

## SUSPENSION AND EXPULSION POLICY

### Preamble

**John Knox Christian School** (the “School”) takes very seriously the welfare of its students and aims to provide a safe, inclusive and welcoming learning environment. The School is committed to maintaining and implementing policies which serve to assure stakeholders of this commitment.

All School policies are anchored in the vision and mission of the School, and are based on God’s word. With all things considered in matters of conduct and discipline, the underlining focus must always be love -- as it is manifested in obedience, repentance, reconciliation and restoration.

This Suspension and Expulsion Policy (the “Policy”) is part of a group of policies existing alongside or under the student Code of Conduct. These policies may include, but are not limited to, Discipline Policy-Students, Bullying Prevention and Intervention Policy, School Code of Conduct.

Suspension and expulsion are serious forms of discipline. Generally speaking, the School will have exerted reasonable effort to establish the rules, redirected the student, coached the student and disciplined the student in matters of student behaviour. However, a student’s behaviour may be such to warrant a more serious response. And in some cases, the misconduct may result in expelling a student.

This Policy will primarily define suspension and expulsion, state some of the reasons for such measures, state what may be done to mitigate the punishment for some students, and provide an appeal process. This policy is in keeping with the Ontario Ministry of Education guidelines.

### Definitions

**Bullying:** Bullying means aggressive and typically repeated behaviour by a student where,

- a. the behaviour is intended by the student to have the effect of, or the student 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 student 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;

“Behaviour” includes the use of any physical, verbal, electronic, written or other means. Bullying includes cyber-bullying.

**Cyber-bullying:** Bullying by electronic means, including,

- a. creating a web page or a blog in which the creator assumes the identity of another person;
- b. impersonating another person as the author of content or messages posted on the internet; and
- c. communicating material electronically to more than one individual or posting material on a website that may be accessed by one or more individuals.

**Electronic hearing:** A hearing conducted by means of a telephone conference call or a video conference call or any other similar means in which all parties can hear and speak to each other. An electronic hearing is conducted in the same manner as an oral (in person) hearing as much as possible. It is a reasonable option in place of attending an oral hearing. All participants must agree to this type of hearing.

**Expulsion:** Expulsion takes place when a student is completely barred from the School—generally until the end of the semester, end of the school year, or longer. As set out in this Policy, expulsion of a student is recommended by the Principal to the School’s Board of Directors (the “Board”), following which an expulsion hearing takes place involving the student’s Parents, and the Board makes a decision thereafter.

**Harassment:** Harassment is often, but not always, persistent, ongoing conduct or communication in any form, of attitudes, beliefs, or actions towards an individual or group which might reasonably be known to be unwelcome. A single act or expression can constitute harassment, for example, if it is a serious violation. Harassment may be either subtle or blunt.

**Impact on the School Climate:** This means an event that occurs off of school property and/or outside of school hours and/or outside of the school year that has a reasonable connection or nexus to the school, members of the school community and/or the school climate. It includes a possible result of inappropriate activities or behaviours, whether those activities/behaviours occur inside or outside the school.

**Oral hearing:** An in-person meeting regarding expulsion or a suspension appeal. This is the preferred and most used option of attending a hearing. This Policy lays out the procedures for such a hearing.

**OSR - Ontario Student Record:** A school using an OSR design is required to follow the terms and conditions associated with the OSR as set by the province. The Principal has specific duties in terms of filing suspension and expulsion notices/reports (e.g., violent incident reporting form) and updating any changes. The Principal needs to follow guidelines when expunging any references to suspension and expulsion after a certain number of years (e.g., 5 years after a violent incident). Parents are entitled to review a copy of their child's OSR, provided the request is made in writing to the Principal.

**Parent:** In this document, "Parents" refers to parents and guardian(s) as used in the *Education Act*. It may also be taken to include caregivers or close family members who are responsible for raising the child. Parents are normally the legal representatives of their children unless they have attained the age of 18 or the age of 16 or 17 years old and have withdrawn from parental control. Unless otherwise specified, students herein are under the age of 18 and are under the control of their Parents. For convenience, and unless otherwise specified, this document will use the term "Parents" to represent a single parent as well.

**Suspension:** A suspension means students are removed from class and/or school, and from engaging in school-related activities, temporarily for a specific period of time for disciplinary reasons. There are short term suspensions (1-5 school days) and long-term suspensions (up to 20 school days). The decision to suspend is made by the Principal or designate acting for the Principal. The Parents have a right to know why the student was suspended, how long the student will be suspended, and what impact the suspension will have on the student's program, if any. The Board is usually informed of the Principal's decision. The Parents can appeal the Principal's suspension decision to the Board and request a Suspension Appeal Hearing.

**Written hearing:** This is a form of "attending" a hearing where documents and written communication are exchanged in writing. It could involve email and letter exchanges. It is an option in place of attending an oral or electronic hearing, although it is a more difficult and time-consuming option to implement. All participants must agree to this type of hearing.

## Policy

### General Principles

1. The School will abide by all applicable law, including the Ontario *Human Rights Code*.
2. The School will abide by its Aims, Objectives, and Basis of Belief.
3. The School will provide a clear and well communicated Student Code of Conduct.
4. The School will provide and implement a progressive discipline program so that the student may be nurtured to behave appropriately. Student behaviour must be addressed using a continuum of prevention, early and ongoing intervention, supports and consequences. In all decisions, the School is committed to ensuring the dignity, safety and well being of its students and staff, and to preserving the moral tone of the School. Principles relating to progressive discipline are summarized in Progressive Discipline Policy.<sup>1</sup>
5. The School reserves the right to suspend or expel a student from the School.
6. The School will at all times consider the impact on School climate. Students may be disciplined for off-school conduct (e.g., cyberbullying) "where engaging in the activity will have an impact on the school climate."

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<sup>1</sup> This policy can be found on the Edvance Portal under Student Code of Conduct

Principles relating to bullying prevention and intervention are summarized in Bullying Prevention and Intervention Policy<sup>2</sup>.

7. As set out herein, the School will apply mitigating factors when considering suspension and expulsion. The Principal will consider the student's needs before suspending or recommending expulsion. This will mean that different students involved in the same incident may not face the same consequences. The Principal can decide on different consequences for each student based on mitigating and other factors.
8. The School recognizes the duty and importance of keeping Parents properly informed at all times. This Policy sets out notification procedures, including in relation to incidents of misconduct leading to potential suspension or expulsion, suspension notices, and expulsion hearing notices. Parents will be invited to discuss follow-up, if necessary.
9. The School is committed to providing the Parents and the student with the necessary curriculum support during the suspension period, and will provide the Parents with suggestions for outside assistance agencies where the student can obtain further help in such matters as anger management, substance abuse counselling, relational counselling, conflict resolution, etc., as may be appropriate in the circumstances.
10. The Board authorizes the Principal to suspend a student in accordance with this Policy and as needed without seeking prior approval from the Board. The Principal is required to inform the Board of any suspension. Only the Board may expel a student, pursuant to an expulsion hearing recommended by the Principal.
11. The Board may authorize an ad hoc committee of at least three members of the Board to exercise and perform powers and duties on behalf of the Board when hearing an appeal on suspension and/or when dealing with an expulsion hearing. The Board may impose conditions and restrictions on the committee. Board members who are related to or close friends of the student and Parents must declare the conflict of interest and remove themselves from any hearing deliberations and decisions.
12. The Board will handle all suspension appeal hearings and expulsion hearings confidentially and minutes will be filed by the School. The documentation is the property of the School only, unless subject to legal requirements.
13. When infractions involve potential violations of the Criminal Code, the police will be contacted. The police may be contacted at the Principal's discretion for other infraction cases.

### Suspension

Suspension will be considered whether the activity took place at school, at a school-related activity (e.g., a field trip), or in any other circumstances where the student's behaviour has an impact on the school climate.

The primary purpose underlying the implementation of a suspension is to achieve a positive consequence for the student. In this regard, a suspension:

- operates as a deterrent by sending a strong signal to the student that certain types of behaviour are unacceptable;
- notifies family and other students that the precipitating behaviour is inappropriate and unacceptable;
- serves as a period of reflection to prepare a climate for conflict resolution where two or more students have been involved in a serious incident;
- encourages a student and a student's family to seek appropriate assistance themselves; and
- alerts school personnel to the need for ongoing observation, support and intervention.

### Conditions and Reasons

The Principal shall consider whether to suspend a student if the Principal 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:<sup>3</sup>

- a. uttering a threat to inflict serious bodily harm on another person;

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<sup>2</sup> This policy can be found on the Edvance Portal under Student Code of Conduct

<sup>3</sup> Items (a-f) are taken directly from the *Education Act*; those that follow are additional items that are contrary to the School's policies and expectations.

- b. possessing alcohol, illegal drugs or, cannabis (unless the student is a medical cannabis user);
- c. being under the influence of alcohol or, cannabis (unless the student is a medical cannabis user);
- d. swearing at a teacher or at another person in a position of authority;
- e. committing an act of vandalism that causes extensive damage to School property or to property located on School premises;
- f. bullying (including cyber-bullying);
- g. repeatedly defying authority;
- h. wilful and repeated disrespect and disobedience;
- i. assaulting another person;
- j. repeatedly swearing or using foul language;
- k. committing robbery or consistent stealing of minor things;
- l. acting in a way considered by the Principal to be contrary to the School's Code of Conduct;
- m. any act considered by the Principal to be injurious to the moral tone of the School;
- n. any act considered by the Principal to be injurious to the physical or mental well-being of members of the School community; and
- o. any other activities identified in School policy.

### Reporting to the Principal and Investigation

An employee of the School who becomes aware that a student may have engaged in an activity described above shall report to the Principal about the matter, as soon as reasonably possible.

The Principal has a duty to investigate any matter reported. The Principal will conduct a fair, objective, appropriate, and thorough investigation of the alleged misconduct, including granting sufficient time to listen to the student(s) and the witnesses involved. The Principal may have access to legal advice, if required.

After investigating, the Principal will communicate the results of the investigation to:

1. if the matter was reported by a teacher, that teacher; or
2. if the matter was reported by an employee who is not a teacher, that employee unless, in the Principal's opinion, it would not be appropriate to do so.

In doing so, the Principal will not disclose more personal information than is reasonably necessary for the purpose of communicating the results of the investigation.

In conducting an investigation, the Principal should have regard to the principles and guidelines contained in Appendix A to this Policy.

### Notice to Parents

If the Principal believes that a student has been harmed as a result of an activity described above, the Principal shall, as soon as reasonably possible, notify,

1. The Parent of the student who the Principal believes has been harmed;
2. The Parent of any student at the school who the Principal believes has engaged in the activity that resulted in the harm.

However, the Principal shall not notify a Parent of a student if in the opinion of the Principal doing so would put the student at risk of harm from a Parent, such that the notification is not in the student's best interests. When the Principal has decided not to notify the Parents that their child was involved in a serious student incident, they must document the rationale for this decision and notify the teacher who reported the incident.

When notifying a Parent of a student who has been harmed, the Principal shall disclose:

- a. the nature of the activity that resulted in harm to the student;
- b. the nature of the harm to the student;
- c. the steps taken to protect the student's safety, including the nature of any disciplinary measures taken in response to the activity; and
- d. the supports that will be provided for the student in response to the harm that resulted from the activity.

When notifying a Parent of a student who has been harmed, the Principal shall not disclose the name of or any other identifying or personal information about a student who engaged in the activity that resulted in the harm, except in so far as is necessary to comply with their obligation to disclose the required information.

When notifying a Parent of a student who has engaged in the activity that resulted in harm, the Principal shall disclose:

- a. the nature of the activity that resulted in harm to the other student;
- b. the nature of the harm to the other student;
- c. the nature of any disciplinary measures taken in response to the activity; and
- d. the supports that will be provided for the student in response to their engagement in the activity.

When notifying a Parent of a student who has engaged in the activity that resulted in harm, 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 their obligation to disclose the required information.

When notifying Parents of these incidents, the Principal shall invite the Parent to have a discussion with the Principal about the supports that will be provided for the student.

The Principal shall also make all reasonable efforts to meet with the student's Parent within 24 hours of the incident to review the circumstances. The Principal shall review the details of the alleged offence and shall review the seriousness of the offence and the range of disciplinary consequences. The student and Parent shall have full opportunity to make submissions and set out the student's version of events. Opportunity should be given to the student, and the parent or guardian, to have confidential discussions among themselves.

### Mitigating Factors

After completing the investigation and before deciding to suspend a student, the Principal will consider the individual student's circumstances and the following mitigating and other factors:

- the student does not have the ability to control their behaviour;
- the student does not have the ability to understand the possible consequences of their behaviour;
- the student's presence in the school does not create an unacceptable risk to the safety of another person;
- the student's history (i.e., personal history such as a recent trauma in the student's life, or whether the behaviour is a result of being bullied);
- whether a progressive discipline approach has been used;
- whether the behaviour is related to harassment or rights protected by the *Human Rights Code*;
- how the suspension will affect the student's ongoing education; and
- the student's age.

If a student has special education needs and has an Individual Education Plan (IEP), the Principal will also consider:

- whether the behaviour was a manifestation of a disability identified in the student's plan;
- whether appropriate individualized accommodation has been provided; and
- whether suspension is likely to aggravate or worsen the student's behaviour or conduct.

### Levels of Suspensions and Requirements:

The minimum duration of a suspension is one school day. A one-day suspension cannot be appealed. The maximum duration of a suspension is 20 school days.

A suspension will be in effect on the first school day following the infraction.

The Principal shall consider all mitigating and other factors, as well as the submissions of the student and Parent, in determining the duration of a suspension.

1. **In-School Suspension.** The student reports to school but does not participate in any school functions. A re-entry meeting with the Parents is not required. A report is filed with the Principal and placed in the OSR. The School's in-school suspension procedures will be developed and applied.
2. **One to Five School Days Suspension.** The student stays at home and does not participate in any school function. A Student Action Plan (with a homework package as the basis of the program) is developed. A re-entry meeting with the Parents is not required. A report is filed with the Principal and placed in the OSR.
3. **Six to Ten School Days Suspension.** The student stays at home and does not participate in any school function. A Student Action Plan (with a homework package as the basis of the program) followed by a continuing academic program involving core subjects is provided. A re-entry meeting with the Parents is required. A report is filed with the Principal and placed in the OSR.
4. **Up to Twenty School Days Suspension.** A suspension of such length may be needed to give the Principal opportunity to investigate and decide whether expulsion is necessary. During this time, the support work for core subjects is extended. A re-entry meeting with the Parents is required. A report is prepared by the Principal and may be placed in the OSR or a separate incident file.

### Notice of Suspension

When suspending a student, the Principal shall inform the student's teacher of the suspension and make every reasonable effort to inform the Parents of the suspension within 24 hours of the suspension being imposed. If applicable, the Principal will also inform the student's bus driver.

The student's parent or guardian should be immediately contacted and asked to collect the student from the School. If contact cannot be made, or while waiting for the student to be collected from the School, the student should be asked to wait in a designated, supervised place. A student under suspension must never be sent home without the knowledge of a parent.

The Principal shall ensure that written notice of the suspension is given promptly to the student and the Parents. This notice will include:

- reason(s) for the suspension;
- length of the suspension;
- information about the supporting academic program (see Levels of Suspensions and Requirements);
- information about any meeting required with the Parents about re-entry to the school;
- statement that the Parents have the right to appeal the suspension, unless it is a one-day suspension; and
- information on how and when to appeal the suspension (see 6, 7 and 8 below), including a copy of this policy and other related policies, unless it is a one-day suspension.

The Parents may ask to meet with the Principal and other staff members to discuss the circumstances surrounding the suspension and the support program in place. The Parents have the right to ask to see a copy of the OSR in order to understand what details or efforts were in place in terms of proactive intervention.

Where notice is given, it shall be considered to have been received by the person in accordance with the following rules:

1. If the notice is sent by mail or another method in which an original document is sent, the notice shall be considered 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.
2. If the notice is sent by fax or another method of electronic transmission, the notice shall be considered 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.

A copy of the notice of suspension is given to the student at school, mailed to the Parents, and filed in the student's OSR.

### Academic Behavioural Program (Student Action Plan)

The Principal will confer with the appropriate teacher(s) to establish a homework package and an academic support plan. The appropriate teacher(s) will provide reasonable online support.

The Principal and designated faculty members will provide the student who is suspended for 1-5 days with a homework package, and for more than 5 days with learning support in the core subjects. For suspensions longer than 5 days, this Student Action Plan will:

- be developed by the Principal in co-operation with appropriate staff, with the student and the Parent;
- outline the objectives for the student;
- be tailored to meet specific needs of the student, and the nature and length of the suspension and the incident that led to it; and
- help to maintain regular academic coursework during the suspension period.

The structure and main objectives of the individualized plan will be communicated by the Principal. This learning material is not required to be completed prior to the student returning to school; however, the suspended student will be required to write any exam that was scheduled during the period of suspension.

A suspended student is excluded from school programs, property, and special events unless they have written permission from the Principal. Exams must still be completed during the duration of the suspension. A suspended student will be provided with curriculum support.

### Re-Entry

Depending on the length of the suspension, as set out above, a re-entry interview will be held with the Principal upon the student's return to school. At least one Parent must be present. When a student is returning from a lengthy suspension, a re-entry plan will be prepared in order to assist the re-integration of the student within the educational program.

### Suspension Appeal Process

Parents may appeal a suspension of more than one day where an expulsion is not being investigated.

In circumstances where an appeal is requested by a Parent, the suspension will still be served by the student. An appeal does not stay the suspension.

### Notice of Suspension Appeal

Parents must submit a letter (a notice of intention to appeal a suspension) to the Board within 10 school days. Failure to do so within 10 school days shall signify that the Parents have waived the right to appeal.

Where notice is given, it shall be considered to have been received in accordance with the following rules:

- If the notice is sent by mail or another method in which an original document is sent, the notice shall be considered 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.
- If the notice is sent by fax or another method of electronic transmission, the notice shall be considered 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.

- The appeal letter from the Parents should include the following information:
- a date signifying when the letter was submitted;
- the student's name;
- the date and length of the suspension;
- the reason for the suspension;
- the reason for the appeal (i.e. why the Parent believes that the suspension should not have been imposed or its length should be altered), including mitigating factors;
- the name of the Parents, including phone number; and
- the names of others attending the meeting (advocate, advisor, character witness).

### Suspension Appeal Hearing Procedures

1. The appeal hearing will be held by the Board within a reasonable time from the date the notice of intention to appeal the suspension was received.
2. In advance of the appeal hearing, the Parents and the Principal must provide each other with a list of witnesses if any, which that party intends to call, together with a statement of what any witness is expected to say.
3. The parties to the suspension appeal are the Principal, the Parent, School staff who have relevant knowledge of the student's conduct leading to suspension, and any other persons called by the Parent or School staff, who have relevant knowledge of the student's conduct leading to suspension.
4. The Parents and the student (depending on age) must attend any suspension appeal hearing in person for which they have been given due and sufficient notice, unless all parties have agreed to attend an electronic hearing or a written hearing. Failure to attend any form of hearing will be deemed to have waived any procedural issues that there may be regarding disclosures and procedures. The Board may proceed with the hearing in the absence of that party.
5. The Board Chair will open and conduct the meeting. The Board Secretary will record the minutes.
6. In a suspension appeal hearing, the appellant (Parent) will bear the onus of proof. Unless the parties agree otherwise, the Parent will proceed first in presentation of the evidence and submissions. The Parent will present an opening statement, and the Principal may choose to make an opening statement at this point or may choose to wait until the beginning of their case to make an opening statement. If the Parents call any witnesses the Principal will be given an opportunity to cross examine any such witnesses. Following the completion of the Parents' presentation, the Principal will make their presentation. If the Principal calls any witnesses, the Parents will have an opportunity to cross-examine any such witnesses. Each party may make a closing statement, commencing with the Parents.
7. The maximum time allotted for the suspension appeal hearing will be two hours, with up to an hour allotted to each party. Opening statements, cross-examination of the other party's witnesses, if any, and closing comments shall be taken into account in the hour allotted to each party.
8. At the appeal hearing, the Board will ensure that the student and the Parents are aware of the complaint against the student, are provided with a summary of the Principal's investigation, and have an opportunity to present fully and fairly their version of events and explanation of events either in written form or orally.
9. The Board will assess the evidence as provided by the parties, and determine whether, on a balance of probabilities, it is more probable than not that the student did commit the infraction meriting the suspension.
10. The Board shall consider the Principal's Report and submissions and any other information provided by the Parents. In conducting the appeal, the Board shall consider any mitigating and other factors that may be applicable, and will consider whether, in issuing the original suspension, the Principal considered the mitigating and other factors.



11. In the event the Board determines that the student did commit an infraction for which a suspension must be or should be imposed, the Board shall consider the duration of the suspension which the Principal imposed on the student, having regard to any mitigating or other factors.
12. Following the appeal hearing, the Board may decide:
  - To confirm the suspension as it was originally set out and record this in the OSR;
  - OR**
  - Confirm the suspension but shorten its length, and record this in the OSR,
  - OR**
  - Quash the suspension all together and expunge any record of it from the OSR.
13. The Board's decision is final.
14. The Board's decision will be provided to the parties in writing.

Following the appeal hearing, the re-entry meeting (if it has not already been held) will take place. Such meeting involving School personnel, the student, and the Parents, is required for suspensions longer than 5 days before the student returns to class. It is not required for short term suspensions (1-5 days).

### Expulsion

Expulsion may occur whether the activity took place at school, at a school-related activity (e.g., a field trip), or in any other circumstances where the student's behaviour has an impact on the school climate.

An expulsion is in response to serious misbehaviour by a student. The Principal is required to suspend a student pending an investigation and possible expulsion if he or she believes that the student has engaged in any of certain specified activities.

When the Principal believes that an infraction has occurred which may require an expulsion, the Principal will:

- suspend the student pending an investigation;
- conduct an investigation promptly following the suspension to determine whether to recommend to the Board that the student be expelled;
- take into account any mitigating or other factors set out in this Policy;
- consult this Policy to determine if the infraction warrants a suspension or referral to the Board for an expulsion determination.

### Conditions and Reasons:

The Principal shall 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:<sup>4</sup>

- a. possessing a weapon, including a firearm;
- b. using a weapon to cause or threaten bodily harm to another person;
- c. committing physical assault on another person that causes bodily harm requiring treatment by a medical practitioner;
- d. committing sexual assault;
- e. trafficking in weapons or in illegal drugs;
- f. committing robbery;
- g. giving alcohol or cannabis to a minor;

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<sup>4</sup> Items (a-i) are taken from the *Education Act*; those that follow are additional items that are contrary to the School's policies and expectations.

- h. bullying—if the student has previously been suspended for bullying and the student's presence in the school creates an unacceptable risk to the safety of another person;
- i. any activity for which a student can be suspended (see section on suspension) that is motivated by bias, prejudice or hate based on protected grounds under the *Human Rights Code* or any other similar factor;
- j. engaging in a pattern of behaviour that if the student were to continue at school would be harmful to the dignity, safety, learning and working conditions of others;
- k. engaging in conduct which is injurious to the School's moral tone;
- l. wilfully committing extensive or excessive vandalism or damage to school property;
- m. repeatedly acting in a way considered by the Principal to be contrary to the School's Code of Conduct; and
- n. any other activities identified in School policy.

### Levels of Expulsion and Requirements:

The student is suspended for up to 20 school days while the possibility of an expulsion is properly investigated and an expulsion hearing takes place. See "Levels of Suspensions and Requirements" for more information concerning a long-term suspension.

In considering how long the suspension should be, the Principal will take into account any mitigating or other factors set out in this Policy.

### Notice of Suspension Pending Possible Expulsion

If the Principal believes that a student has been harmed as a result of an activity for which suspension pending possible expulsion has been imposed, the Principal shall follow the notification procedures set out above under "Notice to Parents".

When suspending a student pending possible expulsion, the Principal shall inform the student's teacher of the suspension and make all reasonable efforts to inform the student's Parent of the suspension within 24 hours of the suspension being imposed. If applicable, the Principal will also inform the student's bus driver. Further, the Principal shall ensure that written notice of the suspension is given promptly to the student and the student's Parent.

The student's Parent should be immediately contacted and asked to collect the student from the School. If contact cannot be made, or while waiting for the student to be collected from the School, the student should be asked to wait in a designated, supervised place. A student under suspension must never be sent home without the knowledge of a parent.

The Principal shall ensure that written notice of the suspension is given promptly to the student and the Parents. This notice will include:

- reason(s) for the suspension;
- length of the suspension;
- information about the supporting academic program;
- information about the investigation the Principal is conducting to determine whether or not an expulsion will be recommended, including a copy of this policy and other related policies;
- 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, the suspension will become subject to appeal, and
  - iii. if an expulsion hearing is conducted by the Board, the suspension may be addressed by parties at the determination.

Where notice is given, it shall be considered to have been received by the person in accordance with the following rules:

1. If the notice is sent by mail or another method in which an original document is sent, the notice shall be considered 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.
2. If the notice is sent by fax or another method of electronic transmission, the notice shall be considered 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.

A copy of the notice of suspension is given to the student at school, mailed to the Parents, and filed in the student's OSR.

### Investigation Following Suspension

When a student is suspended pending possible expulsion, the Principal is required to conduct an investigation to determine whether to recommend to the Board that the student be expelled. Where possible, the Principal will endeavour to complete the investigation within five school days of the beginning of the suspension.

As part of the investigation, the Principal will make all reasonable efforts to speak with the student, the student's Parent, and any other person whom the Principal has reason to believe may have relevant information, such as staff supervisors and witnesses. The Principal will gather information that might be relevant to the investigation, including mitigating circumstances.

In conducting an investigation, the Principal should have regard to the principles and guidelines contained in Appendix A to this Policy.

In certain circumstances, the School may also be required to notify the police.

Police will conduct their own investigation and make decisions with respect to criminal charges based on their assessment of the circumstances. **Regardless of whether or not charges are laid by the police, the Principal is still responsible for conducting an investigation independent of the police and taking appropriate disciplinary action.** The issue of double jeopardy does not apply because the purpose and nature of actions taken by the police under the *Criminal Code* are different from the purpose and nature of actions taken by the Principal.

The school investigation is separate and distinct from the police investigation. The police operate under the provisions of either the *Youth Criminal Justice Act* (for persons between 12 and 17). The standard under the criminal law is "beyond reasonable doubt".

The school operates under administrative law as required by this Policy. The standard under administrative law is based on "a balance of probabilities".

These are separate processes that operate on parallel tracks.

During a police investigation at school, it is the responsibility of the police to explain to a young person their rights in a manner that enables him or her to understand them. The Principal will inform police of any special circumstances which may impede the students in expressing or understanding written/oral communication.

Whenever the police are called, the Principal will contact the Parent of the student or, in the absence of a Parent, an adult relative, or in the absence of a parent and adult relative, any other appropriate adult chosen by the young person, as long as that person is not a co-accused, or under investigation, in respect of the same offence.

Where there is no parent/guardian, adult relative or appropriate adult available, the Principal or their designate will act in *loco parentis* to the student, in order to ensure their *Charter* rights are maintained.

**When the police have been contacted, the educator should halt their review of the incident until either the police investigation is complete or the school's investigation will not interfere with the police investigation.** There is a concern that if the school official persists in reviewing the incident, the official's actions in interviewing witnesses or seizing property could prejudice the police investigation. **Once the police have concluded their investigation, or have informed the administrator that he or she may proceed with the school investigation, the school can commence or resume its investigation.**

### Mitigating Factors when Expelling

After completing the investigation and before deciding whether or not to expel the student, the Principal will consider the individual student's circumstances and the following mitigating and other factors:

- the student does not have the ability to control their behaviour;
- the student does not have the ability to understand the possible consequences of their behaviour;
- the student's presence in the school does not create an unacceptable risk to the safety of another person;
- the student's history (i.e., personal history such as recent trauma in the student's life);
- whether a progressive discipline approach has been used;
- whether the behaviour is related to harassment or rights protected by the *Human Rights Code*;
- how the expulsion will affect the student's ongoing education; and
- the student's age.

If a student has special education needs and has an Individual Education Plan (IEP), the Principal must also consider:

- whether the behaviour was a manifestation of a disability identified in the student's plan;
- whether appropriate accommodation has been provided; and
- whether suspension (as the initial step) is likely to aggravate or worsen the student's behaviour or conduct.

### The Principal's Recommendation

At the conclusion of the Principal's investigation, the Principal must come to a conclusion about what actually occurred and who was at fault. Essentially, the Principal must make a decision about the truth of what the alleged victim, the witnesses and the alleged offender have said. The administrator's determination is based on a "balance of probabilities". In reaching this conclusion, the Principal should consider which version is more supportable, considering the consistency of the witnesses and which version seems more logical based on common sense and good judgment.

If the Principal does not recommend to the Board that the student be expelled, the Principal will ensure that written notice containing the following information is given promptly to every person to whom he or she was required to give notice of the suspension:

1. A statement that the student will not be subject to an expulsion determination for the activity that resulted in the suspension.
2. A statement indicating whether the Principal has confirmed the suspension and its duration, confirmed the suspension but reduced its duration, or withdrawn the suspension.

If, on concluding the investigation, the Principal decides not to recommend to the Board that the student be expelled, the Principal will:

1. confirm the suspension and the duration of the suspension;
2. confirm the suspension but shorten its duration, even if the suspension has already been served, and amend the record of the suspension accordingly; or
3. withdraw the suspension and expunge the record of the suspension, even if the suspension has already been served.

If the Principal does not recommend to the Board that the student be expelled and does not withdraw the suspension, the Parents and the student shall be advised that they have the right to appeal the suspension under the suspension appeal procedures set out herein. If the Principal confirmed the suspension but reduced its duration, the review is from the reduced suspension and not the original suspension.

Any decision amending the suspension including the duration of the suspension shall be stated in the OSR. Should the suspension be withdrawn, the suspension shall be expunged from the student's records, even if the suspension under appeal had already been served.

If, on concluding the investigation, the Principal decides to recommend to the Board that the student be expelled, he or she will prepare a report that contains a summary of the Principal's findings and the Principal's recommendation as to whether the student should be expelled. The Principal will provide a copy of the report to the Board and to every person whom the Principal was required to give notice of the suspension.

The Principal will ensure that written notice containing the following is given to the student's Parent:

- A statement that the student will be subject to an expulsion determination for the activity that resulted in the suspension;
- A copy of the School's policies and guidelines governing the expulsion determination;
- A statement that the person has the right to respond, in writing, to the Principal's report;
- Detailed information about the procedures and possible outcomes of the expulsion determination, including, but not limited to, information explaining that,
  - if the student is not expelled, their suspension may be confirmed, reduced, or withdrawn;
  - the parties will have the right to make submissions during the expulsion determination as to whether, if the student is not expelled, the suspension should be confirmed, reduced or withdrawn; and
  - any decision regarding the suspension is final and not subject to appeal.
- The name and contact information of the Principal, to discuss any matter respecting the expulsion process.

The student's Parent may respond, in writing, to the Principal and the Board.

### Student Action Plan (Academic Behavioural Program)

The Principal will confer with the appropriate teacher(s) to establish a homework package and an academic support plan for long term suspensions. The structure and main objectives of the individualized plan will be communicated by the Principal. The appropriate teacher(s) will provide ongoing online support as needed but within reason.

The Parents may ask to meet with the Principal and other staff members to discuss the circumstances surrounding the suspension and the support program in place. The Parents have the right to ask to see a copy of their child's OSR file in order to understand what details or efforts were in place in terms of proactive intervention.

### Expulsion Hearing Procedures

1. Once the Principal thoroughly investigates what has happened and recommends expulsion, the student and Parents will be notified and asked to attend an expulsion hearing. Outside of exceptional circumstances, the Board will only conduct expulsion hearings in person (i.e., oral hearing).
2. The expulsion hearing will take place before the Board or a committee of Board members. The hearing will take place within 20 school days of the student's initial suspension, or later if agreed by all parties.
3. Written notice will be provided to Parents within 24 hours of the decision to move to an expulsion hearing. The notice will provide Parents with:
  - A copy of the Principal's recommendation to expel;
  - A recommendation of what program would best meet the student's needs if the student is expelled;
  - The date and time of the expulsion hearing;
  - The name and contact number of the Board Chair, in case the Parents wish to discuss the logistics surrounding the expulsion hearing;
  - The right of the Parents to bring along an advocate or advisor;
  - The right of the Parents to submit information to the hearing, including mitigating factors, and to seek legal counsel in preparing submissions;
  - A statement that the Parents and the Principal will each disclose a copy of their positions and the evidence, copies of any documents each party proposes to submit at the hearing, and a list of

witnesses whom the party intends to call, and a brief outline of what the witnesses are expected to say.

- The Principal may provide the Parents a copy of the Principal's summary report to the Board.
4. The Board and Principal have the right to legal representation during the expulsion hearing. If the Parents advise the Board or Principal of their intention to ask a lawyer to attend the meeting, the Board and Principal should do the same, and advise the Parents accordingly.
  5. The Parents and the student are expected to attend and may bring an advocate or an advisor. The Principal is expected to attend and may bring other staff members and witnesses. Legal advisors may be considered by both parties. Failure to attend this hearing pursuant to due and sufficient notice will mean the Parents (and student) will have waived any procedural issues that there may be regarding disclosures and procedures. The Board may proceed with the hearing in the absence of that party.
  6. The parties to the expulsion hearing are the Principal, the student, the Parents, School staff who have relevant knowledge of the student's conduct leading to expulsion, and any other persons called by the parent or staff, including law enforcement, who have relevant knowledge of the student's conduct leading to expulsion.
  7. The Board Chair will open and conduct the meeting. The Board Secretary will record the minutes.
  8. In a recommendation by a Principal to expel a student, the Principal shall bear the onus of proof. Unless the parties agree otherwise, the Principal will proceed first in presentation of the evidence and submissions. The Principal will present an opening statement, and the Parents may choose to make an opening statement at this point or may choose to wait until the beginning of their case to make an opening statement. If the Principal calls any witnesses, the Parents will be given an opportunity to cross examine any such witnesses. Following the completion of the Principal's presentation, the Parents will make their presentation. If the Parents call any witnesses, the Principal will have an opportunity to cross-examine any such witnesses. Each party may make a closing statement, commencing with the Principal.
  9. The Board shall compile a record of the hearing. The record will include the Principal's referral for an expulsion hearing, any order of the Board, all documents filed with the Board during the hearing, the Notice of Decision of Board.
  10. The maximum time allotted for the expulsion hearing will be two hours, with up to an hour allotted to each party. Opening statements, cross-examination of the other party's witnesses and closing comments shall be taken into account in the hour allotted to each party.
  11. Where there is a conflict in the evidence presented by the parties on the issue of whether the student committed an expulsion infraction, the Board shall assess the evidence and determine whether, on the balance of probabilities, it has been established that it is more probable than not that the student committed the infraction.
  12. Where the Board determines that the student committed the infraction, the Board will determine whether the Principal considered the mitigating factors and other factors set out in this Policy. If the Principal failed to consider the mitigating factors or other factors, then the Board shall do so.
  13. At the hearing, the Board will consider the submissions of each party in whatever form the party chooses to deliver their submissions, whether orally, in writing or both; and 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.
  14. In making a determination, the Board will take into account all submissions and views of the parties; any mitigating and other factors as set out in this Policy; and any written response to the Principal's report recommending expulsion.
  15. After the expulsion hearing, the Board will:
    - Decide not to expel the student. If the Board makes this decision it can then:
      - i. Confirm the suspension and its length.
      - ii. Confirm that the student is still suspended but shorten the length of the suspension.

- iii. Overturn the suspension.
- iv. Determine whether to consider alternative discipline.
- v. Make such other orders as the Board considers appropriate.

OR

- Decide to expel the student with no possibility for re-admittance.

OR

- Decide to expel the student with conditions that need to be met for re-admittance the following school year or semester.
16. The Board will communicate to all parties its decision in writing.
  17. If the Board decides not to expel the student but to retain a suspension of any duration, the Parents may request further consideration to withdrawing the suspension. The Board shall give written notice to all parties of the decision not to impose an expulsion and the decision with respect to the suspension.
  18. If the Board decides to expel the student, the Board Secretary shall ensure that a written notice of the expulsion is sent promptly to all parties and will include the reason for the expulsion. This notice shall be placed in the OSR. The notice of expulsion shall indicate:
    - The reasons for the expulsion; and
    - An assurance that the School will make reasonable efforts to assist in securing alternate education arrangements;
  19. The student's records will be updated to reflect the Board's decision.
  20. The Board's decision is final.

### Re-Admission of an Expelled Student

Unless the School has indicated that re-admission will not be welcome at any time, the Parent of a student who has been dismissed as a result of the student's misconduct may make later application for admission. The application should be addressed to the Principal and will be considered at the discretion of the Principal and Board in consultation. If satisfied that re-admission is appropriate, the School may require conditions or undertakings before accepting the application, such as professional counselling sessions or types of training (e.g., anger management), etc.

## RESOURCES AND REFERENCES

This policy (reviewed by Borden Ladner Gervais LLP November 2020) is based on a policy developed by Ted Postma, TP Consulting, March 2020, with much of the information coming from *Suspension and Expulsion: What Parents and Students Need to Know* (<http://www.edu.gov.on.ca/eng/safeschools/suspexp.html>). Other resources used include:

- [Education Act](#)
- <https://www.hwdsb.on.ca/wp-content/uploads/2012/07/Safe-Schools-Suspension.pdf>
- <https://www.hwdsb.on.ca/wp-content/uploads/2012/07/Expulsion-Pamphlet.pdf>
- <https://www.ontario.ca/laws/regulation/070472> (O. Reg. 472/07. Suspension and Expulsion of Pupils)
- <http://www.schumanlaw.ca/education-law.html>
- <http://www.schumanlaw.ca/family-law-information/blog/do-ontario-private-elementa.html>
- <https://ifcy.org/en/rights/expulsions/>
- [http://www.bwdsb.on.ca/director/procedures/AP\\_6820-D.pdf](http://www.bwdsb.on.ca/director/procedures/AP_6820-D.pdf)
- <https://www.tdsb.on.ca/Portals/0/Elementary/docs/SupportingYou/1734.pdf>
- <https://www.ontario.ca/laws/statute/90s22> (Statutory Powers Procedure Act, R.S.O. 1990, c. S.22)

This *Suspension and Expulsion Policy* approved by the Board of John Knox Christian School, March 18, 2021

## APPENDIX A – GUIDELINES FOR INVESTIGATIONS

Upon receipt of a report of alleged student misconduct, the Principal or designate will conduct an investigation as set out in this Policy. In doing so, the Principal or designate will follow this general procedure:

- the Principal or designate will interview those with alleged involvement to determine involvement, facts and related issues;
- the Principal or designate will first meet with the complainant or victim and their family, then meet with any witnesses to the incident and, lastly, meet with the alleged offender;
- as part of the investigation, the Principal will provide the alleged offender with an opportunity to explain their conduct, respond to the allegation and be heard regarding the student's position with respect to the incident in question;
- all interviews and meetings will be conducted in a confidential manner, subject to the School's ability to conduct a full and thorough investigation;
- after these initial interviews, the Principal will inform the parents, as required;
- the Principal will document the investigation;
- communication with the student and parents will clearly indicate School policies and the consequences for infractions; and
- where appropriate, the Principal will provide support and assistance to the victim and their family.

Notes made by the school administrator are private and are not filed in the OSR. Virtually all notes taken will contain personal information about an identifiable individual. Accordingly, the notes taken by the administrator should not be disclosed to any party except in accordance with applicable law.

The school administrator may be called upon to testify and the notes will be used to support the decision regarding school discipline; hence, notes are of critical importance.

- Notes must be written correctly and simultaneously with the event and dated contemporaneously.
- Language must be clear, use simple terms and sentence structure.
- Work with the data collected.
- Use terms that the reader can picture; be objective, direct and non-judgmental; avoid speculation.
- Avoid jargon, subjective comments or innuendo or any other indirect meaning.
- To the extent possible, information contained in a record should be based on the first-hand knowledge of the record maker.
- Exclude irrelevant or third-hand information.
- Set out events in a chronological order.
- Document the steps and actions that the school has taken, with reference to date, time and the persons contacted (i.e. contacted the police, organized a staff meeting, initiated a lock-down procedure, contacted the children's aid society).
- Proofread all statements and complete the description in a neat and professional manner.
- Sign and date all notes.

The following steps are "good practice" in conducting an investigation. The goal of an investigation is to come to a conclusion about what actually occurred, based on a balance of probabilities. In making assessments of credibility, consideration must be given to:

- which version is more supportable;
- the consistency of the witnesses;
- which version seems more logical based on common sense;
- which individuals were more candid;



- the standard of “a balance of probabilities”, which is 50% + 1, rather than “beyond a reasonable doubt”;
- conducting the investigation promptly; and
- in the case of an expulsion, making a decision as soon as possible after imposing a suspension, but not while the police are conducting their own investigation, if any.

As part of the investigation, the Principal must make reasonable efforts to speak with:

- the student;
- the student’s parent or guardian; and
- any other person who the Principal has reason to believe may have relevant information.

The Principal will consider “mitigating factors” or other factors set out in the Safe Schools Administrative Guidelines.

Procedures for the investigation should follow these guidelines:

- Locate all witnesses and involved students and staff.
- Determine an order of witnesses; the witnesses with the most involvement in the incident should be interviewed first. Their evidence will often lead to other relevant witnesses. However, in most cases, it will be appropriate to interview the student or students with an opportunity to respond to specific allegations made by other witnesses. Accordingly, in most cases, the complainant or victim should be interviewed first. The relevant witnesses should then be interviewed, if any. The alleged perpetrator should be interviewed last and should be told what others have said.
- The scene should be protected as much as possible.
- The name, address and telephone number should be obtained from a witness unable to remain at the scene.
- Have the witnesses and victim provide written statements independently, and not in the same room. Ideally, the students should write their own version, but they can also read and sign the notes that the Principal has written in their presence.
- Ensure that students sign and date their written statements.
- No part of the interview should take place in the presence of other students.
- Confirm the name, age, the school and grade of the person.
- Determine whether and how the students know each other.
- Determine whether the interviewee has first-hand knowledge of relevant events. Hearsay knowledge is less reliable. Therefore, first-hand knowledge is better.
- Ask open-ended, objective questions. Avoid leading questions.
- Attempt to determine the history or background of the events.
- Ask who witnessed the incident, if anyone.
- Determine whether any individual intervened or contacted a teacher or other administrator.
- Ask the individual if he/she told anyone else about the incident(s).
- Determine whether the student has any fear of coming to school.
- Advise the student that there may be follow-up questions.
- Invite the student to contact the Principal if he/she wishes to add anything.
- All interviews and meetings with students will be conducted in a private and respectful manner, sensitive to the age of the student.

## APPENDIX B – HEARING SCRIPTS<sup>5</sup>

### Suspension Appeal Hearing – Script for Chair

**Chair:**

Introduce all parties.

**Chair:**

I would like to call this special meeting of the Board to order.

Unless there are any objections, this hearing will proceed in private session.

[*Student Name*], [*Parent Name*], [*Student's Counsel*], do you have any objection to proceeding in-private session?

[*Principal Name*], [*Principal's Counsel*], do you have any objection to proceeding in private session?

**Chair to Committee:**

Do any members of the Committee consider that they should disqualify themselves in the interests of procedural fairness, including because they have had prior involvement in this matter or because they would be perceived as having a bias for or against one of the parties involved?

In the event that a member of the Committee has had previous involvement regarding issues around the suspension appeal, they should recuse themselves from this proceeding.

**Chair:**

We have authority to establish guidelines setting out the usual timeframe for completing proceedings that come before us. The School's Suspension and Expulsion Policy provides for a maximum of two hours for this suspension appeal hearing. Opening statements, cross-examination of the other party's witnesses, if any, and closing comments shall be taken into account in the one hour allotted to each party.

Accordingly, in hearing and determining this suspension appeal, the following guidelines will apply for completing this hearing:

- 45-minute presentation by the parent/guardian or adult student in presenting evidence and submissions;
- 45-minute presentation by the principal in presenting evidence and submissions; and
- 15-minute question and answer session by the Committee.
- The Committee will briefly caucus and, where possible, render a decision. In appropriate circumstances, the Committee may reserve its decision.

In accordance with the School's policy, the student (parent) will bear the onus of proof. Unless the parties agree otherwise, the Parent will proceed first in presentation of the evidence and submissions. The Parent will present an opening statement, and the Principal may choose to make an opening statement at this point or may choose to wait until the beginning of their case to make an opening statement. If the Parents call any witnesses the Principal will be given an opportunity to cross examine any such witnesses.

Following the completion of the Parents' presentation, the Principal will make their presentation. If the Principal calls any witnesses, the Parents will have an opportunity to cross-examine any such witnesses. Each party may make a closing statement, commencing with the Parents.

The role of this Board committee is to assess the evidence as provided by the parties, and determine whether, on a balance of probabilities, it is more probable than not that the student did commit the infraction meriting the suspension. We will consider the Principal's Report and submissions and any other information provided by the student/Parents. We will consider any mitigating and other factors that may be applicable, and will consider whether, in issuing the original suspension, the Principal considered the mitigating and other factors.

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<sup>5</sup> Provided by Borden Ladner Gervais LLP November 2020

We will ultimately decide to:

- A. confirm the suspension as it was originally set out and record this in the OSR;
- B. confirm the suspension but shorten its length, and record this in the OSR; or
- C. quash the suspension all together and expunge any record of it from the OSR.

Our decision is final.

Does either party have any questions as to the procedure or wish to comment on the procedure, or wish to request the Committee to vary the procedure?

**Chair:**

[*Parent Name*], this is your opportunity to present your evidence and submissions

(Parent responds.)

**Chair:**

[*Principal / Principal's Counsel*], this is your opportunity to present your evidence and submissions.

(Principal / Counsel responds.)

**Chair:**

*Student is given opportunity to make a statement.*

**Chair:**

Does any member of the Board have any questions of clarification for the parent/guardian (or adult student)?

Does any member of the Board have any questions of clarification for the principal?

**Chair:**

Board Counsel, do you have any final words of advice for the members of the committee prior to retirement?

**Chair:**

The Board will now retire to reach a decision. As mentioned, we have the authority to either:

- A. confirm the suspension as it was originally set out and record this in the OSR;
- B. confirm the suspension but shorten its length, and record this in the OSR; or
- C. quash the suspension all together and expunge any record of it from the OSR

**Chair:**

Would the parties, their counsel or representative, and staff now retire please.

*Board members debate and come to a decision in private.*

**Chair to Committee:**

Moved that the Board confirm the suspension and the duration of the suspension.

OR

Moved that the Board confirm the suspension, but shorten its duration to \_\_\_\_\_ days.

OR

Moved that the Board quash the suspension and order that the record of the suspension be expunged.

**Chair:**

May I have a mover and a seconder for the Board's decision? All those in favour? Opposed? Carried/lost.

**Note to Chair:**

*The Chair now invites the parties to the hearing to return to the Board meeting in private session so that the Board's decision may be heard.*

**Chair:**

*(Reads the motion)*

The Board has carefully considered all of the evidence and has moved that the suspension appeal of [*Student Name*], a student of [*School*] of which [*Principal Name*] is the Principal, be:

- confirmed;
- confirmed but shortened the suspension to \_\_\_\_\_ days; or
- quashed and the record of the suspension expunged.

**Chair:**

A copy of this decision will be forwarded to each of the parties.

**Chair:**

That concludes our business for this meeting. I would like to thank all present for attending.

MOTION to adjourn.

## Expulsion Hearing – Script for Chair

### Chair:

Introduce all parties.

### Chair:

I would like to call this special meeting of the Board to order.

Unless there are any objections, this hearing will proceed in private session.

[*Student Name*], [*Parent Name*], [*Student's Counsel*], do you have any objection to proceeding in-private session?

[*Principal Name*], [*Principal's Counsel*], do you have any objection to proceeding in private session?

### Chair to Committee:

Do any members of the Committee consider that they should disqualify themselves in the interests of procedural fairness, including because they have had prior involvement in this matter or because they would be perceived as having a bias for or against one of the parties involved?

In the event that a member of the Committee has had previous involvement regarding issues around the expulsion process, they should recuse themselves from this proceeding.

### Chair:

We have authority to establish guidelines setting out the usual timeframe for completing proceedings that come before us. The School's Suspension and Expulsion Policy provides for a maximum of two hours for this expulsion hearing. Opening statements, cross-examination of the other party's witnesses, if any, and closing comments shall be taken into account in the one hour allotted to each party.

Accordingly, in hearing and determining this expulsion hearing, the following guidelines will apply for completing this hearing:

- 45-minute presentation by the principal in presenting evidence and submissions;
- 45-minute presentation by the parent/guardian or adult student in presenting evidence and submissions; and
- 15-minute question and answer session by the Committee.
- The Committee will briefly caucus and, where possible, render a decision. In appropriate circumstances, the Committee may reserve its decision.

In accordance with the School's policy, the Principal will bear the onus of proof. Unless the parties agree otherwise, the Principal will proceed first in presentation of the evidence and submissions. The Principal will present an opening statement, and the Parents may choose to make an opening statement at this point or may choose to wait until the beginning of their case to make an opening statement. If the Principal calls any witnesses, the Parents will be given an opportunity to cross examine any such witnesses.

Following the completion of the Principal's presentation, the Parents will make their presentation. If the Parents call any witnesses, the Principal will have an opportunity to cross-examine any such witnesses. Each party may make a closing statement, commencing with the Principal.

The role of this Board committee is to assess the evidence as provided by the parties, and determine whether, on a balance of probabilities, it has been established that it is more probable than not that the student committed the infraction.

We will take into account all submissions and views of the parties; any mitigating and other factors; and any written response to the Principal's report recommending expulsion.

We will ultimately decide to:

- A. Not expel the student (in which case we can confirm the suspension and its length, confirm the suspension but shorten its length, overturn the suspension, determine alternative discipline, or make other orders we consider appropriate);

- B. Expel the student with no possibility for re-admittance; or
- C. Expel the student with conditions that need to be met for re-admittance the following school year or semester.

Our decision is final.

Does either party have any questions as to the procedure or wish to comment on the procedure, or wish to request the Committee to vary the procedure?

**Chair:**

*[Principal / Principal's Counsel]*, please read the Principal's Report into the record.

We will ask each party to present their evidence and to make submissions. The submissions should address both (A) Whether the student should be expelled, and with what (if any) conditions for readmission, and (B) If it is determined that the student is not expelled, whether this Committee should confirm the original suspension, confirm the suspension but reduce its duration or withdraw it.

*[Principal / Principal's Counsel]*, this is your opportunity to present your evidence and submissions.

(Principal / Counsel responds.)

**Chair:**

*[Parent Name]*, this is your opportunity to present your evidence and submissions.

(Parent responds.)

**Chair:**

*Student is given opportunity to make a statement.*

**Chair:**

Does any member of the Board have any questions of clarification for the principal?

Does any member of the Board have any questions of clarification for the parent/guardian (or adult student)?

**Chair:**

Board Counsel, do you have any final words of advice for the members of the committee prior to retirement?

**Chair:**

The Board will now retire to reach a decision. As mentioned, we have the authority to either:

- A. Not expel the student (in which case we can confirm the suspension and its length, confirm the suspension but shorten its length, overturn the suspension, determine alternative discipline, or make other orders we consider appropriate);
- B. Expel the student with no possibility for re-admittance; or
- C. Expel the student with conditions that need to be met for re-admittance the following school year or semester.

The Committee will now retire to consider the information submitted and the request for an expulsion.

**Chair:**

Would the parties, their counsel or representative, and staff now retire please.

*Board members debate and come to a decision in private.*

**Chair to Committee:**

Moved that the Board

- A. Expel the student with no possibility for re-admittance.

OR

- B. Expel the student with conditions that need to be met for re-admittance the following school year or semester.

OR

C. Not expel the student, and confirm the suspension and its length.

OR

D. Not expel the student, and confirm the suspension but shorten its length to \_\_\_\_ days.

OR

E. Not expel the student, and overturn the suspension.

OR

F. *[Insert alternative discipline or other appropriate orders.]*

**Chair:**

May I have a mover and a seconder for the Board's decision? All those in favour? Opposed? Carried/lost.

**Note to Chair:**

*The Chair now invites the parties to the hearing to return to the Board meeting in private session so that the Board's decision may be heard.*

**Chair:**

*(Reads the motion)*

The Committee has carefully considered all the evidence and views of the parties and has moved to:

A. Expel the student with no possibility for re-admittance.

OR

B. Expel the student with conditions that need to be met for re-admittance the following school year or semester.

OR

C. Not to expel the student, and to confirm the suspension and its length.

OR

D. Not to expel the student, and to confirm the suspension but shorten its length to \_\_\_\_ days.

OR

E. Not to expel the student, and to overturn the suspension.

OR

F. *[Insert alternative discipline or other appropriate orders.]*

**Chair:**

A copy of this decision will be forwarded to each of the parties.

**Chair:**

That concludes our business for this meeting. I would like to thank all present for attending.

MOTION to adjourn.

**Witnesses:**

*The Chair will swear or affirm the witness:*

**Oath:**

Do you swear to tell the truth, the whole truth and nothing but the truth so help you God?

OR

**Affirmation:**

Do you solemnly and sincerely declare and affirm that the evidence you shall give will be the truth, the whole truth and nothing but the truth?

**After each witness for the Principal:**

[*Student/Parents/Counsel*], do you have any questions for this witness?

Does any member of the Committee have any questions or clarification of the witness?

**After each witness for the Student/Parents:**

[*Principal/Counsel*], do you have any questions for this witness?

Does any member of the Committee have any questions or clarification of the witness?