



Huron-Perth Catholic District School Board

POLICY: SUSPENSION OF STUDENTS AND SUSPENSION LEADING TO EXPULSION OF STUDENTS

Adopted:	September 24, 2001	Policy #:	3D:1
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POLICY STATEMENT:

Pursuant to the *Education Act*, principals are required to maintain proper order and discipline in schools, and students are responsible to the principal for their conduct and are required to accept such discipline as would be exercised by a reasonable, kind, firm and judicious parent. To meet the goal of creating a safe and caring school environment, the Board supports the use of positive practices as well as consequences for inappropriate behaviour, where necessary.

This policy authorizes the implementation of the following procedures for the use of suspension as outlined in Part XIII of the *Education Act* where a student has committed one or more of the infractions outlined below on school property, during a school-related activity or event, and/or in circumstances where the infraction has an impact on the school climate.

PROCEDURE:

1. DEFINITIONS

Suspension: The temporary removal of a student from his/her school in accordance with one or more reasons outlined in the *Education Act* or in a policy of the Board. Suspension may range from one (1) to twenty (20) school days.

School Expulsion: Only the Board's designated committee may impose a school expulsion. A student who is subject to a school expulsion is not entitled to attend the school the student was attending when he or she committed the infraction which resulted in the expulsion, and is not entitled to engage in school-related activities of that school. A student on a school expulsion shall enroll in and be admitted to another school of the Board at the conclusion of his/her expulsion.

A student on a school expulsion may apply in writing to the appropriate Supervisory Officer, to be readmitted to the school from which he/she received the school expulsion.

Board Expulsion: Only the Board's designated committee may impose a board expulsion. A student who is subject to a board expulsion is not entitled to attend any school in the Board or to engage in any school-related activities of any school in the Board until he/she successfully completes a program for expelled students, approved by the Ministry of Education, **or** has satisfied the objectives required for the successful

completion of a program for expelled students, approved by the Ministry of Education, as determined by the person who provides a program for expelled students.

A student who enrolls in a school of the Huron-Perth Catholic District School Board while on a board expulsion from another Board may be assigned to the board expulsion program with which the Board is affiliated.

Expulsion Program: The Board will develop and implement a program for expelled students. This program will follow the requirements outlined in Policy/Program Memorandum 142.

Mitigating and Additional Factors to be Considered: Before deciding to suspend and/or expel, the principal shall consider the following mitigating and additional factors. As well, in making its determination, the board's Suspension Appeal Committee shall consider the following mitigating and additional factors:

- The pupil does not have the ability to control his or her behaviour.
- The pupil does not have the ability to understand the foreseeable consequences of his or her behaviour.
- The pupil's continuing presence in the school does not create an unacceptable risk to the safety of any person.
- The pupil's history.
- Whether a progressive discipline approach has been used with the pupil.
- Whether the activity for which the pupil may be or is being suspended or expelled was related to any harassment of the pupil because of his or her race, ethnic origin, religion, disability, gender or sexual orientation or to any other harassment.
- How the suspension or expulsion would affect the pupil's ongoing education.
- The age of the pupil.
- In the case of a pupil for whom an individual education plan has been developed,
 - i. Whether the behaviour was a manifestation of a disability identified in the pupil's individual education plan,
 - ii. Whether appropriate individualized accommodation has been provided, and
 - iii. Whether the suspension or expulsion is likely to result in an aggravation or worsening of the pupil's behaviour or conduct.

Violent Incident Form: A Ministry of Education form that documents the relevant information concerning all violent incidents involving police. This form is to be retained in the student's Ontario Student Record (O.S.R.) and shall not be removed unless three consecutive years have passed during which no further suspension for violent incidents have taken place.

Safe Schools Incident Reporting Form: A Ministry of Education requires an employee of a board who becomes aware that a pupil of a school of the board may have engaged in an activity described in subsection 306 (1) or 310 (1) of Education Act shall report to the principal of the school about the matter. (HPCDSB 3D:10)

Bullying: The Education Act Defines bullying as aggressive and typically repeated behaviour by a pupil where:

- (a) The behaviour is intended by the pupil to have the effect of, or the pupil ought to know that the behaviour would be likely to have the effect of,
 - i. Causing harm, fear or distress to another individual, including physical, psychological, social or academic harm, harm to the individual’s reputation or harm to the individual’s property, or
 - ii. Creating a negative environment at a school for another individual, and
- (b) The behaviour occurs in a context where there is a real or perceived power imbalance between the pupil and the individual based on factors such as size, strength, age, intelligence, peer group power, economic status, social status, religion, ethnic origin, sexual orientation, family circumstances, gender, gender identity, gender expression, race, disability or the receipt of special education;
- (c) Bullying: For the purposes of the definition of “bullying” in subsection (1), behaviour includes the use of any physical, verbal, electronic, written or other means.
- (d) Cyber-bullying: For the purposes of the definition of “bullying” in subsection (1), bullying includes bullying by electronic means (commonly known as cyber-bullying), including,
 - Creating a web page or a blog in which the creator assumes the identity of another person;
 - Impersonating another person as the author of content or messages posted on the internet; and
 - Communicating material electronically to more than one individual or posting material on a website that may be accessed by one or more individuals.

2. ACTIONS FOR WHICH A PRINCIPAL SHALL CONSIDER A SUSPENSION

- (a) A principal shall consider whether to suspend a student if he or she believes that the student has engaged in any of the following activities while at school, at a school-related activity or in other circumstances where engaging in the activity will have an impact on the school climate:
 - Uttering a threat to inflict serious bodily harm on another person.
 - Possessing alcohol, cannabis, illegal, controlled and/or restricted drugs.
 - Being under the influence of alcohol.
 - Swearing at a teacher or at another person in a position of authority.
 - Committing an act of vandalism that causes damage to school property at the student’s school or to property located on the premises of the student’s school.
 - Bullying.
 - Any other activity that is an activity for which a principal may suspend a student under a policy of the Board. For the purpose of this policy, these activities include:
 - i. Arson and fire-setting;
 - ii. Gang-related incidents;
 - iii. Being under the influence of illegal, controlled and/or restricted drugs;
 - iv. Persistent truancy;
 - v. Persistent opposition to authority;

- vi. Habitual neglect of duty;
 - vii. Use of tobacco or cannabis;
 - viii. Theft;
 - ix. Inappropriate use of electronic communications or media;
 - x. Conduct injurious to the moral or religious tone of the school or to the physical or mental well-being of others in the school;
 - xi. Use of profane language or gestures.
- (b) When a pupil is suspended under section 310, the principal shall conduct an investigation to determine whether or not a student shall be suspended pending an expulsion. Please refer to section 12 the list of infractions which require a suspension pending a possible expulsion.

3. NON-DISCIPLINARY REASON FOR SUSPENSION

In accordance with the *Immunization of School Students Act*, s.6(1), (2), a Medical Officer of Health may require the principal to suspend or exclude from school a student who is not immunized as required by legislation and is not legally exempt from being immunized.

4. NOTIFICATION OF SUSPENSION

A principal who suspends a student shall:

- (a) Make all reasonable efforts to inform the pupil's teachers, parent(s) or guardian of the suspension within 24 hours of the suspension being imposed, unless the student is less 18 years of age or is 16 or 17 and has withdrawn from parental control)
- (b) Complete and distribute the appropriate Notice of Suspension Letter;
- (c) Notify (or consult) police as per the Police/School Board Protocol;
- (d) Ensure that suitable arrangements are made for the safe return home of the suspended student.
- (e) Refer to Progressive Discipline Policy 3D:10 regarding notification to parents of students involved in serious incidents.
- (f) Have school work made available at the office, or on the Virtual Learning Environment (VLE)

5. CONTENTS OF NOTICE

The notice under subsection (4) must include the following:

- (a) The reason for the suspension.
- (b) The duration of the suspension.
- (c) Information about any program for suspended pupils to which the pupil is assigned.
- (d) Information about the investigation the principal will conduct under section 311.1 of the Education Act to determine whether to recommend that the pupil be expelled.
- (e) Information about the right to appeal the suspension under section 309 of the Education Act, including,
 - i. A copy of the board policies and guidelines governing the appeal established by the board (under subsection 302 (6) Education Act, and)
 - ii. The name and contact information of the Supervisory Officer to whom notice of the appeal must be given (under subsection 309 (2) Education Act.)

Pursuant to the Education Act, if a student has been suspended under section 310 of the Education Act, (found in section 12 of this Policy):

- i. There is no immediate right to appeal the suspension,
- ii. If the principal does not recommend to the board that the pupil be expelled following the investigation under section 311.1 of the Education Act, the suspension will become subject to appeal under section 311.2 of the Education Act, and
- iii. If there is an expulsion hearing because the principal recommends to the board that the pupil be expelled; the suspension may be addressed by parties at the hearing.

6. DURATION OF SUSPENSION

- (a) The minimum duration of a suspension is one (1) school day, and the maximum is twenty (20) school days.
- (b) Consultation with the Supervisory Officer is required for suspensions over five (5) school days.

7. RECORD KEEPING

The principal shall ensure that:

- (a) Each suspension is recorded and filed in the O.S.R.;
- (b) Suspensions for violent incidents are recorded on the Violent Incident Form and placed in the student's O.S.R.;
- (c) Violent Incident Forms are removed from the student's O.S.R. if three (3) consecutive years have passed during which no further suspensions for violent incidents have taken place.

8. SUSPENSION REVIEW

- (a) A request for a review of a suspension does not cancel the suspension.
- (b) The student or the parent/guardian (if the student is less than 18 years of age or is 16 or 17 and has withdrawn from parental control) may request a review of a suspension. This request must be made in writing within three (3) school days from the beginning of the suspension.
- (c) The request for a review may be delivered to the principal who made the decision to suspend or to the Supervisory Officer.
- (d) Where the request for a review is delivered to the principal, the principal shall immediately notify the Supervisory Officer and shall ensure that the written request is promptly delivered to the Supervisory Officer.
- (e) The Supervisory Officer shall endeavour to complete the suspension review within five (5) school days after the student was suspended.
- (f) When a suspension is to be reviewed, the Supervisory Officer in consultation with the principal, shall:
 - i. investigate the facts of the situation;

- ii. review the situation with the student or with the parent/guardian (if the student is less than 18 years of age or is 16 or 17 and has withdrawn from parental control);
 - iii. consider the terms of the suspension in relation to the infraction;
 - iv. make a decision on the review. (For the purposes of the review, the Supervisory Officer has the authority to confirm, modify, or overturn and remove the suspension.)
- (g) The Supervisory Officer shall provide the person making the request for a review a written notice of the suspension review decision and shall outline the procedure to be taken if the person wishes to initiate an appeal if the suspension is upheld.

9. SUSPENSION APPEALS

- (a) The following persons may appeal, to the Board, a principal's decision to suspend a student:
- i. 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.
 - ii. 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.
- (b) **Notice of Appeal**
A person who is entitled to appeal a suspension must give written notice of his or her intention to appeal to the appropriate Supervisory Officer within ten (10) school days of the commencement of the suspension. An appeal of the decision to suspend a student will be in writing, and the notice of appeal will include the specific reasons for the appeal, including why the party believes that the suspension should not have been imposed, or why the length of the suspension should be altered. After receiving a notice of intention to appeal, the Supervisory Officer will promptly contact all parties to the appeal and inform them that he/she has received the notice of intention to appeal.
- (c) **Party May Contact Supervisory Officer**
A person who has been given notice of intention to appeal as set out above may contact the Supervisory Officer responsible for the relevant school to discuss any matter respecting the appeal of the suspension.

10. SUSPENSION APPEAL PROCESS

- (a) **Parties to the Appeal**
The parties to the appeal are:
- i. The principal who suspended the student.
 - ii. 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.

- iii. The student's parent or guardian, if the student's parent or guardian appealed the decision to suspend the student.

The parties to the appeal shall be entitled to be represented by counsel or an agent.

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

(b) **Hearing of the Appeal**

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

The powers and duties of the Board to conduct a suspension appeal hearing and make a decision on the suspension of a student following such hearing, shall be exercised and performed by the Suspension Appeal Committee of three (3) trustees of the Board, as designated by the Chairperson of the Board. Quorum for this committee is three (3) trustees. One (1) member will be appointed chair. The chair shall be the facilitator during the proceedings. The Director of Education, or Supervisory Officer, shall act in an advisory role to the committee on procedural matters during the suspension appeal hearing and the committee's subsequent deliberations.

A member of a Committee who has any direct involvement in a matter prior to the commencement of the hearing shall disqualify himself/herself and will not take part in the hearing, the deliberations, the decision and the reasons.

A member of a Committee who has not been present through the whole of the hearing shall not take part in the deliberations, the decision or the reason.

In reaching a decision, the Committee shall have regard only to the evidence, argument and submissions made at the hearing and the debate during the deliberations, and not to any information that may have come into its possession prior to or outside the course of the hearing itself.

(c) **In Camera Hearing**

Since intimate personal matter involving the student and, in some cases, other persons will be disclosed at the hearing, the hearing may be conducted *in camera*. However, this may be reconsidered by the Suspension Appeal Committee in any particular case and the committee may direct that the hearing be opened to the public where the committee determines that the holding of an open public hearing outweighs the interests of the student's or other persons' concern for privacy.

(d) **Suspension Appeal Hearing Procedure**

- i. The hearing shall be set for a maximum of two (2) hours. Each party will be given up to forty-five (45) minutes to complete his/her presentation. The time frame will only be extended if the Suspension Appeal Committee determines that a party reasonably requires more time.

- ii. The Suspension Appeal hearing shall be conducted in accordance with the provisions of the *Statutory Powers Procedure Act*. The parties to the proceeding shall be entitled to:
 - Call and examine witnesses and present arguments and submissions. If a witness is under age 18, a signed letter of permission from the parent/guardian shall be provided;
 - Conduct cross-examinations of witnesses at the hearing reasonably required for a full and fair disclosure of the facts in relation to which they have given evidence.
- iii. The procedure for the hearing shall be as follows:
 - The chair declares hearing *in camera* or not *in camera*;
 - The chair determines that all who are present have a right to be present;
 - The chair determines the order of presentations;
 - The committee considers the submissions of each party in whatever form the party chooses to deliver his or her submissions, whether orally, in writing or both;
 - The committee solicits views of all the parties as to whether the Board should confirm the suspension originally imposed, confirm the suspension but reduce its duration or withdraw the suspension.

(e) **Disposition**

- i. A decision shall be rendered on the day of the hearing. The decision shall be by majority vote if consensus is not reached. The decision of the Suspension Appeal Committee is final.
- ii. In its deliberations, the committee must consider all information and views presented by all parties of the hearing, as well as all mitigating and additional factors.
- iii. If the committee is satisfied that the student has committed an infraction for which suspension is warranted, the committee may uphold or reduce the original suspension.
- iv. If the committee is satisfied that the student's behaviour does not warrant suspension, the committee may overrule the decision to suspend and order the record of suspension expunged.
- v. The Supervisory Officer shall compile a record of the suspension appeal proceedings which will include:
 - the notice of the hearing;
 - all documentary evidence filed with the committee;
 - the decision of the committee;
 - a written record of any conditions made by the committee.
- vi. The Supervisory Officer shall:
 - advise the parties of the decision of the Suspension Appeal Committee orally as soon as possible, and this decision shall be subsequently confirmed in writing;
 - inform the parties of the Board's program for suspended students;
 - inform the student, or the parent/legal guardian, if the student is less than 18 years of age (unless the student is 16 or 17 and has

withdrawn from parental control); of the procedure to follow if they wish to appeal the Board's decision to suspend.

11. REPORT

An *in-camera* report on the decision of the Suspension Appeal Committee shall be presented to the Board by the Supervisory Officer for receipt at the next meeting of the Board following the suspension appeal hearing.

12. ACTIONS FOR WHICH A PRINCIPAL SHALL SUSPEND AND INVESTIGATE FOR POSSIBLE EXPULSION

Education Act, s.310(1) A principal shall suspend a pupil if he or she believes that the pupil has engaged in any of the following activities while at school, at a school-related activity or in other circumstances where engaging in the activity will have an impact on the school climate:

- Possessing a weapon, including possessing a firearm;
- Using a weapon to cause bodily harm, or to threaten serious harm to another person
- Committing a physical assault that causes bodily harm requiring treatment by a medical practitioner;
- Committing a sexual assault;
- Trafficking in illegal weapons or illegal, controlled and/or restricted drugs;
- Committing robbery;
- Giving alcohol or cannabis to a minor;
- Bullying, if :
 - the pupil has previously been suspended for engaging in bullying and
 - the pupil's continuing presence in the school creates an unacceptable risk to the safety of another person.
- Any activity listed in subsection 306(1) of the Education Act that is motivated by bias, prejudice or hate based on the race, national or ethnic origin, language, colour religion, sex, age, mental or physical disability , sexual orientation, gender identity, gender expression, or any other similar factor.
- Any other activity that, under the policy of the board, is an activity for which a principal must suspend a pupil and, therefore in accordance with the Part, conduct an investigation to determine whether to recommend to the board that a student be expelled.

13. SUSPENSION PENDING A DECISION ON EXPULSION

When a student commits an infraction listed in above the principal shall suspend the student for up to twenty (20) school days, call police, and notify Supervisory Officer of education. In considering how long the suspension should be, the principal shall take into account any mitigating or other factors prescribed by the regulations.

- (a) A principal who suspends a pupil under section 310 of the Education Act shall:
- i. inform the pupil's teacher of the suspension; and

- ii. make all reasonable efforts to inform the pupil’s parent or guardian of the suspension within 24 hours of the suspension being imposed, unless,
 - The pupil is at least 18 years old, or
 - The pupil is 16 or 17 years old and has withdrawn from parental control.
- (b) A principal who suspends a pupil under this section shall ensure that written notice of the suspension is given promptly to the following persons:
- i. The pupil.
 - ii. The pupil’s parent or guardian, unless,
 - The pupil is at least 18 years old, or
 - The pupil is 16 or 17 years old and has withdrawn from parental control.

14. CONTENTS OF NOTICE

The notice under subsection (13) must include the following as outlined in section 311.3 of the Education Act:

- i. The reason for the suspension.
- ii. The duration of the suspension.
- iii. Information about any program for suspended pupils to which the pupil is assigned.
- iv. Information about the investigation the principal will conduct under section 311.1 of the Education Act to determine whether to recommend that the pupil be expelled.
- v. A statement indicating that,
 - there is no immediate right to appeal the suspension,
 - if the principal does not recommend to the board that the pupil be expelled following the investigation under section 311.1, the suspension will become subject to appeal under section 311.2, and
 - if there is an expulsion hearing because the principal recommends to the board that the pupil be expelled, the suspension may be addressed by parties at the hearing.

15. PRINCIPAL INVESTIGATION

- (a) The principal shall conduct an investigation immediately following the incident to determine if the student has committed an infraction for which expulsion is warranted.
- (b) In collecting the facts, the principal is to seek detailed information from staff, students and anyone involved in the incident. These records are to be dated, signed by the principal and filed in a secure place.
- (c) The principal will meet with the student and the parent/legal guardian if the student is less than 18 years of age (unless the student is 16 or 17 and has withdrawn from parental control) prior to making a final decision on the issue of expulsion. The purpose of this meeting will be to review the findings made by the principal and to provide the student or the parent/legal guardian with an opportunity to respond to the findings or to provide any additional information which may be relevant to making a decision on the appropriate discipline.
- (d) Where there is a conflict in the evidence collected by the principal, the principal shall review the evidence and determine whether it is more probable than not that the student committed the infraction.

- (e) Immediately after the investigation, the principal shall:
 - consider all evidence gathered, and;
 - consider all mitigating circumstances; and make a decision to:
 - confirm, shorten, or withdraw the suspension, or;
 - recommend a school or Board expulsion to the Board.
- (f) The principal shall use Appendix 3D:1Q in reporting the investigation.
- (g) Immediately after the principal's investigation, the principal shall provide written notice:
 - if expulsion is not recommended, a letter is to be sent to all those who received the original suspension letter;
 - if expulsion is recommended, a letter and a copy of the Report of the Principal's Investigation is to be sent to all those who received the original suspension letter, and to the Board.

16. RECOMMENDATION BY PRINCIPAL TO THE BOARD FOR AN EXPULSION HEARING

- (a) If, following his/her investigation, the principal decides to recommend expulsion; the Board shall conduct an expulsion hearing. The parties to the expulsion hearing shall be notified in writing by the Supervisory Officer.

- (b) **Expulsion Hearing Committee:**

The powers and duties of the Board to conduct an expulsion hearing and make a decision on the expulsion of a student following such hearing, shall be exercised and performed by the Expulsion Hearing Committee of three (3) trustees of the Board, as designated by the Chairperson of the Board. Quorum for this committee is three (3) trustees. One (1) member will be appointed chair. The chair shall be the facilitator during the proceedings. The Director of Education, or Supervisory Officer, shall act in an advisory role to the committee on procedural matters during the expulsion hearing and the committee's subsequent deliberations.

- (c) **Parties:**

The parties to the expulsion hearing shall be:

- The principal;
- The student if: he/she is at least 18 years old, or if he/she is 16 or 17 and has withdrawn from parental control;
- The student's parents/guardians unless: student is at least 18 years old, or student is 16 or 17 and has withdrawn from parental control;
- Other persons whom the Board may direct.

A student, who is not a party to the hearing, as described above, has the right to be present and to make a statement on his/her behalf.

The parties to the hearing shall be entitled to be represented by counsel or an agent.

- (d) **Time and Notice of Hearing:**

An expulsion hearing shall be held by the Expulsion Hearing Committee and a decision on the expulsion will be given within twenty (20) school days of the date on which the principal suspended the student, unless the parties to the hearing agree to extend this deadline. The Supervisory Officer shall notify the student or the parent/legal guardian (if the student is less than 18 years of age, or is 16 or 17 and

has withdrawn from parental control), and the principal of the date and time and the required documentation and procedural details. Either party may contact the Supervisory Officer to discuss procedural issues which may assist in a just and expeditious proceeding.

(e) **Required Documentation:**

The student or the parent/legal guardian (if the student is less than 18 years of age, or is 16 or 17 and has withdrawn from parental control), and the principal shall provide to the Supervisory Officer, and to each other, the following, within five (5) school days after the Supervisory Officer notifies the parties of the date of the expulsion hearing.

- A written statement by the student or parent/legal guardian outlining his/her position on the events which gave rise to the suspension.
- A report of the principal's investigation, setting out the principal's findings in respect of the events that gave rise to the suspension and subsequent referral.
- Any documents the student or parent/legal guardian and the principal proposes to submit at the hearing.
- A list of any witnesses the student/parent/principal seeks to call. If a witness is under the age of 18, a signed letter of permission from the parent/guardian shall be provided.

(f) **In Camera Hearing:**

Since intimate personal matter involving the student and, in some cases, other persons will be disclosed at the hearing, the hearing may be conducted *in camera*. However, this may be reconsidered by the Expulsion Hearing Committee in any particular case and the committee may direct that the hearing be opened to the public where the committee determines that the holding of an open public hearing outweighs the interests of the student's or other persons' concern for privacy.

(g) **Expulsion Hearing Procedure:**

- i. The hearing shall be set for a maximum of two (2) hours. Each party will be given up to forty-five (45) minutes to complete his/her presentation. The time frame will only be extended if the Expulsion Hearing Committee determines that a party reasonably requires more time.
- ii. The expulsion hearing shall be conducted in accordance with the provisions of the *Education Act*, Section 311 and *Statutory Powers Procedure Act*. The parties to the proceeding shall be entitled to:
 - Call and examine witnesses and present arguments and submissions;
 - Conduct cross-examinations of witnesses at the hearing reasonably required for a full and fair disclosure of the facts in relation to which they have given evidence.
- iii. The procedure for the expulsion hearing shall be as follows:
 - The chair declares expulsion hearing *in camera* or not *in camera*;
 - The chair determines that all who are present have a right to be present;
 - The chair determines the order of presentations;

- The committee considers the submissions of each party in whatever form the party chooses to deliver his or her submissions, whether orally, in writing or both;
- The committee solicits the views of all the parties as to whether the student, if he or she is expelled, should be expelled from his or her school only or from all schools of the board; and
- The committee solicits views of all the parties as to whether, if the student is not expelled, the board should confirm the suspension originally imposed under section 310 of the *Education Act*, confirm the suspension but reduce its duration or withdraw the suspension.

(h) **Disposition:**

- i. A decision shall be rendered on the day of the hearing. The decision shall be by majority vote if consensus is not reached.
- ii. In its deliberations, the committee must consider all information and views presented by all parties of the hearing, as well as all mitigating and additional factors:
 - The pupil does not have the ability to control his or her behaviour.
 - The pupil does not have the ability to understand the foreseeable consequences of his or her behaviour.
 - The pupil’s continuing presence in the school does not create an unacceptable risk to the safety of any person.
 - The pupil’s history.
 - Whether a progressive discipline approach has been used with the pupil.
 - Whether the activity for which the pupil may be or is being suspended or expelled was related to any harassment of the pupil because of his or her race, ethnic origin, religion, disability, gender or sexual orientation or to any other harassment.
 - How the suspension or expulsion would affect the pupil’s ongoing education.
 - The age of the pupil.
 - In the case of a pupil for whom an individual education plan has been developed,
 - i. Whether the behaviour was a manifestation of a disability identified in the pupil’s individual education plan,
 - ii. Whether appropriate individualized accommodation has been provided, and
 - iii. Whether the suspension or expulsion is likely to result in an aggravation or worsening of the pupil’s behaviour or conduct.
 - iv. If the Expulsion Hearing Committee is satisfied that the student has committed an infraction for which expulsion is warranted, the committee shall impose a school expulsion or a Board expulsion on the student.
 - v. If the committee is satisfied that the student has committed an infraction for which suspension is warranted, the committee may uphold or reduce the original suspension.

- vi. If the committee is satisfied that the student's behaviour warrants neither expulsion nor suspension, the committee may overrule the decision to suspend and order the record of suspension expunged.
- vii. The Supervisory Officer shall compile a record of the expulsion proceedings which will include:
 - The report of the principal's investigation;
 - The notice of the hearing;
 - All documentary evidence filed with the committee;
 - The decision of the committee;
 - A written record of any conditions made by the committee.
- viii. The Supervisory Officer shall:
 - advise the parties of the decision of the Expulsion Hearing Committee orally as soon as possible, and this decision shall be subsequently confirmed in writing;
 - in the case of a Board expulsion, inform the parties of the Board's program and/or other programs available to the student and the re-entry requirements established by the Ministry of Education;
- ix. Inform the student, or the parent/legal guardian, if the student is less than 18 years of age (unless the student is 16 or 17 and has withdrawn from parental control); of the procedure to follow if they wish to appeal the Board's decision to expel.

17. APPEAL OF THE BOARD'S DECISION TO EXPEL A STUDENT

- (a) A decision by the Expulsion Hearing Committee to expel a student may be appealed to the Child and Family Services Review Board (CFSRB) by:
 - the student or parent/legal guardian if the student is less than 18 years of age (unless the student is 16 or 17 and has withdrawn from parental control), or
 - another person as may be specified by the school board.
- (b) To ensure a fair process for an appeal, the following time limits have been set:
 - a person has sixty (60) days, after the date of the school board's decision, to give the CFSRB written notice of appeal;
 - the CFSRB has thirty (30) days after receiving a written notice of appeal to convene a hearing, and;
 - the CFSRB has ten (10) days to render a decision after completing a hearing.
- (c) After hearing an appeal of a school board's decision, the CFSRB may:
 - confirm the school board's decision;
 - modify the type or duration of the expulsion;
 - impose, change or remove conditions that must be satisfied if the student is to return to school in Ontario following an expulsion, or;
 - overrule the decision of the school board and reinstate the student.
- (d) For further information contact:

Child and Family Services Review Board
 655 Bay Street, 14th Floor
 Toronto, Ontario M7A 2A3
 Telephone: 416-327-4673 or 1-888-728-8823

- (e) For expulsion appeals:
Email: CFSRB@ontario.ca
Website: www.sjto.ca/cfsrb

18. EXPLANATION OF TERMS

For the purpose of this policy:

- (a) Notice is deemed to be effective (i.e., received) when delivered by:
- Regular, registered or certified mail, on the fifth day after the day of mailing;
 - Email, on the day after sending
 - Courier, on the second day after the courier received the documentation from the party providing notice.
- (b) Delivery may be executed by:
- hand delivery to the Board Office during office hours;
 - regular, registered, or certified mail addressed to the Director of Education of the Board;
 - email;
 - Courier (when actually signed for by a secretary or a supervisory officer of the Board).