

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 An adult pupil is a pupil who is 18 years old or older or who is 16 or 17 years old and has withdrawn from parental control.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 will consider, based on the written and/or oral submissions of both parties, whether the decision to discipline and the discipline imposed was reasonable in the circumstances, and shall either:
 - a. Confirm the suspension and its duration or
 - b. Confirm the suspension but shorten its duration and amend the record, as necessary ;or
 - c. Quash the suspension and order that the record be expunged; or
 - d. Make such other appropriate order
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 make such orders or give such directions at an appeal, as it considers necessary for the maintenance of order at the appeal. Should any person disobey or fail to comply with any such order and/or direction, a Trustee may call for the assistance of a police officer to enforce any such order or direction.
13. Where any party who has received proper notice of the location, date and time of the appeal fails to attend the appeal or comply with the necessary time lines, the appeal may proceed in the absence of the party and the party is not entitled to any further notice of the proceedings.
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. The decision shall be communicated to the appellant in writing.
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. Suspension appeals will be heard orally, in camera, by the Discipline Committee of Trustees. The Discipline Committee may grant a person with daily care authority to make submissions on behalf of the pupil.
 - a. The appellant and/or the person with daily care will proceed first by making oral submissions and/or providing written submissions regarding the reason for the appeal and the result desired.
 - b. The pupil will be asked to make a statement on his/her behalf.
 - c. The Superintendent of Education for the school and /or the principal will make oral submissions on behalf of the administration, including a response to any issues raised in the appellant's submissions. The Superintendent/principal may rely on the report prepared for the Discipline Committee.
 - d. The appellant may make further submissions addressing issues raised in the administration's presentation that were not previously addressed by the appellant.
 - e. The Discipline Committee may ask any party, or the pupil, where appropriate, questions of clarification.