

STUDENT DISCIPLINE SUSPENSION APPEAL GUIDELINE

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 An adult pupil is a pupil who is 18 years old or older or who is 16 or 17 years old and has withdrawn from parental control.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

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

25. The Superintendent Responsible for Discipline will explain that:
 - a. the matter will be heard *In Camera* (in private).
 - b. the Superintendent Responsible for Discipline will relay the decision of the Discipline Committee to the parties orally at the earliest opportunity.
26. Written notice shall be provided to the Appellant informing him or her of the decision of the Discipline Committee.
27. The decision of the Discipline Committee is final.