

Appendix B

Expulsion Hearing Rules and Guidelines

Rules

1. The parties in an Expulsion Hearing before 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.
2. 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 Expulsion Hearing; failure to notify will result in adjournment of the hearing and will be deemed as consent to an extension of the twenty-day time limit under Section 311.3(8) of the *Education Act*.
3. If any party has received proper notice of the location, date and time of the Expulsion Hearing and fails to attend, the Expulsion Hearing may proceed in the absence of the party.
4. If the student is not a party, they have the right to be present at the Expulsion 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).
5. The Discipline Committee will:
 - a. Consider the submissions of each party in whatever form the party chooses to deliver his or her submissions, whether orally, in writing or both;
 - b. Solicit the views of all the parties as to whether the student, if they are expelled, should be expelled from their school only or from all schools of the WRDSB;
 - c. Solicit the views of all the parties as to whether, if the student is not expelled, the WRDSB should confirm the suspension originally imposed under section 310 of the *Education Act*, confirm the suspension but shorten its duration, or quash the suspension; and
 - d. Take into account any written response to the Principal's Report recommending expulsion that a person gave to the WRDSB under subsection 311.1(10) of the *Education Act*.
6. The conduct of the hearing and the written decision should reflect that the Discipline Committee has considered and made a finding with respect to:
 - a. A finding of fact as to whether, on the balance of probabilities, the student committed the infraction which led to the recommendation of expulsion, as described in the Principal's Report;
 - b. Assuming there is a finding of fact that the student committed the infraction, the appropriate disciplinary measure to be imposed; and
 - c. Any mitigating and other factors with respect to disposition.
7. WRDSB staff will then act on the decision with respect to student placement or registration.

Guidelines

- The Discipline Committee will consist of a minimum of three (3) Trustees.
- Any documentary evidence submitted by a party for consideration at the Expulsion Hearing must be provided to the other party and to the Discipline Committee in advance of the hearing.
- If a party calls a witness, the other party must be given the opportunity to cross-examine the witness; the Disciplinary Committee may also ask questions of a witness.
- Where there is a conflict in the evidence presented by the parties on the issue of whether the student committed the infraction, the Discipline Committee may request further evidence, subject to the requirement that the hearing take place within twenty (20) school days, or the 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 student committed the infraction.
- 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.