

Suspension Appeal Hearing Rules and Guidelines

Review of Suspension Decision

1. The adult student or, if the student is not an adult, the student's parent/guardian may appeal a suspension of any length by providing written notice to the Superintendent, Student Achievement & Well-Being **within ten (10) school days of the commencement of the suspension**.
2. Upon receipt of written notice of the intention to appeal the suspension, the Superintendent will review the principal's decision to suspend the student, including the reason for the suspension, the duration of the suspension and any applicable mitigating and other factors.
3. The Superintendent will decide whether to:
 - a. Uphold the suspension and its duration;
 - b. Uphold the suspension but shorten its duration and amend the record accordingly; or
 - c. Withdraw the suspension and expunge the record.
4. If the decision of the Superintendent does not settle the appeal, the Superintendent will arrange a date, time and location for a Suspension Appeal Hearing before the Discipline Committee **within fifteen (15) school days of receiving written notice of the intention to appeal the suspension** (unless the parties agree to an extension).

Suspension Appeal Hearing

5. The parties in an appeal to the Discipline Committee are:
 - a. The principal; and
 - b. The adult student or, if the student is not an adult, the student's parent/guardian.
6. Both parties are entitled to legal counsel and have an obligation to notify the other party of their intent to be represented at least 72 hours prior to the Suspension Appeal Hearing; failure to notify will result in adjournment of the hearing and will be deemed as consent to an extension of the fifteen-day time limit.
7. If any party has received proper notice of the location, date and time of the Suspension Appeal Hearing and fails to attend, the Suspension Appeal Hearing may proceed in the absence of the party.
8. If the student is not a party, they have the right to be present at the Suspension Appeal Hearing and to make submissions on their own behalf; the Discipline Committee may allow an adult person who is not the student's parent/guardian to make submissions if that adult person is known by the school to provide daily care to the student (e.g., a grandparent, aunt, uncle, older sibling).
9. The Discipline Committee will:
 - a. Consider the submissions of each party in whatever form the party chooses to deliver their submissions, whether orally, in writing or both;
 - b. Ask any party or the student questions of clarification, where appropriate; and
 - c. Decide whether to confirm, confirm and shorten, or quash the suspension.
10. The decision of the Discipline Committee is final.

Guidelines

- The Discipline Committee will consist of a minimum of three (3) Trustees.
- Any documentary evidence submitted by a party for consideration at the Suspension Appeal Hearing must be provided to the other party and to the Discipline Committee in advance of the hearing.
- Information provided by a witness shall be presented in the form of a written statement; the Discipline Committee shall hear no evidence from witnesses and cross-examination shall not be permitted.
- In a Suspension Appeal Hearing, the adult student or, if the student is not an adult, the student's parent/guardian shall bear the onus of proof.
- The Discipline Committee may at any time and without prior notice to the parties correct a technical or typographical error or similar minor error made in the decision or order and may clarify a misstatement, ambiguity or other similar problem.