

## **STUDENT DISCIPLINE SUSPENSION APPEAL GUIDELINE**

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1. The Suspension Appeal shall be held in accordance with the *Education Act*, the Board's Progressive Discipline and School Safety Policy and Procedures.
2. Appeals of Suspensions will be heard by the Discipline Committee sitting as a committee of three (3) Trustees appointed by the Board. One of the appointed Trustees will be elected Chair of the Discipline Committee. Appeals will be scheduled by the Superintendent of Education (Safety and Wellbeing)
3. An adult pupil is a pupil who is 18 years old or older or who is 16 or 17 years old and has withdrawn from parental control.
4. A suspension may be appealed by an adult pupil or the pupil's parent/guardian (the "Appellant").
5. Parties to a Suspension Appeal, shall include the adult pupil or the pupil's parent(s)/guardian(s) and the Principal. The pupil may also attend the Suspension Appeal.
6. The Superintendent of Education (Safety and Wellbeing), will act as Secretary to the Discipline Committee to facilitate the Appeal, ensure that a copy of the Principal's Report is forwarded to the Appellant prior to the Appeal and provided to the Discipline Committee at the beginning of the Appeal, and to ensure that any documents, reports and/or submissions prepared by the Appellant are provided to the Principal at the earliest opportunity and to the Discipline Committee at the beginning of the Appeal.
7. A lawyer or agent may represent the Appellant. Prior notice of a lawyer's or an agent's attendance at the Appeal must be provided to the Superintendent of Education (Safety and Wellbeing). If prior notice is not provided, the Suspension Appeal may be rescheduled.
8. The Discipline Committee and/or the Principal may exercise the right to legal counsel.
9. The Principal will prepare a Report summarizing the incident, the evidence relied upon and the rationale for discipline, including the pupil's disciplinary and academic history, any progressive discipline strategies that have been used and any mitigating and other factors that may be applicable.
10. The Discipline Committee of the Board may decide that:
  - a. the Suspension was justified and should be upheld; or
  - b. the Suspension was justified but that the number of days imposed was too many, in which case the Discipline Committee may reduce the length of the Suspension and amend the record of suspension accordingly;
  - c. the Suspension was justified, but that the record of Suspension be removed after a period of time if there are no further incidents requiring discipline;
  - d. the Suspension was not justified, in which case the record of Suspension will be expunged, and the pupil will be permitted to return to school, if the Suspension remains outstanding; or
  - e. or such other order as the Discipline Committee considers appropriate.
11. When making their determination the Discipline Committee shall consider:
  - a. the Principal's Report and submissions;
  - b. the submissions and any other information provided by the Appellant; and
  - c. the analysis and application of the mitigating and other factors, which may or may not be applicable in the circumstances.

12. The Discipline Committee may give such directions or make such orders at a Suspension Appeal as it considers necessary for the maintenance of order at the Appeal. Should any person disobey or fail to comply with any such order and direction, a Trustee may call for the assistance of a police officer to enforce the direction.
13. The Discipline Committee will wait for thirty (30) minutes after the time communicated for the commencement of the Suspension Appeal. If the Appellant(s) or their representative have not yet attended and notice that they may be late has not been provided, the Discipline Committee may proceed to hear the Appeal or dismiss the Appeal in their absence.
14. The Superintendent of Education (Safety and Wellbeing) will invite the parties into the Discipline Committee meeting room and will introduce the parties to the Discipline Committee.
15. The Superintendent of Education (Safety and Wellbeing) will introduce the Discipline Committee and will indicate:
  - a. that they have been appointed by the Board to hear the matter;
  - b. that they are not connected as Trustees to the school in question;
  - c. that they have had no prior involvement with the matter that has come before them;
  - d. that this matter will be heard *In Camera* (in private); and
  - e. that the decision of the Discipline Committee is final.
16. The Superintendent of Education (Safety and Wellbeing) will call the Suspension Appeal meeting to order.
17. The Superintendent of Education (Safety and Wellbeing) will outline:
  - a. the process to be followed during a Suspension Appeal;
  - b. the matter on appeal before the Discipline Committee, including the Suspension that was imposed and the infraction for which the pupil was suspended.
18. The Superintendent of Education (Safety and Wellbeing) will distribute copies of the Principal's Report and any documents submitted by or to be submitted by the Appellant to the Discipline Committee. The Discipline Committee may choose to have a brief recess in order to read the reports and documents.
19. The Appellant will be invited to make an oral presentation.
  - a. Trustees may ask questions of clarification through the Chair.
  - b. The Administration may ask questions of clarification through the Chair.
20. The pupil will be invited to make a statement on his/her own behalf to the Discipline Committee.
  - a. Trustees may ask questions of clarification through the Chair.
  - b. The Administration may ask questions of clarification through the Chair.
21. The Administration will be invited to make a presentation.
  - a. Either the Principal or the Superintendent of Education will review the Report provided to the Discipline Committee and the Appellant, and provide any response to the Appellant's presentation.
  - b. Trustees may ask questions of clarification through the Chair.
  - c. The Appellant may ask questions of clarification through the Chair.
22. The Appellant will be invited to respond to the Administration's presentation, but only with respect to issues the Appellant has not previously addressed.
23. At the conclusion of both presentations, the Appellant and the Administration will be invited to make summary statements but may not introduce new issues. The Discipline Committee may choose to have a brief recess prior to hearing the summary statements.

24. Trustees may ask final questions of clarification.
25. The Superintendent of Education (Safety and Wellbeing) will explain that:
  - a. all persons, except the Discipline Committee, will be asked to leave the room while the Trustees deliberate and make their decision;
  - b. the Superintendent of Education (Safety and Wellbeing) will be informed of the decision by the Discipline Committee and will relay this decision to the parties at the earliest opportunity.
26. The Superintendent of Education (Safety and Wellbeing) will contact the parties involved by phone the next day with the decision of the Discipline Committee. Written notice shall also be provided to the adult pupil or the pupil's parent(s)/guardian(s) informing them of the decision of the Discipline Committee.
27. The decision of the Discipline Committee is final.