



Christ the Teacher Catholic Schools

Board Policy

Policy Title:	Appeals for Student Suspension or Expulsion	Code:	BP 14
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Preamble

The Board recognizes the importance of a progressive discipline approach that uses a continuum of interventions, supports and consequences to address student behaviour that is contrary to the Education Act and school code of conduct.

The Board recognizes that principals or their designates are responsible for maintaining proper order and discipline in schools, and that students are responsible to the principal or their designates for their conduct. All students and staff members should be able to learn and work in a safe, caring and accepting environment. The board realizes that, in some circumstances, positive practices may not be effective or sufficient to address inappropriate student behaviour. In such cases, the board supports the use of consequences. The consequences may include, where necessary, suspension and expulsion in accordance with the terms of the Education Act, Regulations, and administrative procedures developed by the Director.

The Board recognizes its duties and powers to decide upon appeals of student suspensions and principals' or their designate's recommendations for expulsion. In exercising these duties and powers, the board interprets the provisions of the Education Act and Regulations in a broad and liberal manner consistent with the Human Rights Code.

The Board authorizes a Suspension Committee of no fewer than three (3) board members to conduct appeals of student suspensions and expulsion hearings. The board formally delegates to the Student Suspension Committee the powers set out in the Education Act, Regulations under the Act to implement any appropriate order and to make decisions on behalf of the board.

Prior to appealing a suspension, the persons who have received notice (either oral or written) of the decision to suspend must contact the Director or designate in order that he/she/they and the Director or designate 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.

Specifically, the following Board policy describes the processes to be followed for appeals and hearings regarding student discipline.

Believe ... Belong ... Become

1. Suspension and Expulsion of a Student

- 1.1. Where the Director or designate confirms or modifies a student suspension of four (4) to ten (10) school days' duration, the Director or designate shall forthwith report such suspensions to the Board in writing.
- 1.2. The Board may investigate circumstances of reported suspensions through direct involvement or committee proceedings.
- 1.3. Where the Board does not investigate circumstances of reported suspensions, all other investigations shall conclude before the end of the term of suspension.
- 1.4. Throughout all investigations into suspensions or expulsions, the Director and/or designates shall be cognizant of the rights of the student and parent(s) or guardian(s) provided through legislation.

2. Suspension Committee

- 2.1. Suspension Committee Referral - Where the Director or designate recommends an extension of a suspension; the Director or designate shall refer the matter to the Suspension Committee.
- 2.2. Suspension Committee Investigation
 - 2.2.1. During the investigation phase, the Suspension Committee shall:
 - 2.2.1.1. Investigate the suspension; on the Board's behalf.
 - 2.2.1.2. Give notice of each investigation to the student and parent(s) or guardian(s).
 - 2.2.1.3. Provide opportunity for the student and parent(s) or guardian(s) to make representation before committee.
- 2.3. Suspension Committee Decisions
 - 2.3.1. Where the Suspension Committee makes a decision to increase the term of suspension or to expel a student, that decision shall be:
 - 2.3.1.1. Made before the expiration of the suspension.
 - 2.3.1.2. Deemed as if it was a Board decision, having the same force and effect as if it were made by the Board.
 - 2.3.1.3. Immediately reported to the Board.
 - 2.3.2. The Suspension Committee is authorized to suspend a student for up to one year.

3. Board Authority to Expel a Student Beyond One Year

3.1. Further to Section 2 the Board may, by resolution, expel a student from any or all of the schools in the school division for a period greater than one (1) year provided the decision is based on:

- 3.1.1. An investigation conducted under the provisions of Section 2, where the Suspension Committee arrives at a unanimous decision to this effect, or;
- 3.1.2. A majority vote by the Board following a direct Board investigation.

4. Appeal of Expulsion

4.1. On the request of the student, parent(s) or guardian(s), pursuant to Section 3 and at the expiration of one year of expulsion, the Board will review and reconsider the expulsion. In this review, the Board may:

- 4.1.1. Rescind the expulsion, and/or;
- 4.1.2. Admit the student to school on Board specified terms and conditions.

Reference: The Education Act 1995, Sections 109, 153, 154, 155
The Education Regulations, 1986

Date Issued: November 2007

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August 26, 2013
February 8, 2016
January 14, 2019