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## **STUDENT SUSPENSION APPEALS, EXCLUSION APPEALS, MINUTES OF SETTLEMENT, EXPULSION HEARINGS, EXPULSION APPEALS**

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### **1.0.0 APPEAL OF A SUSPENSION**

The duty to consider whether to suspend a student for engaging in certain activities, and the steps taken following a decision to suspend, including an appeal of that decision, are governed by ss. 306-309 of the Education Act, Administrative Procedure 358 and this Policy.

#### **1.1.0 Attempt at Early Resolution**

Prior to appealing a suspension, the persons who have received notice (either oral or written) of the decision to suspend must contact the Board in order that he/she/they and the Board can engage in preliminary discussions with a view to resolving the dispute prior to an appeal being made. These discussions may continue after a notice of intention to appeal has been received by the Board, and may result in an agreement that the deadline for hearing and determining the appeal will be extended.

#### **1.2.0 Who May Appeal a Suspension**

A Principal's decision to suspend a student under the suspension provisions of Administrative Procedure 358 may be appealed to the Board by:

- (1) the student's parent or guardian (unless the student is at least 18 years old or the student is 16 or 17 years old and has withdrawn from parental control);
- (2) the student (if the student is at least 18 years old or the student is 16 or 17 years old and has withdrawn from parental control); and/or
- (3) any other person as specified by Board policy.

### 1.3.0 Written Notice of Intention to Appeal Suspension

A person who is entitled to appeal a decision to suspend a student under the suspension provisions of Administrative Procedure 358 must give written notice of their intention to appeal to the Secretary of the Board within 10 school days of the commencement of the suspension, unless the parties agree to a later deadline.

The written notice of the intention to appeal must specify the nature of the person's disagreement with the Principal's decision to suspend. It must, for example, state whether the disagreement is with the decision to suspend, the duration of the suspension, or both. The written notice must also indicate whether the person intends to call witnesses at the appeal.

### 1.4.0 Board to Inform All Interested Parties of Notice of Intention to Appeal

After receiving notice of an intention to appeal a decision to suspend a student under the suspension provisions of Administrative Procedure 358, the Board must promptly contact every person entitled to appeal the suspension and inform him/her that it has received notice of an intention to appeal.

### 1.5.0 Notice of Hearing of the Appeal

If attempts at early resolution have failed, and after receiving notice of an intention to appeal a decision to suspend a student under the suspension provisions of Administrative Procedure 358, the Board will then issue a written notice of the hearing of the appeal. This notice will contain a statement advising the parties to the appeal of the procedural rules of the hearing of the appeal.

### 1.6.0 Contact with the Director of Education of the Board

A person who has given notice of an intention to appeal a decision to suspend a student under the suspension provisions of Administrative Procedure 358 may contact the Director of Education of the Board (or the designate) to discuss any matter respecting the appeal of the suspension.

### 1.7.0 Parties to the Appeal

The parties to the appeal are:

- (1) the Principal who suspended the student;
- (2) the student (if the student is at least 18 years old or the student is 16 or 17 years old and has withdrawn from parental control);

- (3) the student's parent or guardian if the student's parent or guardian appealed the decision to suspend the student;
- (4) the person who appealed the decision to suspend the student, if the decision was appealed by someone other than the student's parent or guardian; and
- (5) any other interested person as specified by Board policy.

#### 1.8.0 Student May Attend

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

#### 1.9.0 Decision to be Made by Committee

The Board may authorize a Suspension Appeal Committee of at least three trustees of the Board, as designated by the Board and based on availability, to exercise and perform powers and duties on behalf of the Board in hearing an appeal of a decision to suspend a student under the discretionary suspension provisions of Administrative Procedure 358. The Committee will elect a Chair from among its members available for the hearing in question. Quorum of the Committee is three members. The Director of Education of the Board (or their designate) will act in an advisory role to the Committee on procedural matters during the hearing of the appeal and during the Committee's subsequent deliberations.

#### 1.10.0 Timing of the Determination of an Appeal

The Board or Committee must hear and determine the appeal within 15 school days of receiving notice of the intention to appeal, unless the parties agree to a later deadline. The Board will not refuse to deal with the appeal on the ground that there is a deficiency in the notice of intention to appeal.

#### 1.11.0 Procedural Rules of the Hearing of an Appeal

The following procedural rules apply to the hearing of the appeal of a decision to suspend a student under the suspension provisions of Administrative Procedure 358:

- (1) the parties are entitled to be represented by legal counsel if they so wish;
- (2) if the parties or their counsel do not attend the hearing of the appeal then it may proceed in their absence;
- (3) any parties who fail to attend the hearing will not be entitled to any further notice of the proceedings;
- (4) submissions at the hearing will be made first by the parties bringing the appeal, followed by the Principal, and each will have a right of reply;

- (5) the parties are entitled to call and examine witnesses, and to cross-examine witnesses;
- (6) child and youth witnesses may face a number of challenges when giving testimony, including answering complex questions that may be beyond their cognitive developmental stage, and experiencing anxiety that may exacerbate any previous trauma. Accordingly, the Board or Committee retains the right to limit cross-examination to only that which is reasonably required for a full and fair disclosure of all matters relevant to the issue in the appeal and may direct that testimonial aids may be used (witness screens, a support person who may be present during the delivering of testimony, etc.)
- (7) the Board or Committee will rule on any matters of a procedural nature that may arise during the course of the hearing of the appeal; and
- (8) the hearing will be held *in camera* unless the parties agree otherwise.

#### 1.12.0 Powers on the Determination of an Appeal

On hearing an appeal of a decision to suspend a student under the suspension provisions of Administrative Procedure 358, the Board or Committee will decide as follows:

- (1) to confirm both the decision to suspend and the duration of the suspension;
- (2) to confirm the decision to suspend but shorten the duration (even if the suspension under appeal has already been served) and order that the record of the suspension be amended accordingly; or
- (3) to quash the decision to suspend and order that the record of the suspension be purged (even if the suspension under appeal has already been served).

#### 1.13.0 Rendering of Decision

The decision of the Committee or Board after hearing an appeal of a decision to suspend a student under the suspension provisions of Administrative Procedure 358 will be made as soon as possible following the hearing. A written decision will follow in which the decision and reasons are shared with the parties. This written decision will be delivered by the Secretary of the Board to the parties who attended the hearing of the appeal.

#### 1.14.0 Decision is Final

The decision of the Board or Committee on an appeal of a decision to suspend a student under the suspension provisions of Administrative Procedure 358 is final and binding on all parties.

## 2.0.0 APPEAL OF AN EXCLUSION

Under Section 265 (1m) of the *Education Act*, it is the duty of a principal of a school to control access to school or class—subject to an appeal to the board, to refuse to admit to the school or classroom a person whose presence in the school or classroom would in the principal’s judgment be detrimental to the physical or mental well-being of the pupils.

### 2.1.0 Communication of Exclusion

In the event that the decision to exclude was communicated orally, the person(s) who was excluded may request, and shall then receive, reasons for the exclusion in writing.

### 2.2.0 Who May Appeal an exclusion

A Principal’s decision to exclude a student under Section 265 (1m) of the *Education Act* may be appealed to the Board by:

- (1) the student’s parent or guardian (unless the student is at least 18 years old or the student is 16 or 17 years old and has withdrawn from parental control);
- (2) the student (if the student is at least 18 years old or the student is 16 or 17 years old and has withdrawn from parental control); and/or
- (3) any other person as specified by Board policy; see 2.2.1, and 2.2.2 below.

#### 2.2.1 Non-students may appeal an exclusion

A Non-student is defined as a person who is not registered at the school for which the exclusion has been issued. For the purpose of sections 2.2.1 and 2.2.2 of this Policy, an “exclusion” includes both an exclusion under the *Education Act* and a notice under the *Trespass to Property Act*. A non-student can appeal an exclusion as outlined in 2.2.2

2.2.2 In order to appeal an exclusion, a non-student may write to the Director of Education of the Board within 10 school days of the commencement of the exclusion. An appeal of the decision to exclude a non-student must be in writing and the notice of appeal must include the specific reasons for the appeal, including why the party believes that the exclusion should not have been imposed. The Director of Education of the Board, or delegate, will respond in writing with a decision regarding non-student appeals of exclusion. There is no right to an oral hearing and the decision of the Director or delegate is final. Where the exclusion is by way of a notice under the *Trespass to Property Act*, the

Board retains all of its rights under that *Act* despite affording non-students a right to appeal that notice under this Policy.

### 2.2.3 Appeals of student exclusions

Student exclusions refer to exclusions issued to a person registered at the school for which the exclusion has been issued. Appeals of student exclusions will follow the process outlined in sections 2.3.0 to 2.14.0

#### 2.3.0 Attempt at Early Resolution

Prior to appealing an exclusion, the persons who have received notice (either oral or written) of the decision to exclude must contact the Board in order that he/she/they and the Board can engage in preliminary discussions with a view to resolving the dispute prior to an appeal being made. These discussions may continue after a notice of intention to appeal has been received by the Board, and may result in an agreement that the deadline for hearing and determining the appeal will be extended.

#### 2.4.0 Written Notice of Intention to Appeal Exclusion of students

A person who is entitled to appeal a decision to exclude a student under Section 265 (1m) of the *Education Act* must give written notice of their intention to appeal to the Secretary of the Board within 10 school days of the commencement of the exclusion, unless the parties agree to a later deadline.

The written notice of the intention to appeal must specify the nature of the person's disagreement with the Principal's decision to exclude. It must, for example, state whether the disagreement is with the decision to exclude, the duration of the exclusion, or both. The written notice must also indicate whether the person intends to call witnesses at the appeal.

#### 2.5.0 Board to Inform All Interested Parties of Notice of Intention to Appeal

After receiving notice of an intention to appeal a decision to exclude a student, the Board must promptly contact every person entitled to appeal the exclusion and inform him/her that it has received notice of an intention to appeal.

#### 2.6.0 Notice of Hearing of the Appeal

If attempts at early resolution have failed, and after receiving notice of an intention to appeal a decision to exclude, the Board will then issue a written

notice of the hearing of the appeal. This notice will contain a statement advising the parties to the appeal of the procedural rules of the hearing of the appeal.

#### 2.7.0 Contact with the Director of Education of the Board

A person who has given notice of an intention to appeal a decision to exclude may contact the Director of Education of the Board (or the designate) to discuss any matter respecting the appeal of the exclusion.

#### 2.8.0 Parties to the Appeal

The parties to the appeal are:

- (1) the Principal who excluded the student;
- (2) the student (if the student is at least 18 years old or the student is 16 or 17 years old and has withdrawn from parental control);
- (3) the student's parent or guardian if the student's parent or guardian appealed the decision to suspend the student;
- (4) the person who appealed the decision to suspend the student, if the decision was appealed by someone other than the student's parent or guardian; and
- (5) any other interested person as specified by Board policy.

#### 2.9.0 Student May Attend

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

#### 2.10.0 Decision to be Made by Committee

The Board may authorize an Exclusion Appeal Committee of at least three trustees of the Board, as designated by the Board and based on availability, to exercise and perform powers and duties on behalf of the Board in hearing an appeal of a decision to exclude. The Committee will elect a Chair from among its members available for the hearing in question. Quorum of the Committee is three members. The Director of Education of the Board (or their designate) will act in an advisory role to the Committee on procedural matters during the hearing of the appeal and during the Committee's subsequent deliberations.

#### 2.11.0 Timing of the Determination of an Appeal

The Board or Committee must hear and determine the appeal within 15 school days of receiving notice of the intention to appeal, unless the parties agree to a later deadline. The Board will not refuse to deal with the appeal on the ground that there is a deficiency in the notice of intention to appeal.

### 2.12.0 Procedural Rules of the Hearing of an Appeal

The following procedural rules apply to the hearing of the appeal of a decision to Exclude a student:

- (1) the parties are entitled to be represented by legal counsel if they so wish;
- (2) if the parties or their counsel do not attend the hearing of the appeal then it may proceed in their absence;
- (3) any parties who fail to attend the hearing will not be entitled to any further notice of the proceedings;
- (4) submissions at the hearing will be made first by the parties bringing the appeal, followed by the Principal, and each will have a right of reply;
- (5) the parties are entitled to call and examine witnesses, and to cross-examine witnesses;
- (6) child and youth witnesses may face a number of challenges when giving testimony, including answering complex questions that may be beyond their cognitive developmental stage, and experiencing anxiety that may exacerbate any previous trauma. Accordingly, the Board or Committee retains the right to limit cross-examination to only that which is reasonably required for a full and fair disclosure of all matters relevant to the issue in the appeal and may direct that testimonial aids may be used (witness screens, a support person who may be present during the delivering of testimony, etc.)
- (7) the Board or Committee will rule on any matters of a procedural nature that may arise during the course of the hearing of the appeal; and
- (8) the hearing will be held *in camera* unless the parties agree otherwise.

### 2.13.0 Powers on the Determination of an Appeal

On hearing an appeal of a decision to exclude a student the Board or Committee will decide as follows:

- (1) to confirm the decision to exclude the student from a specific school or classroom;  
or
- (2) to quash the decision to exclude from school but confirm exclusion from a classroom;  
or
- (3) to quash the decision to exclude.

### 2.14.0 Rendering of Decision

The decision of the Committee or Board after hearing an appeal of a decision to exclude a student will be made as soon as possible following the hearing. A written decision will follow in which the decision and reasons are shared with the



parties. This written decision will be delivered by the Secretary of the Board to the parties who attended the hearing of the appeal.

#### 2.15.0 Decision is Final

The decision of the Board or Committee on an appeal of a decision to exclude a student under Section 265 (1m) is final and binding on all parties.

### **3.0.0 SUSPENSION, INVESTIGATION, RECOMMENDATION AND SUBSEQUENT POSSIBLE EXPULSION HEARING**

The requirement to suspend a student believed to have engaged in certain activities for which suspension is prescribed and the steps taken following that suspension, including any recommendation to expel and any appeal of these decisions, are governed by ss. 310-311 of the *Education Act*, Administrative Procedures 358 and 359 and this Policy.

#### 3.1.0 Early Notice of Suspension

A Principal who suspends a student for an activity for which the principal is required to suspend under the suspension provisions of s. 310 of the *Education Act* and Administrative Procedure 358 must:

- (1) inform the student's teacher(s) of the suspension; and
- (2) make all reasonable efforts to inform the student's parent or guardian of the suspension within 24 hours of the suspension being imposed (unless the student is at least 18 years old or is 16 or 17 years old and has withdrawn from parental control).

#### 3.2.0 Written Notice of Suspension

A Principal who suspends a student under the suspension provisions of Administrative Procedure 359 must promptly provide written notice of the suspension to:

- (1) the student;
- (2) the student's parent or guardian (unless the student is at least 18 years old or is 16 or 17 years old and has withdrawn from parental control); and
- (3) any other person as specified by Board policy.

#### 3.3.0 Content of Written Notice of Suspension

The written notice must include:

- (1) the reason for the suspension;
- (2) the duration of the suspension;
- (3) information about any program for suspended students to which the student is being assigned;
- (4) information about the investigation that the Principal will conduct to determine whether to recommend that the student be expelled; and
- (5) a statement indicating that:
  - i. there is no immediate right to appeal the suspension,
  - ii. if the principal does not recommend to the Board that the student be expelled following the investigation, the suspension will become subject to appeal, and
  - iii. if there is an expulsion hearing because the principal recommends to the Board that the student be expelled, the suspension may be addressed by parties at the hearing.

#### 3.4.0 Receipt of Written Notice

Where written notice is given, the date of receipt is determined as follows:

- (1) if the notice is sent by mail or another method by which an original document is sent, it is deemed to have been received by the person to whom it was sent on the fifth school day after the day on which it was sent; and
- (2) if the notice is sent by facsimile or another method of electronic transmission, it is deemed to have been received by the person to whom it was sent on the first school day after the day on which it was sent.

#### 3.5.0 Written Notice that Expulsion Not Recommended

Where a Principal concludes their investigation and decides not to recommend to the Board that the student be expelled, the Principal shall ensure that everyone entitled to receive written notice of the suspension also promptly receives written notice of the following:

- (1) that the student will not be subject to an expulsion hearing for the activity that resulted in the suspension;
- (2) an indication of whether the Principal has confirmed the decision to suspend and the duration of the suspension, confirmed the decision to suspend but reduced its duration, or withdrawn the decision to suspend;
- (3) information about the right to appeal the decision to suspend (unless the decision to suspend is withdrawn) including a copy of Policy no. 13 and the name and contact information of the supervisory officer to whom notice of the intention to appeal must be given.

### 3.6.0 Appeal of Suspension where Expulsion Not Recommended

If the Principal does not recommend to the Board that a student who has received a suspension be expelled and does not withdraw the suspension, the suspension may be appealed in accordance with part 1 above, subject to the following modifications:

- (1) a person who is entitled to appeal must give written notice of their intention to appeal within five school days of the date on which he/she received notice of the determination of the Principal that expulsion will not be recommended; and
- (2) if the Principal confirmed the decision to suspend but reduced the duration of the suspension then the appeal is from the reduced duration and not the original duration.

### 3.7.0 Written Notice that Expulsion Is Recommended

Where a Principal concludes their investigation and decides to recommend to the Board that the student be expelled, the Principal shall ensure that everyone entitled to receive written notice of the suspension also promptly receives written notice which contains the following:

- (1) a statement that the student will be subject to an expulsion hearing for the activity that resulted in the suspension;
- (2) information about the expulsion hearing including a copy of Policy 13;
- (3) information about the procedural rules that will apply during an expulsion hearing;
- (4) a statement that the person has a right to respond, in writing, to the Principal's report in which the decision to recommend expulsion was made;
- (5) detailed information about the procedures and possible outcomes of the expulsion hearing (including an explanation that if the Board does not expel the student then it may confirm the suspension, shorten its duration or withdraw it, that if the student is not expelled then the parties have a right to make submissions during the expulsion hearing as to the appropriateness of the decision to suspend and/or the length of the suspension, that any decision made by the Board at the expulsion hearing with respect to the suspension is final and not subject to appeal, that if the Board decides to expel the student from their school then the student will be reassigned to another school, and that if the Board decides to expel the student from all schools of the Board then it will assign the student to a program for expelled students); and
- (6) the name and contact information of the Director of Education of the Board or designate whom the person may contact to discuss any matter relating the expulsion hearing.

The written notice must be accompanied by the Principal's report in which the decision to recommend expulsion was made.

### 3.8.0 Party May Respond

A person who is entitled to receive written notice of an expulsion hearing or process for minutes of settlement and a copy of the Principal's report may respond in writing to the Principal and to the Board.

### 3.9.0 Attempt at Early Resolution

Prior to the expulsion hearing, the persons who have received the written recommendation to expel may contact the Board if early resolution is of interest. The Board will then engage in preliminary discussions with a view to resolving the dispute. Although the expulsion hearing is not automatically extended by early resolution attempts, discussions may result in an agreement that the hearing date be postponed in order to allow for further dialogue.

### 3.10.0 Conditions Required for Early Resolution

The early resolution process may only be used under the following conditions:

- (1) The potential parties to a hearing all agree to engage in the early resolution process and are aware that a hearing is the alternative. Lack of full agreement will result in the hearing proceeding;
- (2) Agreement must be reached within 15 school days of the start of the suspension, as evidenced by Minutes of Settlement that are signed by all parties;
- (3) All parties understand and agree to abide by the terms of the Minutes of Settlement, including the waiver of the right to appeal;
- (4) The Minutes of Settlement entered into by the parties are conditional upon the approval of the Disciplinary Committee comprised of a minimum of three (3) Trustees, who will endeavor to review the proposed Minutes of Settlement within 20 school days of the start of the suspension.

### 3.11.0 Parties to Minutes of Settlement

The parties to the Minutes of Settlement are:

- (1) the Principal who suspended the student and who recommended to the Board that the student be expelled;
- (2) the student (if the student is at least 18 years old or the student is 16 or 17 years old and has withdrawn from parental control);
- (3) the student's parent or guardian and

- (4) the Supervisor as designated by the Director of Education of the Board and any other person as specified by Board policy.

### 3.12.0 Parties to the Expulsion Hearing

The parties to the expulsion hearing are:

- (1) the Principal who suspended the student and who recommended to the Board that the student be expelled;
- (2) the student (if the student is at least 18 years old or the student is 16 or 17 years old and has withdrawn from parental control);
- (3) the student's parent or guardian if the student's parent or guardian; and
- (4) the Supervisor as designated by the Director of Education of the Board and any other person as specified by Board policy.

### 3.13.0 Student May Attend

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

### 3.14.0 Decision to be Made by Committee

The Board may authorize an Expulsion Hearing Committee of at least three trustees of the Board, as designated by the Board and based on availability, to exercise and perform powers and duties on behalf of the Board in holding an expulsion hearing or reviewing Minutes of Settlement. The Committee will elect a Chair from among its available members. Quorum of the Committee is three members. The Director of Education of the Board (or their designate) will act in an advisory role to the Committee on procedural matters during the hearing and during the Committee's subsequent deliberations.

### 3.15.0 Submissions and Views of the Parties

At the hearing, the Board or Committee must:

- (1) consider the submissions of each party in whatever form the parties choose to deliver their submissions (oral, written or both);
- (2) solicit the views of all of the parties as to whether the student, if he/she is expelled, should be expelled from their school only or from all schools of the Board; and
- (3) solicit the views of all of the parties as to whether, if the student is not expelled, the Board or Committee should confirm the original decision to suspend, confirm the original decision to suspend but reduce its duration, or withdraw the suspension.

### 3.16.0 Procedural Rules for the Expulsion Hearing

The following procedural rules, in addition to those directly above, apply to an expulsion hearing:

- (1) the parties are entitled to be represented by legal counsel if they so wish;
- (2) if the parties or their counsel do not attend the expulsion hearing then it may proceed in their absence;
- (3) any parties who fail to attend the hearing will not be entitled to any further notice of the proceedings;
- (4) submissions at the hearing will be made first by the Supervisor designated by the Director of Education of the Board, then by the Principal, and then by the student or their parent or guardian, and each will have a right of reply;
- (5) the parties are entitled to call and examine witnesses, and to cross-examine witnesses;
- (6) child and youth witnesses may face a number of challenges when giving testimony, including answering complex questions that may be beyond their cognitive developmental stage, and experiencing anxiety that may exacerbate any previous trauma. Accordingly, the Board or Committee retains the right to limit cross-examination to only that which is reasonably required for a full and fair disclosure of all matters relevant to the issue in the appeal and may direct that testimonial aids may be used (witness screens, a support person who may be present during the delivering of testimony, etc.)
- (7) the Board or Committee will rule on any matters of a procedural nature that may arise during the course of the hearing of the appeal;
- (8) where there is a conflict in the evidence presented by the parties on the issue of whether the student committed the expulsion infraction(s), the Board or Committee shall assess the evidence and determine whether, on the balance of probabilities, it is more probable than not that the student did in fact commit the infraction(s); and
- (9) the hearing will be held *in camera* unless the parties agree otherwise.

### 3.17.0 Decision to be Made Following an Expulsion Hearing

After completing the hearing, the Board or Committee must decide:

- (1) whether to expel the student; and
- (2) if the student is to be expelled, whether the student is to be expelled from their school only or from all schools of the Board.

3.18.0 In making the above decision, the Board or Committee must consider:

- (1) all submissions and views of the parties, including their views as to whether the student, if expelled, should be expelled from their school only or from all schools of the Board; and
- (2) all “mitigating” and “other” factors set out below:

#### Mitigating Factors

- (1) The student does not have the ability to control their behaviour;
- (2) The student does not have the ability to understand the foreseeable consequences of their behaviour; and
- (3) The student’s continuing presence in the school does not create an unacceptable risk to the safety of any person.

#### Other Factors

- (1) The student’s history;
- (2) Whether a progressive discipline approach has been used with the student;
- (3) Whether the activity for which the student may be or is being suspended 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;
- (4) How the suspension would affect the student’s ongoing education;
- (5) The age of the student; and
- (6) In the case of a student for whom an individual education plan has been developed,
  - (i) whether the behaviour was a manifestation of a disability identified in the student’s individual education plan;
  - (ii) whether appropriate individualized accommodation has been provided; and
  - (iii) whether the suspension is likely to result in an aggravation or worsening of the student’s behaviour or conduct; and
- (7) any written response to the Principal’s report in which the decision to recommend expulsion was made.

3.19.0 Timing of the Expulsion Hearing

The Board or Committee cannot expel a student if more than 20 school days have elapsed since the student was suspended, unless the parties to the expulsion hearing agree on a later deadline.

### 3.20.0 If Student Not Expelled

If the Board or Committee, following an expulsion hearing, decides to not expel a student, then it must go on to consider the decision to suspend and the duration of the suspension. In that regard, the Board or Committee can decide to:

- (1) confirm the decision to suspend and the duration of the suspension;
- (2) confirm the decision to suspend but reduce its duration (even if the suspension has already been served) and order that the record of the suspension be amended accordingly; or
- (3) quash the decision to suspend and order that the record of the suspension be expunged (even if the suspension has already been served).

### 3.21.0 In making the above decision, the Board or Committee must consider:

- (1) any submissions of the parties as to whether the decision to suspend and the duration of the suspension should be confirmed, the decision to suspend should be confirmed but its duration reduced, or the decision to suspend should be withdrawn; and
- (2) all “mitigating” and “other” factors set out above.

### 3.22.0 Notice that Student Not Expelled

After determining that the student will not be expelled, and considering the decision to suspend and the duration of the suspension, the Board or Committee will provide written notice to all parties entitled to attend the expulsion hearing which contains the following:

- (1) a statement indicating that the student will not be expelled; and
- (2) a statement indicating the Board’s or Committee’s decision regarding the decision to suspend and the duration of the suspension.

### 3.23.0 Decision is Final

The decision of the Board or Committee following an expulsion hearing that a student is not expelled, and in regard to the decision to suspend and the duration of the suspension, is final and binding on all parties.

### 3.24.0 If Student Is Expelled

If the Board or Committee, following an expulsion hearing, decides to expel a student, then it must go on to assign that student to either another school of the Board (where the student is expelled from their school only) or a program for expelled students (where the student is expelled from all schools of the Board).



### 3.25.0 Written Notice of Decision to Expel

If a Board or Committee decides to expel a student then it must promptly provide written notice of the decision to expel to all parties who attended the expulsion hearing and the student (if the student was not a party to the expulsion hearing). The notice must include:

- (1) the reason for the expulsion;
- (2) a statement indicating whether the student is expelled from their school only or from all schools of the Board;
- (3) information about the school or program to which the expelled student has been assigned; and
- (4) information about the right to appeal the decision to expel, including the steps that must be taken in order to appeal.

## 4.0.0 APPEAL OF DECISION TO EXPEL

### 4.1.0 Appeal of Decision to Expel

An appeal of a decision made by the Board or Committee to expel a student may be made to the Child and Family Services Review Board.

Information about how to do this, and applicable timelines, can be found on the website of the Child and Family Services Board.

Legal References:

*Education Act Part XIII Behaviour, Discipline and Safety  
Guideline – Ontario Schools Code of Conduct  
Statutory Powers Procedure Act*

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