



ADMINISTRATIVE PROCEDURES MEMORANDUM

#: APC021

EXPULSION HEARINGS & APPEALS

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MEMO TO: Principals, Vice-Principals, Planning & Priorities, Trustees

FROM: Director of Education

PURPOSE

The provincial *Code of Conduct* is designed to promote safety and foster the principles of respect and responsible citizenship in Ontario schools.

The intended purpose of the Education Amendment Act (Progressive Discipline and School Safety) 2007, is to clarify the responsibilities of school boards related to the suspension and expulsion of students who have violated the standards of behaviour outlined in the provincial Code of Conduct and in policies established by school boards that are designed to promote respect, responsibility and civility; set clear and consistent, province-wide standards of behaviour; and allow for principals to consider suspension or make recommendation to the Board for expulsion for serious infractions under the provincial *Code of Conduct*. The provincial, board and school codes of conduct set clear, consistent, minimum standards of expected behaviour for students, teachers, staff, parents and volunteers in Ontario schools.

The purpose of this administrative procedure is to clarify the process in the Waterloo Catholic District School Board concerning appeals of principal imposed expulsions and hearings for board referred expulsions. The expulsion of a student is a serious matter and should be used as outlined in the Education Act, as amended by the Education Amendment Act (2007) Sections 306-311. This policy refers specifically to:

- Expulsions from a specific school or from all schools within the WCDSB;
- Mitigating Circumstances
- Committee composition, powers and duties
- Initiation and procedures for the appeal of expulsions
- Procedures related to expulsion hearings
- Initiation and procedures for appeals of Board imposed expulsions
- Programs, services, courses for expelled students
- Information collection and disclosure re: expelled students

REFERENCES

Sharing Our Journey
The Education Act and Regulations (Sections 306-311)
Policy and Procedure Memoranda 130, 140, 142
Safe Schools Act, 2000, Sections 309, 310, 311, 312; Regulation 37/01
Statutory Powers Procedure Act
Waterloo Regional Police Services Protocol (APCO13)

COMMENTS

This policy memo and the procedures that it establishes to deal with the expulsion of students must always be used in the service of our Board's mission for learners in a Catholic school system. The policy must be implemented in the spirit of *Sharing Our Journey* and used in conjunction with other Board documents and policies dealing with student behaviour, including the *Waterloo Region Police Services Protocol* and the *Student Services Handbook*. The aim as always is to serve the best interests of each learner while protecting the harmony of the learning environment in each school community. Our schools must continue to be safe, nurturing, positive, violence-free environments that promote a sense of belonging. All learners must respect human rights and promote civility and social justice as befits responsible members of society.

GUIDELINES

A. DEFINITIONS

Expulsion: Under Section 310 of the Education Act, a student is not entitled to attend school or engage in school-related activities until he/she meets the requirements listed by the Waterloo Catholic District School Board for re-entry into a day-school program.

B. Suspension, Investigation and Possible Expulsion (Section 310):

A principal shall suspend a student 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:

1. *Possessing a weapon, including possessing a firearm*
2. *Using a weapon to cause or to threaten bodily harm to another person*
3. *Committing physical assault on another person that causes bodily harm requiring treatment by a medical practitioner*
4. *Committing sexual assault*
5. *Trafficking in weapons or in illegal drugs*
6. *Committing robbery*
7. *Giving alcohol to a minor*
8. *Any other activity that, under a policy of a board, is an activity for which a principal must suspend a student and, therefore in accordance with this part of the Act, conduct an investigation to determine whether to recommend that the pupil be expelled.*

Under the policy of the Waterloo Catholic District School Board, a pupil will be considered for expulsion if the pupil commits any of the following infractions while he or she is at school, either on or off school property, or is engaged in a school related activity:

1. *Possession of illegal drugs or prohibited substances (third offence)*
2. *Physical assault not requiring treatment by a medical practitioner (third offence)*
3. *Threatening (third offence)*
4. *Wilful destruction of school property (third offence).*

C. Further Offences that could lead to expulsion

A principal will also suspend a pupil and initiate an investigation leading to possible expulsion for the following offences:

1. *Being under the influence of alcohol, illegal drugs, prohibited or hazardous substances (third offence)*
2. *Possession of alcohol (third offence)*
3. *Possession of illegal drugs or prohibited substances (second offence)*
4. *Physical assault not requiring treatment by a medical practitioner (second offence)*
5. *Harassing (sexual, racial or ethnocultural) or bullying other students (third offence)*
6. *Swearing at school staff (third offence)*
7. *Threatening (second offence)*
8. *Wilful destruction of school property (second offence)*
9. *Habitual neglect of duty (third offence – secondary only).*

D. Mitigating Circumstances (Regulation 37/01)

For the purposes of Regulation 37/01, the expulsion of a pupil is not required if,

- a) the pupil does not have the ability to control his or her behaviour;*
- b) the pupil does not have the ability to understand the foreseeable consequences of his or her behaviour*
- c) the pupil's continuing presence in the school does not create an unacceptable risk to the safety of any person*
- d) racial or other harassment was a factor in the student's behaviour;*
- e) the principles of progressive discipline can be successfully attempted;*
- f) there will be a significant impact to the continuation of the student's education if he or she is suspended or expelled;*
- g) the imposition of suspension or expulsion would likely result in an aggravation or worsening of the student's behaviour or conduct;*
- h) the age of the student is a factor in his or her actions.*

The appeal committee under Board Policy II 007 is required to consult with appropriate Board support staff when assessing the existence of mitigating circumstances (see Appendix A). Students who are deemed to have a mitigating circumstance may still be suspended.

E. COMMITTEE COMPOSITION, POWERS AND DUTIES

The members of the Expulsion Appeals and Hearings Committee are appointed by the Chair of the Board and are fully authorized to act on behalf of the Board for all expulsion appeals and expulsion hearings. The committee is composed of 3 trustees and an alternate with the Director of Education acting in the capacity of Secretary to the Board.

F. APPEAL OF A EXPULSION

1) Initiation of the Appeal

Where a Board has imposed an expulsion in accordance with the Education Act and Board policy, an adult student or the parent/guardian of a student under the age of 18 may appeal the expulsion. **The decision of the Committee is final. The expulsion of the student remains in effect pending the outcome of the appeal decision of the Board Committee.**

An appeal of an expulsion is heard by the Expulsion Hearings and Appeals Committee of the Board. **Appeals must be received by the Director of Education within five (5) school days of the commencement and notification of the expulsion.**

The procedures, powers and duties of the persons who are required to conduct this appeal are determined by the Board through policy. (See Policy II 007)

G. APPEAL PROCEDURE

1. The Board Expulsion Appeal and Hearing committee will consist of three (3) trustees, one of whom is appointed as Chair. The Director of Education attends all hearings, fulfilling his/her capacity as Secretary of the Board of Trustees.
2. The Director will notify the Chair of the committee of the request for an appeal, within 2 school days of receipt of the request for an appeal hearing.
3. The Chair of the committee will inform the Director of the date for the hearing of the appeal.
4. The Director shall serve notice of the hearing by regular mail to the person(s) requesting the appeal hearing, the school principal and the school supervisory officer.
5. The notice of the Hearing for the Appeal (Appendix B) shall include:
 - (a) a statement of the time, place and purpose of the hearing;
 - (b) a reference to the statutory authority under which the hearing will be held
 - and-
 - (c) a statement that if the party requesting the hearing does not attend the hearing, the Committee may proceed in his/her absence and he/she will not be entitled to any further notice in the proceedings
 - (d) a copy of the Parent Guide to Participation in an Expulsion Hearing (Appendix C)

6. The decision of the Committee will be communicated in writing to the appellant(s), the school principal and the school supervisory officer, no later than seven (7) school days following the appeal hearing.
7. A trustee on the Appeal and Hearing committee who has been in communication with either the appellant(s) or the school administrator(s) regarding any aspect of the appeal, will declare a conflict of interest and an alternate member will be appointed by the Chair of the Board.
8. After hearing an appeal of an expulsion, the Committee may decide any of the following options:
 - a) Confirm, modify or overrule the principal's recommendation for the student's expulsion from his/her school or from all schools in the Waterloo Catholic District School Board
 - b) If the expulsion is not granted, the committee can support or modify the length of the suspension leading to expulsion or have the suspension quashed and the record expunged
 - c) Impose, change or remove conditions that must be satisfied if the pupil is to return to school
 - d) Overrule the recommendation of the principal and reinstate the pupil
9. The decision of this committee is final.

H. EXPULSION HEARING

Where a principal has referred the matter regarding an expulsion to a decision of the Board, the following procedure will be followed:

1. The school supervisory officer shall submit a written request for an expulsion hearing to the Director within seven (7) school days of the initiation of the suspension, investigation and possible expulsion.
2. The Director shall inform the Chair of the Committee of the request and the Chair shall set a date for the hearing which will occur within eight (8) school days following receipt of the request.
3. The Director shall provide written notice of the Expulsion Hearing to the adult student, the student who is 16 or 17 years of age who has withdrawn from parental control, the parent/guardian of the student under the age of 18, the principal of the student's school, the school supervisory officer, and the student's teacher(s), within two (2) school days of receipt of the request for a hearing.
4. The notice of the Hearing (Appendix D) shall include:
 - a) The principal's recommendation for expulsion from his/her school or from all schools of the WCDSB
 - b) The supervisory officer's recommendation for expulsion
 - c) Right of parent/guardian (or adult student, 16 or 17 year old student who has withdrawn from parental control) to a hearing
 - d) Statement of time, place and purpose of the hearing
 - e) Reference to Section 310-314 of the Education Act under which the hearing will be held
 - f) Statement that if the party notified fails to attend, the Board may proceed in his/her absence and the party will not be entitled to any further notice of the proceedings.
 - g) A Parent Guide to Participation in an Expulsion Hearing (Appendix E)
5. Following the hearing, the Committee will make its decision in a private session.

6. A trustee on the Appeals and Hearings committee who has been in communication with either the appellant(s) or the school administrator(s) regarding any aspect of the appeal, will declare a conflict of interest and an alternate member will be appointed by the Chair of the Board.
7. Written notification of the decision of the committee shall be given to the adult student, the 16 or 17 year old student who has withdrawn from parental control, the parent/guardian of the student under the age of 18, the principal of the student's school and the school supervisory officer within 2 school days of the decision.
8. The notice of the decision must include:
 - (a) The type of expulsion (from one or from all WCDSB schools)
 - (b) Information on the program for suspended/expelled students
 - (c) The requirements for re-admission
9. When considering the type of expulsion that may be appropriate in particular circumstances, the Board shall consider the pupil's history, mitigating factors as prescribed by Regulation and Board policy (see Appendix F) as well as such other matters as are considered appropriate.

I. Appeal of a Board Imposed Expulsion

1) Initiation of the Appeal

Where the Board has imposed an expulsion in accordance with the Education Act and Board policy, an adult student, a 16 or 17 year old student who has withdrawn from parental control, or the parent/guardian of a student under the age of 18 may appeal the expulsion.

2) Appeal Process

The Child and Family Services Review Board is designated for the purposes of subsection 311 (5) of the Act to hear and determine all appeals from decisions of Boards to expel pupils.

An appeal of a Board imposed expulsion is heard by a committee of the Child and Family Services Review Board of the Province of Ontario (CFSRB). The decision of this committee is final. The expulsion of the student remains in effect pending the outcome of the appeal decision of the Child and Family Services Review Board committee. **Appeals must be forwarded to the Child and Family Services Review Board and copied to the Director of Education.**

A request for an expulsion appeal must be made:

1. Within the sixty (60) days of the District School Board's decision to expel the student. This date should be referenced in the letter of appeal.
2. The sixty (60) days may be extended if the CFSRB feels there are reasonable grounds to do so

The CFSRB must convene the expulsion appeal hearing within thirty (30) days of receiving a request to appeal a District Board's expulsion decision.

The procedures, powers, and duties of the persons who are required to conduct this appeal are determined by provincial legislation.

After hearing an appeal from a decision of a Board, the Child and Family Services Review Board may decide any of the following options:

- a) Confirm the Board's decision
- b) Modify the type or duration of the expulsion
- c) Impose, change or remove conditions that must be satisfied if the pupil is to return to school in Ontario following an expulsion
- d) Overrule the decision of the Board and reinstate the pupil

If the Child and Family Services Review Board overrules the decision of the Board and reinstates the pupil, it may order that any record of the expulsion of the pupil be expunged if the Child and Family Services Review Board considers it appropriate in the circumstances.

3. The CFSRB must make its decision, including the reasons for the decision, within ten (10) days of the completion of the expulsion hearing.

J. PROGRAMS, SERVICES, COURSES FOR EXPELLED STUDENTS

The Board that imposed the expulsion may determine conditions of re-entry into the school. **Where conditions are outlined for re-entry, the expulsion remains in effect until the term of the expulsion and the conditions for re-entry are met.**

Students who have been expelled are required to fulfill the objectives that the Waterloo Catholic District School Board has outlined in the Student Action Plan as part of his/her participation in the "Choices for Youth" expulsion program jointly provided by the Waterloo Catholic District School Board and the Waterloo Region District School Board.

K. INFORMATION COLLECTION AND DISCLOSURE REGARDING EXPELLED STUDENTS

Regulation 37/01 (5) outlines the rules and procedures regarding disclosure of information regarding expelled pupils.

The Board that expels a pupil under the Act may disclose his or her pupil record to a person who provides a strict discipline program to the pupil if,

- a) The pupil consents to the disclosure, if he or she is an adult; or
- b) The pupil's parent or guardian consents to the disclosure if the pupil is minor

The person who provides a strict discipline program to the pupil may disclose personal information about the pupil to the Board that expelled the pupil or to any Board to which the pupil applies to return to school if,

- a) The pupil consents to the disclosure, if he or she is an adult; or
- b) The pupil's parent or guardian consents to the disclosure, if the pupil is a minor

Review Process

This Administrative Procedures Memorandum will be reviewed every three years unless otherwise required by legislative changes.

MITIGATING CIRCUMSTANCES

For the purposes of mandatory expulsion, the following, in accordance with Regulation 37/01 (2), shall be considered a **guide** for principals in determining the existence of mitigating circumstances in the Waterloo Catholic District School Board:

- (A) A student who has committed an offence, which, under normal circumstances would indicate a **mandatory** expulsion, may be considered to have “mitigating circumstances” if:
- (1) The student has a pre-existing identification through an IEP or IPRC, which indicates an inability to control behaviour.
 - (2) The offence could be deemed impulsive as identified in the IEP or IPRC and not planned or pre-meditated.
 - (3) The student is unable to foresee the consequences of his or her behaviour due to chronological or mental age.
 - (4) The student’s continuing presence in the school does not create an unacceptable risk to the safety of any person.

Examples of diagnoses include Attention Deficit Hyperactivity Disorder, Tourette’s Syndrome, Bipolar Disorder, Oppositional Defiant Disorder, Obsessive Compulsive Disorder etc.

For all students, consider that the ability to control one’s behaviour is a gradually developing skill related to both learning and maturation. Thus, we expect more self-control from a grade 12 than a Junior Kindergarten student.

For developmentally challenged students, one may use their mental age as a rough indication of their ability to foresee the consequences of their actions. For all students, consider that the ability to appreciate the long-term impact of one’s behaviour is also a gradually developing skill.

In addition, other mitigating circumstances to be considered are:

- where racial or other harassment was a factor in the student’s behaviour;
- whether the principles of progressive discipline have first been attempted;
- the impact of the suspension or expulsion on the student’s continued education;
- whether the imposition of suspension or expulsion would likely result in an aggravation or worsening of the student’s behaviour or conduct.

**NOTICE OF EXPULSION
APPEAL HEARING**

**Waterloo Catholic District School Board
35 Weber St. W. Unit A
P.O. Box 91116
Kitchener, Ontario
N2G 4G2**

IN THE MATTER OF Section 311 of the
Education Act,

TO : [parent(s) & address]

AND TO : [principal]
Principal of [name of school]
[address]

TAKE NOTICE that a hearing before the Waterloo Catholic District School Board (the Board) will be held at 35 Weber St. W. Unit A, in the City of Kitchener, on [date], commencing at [time] (or so soon thereafter as the matter may be heard) for the purpose of hearing an appeal by [name of parent(s)] against the expulsion from school of the pupil, which expulsion commenced on or about the [] day of [] 200[].

AND FURTHER TAKE NOTICE that if you do not attend at this hearing, the Board may proceed in your absence and you will not be entitled to any further notice in the proceedings.

For your information and guidance, there is enclosed a Parent Guide to Participating in an Expulsion Appeal Hearing which outlines the procedure to be followed in the hearing. At the commencement of the proceedings, the parties will be requested to confirm their acceptance of this procedure, or alternatively, to give reasons that may persuade the Board to vary such procedure.

Your attention is drawn to the *Statutory Powers Procedure Act* under which this hearing is conducted.

DATED 35 Weber St. W. Unit A, Kitchener, Ontario this { } day of { }, 200{ }.

Director of Education,
Waterloo Catholic District School Board



PARENT GUIDE TO PARTICIPATION IN AN EXPULSION APPEAL

You have been informed of a date and time for an appeal hearing of a Board imposed expulsion. The following is intended as a guide to assist you in preparing for the hearing.

Who attends an Appeal:

- ✓ Student (including those who are 16 or 17 years of age and have withdrawn from parental control)
- ✓ Parent/Guardian of the student if the student is under the age of 18
- ✓ Principal of the student's school
- ✓ Supervisory Officer of the school
- ✓ Director of Education (Secretary to the Board of Trustees)
- ✓ Members of the Expulsions Appeals and Hearings Committee (3 trustees)
- ✓ Witnesses as called by either party to the hearing
- ✓ Parents/Guardians of student witnesses under the age of 18
- ✓ Legal representatives for any parties listed above
- ✓ Senior board administrators

Who may NOT attend an Appeal:

- ✓ Members of the public not mentioned above

Rights of Parties at an Appeal:

1. To have legal representation
2. To call and examine witnesses
3. To cross-examine other witnesses
4. To present argument and submissions
5. To compel disclosure of relevant documents and things
6. To receive reasonable information regarding any allegations

What an Appeal is NOT:

- ✓ An expulsion appeal is not a legal or judicial process. It is a hearing conducted under the Statutory Powers Procedure Act. An appeal is not a stay of the expulsion. The expulsion remains in effect pending the outcome of the appeal.

The Appeal:

The hearing is presided over by the Chair of the three member trustee committee. The Director of Education also sits with the committee members in his/her capacity as Secretary to the Board of Trustees. The principal of the school or legal counsel presents related facts and evidence regarding the imposition of the limited expulsion. The adult student, or parent/guardian of a student under the age of 18 or legal counsel will be given an opportunity to address the hearing committee. Any party may call witnesses, examine and cross-examine. The members of the committee may also ask questions of any participant in the hearing. The entire hearing will usually last about one hour.

Who Decides:

The three trustees on the Expulsion Appeal and Hearing committee make the decision regarding expulsion. This is done following the hearing in a private session.

What is Decided:

The Committee will:

- a) Confirm, modify or overrule the principal's recommendation for the student's expulsion from his/her school or from all schools in the WCDSB
- b) If the expulsion is not granted, the committee can support or modify the length of the suspension leading to expulsion or have the suspension quashed and the record expunged
- c) Impose, change or remove conditions that must be satisfied if the pupil is to return to school
- d) Overrule the decision of the principal and reinstate the pupil.

Notification of the Decision:

Within seven school days following the hearing, all parties will be informed in writing of the committee decision.

Appealing a Decision:

The decision of the Board committee is final. An appeal of an issue related to due process must be made to the Divisional Court of Ontario. This Board rules only on procedural laws and has no power to overturn a decision of the Board.

NOTICE OF EXPULSION HEARING

**Waterloo Catholic District School Board
35 Weber St. W. Unit A
P.O. Box 91116
Kitchener, Ontario
N2G 4G2**

IN THE MATTER OF Section 309 of the
Education Act,

TO : [parent(s) & address]

AND TO : [principal]
Principal of [name of school]
[address]

TAKE NOTICE that a hearing before the Waterloo Catholic District School Board (the Board) will be held at 35 Weber St. W. Unit A, in the City of Kitchener, on [date], commencing at [time] (or so soon thereafter as the matter may be heard) for the purpose of conducting an expulsion hearing in the matter of [name of pupil] and an application for a hearing by [Principal's Name], principal of [name of school].

AND FURTHER TAKE NOTICE that if you do not attend at this hearing, the Board may proceed in your absence and you will not be entitled to any further notice in the proceedings.

For your information and guidance, there is enclosed a Parent Guide to Participating in an Expulsion Hearing which outlines the procedure to be followed in the hearing. At the commencement of the proceedings, the parties will be requested to confirm their acceptance of this procedure, or alternatively, to give reasons that may persuade the Board to vary such procedure.

Your attention is drawn to the *Statutory Powers Procedure Act* under which this hearing is conducted.

DATED 35 Weber St. W. Unit A, Kitchener, Ontario this { } day of { }, 200{ }.

Director of Education,
Waterloo Catholic District School Board

I accept service of the within
Notice of an Expulsion Hearing
This day of 200 .

[parent(s)]

AND IN THE MATTER OF
Section 309
of the *Education Act*

-and-

IN THE MATTER OF
an Application
By { }
The principal of { } school

I accept service of the within
Notice of Hearing of Appeal
This { } day of { }, 200{ },

[name of principal]
Principal

**NOTICE OF
HEARING**

[name of solicitor or other person
preparing document]



APPENDIX E

PARENT GUIDE TO PARTICIPATION IN AN EXPULSION HEARING

You have been informed of a pending expulsion hearing and have been given a date and time for the hearing. The following is intended as a guide to assist you in preparing for the hearing.

Who attends an Expulsion Hearing:

- ✓ Student (including those who are 16 or 17 years of age and who have withdrawn from parental control)
- ✓ Parent/Guardian of the student if the student is under the age of 18
- ✓ Principal of the student's school
- ✓ Supervisory Officer of the school
- ✓ Director of Education (Secretary to the Board of Trustees)
- ✓ Members of the Expulsions Appeal and Hearing Committee (3 trustees)
- ✓ Witnesses as called by either party to the hearing
- ✓ Parents/Guardians of student witnesses under the age of 18
- ✓ Legal representatives for any parties listed above
- ✓ Senior Board administrators

Who may NOT attend an Expulsion Hearing:

- ✓ Members of the public not mentioned above

Rights of Parties at a Hearing:

1. To have legal representation
2. To call and examine witnesses
3. To cross-examine other witnesses
4. To present argument and submissions
5. To compel disclosure of relevant documents and things
6. To receive reasonable information regarding any allegations.

What a Hearing is NOT:

An expulsion hearing is not a legal or judicial process. It is a hearing conducted under the Statutory Powers Procedure Act. A hearing does not stay the suspension pending the determination of an expulsion. The expulsion remains in effect pending the outcome of the hearing.

The Hearing:

The hearing is presided over by the Chair of the three member trustee committee. The Director of Education also sits with the committee members in his/her capacity as Secretary to the Board of Trustees. The principal of the school or legal counsel presents his/her request for an expulsion and related facts and evidence. The adult student or parent/guardian of a student under the age of 18 or legal counsel will be given an opportunity to address the hearing committee. Any party may call witnesses, examine and cross-examine. The members of the committee may also ask questions of any participant in the hearing. The entire hearing will usually last about one hour.

Who Decides:

The three trustees on the Expulsion Appeal and Hearing committee make the decision regarding expulsion. This is done following the hearing in a private session.

What is Decided:

The Committee will:

- a) Confirm, modify or overrule the principal's recommendation for the student's expulsion from his/her school or from all schools in the WCDSB
- b) If the expulsion is not granted, the committee can support or modify the length of the suspension leading to expulsion or have the suspension quashed and the record expunged
- c) Impose, change or remove conditions that must be satisfied if the pupil is to return to school
- d) Overrule the decision of the principal and reinstate the pupil.

Notification of the Decision:

Within two school days following the hearing, all parties will be informed in writing of the committee decision.

Appealing a Decision:

An adult student or parent/guardian of a student under the age of 18 may appeal the decision of the Board to the Child and Family Services Review Board (CFSRB). The following timeline limitations are important for an adult student, the student who is 16 or 17 years of age and who has withdrawn from parental control or the parent/guardian of a child under the age of 18 to note should he/she proceed with an appeal to the CFSRB:

A request for an expulsion appeal must be made:

- 1. Within the sixty (60) days of the District School Board's decision to expel the student. This date should be referenced in the letter of appeal.
- 2. The sixty (60) days may be extended if the CFSRB feels there are reasonable grounds to do so

The CFSRB must convene the expulsion appeal hearing within thirty (30) days of receiving a request to appeal a District Board's expulsion decision.

The procedures, powers, and duties of the persons who are required to conduct this appeal are determined by provincial legislation.

After hearing an appeal from a decision of a Board, the Child and Family Services Review Board may decide any of the following options:

- a) Confirm the Board's decision
- b) Modify the type of expulsion
- c) Impose, change or remove conditions that must be satisfied if the pupil is to return to school in Ontario following an expulsion
- d) Overrule the decision of the Board and reinstate the pupil

If the Child and Family Services Review Board overrules the decision of the Board and reinstates the pupil, it may order that any record of the expulsion of the pupil be expunged if the Child and Family Services Review Board considers it appropriate in the circumstances.

- 3. The CFSRB must make its decision, including the reasons for the decision, within ten (10) days of the completion of the expulsion appeal hearing.

APPENDIX F

SUMMARY OF OFFENCES & CONSEQUENCES

INCIDENT	FIRST OFFENCE	SECOND OFFENCE (within 5 years)	THIRD OFFENCE (within 5 years)
ALCOHOL ILLEGAL DRUGS AND PROHIBITED SUBSTANCES			
Under the influence (alcohol, illegal drugs, prohibited or hazardous substance) =Suspension Consideration	<ul style="list-style-type: none"> • 1 to 20 day suspension • police may be involved 	<ul style="list-style-type: none"> • 5 to 20 day suspension • police will be involved 	<ul style="list-style-type: none"> • 20 day suspension • expulsion proceedings shall be considered • police will be involved
Possession of Alcohol = Suspension Consideration	<ul style="list-style-type: none"> • 1 to 20 day suspension • police will be involved 	<ul style="list-style-type: none"> • 5 to 20 day suspension • police will be involved 	<ul style="list-style-type: none"> • 20 day suspension • expulsion proceedings shall be considered • police will be involved
Possession of Illegal Drugs and prohibited substances =Suspension Consideration	<ul style="list-style-type: none"> • 10 to 20 day suspension • police will be involved 	<ul style="list-style-type: none"> • 20 day suspension • expulsion proceedings may be initiated • police will be involved 	<ul style="list-style-type: none"> • 20 day suspension • expulsion proceedings shall be considered • police will be involved
Supplying Alcohol = Expulsion Consideration	Police will be contacted. It is mandatory that an expulsion be considered for this infraction while at school or engaged in a school-related activity. Refer to expulsion procedures.		
Trafficking in Illegal Drugs and prohibited substances = Expulsion Consideration	Police will be contacted. It is mandatory that an expulsion be considered for this infraction while at school or engaged in a school-related activity. Refer to expulsion procedures.		
ASSAULT			
Physical Assault On Another Person Not Requiring Treatment by Medical Practitioner = Suspension Consideration	<ul style="list-style-type: none"> • 1 to 20 day suspension • police may be involved 	<ul style="list-style-type: none"> • 5 to 20 day suspension • police may be involved • expulsion proceedings shall be considered 	<ul style="list-style-type: none"> • 20 day suspension • police will be involved • expulsion proceedings shall be considered
Committing Sexual Assault = Expulsion Consideration	Police will be contacted. It is mandatory that an expulsion be considered for this infraction while at school or engaged in a school-related activity. Refer to expulsion procedures.		
Physical Assault On Another Person Requiring Treatment by Medical Practitioner =Expulsion Consideration	Police will be contacted. It is mandatory that an expulsion be considered for this infraction while at school or engaged in a school-related activity. Refer to expulsion procedures.		
Physical Assault on a Teacher or other person in a position of authority not requiring treatment by a Medical Practitioner = Expulsion Consideration	Police will be contacted. It is mandatory that an expulsion be considered for this infraction while at school or engaged in a school-related activity. Refer to expulsion procedures.		
HARASSMENT/BULLYING			
Bullying and/or Sexual, Racial or Ethnocultural Harassment = Suspension Consideration	<ul style="list-style-type: none"> • 1 to 20 day suspension • police may be involved 	<ul style="list-style-type: none"> • 5 to 20 day suspension • police may be involved 	<ul style="list-style-type: none"> • 20 day suspension • expulsion proceedings shall be considered • police may be involved
PROFANE OR IMPROPER LANGUAGE			
Profane or Improper Language = Suspension Consideration for Swearing at a Teacher or Person In Authority (All School Staff)	<ul style="list-style-type: none"> • use of early intervention strategies such as parent contact, detention, review of expectations, written apology • suspension up to 5 days 	<ul style="list-style-type: none"> • use of ongoing intervention strategies such as parent meeting, referral to counselling, conflict mediation • 5 to 10 day suspension 	<ul style="list-style-type: none"> • 5 to 20 day suspension • expulsion proceedings shall be considered.

INCIDENT	FIRST OFFENCE	SECOND OFFENCE (within 5years)	THIRD OFFENCE (within 5 years)
VERBAL ABUSE			
Verbal Abuse = Suspension Consideration	<ul style="list-style-type: none"> Use of early intervention strategies suspension up to 5 days 	<ul style="list-style-type: none"> Use of ongoing intervention strategies suspension up to 10 days 	<ul style="list-style-type: none"> suspension up to 10 days
DISSEMINATION/PUBLICATION OF MATERIAL			
Dissemination/Publication of material (electronic or otherwise) impacting the mental well being of students or staff of the school or Board = Suspension Consideration	<ul style="list-style-type: none"> 1 to 20 day suspension police may be involved 	<ul style="list-style-type: none"> 5 to 20 day suspension police may be involved expulsion proceedings shall be considered 	<ul style="list-style-type: none"> 20 day suspension police may be involved expulsion proceedings shall be considered
SEXUALLY EXPLICIT MATERIAL			
Sexually Explicit Material = Suspension Consideration	<ul style="list-style-type: none"> suspension up to 5 days 	<ul style="list-style-type: none"> suspension up to 5 days 	<ul style="list-style-type: none"> 5 to 10 day suspension
THEFT			
Theft = Suspension Consideration	<ul style="list-style-type: none"> suspension up to 20 days and restitution police may be involved 	<ul style="list-style-type: none"> suspension up to 20 days and restitution expulsion proceedings shall be considered police will be involved 	<ul style="list-style-type: none"> suspension up to 20 days and restitution expulsion proceedings shall be considered police will be involved
ROBBERY			
Robbery = Expulsion Consideration	Police will be contacted. It is mandatory that an expulsion be considered for this infraction while at school or engaged in a school-related activity. Refer to expulsion procedures.		
THREATS			
Threat = Suspension	<ul style="list-style-type: none"> 1 to 20 day suspension police may be involved 	<ul style="list-style-type: none"> 10 to 20 day suspension expulsion proceedings shall be considered police will be involved 	<ul style="list-style-type: none"> 20 day suspension expulsion proceedings shall be considered police will be involved
WEAPONS			
Possessing A Weapon or Imitation Including Possessing A Firearm = Expulsion Consideration	Police will be contacted. It is mandatory that an expulsion be considered for this infraction while at school or engaged in a school-related activity. Refer to expulsion procedures.		
Using A Weapon To Cause or Threaten Bodily Harm to Another Person = Expulsion Consideration	Police will be contacted. It is mandatory that an expulsion be considered for this infraction while at school or engaged in a school-related activity. Refer to expulsion procedures.		
Trafficking in Weapons = Expulsion Consideration	Police will be contacted. It is mandatory that an expulsion be considered for this infraction while at school or engaged in a school-related activity. Refer to expulsion procedures.		
WILFUL DESTRUCTION OF SCHOOL PROPERTY			
Wilful Destruction of School Property (Arson, Computer Misconduct, Vandalism) = Suspension Consideration. Expulsion may be considered if damage is extensive.	<ul style="list-style-type: none"> 1 to 20 day suspension and restitution police may be involved 	<ul style="list-style-type: none"> 1 to 20 day suspension and restitution expulsion proceedings shall be considered police will be involved 	<ul style="list-style-type: none"> 1 to 20 day suspension and restitution expulsion proceedings shall be considered police will be involved
OTHER			
Conduct Injurious to the Moral Tone of the School or Physical or Mental Well-Being of Others in the School = Suspension Consideration (e.g., smoking, possession of electronic devices).	<ul style="list-style-type: none"> use of early intervention strategies such as parent contact, detention, review of expectations, written apology suspension 1-5 days 	<ul style="list-style-type: none"> use of early intervention strategies such as parent contact, detention, review of expectations, written apology suspension 5-10 days 	<ul style="list-style-type: none"> suspension up to 20 days

<p>Habitual Neglect of Duty = Suspension Consideration (e.g. lates, truancy, incomplete homework/assignments, dress code infractions)</p>	<ul style="list-style-type: none"> • use of early intervention strategies such as parent contact, detention, review of expectations, written apology • suspension up to 5 days 	<ul style="list-style-type: none"> •• use of early intervention strategies such as parent contact, detention, review of expectations, written apology • suspension 5-10 days 	<ul style="list-style-type: none"> • suspension up to 20 days • expulsion proceedings shall be considered
<p>Persistent Opposition to Authority = Suspension Consideration</p>	<ul style="list-style-type: none"> • suspension up to 20 days 	<ul style="list-style-type: none"> • suspension up to 20 days 	<ul style="list-style-type: none"> • suspension up to 20 days

- **This Summary of Offences and Consequences applies only to students.**
- **Staff whose actions are not in accordance with board policy and/or the Ethical Standards for the Teaching Profession and the Standards of Practice for the Teaching Profession or expectations of professional conduct prescribed by their respective professional governing body, will be subject to progressive discipline under board policy.**
- **Parents/Guardians and visitors to schools whose actions violate the school/board’s Code of Conduct, or are otherwise disruptive to the safe operation of a school, will be dealt with through the Trespass to Property Act or other appropriate legislation.**

Revised: January 2008