



## Student Expulsions

Board Received: May 27, 2019 Review Date: June 2023

### Policy Statement

The Grand Erie District School Board will create a safe, caring, and accepting school environment by supporting the use of positive practices, as well as consequences for inappropriate behaviour, including progressive discipline, which includes expulsion where necessary. In the interest of equity, supports will be considered in assisting attendance at meetings related to expulsion.

### Accountability

1. Frequency of Reports - Annual
2. Criteria for Success - Enhanced student safety
  - Increased opportunity for student to continue their education
  - Improved student performance

### Procedures

The purpose of this section of the document is to provide an outline of the procedures related to the expulsion of a pupil or the appeal of an expulsion. The policies and procedures of the Board have been created in accordance with the Education Act, the Education Amendment Act (Progressive Discipline and School Safety) 2007, and the Regulations.

- For the purposes of this Policy, “adult pupil” refers to a student who has reached the age of 18, or has withdrawn from parental control at age 16 or 17.

#### 1.0 Circumstances in Which a Principal Must Suspend a Pupil for 20 Days Pending Expulsion

Subject to mitigating factors and reasonable grounds to believe that a pupil has committed one or more infractions outlined below on school property, during a school-related activity or event, and/or in circumstances where the infraction has an impact on the school climate, the Principal will suspend the pupil for:

1. Possessing a weapon\* or replica, including a firearm;
2. Using a weapon\* or replica 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 illegal/restricted drugs;
6. Committing robbery;
7. Giving alcohol or cannabis to a minor;
8. Bullying if,
  - i. The pupil has previously been suspended for engaging in bullying, AND
  - ii. The pupil’s continuing presence in the school creates an unacceptable risk to the safety of another person;
9. Any inappropriate behaviour 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 protected human right, where
  - i. The pupil has previously been suspended for this behaviour, AND

- ii. The pupil's continuing presence in the school creates an unacceptable risk to the safety or mental well-being of another person;
10. Committing an act of vandalism that causes extensive damage to Board or personal property on school premises or at any school-related activities.
11. Activities engaged in by the pupil on or off school property that cause the pupil's continuing presence in the school to create an unacceptable risk to the physical or mental well-being of another person in the school or Board.

The Principal will also contact the police, consistent with the Grand Erie Police Protocol, if the suspected infraction requires such contact. The Principal will consult with the Family of Schools Superintendent of Education and Superintendent responsible for Safe Schools. Any police investigation will be conducted separately from the principal's investigation.

- \* A weapon is defined by the Criminal Code as "anything used or intended for use in causing death or injury to persons whether designed for such purpose or not; or anything used or intended for use for the purpose of threatening or intimidating any person." A weapon will also be defined as anything deemed by the Principal/designate to be dangerous or a threat to others. In incidents involving weapons, the weapons should be confiscated if the confiscation can be carried out safely. Weapons offences, including the threat to use a weapon, must be reported to the police. If the police attend, seized weapons must be turned over to the attending officer.

## 2.0 Factors to Consider Before Deciding to Impose a Suspension Pending Expulsion

When deciding whether or not to impose a suspension pending expulsion, the Principal will make every effort to consult with the pupil, and the pupil's parent/guardian, or with an adult pupil, to identify whether any mitigating factors might apply in the circumstances.

## 3.0 Mitigating Factors

The mitigating factors to be considered by a principal before deciding whether to recommend an expulsion are:

1. The pupil does not have the ability to control their behaviour.
2. The pupil does not have the ability to understand the foreseeable consequences of their behaviour.
3. The pupil's continuing presence in the school does not create an unacceptable risk to the safety of any person.

The following factors shall also be taken into account when considering suspension pending expulsion:

1. The pupil's history.
2. Whether a progressive discipline approach has been used with the pupil.
3. Whether the activity for which the pupil may be or is being suspended was related to any harassment of the pupil because of their race, ethnic origin, religion, disability, gender or sexual orientation or to any other harassment.
4. How the suspension would affect the pupil's ongoing education.
5. The age of the pupil.
6. In the case of a pupil for whom an individual education plan has been developed,
  - a. whether the behaviour was a manifestation of a disability identified in the pupil's individual education plan,
  - b. whether appropriate individualized accommodation has been provided, and
  - c. whether the suspension or expulsion is likely to result in an aggravation or worsening of the pupil's behaviour or conduct.

If a pupil does not have the ability to control their behaviour and does not understand the foreseeable consequences of their behaviour, alternative discipline and/or other interventions may be considered by the Principal.

If the pupil poses an unacceptable risk to the safety of others in the school, the Principal will consult with the Family of Schools Superintendent of Education regarding appropriate accommodations and/or strategies that might be instituted to ensure pupil and staff safety.

#### **4.0 Suspension Pending Recommendation for Expulsion**

If the pupil is to be suspended pending an investigation to determine whether to recommend an expulsion, the pupil will be suspended for (20) twenty school days. The Principal must assign the pupil to a program for suspended pupils during this time.

#### **5.0 Procedural Steps When Imposing a Suspension Pending Expulsion**

When imposing a suspension, the Principal is required to effect the following procedural steps:

1. Within 24 hours of the decision, the Principal must make all reasonable efforts to inform the adult pupil, or the parent/guardian.
2. The Principal must inform the pupil's teacher(s) of the suspension.
3. The Principal must provide written notice of the suspension to the adult pupil or the pupil's parent/guardian and pupil, and the Family of Schools Superintendent of Education. The written notice of suspension will include:
  - a. the reason for suspension;
  - b. the duration of the suspension;
  - c. information about the program for suspended pupils;
  - d. information about the investigation the Principal is conducting to determine whether to recommend expulsion; and
  - e. a statement that there is no immediate right to appeal the suspension.
4. Every effort should be made to include the school work with the letter of suspension. If it is not possible to provide the letter because the pupil and/or their parent/guardian is not available, the letter should be mailed, couriered, faxed or e-mailed to the home address that day and school work should be made available for pick-up from the school the following school day.
  - a. If notice is sent by mail or courier, it will be deemed to have been received on the fifth school day after it was sent.
  - b. If notice is sent by fax or e-mail, it is deemed to have been received the first school day after it was sent.
5. Where the incident is a serious violent incident, such as possession of weapons, physical assault causing serious bodily harm, sexual assault, robbery, extortion or hate-motivated violence, consideration must be given to filing a Violent Incident Form in the pupil's Ontario Student Record.

#### **6.0 Long-Term Suspension Program**

Where a pupil has been suspended pending an investigation to determine whether to recommend an expulsion, the pupil will be assigned to a program for students on long-term suspension.

A pupil cannot be compelled to participate in a long-term suspension program. Should the adult pupil or the pupil's parent/guardian choose not to have the pupil participate in the program, the pupil will be provided with school work consistent with their program.

This school work will be available at the school for pick-up during the suspension period beginning the school day after the adult pupil or the parent/guardian refuses to participate in a long-term suspension program.

A Student Action Plan (SAP) will be developed for every pupil who agrees to participate in a program. Agreement or refusal to participate in a long-term suspension program may be communicated to the school orally by the adult pupil or the pupil's parent/guardian. Where the pupil or their parent/guardian declines the offer, the principal shall record the date and time of such refusal.

### **7.0 Planning Meeting**

For pupils who choose to participate in a program for students on long-term suspension, the Principal of the school and the Grand Erie Safe Schools Team (GESST) will hold a planning meeting for the purpose of developing the SAP.

The adult pupil or the pupil's parent/guardian and pupil (where appropriate) and the GESST, as well as any appropriate teaching and support staff, will be invited to participate in the planning meeting.

If the adult pupil or the parent/guardian is not available to participate in the planning meeting, the meeting will proceed in their absence and a copy of the SAP will be provided to them following the meeting.

During the planning meeting, the principal or designate will review the issues to be addressed in the pupil's SAP.

### **8.0 Student Action Plan (SAP)**

A pupil will be provided with both academic and non-academic supports, which will be identified in the pupil's SAP.

1. The SAP will be developed under the direction of the Principal of the school with assistance from the Grand Erie Safe Schools Team.
2. The Principal will make every effort to complete the SAP within five (5) school days of the issuing of a long-term suspension.
3. This timeline will be communicated to the adult pupil or the pupil's parent/guardian if they are unable to attend the planning meeting for the purpose of providing input.
4. Once completed, the SAP will be shared with the adult pupil or the parent/guardian and pupil, and all necessary staff, to facilitate implementation.
5. A copy of the SAP will be stored in the pupil's Ontario Student Record until such time as it is no longer conducive to the improvement of instruction of the pupil.
6. The SAP will identify:
  - a. the incident for which the pupil was suspended;
  - b. the progressive discipline steps taken prior to the suspension, if any;
  - c. any alternative discipline measures imposed in addition to the suspension;
  - d. any other disciplinary issues regarding the pupil that have been identified by the school;
  - e. any learning needs or other needs that might have contributed to the underlying infraction resulting in discipline;
  - f. any program(s) or service(s) that might be provided to address those learning or other needs;

- g. the academic program to be provided to the pupil during the suspension period and details regarding how that academic program will be accessed by the pupil;
- h. where the pupil has an IEP, information regarding how the accommodations/modifications of the pupil's academic program will be provided during the period of suspension;
- i. the non-academic program and services to be provided to the pupil, during the suspension, and details regarding how that non-academic program and those services will be accessed; and
- j. the measurable goals the pupil will be striving to achieve during the period of suspension.

### 9.0 Principal's Investigation

The Principal will conduct an investigation promptly after issuing the suspension pending expulsion to determine whether to recommend to the Student Discipline Committee that the pupil be expelled. As part of the investigation, the Principal will consult with the Family of Schools Superintendent of Education and the Superintendent responsible for Safe Schools regarding any issues of process and/or timing for conducting the investigation, which must be completed at the earliest opportunity, as well as the substantive decision whether or not to recommend that the pupil be expelled. Should the decision be made to refer the pupil to the Student Discipline Committee with a recommendation for expulsion, the pupil must be referred to and dealt with by the Committee within twenty (20) school days from the date of suspension.

As part of the investigation, the principal will:

1. make all reasonable efforts to speak with the pupil and the parent
2. include interviews with witnesses who the principal determines can contribute relevant information to the investigation;
3. make every reasonable effort to interview any witnesses suggested by the pupil or the pupil's parent/guardian; and
4. consider the mitigating and other factors.

### 10.0 Decision Not to Recommend Expulsion

Following the investigation and consideration of the mitigating and other factors, if the Principal decides not to recommend that the pupil be expelled, the Principal must:

1. consider whether alternative discipline is appropriate in the circumstances;
2. uphold the suspension and its duration;
3. uphold the suspension and shorten its duration and amend the record accordingly; or
4. withdraw the suspension and expunge the record.

If the Principal has decided not to recommend an expulsion of the pupil, the principal will provide written notice of this decision to the adult pupil or the parent/guardian and pupil. The notice shall include:

1. a statement of the Principal's decision not to recommend expulsion to the Student Discipline Committee; and
2. a statement indicating whether the suspension has been upheld, upheld and shortened, or withdrawn.
3. If the suspension has been upheld or upheld and shortened, information about the right to appeal the suspension to the Student Discipline Committee, including:
  - a. a copy of the Board policy regarding suspension appeals (SO6 – Student Suspensions);

- b. contact information for the Superintendent responsible for Safe Schools;
- c. a statement that written notice of an intention to appeal must be given within ten (10) school days following receipt by the party of notice of the decision not to recommend expulsion; or
- d. If the length of the suspension has been shortened, notice that the appeal is based on the shortened length of the suspension.

#### 11.0 Recommendation to the Board for an Expulsion Hearing

If a Principal, in consultation with the Superintendent responsible for Safe Schools, determines that a referral for expulsion is warranted, the hearing must occur within 20 school days from the date the Principal suspended the pupil, unless the parties to the expulsion hearing agree upon a later date.

For the purposes of the expulsion proceeding, the Principal will:

1. Prior to the hearing, prepare a report to be submitted to the Director of Education and provide the report to the adult pupil or the parent/guardian of a pupil under 18. The report will include:
  - a. a summary of the findings the Principal made in the investigation;
  - b. an analysis of which, if any, mitigating or other factors might be applicable;
  - c. a recommendation of whether the expulsion should be from the school or from the Board; and
  - d. a recommendation regarding the type of school that would benefit the pupil if the pupil is subject to a school expulsion, or the type of program that might benefit the pupil if the pupil is subject to a Board expulsion.
2. Provide written notice of the expulsion hearing to the adult pupil or the parent/guardian and pupil. The notice shall include:
  - a. a statement that the pupil is being referred to the Student Discipline Committee to determine whether the pupil will be expelled for the activity that resulted in suspension;
  - b. a copy of the Board's Policy (SO7) governing the hearing before the Student Discipline Committee;
  - c. a copy of the Board Code of Conduct, school Code of Conduct, and Suspension/Expulsion pamphlet;
  - d. a copy of the suspension letter;
  - e. a statement that the pupil and/or their parent/guardian has the right to respond to the principal's report in writing;
  - f. information about the procedures and possible outcomes of the expulsion hearing, including that:
    - i. if the Student Discipline Committee does not expel the pupil, they will either confirm, confirm and shorten, or withdraw the suspension;
    - ii. parties have the right to make submissions with respect to the suspension;
    - iii. any decision with respect to the suspension is final and cannot be appealed;
    - iv. if the pupil is expelled from the school, they must be assigned to a Board program or another school.
    - v. if the pupil is expelled from the Board, they will be assigned to a program for expelled pupils;
    - vi. if the pupil is expelled, there is a right of appeal to the Child and Family Services Review Board.
  - g. the name and contact information for the Superintendent responsible for Safe Schools.

**12.0 The Superintendent responsible for Safe Schools will:**

1. Advise the Director of Education of the general details of the incident, including actions taken or pending.
2. Ensure a meeting occurs with an adult pupil, or a pupil's parent/guardian and the pupil, and the principal.
  - a. At the meeting, the Superintendent responsible for Safe Schools will review the Student Discipline Committee process for expulsion hearings, as well as respond to any questions or concerns the pupil or the pupil's parent/guardian may have regarding the process or incident; and
  - b. If a meeting is arranged, during the meeting the Superintendent responsible for Safe Schools may assist to narrow the issues and identify agreed upon facts.
  - c. At the Pre-Hearing Meeting, the Superintendent of Education responsible for Safe Schools will inform the adult student or parent/guardian of the option of completing Minutes of Settlement, in lieu of attendance at the expulsion hearing. It must be clear to the adult student or parent/guardian that Minutes of Settlement document does not stay an expulsion hearing, nor affect the decision of the Student Discipline Committee.

**13.0 With the assistance of the Superintendent responsible for Safe Schools, the Director of Education will:**

1. Prepare a package of documents for the Student Discipline Committee, which will include at least the following components:
  - a. a copy of the principal's report;
  - b. a copy of the original suspension letter and the notice of expulsion sent to the adult pupil or parent/guardian; and
  - c. a report containing a recommendation.
  - d. The Minutes of Settlement, if the adult student or parent/guardian has chosen this option
2. Ensure the adult pupil or parent/guardian is informed of the date and location of the expulsion hearing, and provided with a copy of the Expulsion Hearing Rules, and a copy of the documentation that will be presented to the Student Discipline Committee.
3. Ensure that the item is placed on the Student Discipline Committee agenda.

**14.0 Hearing before the Student Discipline Committee**

Members of the Student Discipline Committee are Trustees appointed by the elected Board of Trustees

Resource staff to the Student Discipline Committee are the Director of Education and the Superintendent responsible for Safe Schools.

If the Principal recommends expulsion, the Student Discipline Committee shall hold a hearing. See Appendix A.

The hearing will be conducted in accordance with Bylaw 8 and the Guidelines for Expulsion Hearings, as follows:

1. The Student Discipline Committee shall consider oral and written submissions from the school principal, pupil and parent/guardian, or adult pupil. Minutes of Settlement may function in the place of oral and written submissions.

2. The Student Discipline Committee shall solicit and consider the views of all parties with respect to whether, if an expulsion is imposed, the expulsion should be a school expulsion or a Board expulsion.
3. The Student Discipline Committee shall solicit and consider the views of all parties with respect to whether, if an expulsion is not imposed, the suspension should be confirmed, shortened or withdrawn.
4. The Student Discipline Committee shall consider such other matters as appropriate.

In determining whether to impose an expulsion, the Student Discipline Committee shall consider the following factors:

1. The submissions and views of the parties.
2. Any written response to the principal's report provided before the completion of the hearing;
3. Minutes of Settlement; and
4. Such matters as the Student Discipline Committee considers appropriate.

Where there is a conflict in the evidence presented by the parties on the issue of whether the pupil committed the infraction, the Student Discipline Committee may request further evidence as set out in the Expulsion Hearing Rules, subject to the requirement that the hearing take place within 20 school days, or the Student Discipline Committee may assess the evidence and determine whether, on a balance of probabilities, it has been established that it is more probable than not that the pupil committed the infraction.

#### **15.0 No Expulsion**

If the Student Discipline Committee decides not to expel the pupil, the Committee shall take the submissions of the parties into account, including mitigating and other factors, in determining whether to:

1. consider alternative discipline;
2. uphold the suspension and its duration;
3. uphold the suspension and shorten its duration and amend the record accordingly; or
4. quash the suspension and expunge the record such that no record of the suspension remains in the Ontario Student Record.
5. make such other orders as the Student Discipline Committee considers appropriate.

The Director of Education will give written notice to all parties of the decision not to impose an expulsion and the decision with respect to the suspension.

The Student Discipline Committee's decision with respect to the suspension is final.

#### **16.0 Expulsion**

In the event the Student Discipline Committee decides to impose an expulsion on the pupil, the Committee must decide whether to impose a Board expulsion or a school expulsion. In determining the type of the expulsion, the Student Discipline Committee shall consider any mitigating and other factors.

Where the Student Discipline Committee decides to impose a school expulsion, the student will be assigned to a Board program or another school.

Where the Student Discipline Committee decides to impose an expulsion from all Board schools, the Committee must assign the pupil to a program for expelled pupils.



The Director of Education will promptly provide written notice of the decision to expel. The written notice shall include:

1. the reason for the expulsion;
2. a statement indicating whether the expulsion is a school expulsion or a Board expulsion;
3. information about the school or program to which the pupil has been assigned; and
4. information about the right to appeal the expulsion, including the steps to be taken.

Once the Superintendent responsible for Safe Schools has received notice that a pupil has been expelled, they must direct the GESST to enact the SAP created for the expelled student.

An expelled pupil is a pupil of the Board, even when attending a program for expelled pupils at another school board, unless the pupil registers at another school board.

#### **17.0 Appeal of Board Decision to Expel**

The adult pupil or the pupil's parent/guardian may appeal a Student Discipline Committee's decision to expel the pupil to the Child and Family Services Review Board.

The Child and Family Services Review Board is designated to hear and determine appeals of school Board decisions to expel pupils.

The decision of the Child and Family Services Review Board is final.

#### **18.0 Re-entry Requirements Following an Expulsion**

A pupil who is subject to a Board expulsion is entitled to re-admission to a school of the Board once they have successfully completed a program for expelled pupils and have satisfied the objectives required for completion of the program, as determined by the Superintendent responsible for Safe Schools.

Under the direction of the Superintendent responsible for Safe Schools, the Grand Erie Safe Schools Team will determine the most appropriate school setting for admission.

1. The Safe Schools Team will consider whether return to school will have a negative impact on the school climate, including on any victims, where applicable.
2. The pupil will be required to demonstrate that they have learned from the incident and have sought counselling, where appropriate.
3. The Safe Schools Team may determine that a different school is a more appropriate placement for the pupil.



**GRAND ERIE DISTRICT SCHOOL BOARD  
NOTICE OF SUSPENSION PENDING EXPULSION**

**A. STUDENT INFORMATION**

NAME:	D.O.B.:	CURRENT AGE:
ADDRESS:	TELEPHONE:	SCHOOL:
PARENT/GUARDIAN:	GRADE:	Exceptional Pupil: <input type="checkbox"/> No <input type="checkbox"/> Yes Exceptionality:

**B. REASON FOR SUSPENSION**

Please be advised that this expulsion is made in accordance with Section 310 of the *Education Amendment Act*. This notice is to inform you that \_\_\_\_\_ has been suspended from \_\_\_\_\_ for the following reason:

<input type="checkbox"/> Possessing a weapon or replica, including a firearm; <input type="checkbox"/> Using a weapon or replica to cause or to threaten bodily harm to another person; <input type="checkbox"/> Committing physical assault on another person that causes bodily harm requiring treatment by a medical practitioner <input type="checkbox"/> Committing sexual assault; <input type="checkbox"/> Trafficking in weapons or illegal/restricted drugs; <input type="checkbox"/> Committing robbery; <input type="checkbox"/> Giving alcohol or cannabis to a minor; <input type="checkbox"/> Bullying if, i. The pupil has previously been suspended for engaging in bullying, AND ii. The pupil's continuing presence in the school creates an unacceptable risk to the safety of another person; <input type="checkbox"/> Any inappropriate behaviour 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 protected human right, where i. The pupil has previously been suspended for this behaviour, AND ii. The pupil's continuing presence in the school creates an unacceptable risk to the safety or mental well-being of another person; <input type="checkbox"/> Committing an act of vandalism that causes extensive damage to Board or personal property on school premises or any school related activities. <input type="checkbox"/> Activities engaged in by the pupil on or off school property that cause the pupil's continuing presence in the school to create an unacceptable risk to the physical or mental well-being of other person(s) in the school or Board.
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**C. SPECIFICS OF SUSPENSION**

Date of Suspension:	Length of Suspension: <b>20 Days PENDING EXPULSION</b>
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\_\_\_\_\_ has been suspended from \_\_\_\_\_ and from engaging in all school related activities. This suspension applies to all school buildings, grounds, school buses and school functions and trips. The *Education Act* (Section 310) and Board Policy S07 require that a principal immediately suspend a student where the principal believes that the student may have committed an infraction for which the student may be expelled. Based on the information which has come to my attention, it is my belief that \_\_\_\_\_ may have committed the infraction indicated above.

I will be conducting a Principal's Investigation into this matter to review the allegations against \_\_\_\_\_. As part of this process, I will want to speak with you and \_\_\_\_\_ to review the allegations.

\_\_\_\_\_ is suspended pending the outcome of my investigation into this matter. You will soon receive further written notification of my decision whether to refer this matter to the Student Disciplinary Committee of the Grand Erie District School Board.

Should you wish to discuss this suspension pending expulsion, contact myself or the Superintendent responsible for Safe Schools, 349 Erie Avenue Brantford, ON N3T 5V1 (519) 756-6301. Please be aware that a review of this suspension pending expulsion does not stay the suspension. Information regarding an alternative suspension program is available from the school principal. We encourage students to make use of this opportunity to continue their education during the suspension period.

Sincerely,

\_\_\_\_\_  
Principal's Signature



## GRAND ERIE DISTRICT SCHOOL BOARD EXPULSION HEARING PROCESS

### 1.0 PRE-HEARING PROCEDURES

#### 1.1 Notice of Hearing and Pre-Hearing Conference:

Following the completion of a Principal Investigation when a school principal has made the decision to recommend a student for an expulsion hearing, the school principal will inform the student and/or student guardian in writing of the recommendation to expel and of a pre-hearing conference to be conducted by the Superintendent responsible for Safe Schools.

#### 1.2 Pre-Hearing Conference

A Pre-Hearing Conference will be convened by the Superintendent responsible for Safe Schools with the student and/or parent/guardian of the student who has been recommended for expulsion. At this meeting the Superintendent will explain the process of the expulsion hearing and advise the party of the following:

An oral or written outline of the parties' positions on the recommendation to expel. (In the case of the Principal, the Principal's Investigation will set this out.);

Copies of any documents which the party proposes to give to the Committee at the hearing;

If the party proposes to call witnesses, a list of the witnesses whom the party intends to call at the hearing and a brief outline of what the witness(s) will say; and

Decision as to whether the party be represented by an advocate or lawyer.

#### 1.3 Minutes of Settlement

During the Pre-Hearing Conference, the Superintendent of Education responsible for Safe Schools will inform the parent/guardian or adult student of the option of completing Minutes of Settlement (Appendix B). This option does not affect the decision of the Student Discipline Committee, but offers the opportunity for the parents/guardians or adult student to participate in the expulsion hearing without the obligation to attend the hearing.

### 2.0 CONDUCT OF THE HEARING

#### 2.1 Time Limits for Presentations at Hearing

The maximum time allotted for each hearing will be one hour. Where either or both parties persuade the Committee that additional time is reasonably required in order to have a fair opportunity to present their case in the particular circumstances, the Committee may extend the time lines for the presentation.

#### 2.2 Order of Presentation

The Principal will proceed to make their presentation first, commencing with an opening statement and a presentation of the results of the "Principal Investigation". This may include any witnesses or recorded evidence. The Student/Parent will then be given an opportunity to make an opening statement and presentation which also includes calling witnesses or videotaped evidence. At this point the Hearing Committee can ask questions or clarifications

of either party. Finally, the parties will be asked to leave the room and will be called back when a decision is reached.

### **2.3 Maintenance of Order of Hearing**

The Committee has the power under the Statutory Powers Procedure Act to make orders or to give directions at a hearing as it considers necessary for the maintenance of order at the hearing. Should any person disobey or fail to comply with any such order or direction, the Committee or a member may call for the removal of that person from the hearing.

### **2.4 Failure of Party to Attend Hearing After Due Notice**

Where notice of a hearing has been given to a party to the hearing in accordance with this procedure, and that party fails to attend the hearing, the Expulsion Committee may proceed in the absence of the party.

In the case of an absent parent/guardian or adult pupil, a Minutes of Settlement document may have been submitted.

### **2.5 Notice of Decision to Expel**

In the event the Committee decides to expel the student, the Director of Education shall ensure that a written notice of the expulsion is given promptly to the adult student, or to the parent/guardian.

### **2.6 Decision That Discipline Other Than Expulsion Is Appropriate**

When the Committee decides that an expulsion should be not be imposed in the circumstances, the Committee may consider whether alternative discipline is appropriate in the circumstances. Where the Committee decides that a suspension, including a reduced suspension, is appropriate and so directs, notice of the Committee's decision shall be provided to the student.

### **2.7 Reasons for Decision**

The Committee is required to provide a notice setting out its decision. The *Statutory Powers Procedure Act* provides that if requested by either party, the Committee must provide a brief statement of the reasons for its decision.

MINUTES OF SETTLEMENT

IN THE MATTER OF Part XIII of the *Education Act*, as amended

AND IN THE MATTER OF the expulsion of the pupil \_\_\_\_\_ DOB: \_\_\_\_\_  
a student at \_\_\_\_\_ Grand Erie District School Board.

BETWEEN:

THE SCHOOL

- and -

PARENT/LEGAL GUARDIAN

- and -

STUDENT

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## Minutes of Settlement

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IN THE MATTER of the expulsion hearing with respect to \_\_\_\_\_ scheduled to take place on \_\_\_\_\_ pursuant to section 311.3 of the Education Act, R.S.O. 1990, c. E.2; The parties to these Minutes of Settlement consent to waive the minimum procedural requirements and rules pursuant to section 4 of the Statutory Powers Procedure Act, R.S.O. 1990, c. S.22;

The parties further consent to have this matter resolved by the Discipline Committee without attending a hearing;

The parties consent to have these Minutes of Settlement (the "Agreement") filed with the Student Discipline Committee of the Grand Erie District School Board and form part of its decision in this matter.

### THE PARTIES AGREE AS FOLLOWS:

1. The parties agree to the decision of the Student Discipline Committee of the Grand Erie District School Board appointed under the Education Act, which may impose on \_\_\_\_\_ an expulsion from all schools of the Board, therefore making \_\_\_\_\_ eligible for Safe Schools, the program for expelled students.
2. The parties consent to the Student Discipline Committee considering the attached Schedule "A" (Summary of Principal's Investigation Recommending Expulsion) to decide whether to impose the expulsion.
3. \_\_\_\_\_ and \_\_\_\_\_ acknowledge that they have had the terms of the agreement explained to them by Grand Erie District School Board personnel and were informed of their right to have their independent legal counsel review this matter.
4. \_\_\_\_\_ and \_\_\_\_\_ declare that they fully understand the terms of settlement contained in this document and further declare that they voluntarily accept the terms of settlement.
5. The parties agree that this settlement is made without admission of liability on the part of \_\_\_\_\_.
6. This Agreement shall be binding upon the parties of \_\_\_\_\_ and \_\_\_\_\_ respectively.
7. \_\_\_\_\_ and \_\_\_\_\_ agree they signed the Agreement freely, voluntarily and without duress.
8. This Agreement cancels and supersedes any prior understandings and agreements between the parties.

9. This Agreement is governed by the laws of the Province of Ontario

Signed on this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Principal

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Parent/Guardian

\_\_\_\_\_  
Pupil

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Adult Pupil