



Suspension Administrative Procedures

1. **PURPOSE**

The purpose of these Administrative Procedures is to provide an outline of the procedures which will apply to processes which may result in the suspension of a student or the appeal of a suspension.

2. **DEFINITIONS**

2.1 **ACTIVITIES LEADING TO POSSIBLE SUSPENSION**

A principal shall consider whether to suspend a student if he or she believes that the student has engaged in any of the activities listed in Policy 323 as leading to possible suspension while the student is at school, at a school-related activity or in other circumstances where engaging in the activity will have an impact on the school climate, subject to mitigating and other factors.

2.2 **ACTIVITIES LEADING TO SUSPENSION AND POSSIBLE EXPULSION**

A principal shall suspend a student if he or she believes that the student has engaged in any of the activities listed in Policy 323 as leading to suspension and possible expulsion 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, subject to mitigating and other factors.

3. **PROCEDURES**

3.1 **Terms of Suspension:** A student may be suspended only once for an incident and may be suspended for a minimum of one (1) school day and a maximum of twenty (20) school days.

3.2 **Mitigating Factors:** In considering whether to suspend a student, and when considering the length of a suspension, a principal must take the following mitigating factors into consideration:

- i) the student does not have the ability to control his or her behaviour;
- ii) the student does not have the ability to understand the foreseeable consequences of his or her behaviour; or
- iii) the student's continuing presence in the school does not create an unacceptable risk to the safety or well-being of any person.

3.3 **Other Factors:** The following other factors shall be taken into account if they would mitigate the seriousness of the activity for which the student may be or is being suspended or expelled:

- i) the student's history;
- ii) whether a progressive discipline approach has been used with the student;
- iii) whether the activity for which the student may be or is being suspended or expelled was related to any harassment of the student because of his or her race, ethnic origin, religion, disability, gender or sexual orientation or to any other harassment;
- iv) how the suspension or expulsion would affect the student's ongoing education;
- v) the age of the student;



- a) in the case of a student for whom an individual education plan has been developed,
- b) whether the behaviour was a manifestation of a disability identified in the student's individual education plan;
- c) whether appropriate individualized accommodation has been provided; and
- d) whether the suspension or expulsion is likely to result in an aggravation or worsening of the student's behaviour or conduct.

- 3.4 **Consultation with Superintendent:** Suspensions of up to 5 days duration are the mandate of the school principal. Suspensions over 5 days must be discussed with and approved by the Superintendent of Education before the student is suspended.
- 3.5 **Restrictions on Suspended Student:** A student who is subject to a suspension is not entitled to attend the school the student was attending when he/she committed the infraction which gave rise to the suspension and is not entitled to engage in school-related activities of that school until the completion of the period of suspension.
- 3.6 **Exception to Restrictions:** A student who is suspended is not considered to be engaged in school-related activities by virtue of using services, taking a course or participating in a program designed to assist such students.
- 3.7 **Suspension Pending Expulsion Hearing:** When a student is being suspended for activities leading to possible expulsion, the principal shall conduct an investigation to determine whether to recommend to the board that the student be expelled.

4. **NOTICE**

- 4.1 **Verbal Notice of Suspension:** A principal who suspends a student shall,
- a. inform the student's teacher of the suspension; and
 - b. make all reasonable efforts to inform the student's parent or guardian of the suspension within 24 hours of the suspension being imposed, unless,
 - i. the student is at least 18 years old, or
 - ii. the student is 16 or 17 years old and has withdrawn from parental control.
- 4.2 **Written Notice of Suspension:** A principal who suspends a student shall ensure that written notice of the suspension is given promptly to the following persons:
- a. The student.
 - b. The student's parent or guardian, unless,
 - i. the student is at least 18 years old, or
 - ii. the student is 16 or 17 years old and has withdrawn from parental control.
 - c. Such other persons as may be specified by board policy.
- 4.3 **Contents of Notice:** The written notice shall follow the format of the sample letters set out in Appendices C-1, C-2, and C-3 and must include the following:

4.3.1 **Activities Leading to Possible Suspension:**

- a. The reason for the suspension.
- b. The duration of the suspension.
- c. Information about any program for suspended students to which the student is assigned (for suspensions of more than 6 days).
- d. Information about the right to appeal the suspension, including,



- i. how to access a copy of the board policies and guidelines governing the appeal, and
- ii. the name and contact information of the supervisory officer to whom notice of appeal must be given.

4.3.2 **Activities Leading to Suspension and Possible Expulsion:**

- a. The reason for the suspension.
- b. The duration of the suspension.
- c. Information about any program for suspended students to which the student is assigned (for suspensions of more than 6 days).
- d. Information about the investigation the principal will conduct to determine whether to recommend that the student be expelled (refer to Board's Expulsion Administrative Procedures).
- e. A statement indicating that,
 - i) there is no immediate right to appeal the suspension,
 - ii) if the principal does not recommend to the Board that the student be expelled following the investigation, the suspension will become subject to appeal under the Board's Suspension Administrative Procedures, and
 - iii) 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.

5. **SUPPORTS FOR SUSPENDED STUDENTS**

- 5.1 **School Work:** A student who is subject to a suspension for less than six (6) days should be provided with school work to help ensure that they do not fall behind while on suspension.
- 5.2 **Programs for Suspended Students:** Where a student has been suspended for six (6) or more days (long-term suspension), the student will be assigned to a Program for Suspended Students.
- 5.3 **Participation in a Program for Suspended Students:** Principals will encourage suspended students to participate in the board Program for Suspended Students; however, boards cannot compel students on long-term suspension to participate in a board program for suspended students.
- 5.4 **Agreement or refusal to participate** in a Program for Suspended Students may be communicated to the school orally by the student or a parent/legal guardian of a student under 18 years of age. The date and time of acceptance or refusal to participate in a Program for Suspended Students shall be recorded by the school.
- 5.5 A **Student Action Plan** will be developed for every student subject to a suspension of six (6) or more days who agrees to participate in a Program for Suspended Students. **(see 5.10 below)**
- 5.6 **Planning Meeting:** For students suspended for six (6) or more days, and who chose to participate in a Program for Suspended Students, the Principal or designate will hold a planning meeting for the purposes of:
 - a) identifying the needs of the student;
 - b) identifying the student's risk factors and protective factors;
 - c) clearly identifying any supports that the student may need; and
 - d) establishing the objectives of the Student Action Plan.
- 5.7 **Participants at the Planning Meeting** shall include the student and, when possible, the student's parents/guardians, as well as any appropriate teaching and support staff, counsellors, agency supports, and any other relevant persons.



- 5.8 **Time Frame for Student Action Plan:** The Principal will make every effort to complete the Student Action Plan as promptly as possible following the date of suspension.
- 5.9 **Recordkeeping:** A copy of the Student Action Plan will be placed in the student's Ontario Student Record for a period of time conducive to the improvement of instruction of the student.
- 5.10 **Contents:** The Student Action Plan will contain:
- a) details of the incident for which the student was suspended;
 - b) progressive discipline steps taken prior to the suspension;
 - c) any other underlying factors that may have contributed to the suspension;
 - d) any special education identification or IEP considerations;
 - e) details of the academic program to be provided to the student during the suspension period and details about how that program will be accessible to the student;
 - f) for suspensions of more than ten (10) days, details of the non-academic supports to be provided to the student and details about how those supports will be accessible to the student;
 - g) any other supports or services that may be provided to address academic or non-academic needs;
 - h) measurable goals and timelines that will be expected for the student while on suspension.

6. **SUSPENSION REVIEWS**

- 6.1 **Making a request for review:** A request that a designated supervisory officer review a decision to suspend must be made by either the student, if aged 18 years or older, or the parent/legal guardian if the student is under 18 years of age, in writing and delivered within three (3) school days to the Principal who made the decision or to the supervisory officer who has been designated to conduct suspension reviews for the student's school.
- 6.2 **Notification of Supervisory Officer:** Where the request is delivered to the Principal, the Principal will immediately notify the Supervisory Officer and will ensure that a copy of the written request is delivered to the Supervisory Officer.
- 6.3 **Extension of time limits for request:** A Supervisory Officer may decide that extenuating circumstances exist which justify a period longer than three school days to request a review of a decision to suspend. Examples of such situations include: where the person requesting the review was precluded from doing so as a result of an accident in which the person or a close family member was badly injured, a death in the immediate family, other similar circumstances where intervening events give rise to extenuating circumstances which prevented a timely request for review from being made.
- 6.4 **The Review:** The Supervisory Officer will review the decision of the Principal to determine if the Principal interviewed all relevant and available witnesses, whether the evidence gathered by the Principal supports the conclusion that an infraction was committed by the student and whether the Principal took into account the relevant criteria in determining the nature and length of the suspension. The Supervisory Officer, in conducting his/her review, will meet with the parent/legal guardian if the student is under 18 years of age, the student and the Principal. In the Supervisory Officer's sole discretion, the Supervisory Officer may meet with any other person or persons who the Supervisory Officer believes may contribute relevant information to the review.



6.5 **Criteria for Determining Suspension:** In the event the Supervisory Officer determines that the student did commit an infraction for which a suspension must be or should be imposed, the Supervisory Officer may consider the duration of the suspension which the Principal imposed on the student, having regard to the following factors:

- i) the student's history;
- ii) any factors prescribed by regulation, if any.
- iii) such other matters as the Supervisory Officer considers appropriate.

6.6 **Disposition:** Upon completing the review, the Supervisory Officer may confirm the Principal's decision, modify the duration of the suspension or expunge the student's record. In any event, notice of the Supervisory Officer's decision shall be provided to the student/parent/legal guardian in the format of the sample letter set out in Appendix D-1.

6.7 **Time Lines:** The Supervisory Officer shall endeavour to complete his/her review and advise the person making the request within three (3) school days of receipt of the request for review.

7. **PRINCIPAL'S INVESTIGATION**

7.1 **Activities Leading to Suspension and Possible Expulsion:** When a student is suspended for activities that may lead to expulsion, the principal shall promptly conduct an investigation to determine whether to recommend to the board that the student be expelled.

7.2 **Time Lines:** The decision to expel a student must be made within twenty (20) school days of the date on which the principal suspended the student, unless the parties to the expulsion hearing agree to extend this deadline.

* Refer to Expulsion Administration Procedures for details of Principal's Investigation.

8. **SUSPENSION APPEALS**

8.1 **Where Appeal Not Possible:** There is no immediate right to appeal a suspension for activities that may lead to a recommendation for expulsion.

8.2 **Student May Attend:** The suspended student who is not party to the appeal has the right to be present at the appeal and to make a statement on his or her own behalf.

8.3 **Delivery of Notice of Appeal:** A student, aged 18 or older, or a parent/legal guardian of a student under 18 years of age, may appeal the decision of the Principal to suspend a student by delivering a written notice of appeal to the Supervisory Officer within ten (10) school days following receipt of notice of a suspension review.

8.4 **Timing of the Appeal:** The Board shall hear and determine the appeal within fifteen (15) school days from the date of receipt of the notice of appeal by the Board, unless the parties agree on a later deadline, and shall not refuse to deal with the appeal on the ground that there is a deficiency in the notice of appeal.

8.5 **Copy of Policy and Procedures to Appellant:** Upon receipt of the Notice of Appeal the Supervisory Officer shall promptly forward to the Appellant a copy of the Board's suspension policy and procedures. In addition, the Supervisory Officer shall notify the Principal, the Director of Education and the Chair of the Board or the Chair of the Suspension Appeal Hearing Committee.

8.6 **Reasons for Suspension:** If the Principal has not already done so, upon receipt of the notice of appeal, the Principal shall provide the student/parent/legal guardian with a statement of the



reasons for his/her decision, upon review, to affirm or modify the suspension. Similarly, the Supervisory Officer who reviewed the decision shall provide his/her reasons for affirming or modifying the suspension.

- 8.7 **Setting Dates:** Once disclosure has been completed and a determination on the calling of witnesses, if required, has been made by the Suspension Appeal Hearing Committee, Supervisory Officer will promptly notify both the Director of Education and the Chair of the Suspension Appeal Hearing Committee, and shall arrange to set dates for the appeal hearing within a reasonably short time frame, which will allow a pre-hearing conference to take place.
- 8.8 **Notice of Hearing and Pre-Hearing Conference:** Supervisory Officer shall promptly send to the parties to the hearing a Notice of an Appeal Hearing in the form set out in Appendix E-1. At the same time, a Notice of Pre-appeal hearing Conference will be sent out in the form set out in Appendix E-2.
- 8.9 **Advance Notice of Issues:** Each party shall advise each other, if possible in writing prior to the pre-appeal hearing conference, of any issue which the party wishes to raise at the pre-appeal hearing conference. As well, each party shall advise the Supervisory Officer of any issue which the party wishes to raise at the pre-appeal hearing conference. If the Supervisory Officer determines that there are no issues to be dealt with at a pre-appeal hearing conference, the Supervisory Officer may notify the parties that the pre-appeal hearing conference is cancelled.
- 8.10 **Determination on Calling Witnesses:** Where the Appellant has indicated that he/she seeks to call witnesses at the suspension appeal hearing, the parties shall discuss at the pre-hearing conference whether it is possible to agree to a statement of facts which can be considered by the Suspension Appeal Hearing Committee in lieu of calling witnesses. Such statement of facts may eliminate the need to call some or all of the witnesses which either party would otherwise call and is most appropriate in a case where there is no conflict between the parties on the events which gave rise to the Principal's or the teacher's decision to suspend. Both parties shall ensure, following the pre-hearing conference, that the other party and the Supervisory Officer is provided with a list of witnesses, if any, which that party intends to call, together with a statement of what any witness, not previously disclosed, will say.
- 8.11 **Agreement on Issues:** The parties are encouraged, where possible, to agree on facts, documents or other evidence which are not in dispute between them.
- 8.12 **Time Limits for Presentations at Hearing:** The maximum time allotted for each hearing will be two hours, with up to an hour allotted to each party. Opening statements, cross-examination of the other party's witnesses, if any, and closing comments shall be taken into account in the hour allotted to each party. Where either or both parties persuade the Suspension Appeal Hearing Committee that additional time is reasonably required in order to have a fair opportunity to present his/her/their cases in the particular circumstances, the Suspension Appeal Hearing Committee may extend the time lines for the presentation, including scheduling additional hearing dates.
- 8.13 **Order of Presentation:** The Principal will proceed to make his/her presentation first, commencing with an opening statement. The Student/Parent/Legal Guardian may choose to make an opening statement at this point or may choose to wait until the beginning of his/her case to make an opening statement. If the Principal calls any witnesses the Student/Parent/Legal Guardian will be given an opportunity to cross-examine any such witnesses. Following the completion of the Principal's presentation, the Student/Parent/Legal Guardian will make his/her presentation. If the Student/Parent/Legal Guardian calls any witnesses, the Principal will have an opportunity to cross-examine any such witnesses. Each party may make a closing statement, commencing with the Principal.



- 8.14 **Maintenance of Order at Hearing:** The Suspension Appeal Hearing Committee may make such orders or give such 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 Suspension Appeal Committee or a member may call for the assistance of a peace officer to enforce the order or direction.
- 8.15 **Scope of Cross-Examination:** Cross-examination of witnesses by the opposite party shall be as reasonably required for a full and fair disclosure of all matters relevant to the issues in the hearing.
- 8.16 **Limit on Unduly repetitious evidence:** The Suspension Appeal Hearing Committee may exclude any evidence which is unduly repetitious.
- 8.17 **Protection for Witnesses:** A witness at an oral or electronic hearing shall be deemed to have objected to answer any question asked him or her upon the ground that the answer may tend to incriminate him or her or may tend to establish his or her liability to civil proceedings at the instance of the Crown, or of any person, and no answer given by a witness at a hearing shall be used or be received in evidence against the witness in any trial or other proceeding against him or her thereafter taking place, other than a prosecution for perjury in giving such evidence. (*Statutory Powers Procedure Act*, s. 14(1)).
- 8.18 **Failure of Party to Attend Hearing After Due Notice:** Where a notice of an oral or electronic hearing has been given to a party to the hearing in accordance with this procedure, and that party fails to attend the hearing, the Suspension Appeal Hearing Committee may proceed in the absence of the party and the party is not entitled to any further notice of the proceeding.
- 8.19 **Burden of Proof:** Where there is a conflict in the evidence presented by the parties on the issue of whether the student committed a mandatory or discretionary suspension infraction, the Suspension Appeal Hearing Committee shall assess the evidence and determine whether, on the balance of probabilities, it is more probable than not that the student committed the infraction.
- 8.20 **Criteria for Determining Suspension:** In the event the Suspension Appeal Hearing Committee determines that the student did commit an infraction for which an suspension must be or should be imposed, the Committee shall consider the duration of the suspension which the Principal imposed on the student, having regard to the following factors:
- i) the student's history;
 - ii) any factors prescribed by regulation, if any;
 - iii) such other matters as the Suspension Appeal Hearing Committee considers appropriate.
- 8.21 **Disposition:** Upon the completion of the appeal hearing, the Suspension Appeal Hearing Committee may confirm the Principal's decision, modify the duration of the suspension or expunge the student's record. In any event, notice of the Suspension Appeal Hearing Committee's decision shall be provided to the student/parent/legal guardian in the format of the sample letter set out in Appendix F-1.
- 8.22 **Reasons for Decision:** If requested by either party, the Suspension Appeal Hearing Committee will provide a brief statement of the reasons for its decision.
9. **RE-ENTRY**
- 9.1 **Re-Entry Meeting:** At the conclusion of a suspension and prior to resuming and re-entering classes, the suspended student is required to attend a re-entry meeting with a school administrator. The purpose of the meeting will be the provision of positive and constructive direction for the student. The parent(s)/guardian(s) will be encouraged to attend and participate.



- 9.1 **Review of Student Action Plan:** Where a student has participated in a program for suspended students, the student's progress toward their goals should be reviewed with the student and the parent/guardian, when available. Further programs and on-going supports for the student may also be recommended in the re-entry meeting.