

TITLE: APPEALS HEARING PANEL (STUDENT SUSPENSION)

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1.0 OBJECTIVE

To provide a process for appeal to the Board by parents and guardians appealing on behalf of students who are minors and adult students appealing on their own behalf (hereafter, "appellants") with respect to the suspension of a student.

2.0 DEFINITIONS

In this policy,

2.1 **Adult student** is a student who is at least 18 years or older or 16 or 17 and has removed him/herself from parental control.

3.0 POLICY

3.1 Under the *Education Act*, the Board shall provide a process for appeals of suspension decisions by principals.

3.2 Appeals to the Board against a suspension under Section 306 of the *Education Act* may be made by the parent or guardian of a student, unless the student is at least 18 years of age or 16 or 17 years old and has withdrawn from parental control, in which case the student shall have the right to appeal. Notice of the appeal must be given within ten (10) school days of the commencement of the suspension. The appellant may contact the Superintendent of Instruction for that school to discuss any matter respecting the appeal of the suspension.

3.3 In the case of a suspension under Section 310 of the *Education Act*, if the principal does not recommend to the Board that the student be expelled and does not withdraw the suspension, the suspension may be appealed by the parent or guardian of a student unless the student, is at least 18 years of age or over or 16 or 17 years old and withdrawn from parental control, in which case the student shall have the right to appeal. Notice of the appeal must be given within five (5) school days following receipt of the notice of the decision by the principal not to recommend expulsion. The appellant may contact the Superintendent of Instruction for that school to discuss any matter respecting the appeal of the suspension.

- 3.4 In the case of a suspension under 3.3 above, if the principal confirmed the suspension but reduced its duration the appeal is of the reduced suspension and not the original suspension.
- 3.5 The Board shall hold a hearing and determine the appeal within fifteen (15) school days of receiving the notice of the appeal of a suspension (unless the parties agree to an extension).
- 3.6 The panel shall be established by the Chair and shall include a total of three trustee members, including:
 - a) the Chair and/or Vice-chair and/or designate; and
 - b) one or two other trustees, one of whom, insofar as is practicable, shall be the elected trustee from the zone in which the student or students reside or attend school.
- 3.7 The chair of the panel shall be the Chair or the Vice-Chair of the Board, or, if neither is available, the Chair may designate another member to act as Chair of the panel.
- 3.8 When, despite best efforts, one of the appointed members of an appeal hearing panel is unavoidably prevented from attending on the appointed hearing date, the Chair may appoint another trustee to substitute.
- 3.9 The hearing shall be postponed unless all three members of the panel are present, except in a case where the Chair, as permitted in 3.8 above, has been able to replace one member of the panel by appointing another trustee to substitute.
- 3.10 In exceptional circumstances, which occur just immediately before the hearing is scheduled to commence, the panel may hold a hearing by telephone conference for determination of any or all issues, in the same manner as an oral hearing.

4.0 REFERENCE DOCUMENTS

The Education Act

Education Amendment Act (Progressive Discipline and School Safety 2007)

Ontario Regulation 472/07, Suspension and Expulsion of Students

Board By-laws, Annex 2, § 3.2.4

Board Policy P.026.SCO: Student Suspension and Expulsion

Board Policy P.032.SCO: Safe Schools

Board Procedure PR.512.SCO: Appeals Hearing Panel (Student Suspension)

Board Procedure PR.515.SCO: Student Suspension and Expulsion

Board Procedure PR.521.SCO: Safe Schools