superintendent responsible for the school shall consult with the student and parent/guardian of a non-adult student to a meeting, to be held at least one day prior to the expulsion hearing, for the purpose of discussing the expulsion hearing process, the Youth Options program, and any agreement of facts and/or potential narrowing of the issues.

## 10.11 Appeal

10.11.1 Where the Student Discipline Committee decides to expel a student, there is a right of appeal to the Child and Family Services Review Board.

10.11.2 Where the Student Discipline Committee decides not to expel a student, but to confirm the suspension, the decision is final, and

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<sup>12</sup> As per section 8 of this procedures manual.



not subject to appeal.

### 10.12 Re-Assignment following School Expulsion

A student subject to a school expulsion shall be assigned by the Student Discipline Committee to a school of the board other than the school they were attending when they committed the disciplinary infraction. The principal of the school to which they are assigned will hold a transition meeting prior to the student's attendance, to which school staff, the student and the student's parent/guardian, and Youth Options staff if applicable, shall be invited.

10.12.1 The purpose of the meeting will be to develop a transition plan, to include strategies for the student's successful transition to a new school, and identifying any academic and/or non-academic supports to promote the student's positive behaviour.

### 10.13 School Re-Entry following Board Expulsion

10.13.1 A student who has been expelled from all schools of the board who would like to resume attending a school of the board must apply in writing to the Director of Education requesting readmission.

10.13.2 A student who has successfully completed the program and met the stated objectives of the SAP, as determined by the person responsible for the Youth Options program, must be readmitted.<sup>13</sup>

10.13.3 Where a student is permitted to return to school following a board expulsion, the principal of the school at which they will be attending shall hold a re-entry meeting, to which school staff, the student and the student's parent/guardian, and Youth Options staff if applicable, shall be invited.

10.13.3.1 The purpose of the meeting will be to develop a re-entry plan, to include strategies for the student's successful transition and integration back to school, and identifying any academic and/or non-academic supports to promote the student's positive behaviour.

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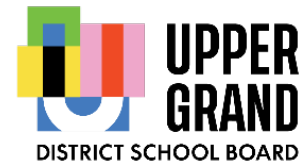
<sup>13</sup> S.314.1

## 10.14 **School Closure**

- 10.14.1 If an order is made to close all schools of the board and, at the time the closure begins, a student has been suspended pending a consideration of possible expulsion, but no decision has been made by the Student Discipline Committee, the Director of Education may provide, upon the recommendation of a principal, that the 20 day deadline by which the Student Discipline Committee must hear and decide the matter does not apply. However, the Student Discipline Committee must render a decision within twenty (20) school days of the school closure order expiring, unless the parties agree otherwise.
- 10.14.2 Notwithstanding the delay in the expulsion hearing, the student's suspension will not be for longer than 20 days.

# SAFE SCHOOLS – SUSPENSION AND EXPULSION

## 503-D Appendix A - Suspension Appeal and Expulsion Hearing Rules of Procedure



### **Procedural Fairness**

Implementation of the board's suspension and expulsion procedures shall reflect the principles of procedural fairness, which include:

- the right to notice, including the right to know the reasons for a decision
- the right to be heard, including the right to legal representation
- the right to an evidence-based decision
- the right to confidentiality
- the right to an impartial and unbiased decision-maker

### **Appeal of Suspension<sup>1</sup>**

A suspension may be appealed by:

- a) an adult student
- b) the parent/guardian of a non-adult student

A person appealing a suspension must give written notice of their intent to appeal, within ten (10) school days of the commencement of the suspension to the superintendent responsible for the school.

The superintendent may extend the deadline for written notice of intent to appeal if the person requests an extension to accommodate their disability.

After receiving a written notice of intent to appeal, the superintendent shall promptly confirm with the adult student or parent/guardian of a non-adult student that the notice of intent to appeal has been received, and invite the student and parent/guardian to discuss the appeal hearing process, Youth Options program, and any agreement of facts and/or potential narrowing of the issues.

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<sup>1</sup> Education Act Section 309

## **Suspension Appeal Hearing**

A suspension appeal shall be adjudicated by the Student Discipline Committee of the Board of Trustees, which shall hear and determine the appeal within fifteen (15) school days of receiving written notice of the intent to appeal, unless both parties agree to a later date.

- a) If notice is sent by mail or courier, it will be deemed to have been received on the fifth school day after it was sent.
- b) If notice is sent by fax or e-mail, it is deemed to have been received the first school day after it was sent.

The Student Discipline Committee shall not refuse to hear the appeal on the ground that there is any deficiency in the notice of appeal.

The parties to the suspension appeal are:

- a) the principal who suspended the student; and
- b) the suspended adult student or parent/guardian of the suspended non-adult student

A student who is not a party to the appeal nevertheless has the right to be present at the appeal and to make a statement on their own behalf.

## **Principal's Written Submission**

The principal in consultation with the superintendent will prepare a written report for the consideration of the Student Discipline Committee, in accordance with the Principal's Report template available on UGshare, to include:

- a) a summary of their investigation and findings
- b) a description of the infraction for which the suspension was imposed
- c) the principal's consideration and application of mitigating and other factors in determining whether to impose a suspension, and the duration of the suspension
- d) a copy of the suspension letter
- e) a copy of the notice of appeal; and

- f) confirmation that the student was provided with ongoing educational services and/or attended the Youth Options program

A copy of the Principal's Report shall be provided to the student and for a non-adult student their parent/guardian, no less than five (5) days prior to the hearing.

### **Student's Written Submissions**

A student and/or parent guardian may provide the superintendent with any written submissions and or supporting documentation no less than two (2) days prior to the hearing.

Copies of any written materials received will immediately be provided to the principal and the Student Discipline Committee, and may be referred to by either party and the Student Discipline Committee at the hearing.

### **Hearing**

At the appeal hearing, the Student Discipline Committee shall:

- a) consider the written and/or oral submissions of each party, and ask any questions arising from the submissions;
- b) solicit the views of all the parties as to whether the student should be suspended, and if so the appropriate length of suspension;
- c) invite the student to make a statement;
- d) take into account any mitigating and other factors listed at Section 3 of the board's Suspension and Expulsion Procedures Manual 503-D.

### **Appeal Decision**

The Board's Student Discipline Committee may, after considering the appeal, either:

- a) confirm the suspension and the duration of the suspension
- b) confirm the suspension, but shorten its duration, even if the suspension that is under appeal has already been served, and order that the record of the suspension be amended accordingly; or
- c) quash the suspension and order that the record of the suspension be expunged, even if the suspension that is under appeal has already been served.

The Student Discipline Committee's decision is final and is not subject to further appeal.

## **Expulsion Hearing**

### **Pre-Expulsion Hearing Meeting**

The superintendent for the school shall invite the student and parent/guardian to discuss at least one day prior to the expulsion hearing, the expulsion hearing process, the Youth Options program, and any agreement of facts and/or potential narrowing of the issues.

### **Principal's Written Submission**

The principal in consultation with the superintendent will prepare a written report for the consideration of the Student Discipline Committee, in accordance with the Principal's Report template available on UGshare, to include:

- a) a summary of their investigation and findings
- b) a description of the infraction
- c) the principal's consideration and application of mitigating and other factors
- d) a recommendation for School or Board Expulsion, and reasons
- e) a copy of the suspension and expulsion letter
- f) a copy of the notice of hearing; and
- g) confirmation that the student was assigned to the Youth Options program

A copy of the Principal's Report shall be provided to the student and for a non-adult student their parent/guardian, no less than five (5) days prior to the hearing.

### **Student's Written Submissions**

A student and/or parent guardian may provide the superintendent with any written submissions and or supporting documentation no less than two (2) days prior to the hearing.

Copies of any written materials received will immediately be provided to the principal and the Student Discipline Committee, and may be referred to by either party and the Student Discipline Committee at the hearing.

## Expulsion Hearing

A principal's recommendation that a student be expelled shall be determined at an Expulsion Hearing before the Board of Trustee's Student Discipline Committee.

An expulsion hearing must be held and a decision rendered within twenty (20) school days of when the suspension began, unless the parties agree on a later deadline.

The parties to the expulsion hearing are:

- a) the principal; and
- b) the suspended adult student or the parent/guardian of a suspended non-adult student

A student who is not a party to the expulsion hearing nevertheless has the right to be present and to make a statement on their own behalf.

At the hearing, the committee shall:

- a) consider the written and/or oral submissions of each party;
- b) solicit the views of all the parties as to whether the student, if expelled, should be subject to a School Expulsion or a Board Expulsion; and
- c) solicit the views of all the parties as to whether, if the student is not expelled, the board should confirm the suspension originally imposed, confirm the suspension but reduce its duration, or withdraw the suspension;
- d) consider any mitigating or other factors.

Upon completion of the hearing, the Student Discipline Committee shall decide,

- a) whether to expel the student; and if the student is to be expelled, whether the expulsion shall be a School or Board Expulsion.
  - i. If a School Expulsion, the Student Discipline Committee shall assign the student to a different school of the board.
  - ii. If a Board Expulsion, the Student Discipline Committee shall assign the student to the board's Youth Options program.

- b) if the student is not to be expelled, whether the suspension imposed pending a determination of expulsion should be:
- i. confirmed and upheld for the duration imposed by the principal;
  - ii. confirmed, but for shorter duration, even if it has been served, with an amendment to the record of suspension; or
  - iii. quashed, even if it has been served, and the record of suspension expunged

The Student Discipline Committee shall give written notice of its decision to all parties, and to the student if not a party to the proceeding. Written notice of a decision to expel shall include:

- a) the reasons for the decision;
- b) if expulsion, whether a School or Board Expulsion;
- c) information about the school or program to which the student is assigned;
- d) information about the right to appeal, and how to exercise that right.

### **Appeal**

A decision not to expel, but to confirm the suspension is final, and may not be appealed.

An adult student, or the parent/guardian of a non-adult student, may appeal an expulsion to the Child and Family Services Review Board.

### **School Closure**

If an order is made to close all schools of the board and, at the time the closure begins, a student has been suspended pending a consideration of possible expulsion, but no decision has been made by the Student Discipline Committee, the Director of Education may provide, upon the recommendation of a principal, that the 20-day deadline by which the Student Discipline Committee must hear and decide the matter does not apply. However, the Student Discipline Committee must render a decision within twenty (20) school days of the school closure order expiring, unless the parties agree otherwise.

Notwithstanding the delay in the expulsion hearing, the student's suspension will not be for longer than 20 days.