



## **Suspension & Expulsion (Procedures, Appeals, Programs for Student Support)**

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**Memo To:** All Staff

**From:** Director of Education

### **ACCESSIBILITY:**

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### **PURPOSE:**

The provincial Code of Conduct is designed to promote safety and foster the principles of respect and responsible citizenship in Ontario schools. The Waterloo Catholic District School Board (WCDSB) recognizes the significance of safe, inclusive, and nurturing schools and seeks to foster such environments by employing a restorative focus which respects the dignity of all persons and seeks to build loving relationships. Conditions arise however, in which the safety and wellbeing of the community may warrant a suspension or an expulsion.

The purpose of this AP memorandum is to outline the policies and procedures related to suspension and expulsion as well as the appeals process and programmes for students who have received an expulsion, as mandated by the Education Act. The memorandum will clarify the activities which lead to possible suspension or expulsion, the mitigating circumstances which may affect the decision to suspend or expel the collection and disclosure of student information, and the duties and authorities of teachers, principals, the WCDSB, and the appeal committee.

In all actions, the Board strives to be transparent, consistent, and compassionate while recognising the need to respond each circumstance individually and balancing the needs of the learning community with those of the individual student.

### **REFERENCES:**

- [Education Act](#): 306-311; Regulations: 37/01 (2), 106/01
- Ministry Policy & Procedures Memoranda [119](#), [120](#), [128](#), 130, [141](#), [142](#), [144](#), [145](#),
- [Safe Schools Act \(2000\)](#) (2009): 309-312
- [Safe School Incident Report, Part I](#) and [Part II](#)
- [Bill 13, Accepting Schools Act \(2012\)](#)
- [Bill 157, Keeping Our Kids Safe at School Act \(Feb.1, 2010\)](#)
- [Municipal Freedom of Information and Protection of Privacy Act \(MFIPPA\)](#)
- [Personal Health Information Protection of Privacy Act \(PHIPA\)](#)
- [Personal Information Protection and Electronic Documents Act \(PIPEDA\)](#)



- [Canadian Charter of Rights and Freedoms Section 10](#)
- [Statutory Powers Procedure Act](#)
- [APC013: School Police Protocol](#)
- [Ontario Catholic School Graduate Expectations](#)
- [Ontario Student Record \(OSR\) Guideline, 2000](#)
- [Board Policy I 001: Ends](#)
- [Board Policy II 007](#)

## FORMS:

- APC012-03F: [Expulsion / Suspension Appeal Hearing Notice](#) (Confidential)
- APC012-04F: [Suspension Appeal - Principal's Report to Superintendent](#)
- APC012-05F: [Suspension - Commitment Declaration](#)
- APC012-06F: [Student Action Plan, Suspended Students](#)
- APC012-07F: [Expulsion Recommendation for Superintendent](#)
- APC012-09F: [Suspension Plan, St. Don Bosco](#)
- APC012-10F: [Safe Schools Transfer Plan](#)
- APC012-11F: [Expulsion Settlement Minutes](#) (Private)
- APC012-12F: [Expulsion Demission Letter](#) (Confidential)
- APC012-13F: [Expulsion Recommendation, for Parent/Guardian](#)
- APC012-14F: [Student Action Plan, Expelled Students](#)
- APC012-15F: [Suspension Appeal – Principals' Report to Parent/Guardian/Student](#)
- APC012-16F: [Program Completion Criteria, Expelled Students](#)
- APC012-17F: [Suspension Appeal Intention, Parent/Guardian](#)
- APC012-18F: [Pre-Suspension Appeal Hearing Settlement Minutes](#) (Private)

## REPORTS:

- APC012-01R: [Suspension Notice](#)
- APC012-02R: [Suspension Leading to Possible Expulsion](#)

## APPENDICES:

- Appendix A: [Mitigating Circumstances](#)
- Appendix B: [Violent Incidents Record Keeping](#)
- Appendix C: [Parent Guide to Participation in a Suspension Appeal](#)
- Appendix D: [Documentation Related to Expulsion Proceedings](#)
- Appendix E: [Parent Guide to Participation in an Expulsion Hearing](#)
- Appendix F: [Programs for Expelled Students](#)
- Appendix G: [Summary of Offences and Consequences](#)
- Appendix H: [Suspension Appeal Process](#)
- Appendix I: [Access and Privacy Considerations during the Suspension/Expulsion Process](#)
- Appendix J: [Suspension and Suspension Appeal Process](#) (Private)
- Appendix K: [Expulsion Process](#) (Private)

## COMMENTS AND GUIDELINES:

This policy memorandum and the procedures that it establishes must always be used in the service of the Board's vision and mission. The principles of compassion, reconciliation, and restorative justice are paramount in establishing consequences for student misbehaviour. In all things, the Board seeks to affirm the essential God-given dignity of all as well as ensuring that all people can contribute meaningfully to, and participate meaningfully in, the community. Such participation requires that all learners respect human rights, promote civility, and contribute to the common good. The aim is to respond to the needs of each learner while protecting the harmony of the learning environment in each school community.

## **GUIDELINES**

### **Definitions**

#### **Suspension**

A suspension means students are removed from school temporarily for a specific period of time. Students may be suspended for a period of time ranging from one school day to twenty school days. Students who are suspended for more than five school days are considered to be on long-term suspension. Students cannot take part in school activities or events while suspended.

#### **Student Action Plan**

Once students have been suspended for more than five school days and agree to participate in a program for suspended students, a planning meeting is held.

The student, school and Board staff, and parents or guardians (wherever possible) attend the meeting. The purpose of the meeting is to identify the:

- Student's strengths
- Student's risk factors/ protective factors
- Type of supports/needs required to help the student continue learning as part of the academic program
- The objectives of the Student Action Plan

The Student Action Plan identifies the academic component and any additional supports to promote positive behaviour the student will receive. Each student's plan will be developed to meet his or her needs. The plan will depend upon the student's needs, length of the suspension, the nature and severity of the behaviour, and any other mitigating factors.

#### **Discretionary Expulsion**

From the Education Act, section 310. (1) states, "A pupil may be expelled if the pupil engages in an activity that, under a policy of the board, is one for which expulsion is discretionary."

#### **Expulsion**

Expulsions are different from suspensions. They do not have a time limit. Expelled students are removed from school for an indefinite time period. Students are suspended first, while expulsion is being considered.

Students can be expelled from their own school. Or, they can be expelled from all schools in their Board.

Students expelled from all schools in their Board cannot go to school or take part in school activities or events. For example, expelled students cannot go on field trips or take part in school team events.

#### **Transition Plan**

Once a student who has been expelled meets the objectives of the Board programme for expelled students, a transition plan is formed to ensure the student's success in returning to a publically funded school.

### **Implications of a Restorative Focus**

The Board believes that Restorative Justice is a way of being which demonstrates that the best and natural state of the person is in loving relationship. Restorative Justice recognizes that all persons have a responsibility to continually build and foster positive relationships which promote the dignity of the person and, where harm occurs, restore those relationships.

As a result, every action and decision must be measured by the degree to which they foster loving relationships within the community. Such a belief does not mean that conditions don't arise in which the appropriate response is suspension or expulsion, but rather that the decision to suspend or expel take into consideration the mitigating circumstances and always respects the dignity of all persons and the needs of the community.

## **Mitigating Circumstances (APC012-AX: Appendix A)**

For the purposes of suspension, mandatory suspension, and/or suspension leading to expulsion, the following, in accordance with Section 306 (2) of the Education Act, shall be considered a guide for principals in determining the existence of mitigating circumstances in the Board.

Furthermore, a student who has committed an offence which, under normal circumstances would indicate an expulsion may be considered to have "mitigating circumstances". Some mitigating circumstances include:

1. The age of the student is a factor in their actions;
2. Whether the principles of progressive discipline have first been attempted;
3. Student's personal history or recent personal trauma;
4. The student does not have the ability to control their behaviour;
5. The student is unable to foresee or understand the consequences of their behavior;
6. The student's continuing presence in the school does not create an unacceptable risk to the safety of any person;
7. Where racial, ethnic, religious, disability, gender, gender identity, socio-economic status, citizenship, mental status, age, culture, sexual orientation, gender identity, gender expression or other harassment was a factor in the student's behaviour; and/or
8. The impact of the suspension or expulsion on the student's continued education.

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

- The behaviour was a manifestation of a disability identified in the student's IEP.
- Appropriate accommodation has been provided.
- Suspension is likely to aggravate or worsen the student's behavior or conduct.

Students who are deemed to have a mitigating circumstance may still be suspended.

## **DUTIES OF PRINCIPALS**

After due consideration of mitigating factors, the principal has the authority to suspend a student from one to twenty school days for infractions set by the Province and by the Board.

All suspensions must follow set procedures established by WCDSB for providing notice, review and appeals of suspensions where they are allowed by Provincial or Board policy. Ideally, all suspensions should begin no later than one day after the infraction has been observed. The Summary of Offences and Consequences are provided in [Summary of Offences and Consequences](#) (APC012-GX: Appendix G). [Access and Privacy Considerations during the Suspension/Expulsion](#) (APC012-IX: Appendix I) process are followed.

## **ACTIVITIES LEADING TO POSSIBLE SUSPENSION**

### **Offences Leading to Possible Suspension "for and up to 20 days"**

Section 306. (1) of the Education Act states:

"306. (1) A principal shall consider whether to 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. Uttering a threat, either verbal or written (although cyber-bullying and inappropriate electronic use are listed as it work including electronically as a vehicle to utter a threat), to inflict serious bodily harm on another person
2. Possessing alcohol, or illegal drugs or unless the pupil is a medical cannabis user, cannabis
3. Being under the influence of alcohol or, unless the pupil is a medical cannabis user, cannabis
4. Swearing at a teacher or at another person in a position of authority
5. Committing an act of vandalism that causes extensive damage to school property at the pupil's school or to property located on the premises of the pupil's school
6. Bullying-including cyber-bullying
7. Committing a physical assault on another person that does not require the treatment by a medical practitioner
8. Persistent opposition to authority
9. Habitual neglect of duty
10. Harassment
11. Inappropriate use of electronic devices
12. Not having an up to date medical/immunization record
13. Any act considered by the principal to be injurious to the moral tone of the school
14. Any other activity that is an activity for which a principal may suspend a pupil under a policy of the board

### **Investigation into Possible Suspension**

Commence an investigation promptly following the reporting of the incident which will be conducted in accordance with the requirements established by Board policy.

For the purpose of the investigation, the principal has the powers and duties set out in Board policy.

As part of the investigation, the principal shall make all reasonable efforts to speak with the following persons:

- The student
- The student's parent or guardian, unless the student is at least eighteen years old, or the student is sixteen or seventeen years old and has withdrawn from parental control
- Any other person whom the principal has reason to believe may have relevant information

Consider whether to suspend the student while taking into account any mitigating or other factors prescribed by the regulations.

### **REPORTING SUSPENSION AND EXPULSION INFRACTIONS TO THE PRINCIPAL**

1. The purpose of reporting incidents is to ensure that the principal/vice-principal is aware of the behaviour.
2. When a WCDSB staff member or transportation provider (the reporter) becomes aware of any infractions for which a suspension may be imposed by the principal, or any infractions for which a principal may consider recommending to the Board that a student be expelled, they must inform the principal, vice-principal or teacher-in-charge at the earliest safest opportunity and no later than the end of the school day, or end of a transportation run if reported by a transportation provider.
3. Where two or more board staff and/or transportation providers become aware of the same incident, each will inform the principal, or vice-principal or teacher-in-charge.
4. WCDSB staff must submit an electronic [Safe Schools Incident Report](#) using the online Incident/Accident Reporting System when it is safe to do so and no later than the end of the school day.

5. The principal or vice-principal will receive email notification that an online [Safe Schools Incident Report](#) has been filed.
6. The principal or vice-principal must investigate all reports submitted by board employees and complete the supervisor's report. Once the investigation has been completed, the principal or vice-principal must communicate the results of the investigation to the teacher who made the report. If a board employee who is not a teacher made the report, the principal or vice-principal will communicate the results of the investigation to that employee if the principal or vice-principal considers it appropriate.
7. The Safe Schools Incident Report will be retained in the secured online Incident/Accident Reporting database.
8. When a Safe Schools Incident Report is submitted, the principal or vice-principal will complete [part II](#) of the report, which will automatically be sent to the employee.
9. Each year the principal will review with all staff their duty to report as outlined above. This review will include instructions regarding the use of the online Incident/Accident Reporting System.

## **Suspension Procedure**

1. A teacher or staff member who observes an infraction that requires suspension of one day or more must refer the matter to the principal who will then begin to investigate.
2. Mitigating circumstances are considered and the student may not be suspended depending on the principal's judgment of the mitigating circumstances, see [WCDSB Mitigating Circumstances](#) (APC012-AX: Appendix A).
3. If there are no or insufficient mitigating circumstances, the principal will contact the police, if appropriate, according to the guidelines established in the Police Protocol or conduct an investigation to determine the nature of the infraction and the assignment of responsibility for the infraction.
4. The principal then considers factors affecting type and duration of the suspension.
5. When a principal suspends a student under Section 306 for greater than five school days, he or she shall assign the student to a program for suspended students;
6. A principal may not suspend a student under Section 306 more than once for the same occurrence.
7. The principal will make all reasonable efforts to ensure that the parent/guardian and student are notified of the suspension within twenty-four hours of the suspension being imposed, including the infraction and the duration of the suspension unless the student is at least 18 years old or the student is 16 or 17 years old and has withdrawn from parental control. Refer to [Suspension Notice](#) (Report APC012-01R) or [Suspension Leading to Possible Expulsion](#) (Report APC012-02R).
8. The student's teachers and other appropriate school personnel shall also be given written notice of the suspension.
9. The suspension will ideally commence no later than the day following the notification of the suspension.
10. A copy of the written notice shall be placed in the OSR, please see WCDSB Suspension / Expulsion [Violent Incidents Record Keeping](#) (APC012-BX: Appendix B).

## **Suspension: Programmes for Student Support**

Students can be suspended for a period of one to 20 school days. Students who are suspended for more than five school days are considered to be on a long-term suspension.

1. Students who are suspended for one to five school days are expected to receive a homework package.

2. Students who are suspended for six to 10 school days must be offered an academic program that will help them keep learning. The Board will develop a program for each student's needs. Follow [Suspension and Suspension Appeal Process](#) (APC012-JX: Appendix J) for details on when to use the [Suspension - Commitment Declaration](#) (Form APC012-05F), [Suspension Plan, St. Don Bosco](#) (Form APC012-09F) and [Student Action Plan, Suspended Students](#) (Form APC012-06F). Note [Student Action Plan, Suspended Students](#) (Form APC012-06F) is to be completed once determined the suspension will be longer than five days.
3. Students who are suspended for 11 to 20 school days must be offered an academic program, as well as supports to promote positive behaviour. For example, supports like anger management or career counselling can help engage and motivate students and encourage positive behaviour.
4. This process will involve the student, the parent/guardian (as appropriate), and members of the Student Success Team at the school, and additional WCDSB support personnel who are familiar with the student as well as opportunities for support from community agencies.
5. Other individuals may be invited to participate as needed. While the program for long-term suspended, as well as that for expelled students will be offered at an off-site location, it is expected that staff from the home school will remain connected to the student so that the re-integration process will be successful.

This reintegration process is guided by the values of compassion, tolerance, forgiveness and reconciliation that constitute the WCDSB approach to Restorative Justice.

## Safe School Transfers

### Safe School Transfers Related to School Safety

In cases where students are being transferred to another school in order to preserve school safety, Boards are required to coordinate a "transfer meeting" between the school from which the student is being transferred and the receiving school. The School Superintendent of both the receiving and sending school, and Superintendent of Safe Schools must be notified and must be consulted when a safe schools transfer is first considered. In cases where the transfer is necessary to protect a student, it is preferable that the student who has been harmed not be moved. The purpose of the transfer meeting is to put in place a transition strategy to identify any additional supports and resources that the student may require (e.g., supports provided by school-based employees of the board, by Board personnel, or through a community-based service provider, including mental health services).

The meeting must include the teachers, administrator and other school staff that will have regular direct contact with the student. The student that is being moved and his or her parents should also be invited to the transfer meeting. Schools must make reasonable efforts to accommodate parent participation at this meeting. The transfer meeting must occur prior to the day or on the day the student is transferred. When the meeting occurs on the day the student is transferred; it must occur before the student attends class. The receiving school must also be in possession of the student's OSR prior to the occurrence of the transfer meeting, and the OSR must be available to be consulted at the meeting. Boards must also have clear policies in place for both teaching and non-teaching staff regarding the confidentiality of information about the student being transferred. At a minimum, prior to the start of the transfer meeting, the principal must inform all staff in attendance that they must treat any information about the student and the incident disclosed at the meeting as confidential. For reference please see [Policy/ Program Memorandum No. 145](#). The [Safe Schools Transfer Plan](#) (Form APC012-10F) is completed upon completion of the meeting.

## Appeal of Suspension

### Suspension Committee Composition

The composition, powers, and duties of the members of the Suspension Appeal Committee are determined by Board Policy II 007. The membership consists of at least three trustees and an alternate appointed by the Chair of the Board. A trustee on the Suspension Appeal Committee, who has been in communication with either the appellant or the school administrator 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. The committee members are fully authorized to act on behalf of the Board for all suspension appeals.

An appeal of a suspension does not stay the suspension.

If an appeal is heard during or after the completion of the suspension, the appeal committee (via the superintendent) has the power to confirm, modify, or remove the record of suspension.

### **Initiation of a Suspension Appeal**

An adult student or the parent/guardian of a student under age eighteen, or a student if he/she is sixteen or seventeen years of age and has withdrawn from parental control may appeal a suspension to the Board.

A representative from Family and Children's Services functioning as a guardian of a Crown ward may also initiate an appeal.

Appeals must be received in written form by the Director's Office within ten school days of the commencement of the suspension using the [Suspension Appeal Intention, Parent/Guardian](#) (Form APC012-17F).

Administrator completes the [Suspension Appeal – Principals Report to Superintendent](#) (Form APC012-04F) and forwards to Superintendent Family of Schools and Superintendent Safe Schools initially. Principal sends [Suspension Appeal – Principal's Report to Parent/ Guardian/ Student](#) (Form APC012-15F) to parent/ guardian or student if the student is at least 18 years of age or is 16 or 17 and has withdrawn from parental control. Follow the [Suspension and Suspension Appeal Process](#) (APC012-JX: Appendix J).

### **Pre-Suspension Appeal Hearing Meeting:**

In advance of Pre-Suspension Appeal Hearing, the [Suspension Appeal – Principals' Report to Superintendent](#)-(Form APC012-04F) is sent. The Family of Schools Supervisory Officer conducts the pre-Suspension Appeal Hearing Meeting with parent/guardian/ adult student and principal to review the suspension as soon as possible. Possible outcomes of the meeting include the following:

- Rescinding the Request for an Appeal
- Extending the Hearing timelines for further consideration
- Proceeding to a Suspension Appeal Hearing

The Family of Schools Supervisory Officer completes a report outlining the meeting's result and provides parent/guardian/adult student with a copy, see [Pre-Suspension Appeal Hearing Settlement Minutes](#) (Form APC012-18F). The parties may agree to: Confirm Suspension or Reduce Suspension or Expunge Suspension or Modify language resulting in withdrawal of the appeal. If the resolution of the appeal is not successful parties may agree to extend the appeal hearing beyond 15 days.

If the resolution of appeal is not successful and if there is no agreement to extend the appeal hearing beyond 15 days the parties will proceed to appeal on the established date which is within 15 school days of receipt of the Notice of Intention to Appeal. If a parent/guardian/adult student retains a lawyer, a lawyer is also retained for the principal. The decision of the Suspension Appeal Hearing is final.

### **Suspension Appeal Procedure (APC012-CX: Appendix C)**

The Suspension Appeal Hearing is held within 15 days of receipt of the [Suspension Appeal Intention, Parent/Guardian](#) (Form APC012-17F) unless an agreement is reached during the Pre-Suspension Appeal Hearing Meeting.

The suspension appeal notice must be received by the Director of Education, or designate, in written form within ten school days of the commencement of the suspension. The Director will forward the notice of appeal to the Superintendent of Safe Schools.

The Superintendent of Safe Schools will notify the chair of the Suspension Appeals Committee of the request for an appeal within two school days of receipt of the request for an appeal hearing.

The chair of the Suspension Appeals Committee will inform the Superintendent of Safe Schools of the date for the hearing of the appeal. When the Superintendent of Safe Schools has received the date of the appeal hearing from the chair of the Suspension Appeals Committee, the following procedure will be followed:

1. The Director shall serve notice of the hearing, [Suspension/Expulsion Appeal Hearing Notice](#) (Form APC012-03F) by regular mail to every person entitled to appeal the suspension as well as the school principal, and the Family of Schools School Supervisory Officer;
2. The Suspension/ Expulsion appeal hearing notice shall include a statement of the time, place and purpose of the hearing; a reference to the statutory authority under which the hearing will be held; and a statement that if the party requesting the hearing does not attend at the hearing, the committee may proceed in their absence and they will not be entitled to any further notice in the proceedings. The WCDSB [Parent Guide to Participation in a Suspension Appeal](#) is distributed to the parent/guardian (APC012-CX: Appendix C);
3. The decision of the committee will be communicated in writing to the appellant(s), the school Principal and the school superintendent no later than seven school days following the appeal hearing.
4. The Board may: confirm the suspension and its duration; confirm the suspension but shorten its duration, even if the suspension under appeal has already been served, and order that the record of the suspension be amended accordingly; quash the suspension and order that the record of the suspension be expunged, even if the suspension has already been served.
5. The decision of this committee is final.

## **Collection & Distribution of Student Information (Suspension)**

Section 315 of the Education Act gives regulatory authority to District School Boards regarding collection and disclosure of information of suspended students for the purposes of administering programs, courses, and services to suspended students and to ensure the safety of students.

## **Suspension, Investigation and Possible Expulsion**

### **Activities leading to suspension**

As per Section 310 (1) of the Education Act:

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

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 or cannabis to a minor.
8. Bullying, if:
  - The pupil has previously been suspended for engaging in bullying.
  - The pupil’s continuing presence in the school creates an unacceptable risk to the safety of another person.

9. Any activity listed in subsection 306 (1) that is motivated by bias, prejudice or hate based on race, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, sexual orientation, gender identity, gender expression, or any other similar factor.
10. Any other activity that, under a policy of a board, is an activity for which a principal must suspend a pupil and, therefore in accordance with this Part, conduct an investigation to determine whether to recommend to the board that the pupil be expelled. 2007, c. 14, s. 4; 2012, c. 5, s. 14; 2017,c.26, Schedule 1, s.30(5)”

## **Suspension Pending Expulsion Procedure**

When it is deemed that a student has committed an act for which a suspension, investigation and possible expulsion is warranted, the Principal will immediately contact the police if it is unsafe to intervene.

Staff members observing an infraction will refer the matter to the Principal.

In such cases the Principal will:

1. Ensure the safety and care of any injured parties/victims.
2. Isolate the student who is identified to have committed the offence, and place the student under direct staff supervision.
3. Conduct an initial investigation to establish that an offence has occurred, confiscate appropriate items related to the offence in the presence of another staff member and the student (e.g. drugs, alcohol, weapon, etc.) The Supreme Court of Canada in R. vs. M. (M.R.) (1998) and the Ontario Court of Appeal in R. vs. J.M.G. (1986) have stated that a principal, who has reasonable grounds to do so, may conduct a search of a student or their possessions in carrying out his or her duties to maintain order and discipline in the school.
4. Principals shall not conduct frisk searches of students. Refusal to be searched may result in a suspension of up to 20 days.
5. The principal will document all interviews and contacts, see [WCDSB Documentation Related to Expulsion Proceedings](#) (APC012-DX: Appendix D).
6. Consider if there are “mitigating circumstances” (Education Act, Section 306-2). If there appears to be a “mitigating circumstance”, contact a member of the Collaborative Team, Student Services or the appropriate School Superintendent for an immediate consult.
7. Students who are deemed to have “mitigating circumstances” may still be expelled.
8. If the occurrence requires police involvement or response, see Section 7 of the Police Protocol, the Principal will contact the police and request their attendance at the school and provide some initial information regarding the incident such as student’s name, address and date of birth.
9. If the student is between the ages of twelve and seventeen, it is the responsibility of the investigating police officer to inform the student about the nature of the charges, of their rights; specifically the right to talk with a lawyer, the right to talk with their parents/guardian or any other adult relative or adult who may be of assistance to them, the right to have the adult he or she talked to present during the interview with the police, and to give the standard cautions. If the student is over the age of eighteen, it is the responsibility of the police officer to inform the student about the nature of the charges, of their adult rights and to give the standard cautions (Section 10 of the [Canadian Charter of Rights and Freedoms](#)).
10. Consult with the investigating officer to determine whether the student is a witness, suspect, accused or under arrest, providing the student being questioned is less than eighteen years of age.
11. The principal will advise the student that their parents/guardians will be contacted and informed of the student’s involvement in the incident. Attempts will be made by the Principal to notify the parent prior to any interview with the police.

12. Should a parent request that their child not be interviewed by police, the Principal will request that the student be interviewed off school property.
13. Do not contact the parents without the consent of the student if the student is eighteen years or older.
14. Contact Family and Children's Services if the student is a crown ward or ward of Family and Children's Services.
15. Possibly suspend a student for up to twenty school days and, in considering how long the suspension should be, take into account any mitigating or other factors prescribed by the regulations.

### **Duties of the Principal – Suspension Pending Expulsion**

Assign the student to a program for suspended students in accordance with any policies or guidelines issued by the Minister.

Inform the student's teacher of the suspension and make all reasonable efforts to inform the student's parent or guardian of the suspension within twenty-four hours of the suspension being imposed, unless the student is at least eighteen years old, or the student is sixteen or seventeen years old and has withdrawn from parental control.

Ensure that written [Suspension Notice](#) (Report APC012-01R) is given promptly to the following persons:

- The student
- The student's parent or guardian, unless the student is at least eighteen years old, or the student is sixteen or seventeen years old and has withdrawn from parental control
- Such other persons as may be specified by WCDSB policy

Ensure that the notice includes the following:

- The reason for the suspension
- The duration of the suspension
- Information about any program for suspended students to which the student is assigned
- Information about the investigation the principal will conduct under section 311.1 of the Act to determine whether to recommend that the student be expelled
- A statement indicating that:
  - there is no immediate right to appeal the suspension;
  - if the principal does not recommend to the Board that the student be expelled following the investigation under Section 311.1 of the Act, the suspension will become subject to appeal under Section 311.2; and
  - if there is an expulsion hearing because the principal recommends to the Board that the student be expelled, the suspension may be addressed by parties at the hearing;

Conduct a more comprehensive investigation to determine whether to recommend to the Board that the student be expelled, as per [Suspension Appeal - Principal's Report to Superintendent](#) (Form APC012-04F).

### **Investigation into Possible Expulsion**

Commence an investigation promptly following the suspension which will be conducted in accordance with the requirements established by Board policy.

For the purpose of the investigation, the principal has the powers and duties set out in Board policy.

As part of the investigation, the principal shall make all reasonable efforts to speak with the following persons:

- The student
- The student's parent or guardian, unless, the student is at least eighteen years old, or the student is sixteen or seventeen years old and has withdrawn from parental control
- Any other person whom the principal has reason to believe may have relevant information

Consider whether to recommend to the Board that the student be expelled while taking into account any mitigating or other factors prescribed by the regulations

### **Decision not to Expel - Duties of the Principal**

Upon concluding the investigation the principal decides whether or not to expel the student. If a decision is made not to recommend to the Board that the student be expelled, the principal either:

- Confirms the suspension and the duration of the suspension;
- Confirms the suspension but shortens its duration, even if the suspension has already been served, and amend the record of the suspension accordingly
- Withdraws the suspension and expunges 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, the principal shall 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 under Section 311:

- A statement that the student will not be subject to an expulsion hearing for the activity that resulted in the suspension
- A statement indicating whether the principal has, under subsection (5), confirmed the suspension and its duration; confirmed the suspension but reduced its duration; or withdrawn the suspension
- Unless the suspension was withdrawn, information about the right to appeal the suspension under Section 311.2, including:
  - A copy of Board policies and guidelines governing the appeal established by the Board
  - The name and contact information of the supervisory officer to whom notice of the appeal must be given under Section 311.2

### **Decision to Expel – Duties of the Principal**

- On concluding the investigation, the principal decides to recommend to the Board that the student be expelled. He or she shall prepare a report that contains the following [Expulsion Recommendation for Superintendent](#) (Form APC012-07F). The [Expulsion Recommendation for Parent/Guardian](#) (Form APC012-13F) is provided to the parent/guardian or the student if the student is at least 18 years of age or is 16 or 17 and has withdrawn from parental control.
- A summary of the principal's findings
- The principal's recommendation as to whether the student should be expelled from his or her school only or from all schools of the Board
- The principal's recommendation as to:
  - The type of school that might benefit the student, if the student is expelled from his or her school only, **or**
  - The type of program for expelled students that might benefit the student, if the student is expelled from all schools of the Board

The Principal shall promptly provide a copy of the report to the Board and to every person whom the Principal was required to give notice of the suspension under Section 311.

### **Written Notice**

The Principal shall ensure that written notice containing the following is given to every person to whom the Principal was required to give notice of the suspension under Section 311 at the same time as the Principal's report is

provided to that person:

- A statement that the student will be subject to an expulsion hearing for the activity that resulted in the suspension.
- A copy of the Board policies and guidelines governing the expulsion hearing established by the Board under Subsection 302 (6).
- A statement that the person has the right to respond, in writing, to the principal's report provided under this section.
- Detailed information about the procedures and possible outcomes of the expulsion hearing, including, but not limited to, information explaining that:
  - If the Board does not expel the student, it will, with respect to the suspension imposed under Section 310, confirm the suspension, shorten its duration or withdraw it.
  - The parties will have the right to make submissions during the expulsion hearing as to whether, if the student is not expelled, the suspension imposed under Section 310 should be confirmed, reduced or withdrawn.
  - Any decision of the Board with respect to the suspension imposed under Section 310 made at the expulsion hearing is final and not subject to appeal.
  - If the Board expels the student from his or her school only, the Board will assign the student to another school.
  - If the Board expels the student from all schools of the Board, the Board will assign the student to a program for expelled students. The name and contact information of a supervisory officer whom the person may contact to discuss any matter respecting the expulsion hearing.

Any person who is entitled to receive the principal's report under this policy and written notice detailed above may respond, in writing, to the principal and the Board.

### **Appealing Suspension after no Expulsion Determined**

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 under Section 309 of the Education Act.

- “A person who is entitled to appeal must give written notice of their intention to appeal within five school days of the date on which they considered, in accordance with the rules set out in subsection 300 (3), to have received the notice given under Subsection 311.1 (9).
- If the principal confirmed the suspension but reduced its duration under Subsection 311.1 (8), the appeal is from the reduced suspension and not the original suspension.”

## **Expulsion Hearing**

### **Expulsion Hearing:**

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

- The Family of Schools School Supervisory Officer shall submit a written request for an expulsion hearing to the Director within seven school days of the initiation of the suspension, investigation and possible expulsion
- The Superintendent of Safe Schools shall inform the Chair of the Expulsion Appeal Committee of the request and the Chair shall set a date for the hearing which will occur within eight school days following receipt of the request
- The Superintendent of Safe Schools 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 seven school days of receipt of the request for a hearing; [Suspension/ Expulsion Appeal Hearing Notice](#) (Form APC012-03F)

The notice of the hearing shall include:

1. The principal's recommendation for expulsion from their school or from all schools of the Board
2. The supervisory officer's recommendation for expulsion
3. Right of parent/guardian (or adult student, 16 or 17 year old student who has withdrawn from parental control) to a hearing
4. Statement of time, place and purpose of the hearing
5. Reference to Section 310-314 of the Education Act under which the hearing will be held
6. Statement that if the party notified fails to attend, the Board may proceed in the party's absence and the party will not be entitled to any further notice of the proceedings
7. [Parent Guide to Participation in an Expulsion Hearing](#) (APC012-EX: Appendix E)

Following the hearing, the Committee will make its decision in a private session.

A trustee on the Appeal Committee who has been in communication with either the appellant or the school administrator 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.

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 two school days of the decision.

The notice of the decision must include:

- The type of expulsion (from one or from all Board schools)
- Information on the program for suspended/expelled students
- The requirements for re-admission

When considering the type of expulsion that may be appropriate in particular circumstances, the Board shall consider the student's history, mitigating factors as prescribed by Regulation and Board policy as well as such other matters as are considered appropriate.

An expulsion hearing can be waived by the parent/guardian if the parent/ guardian and the principal agree to the [Expulsion Settlement Minutes](#) (Form APC012-11F). Follow [Expulsion Process](#) (APC012-KX: Appendix K) for details.

## **Programmes for Student Support (expulsion)**

When the Board imposes an expulsion, the Family of Schools School Supervisory Officer will provide the student (over the age of eighteen), the student who is sixteen or seventeen years of age who has withdrawn from parental control or the parent / guardian of the student under the age of eighteen, with information pertaining to programs to support continued learning while expelled. The Administrator must complete the [Student Action Plan, Expelled Students](#) (Form APC012-14F) following the guidelines of [Programs for Expelled Students](#) (APC012-FX: Appendix F). Upon successful completion of the program, the Superintendent, Safe Schools will send the [Expulsion Demission Letter](#) (Form APC012-12F). Administrators will also complete [Program Completion Criteria, Expelled](#)

## **Expulsion: Collection & Distribution of Student Information**

Section 315 of the Education Act gives regulatory authority to District Boards regarding collection and disclosure of information regarding expelled students, for the purposes of administering programs, courses, services to expelled students and to ensure the safety of students.

Regulation 37/01 (5) outlines the rules and procedures regarding disclosure of information regarding expelled students. The Board that expels a student under the Act may disclose his or her student record to a person who provides a strict discipline program to the student if:

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

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

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

## **Appeal of a Board Imposed Expulsion**

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.

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 students. 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 CFSRB and copied to the Director of Education.

A request for an expulsion appeal must be made:

- Within the sixty days of the District School Board's decision to expel the student. This date should be referenced in the letter of appeal.
- The sixty 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 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 CFSRB may decide any of the following options:

- Confirm the Board's decision
- Modify the type or duration of the expulsion
- Impose, change or remove conditions that must be satisfied if the student is to return to school in Ontario following an expulsion
- Overrule the decision of the Board and reinstate the student. If the CFSRB overrules the decision of the

Board and reinstates the student, it may order that any record of the expulsion of the student be expunged if the Child and Family Services Review Board consider it appropriate in the circumstances.

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