

## Appendix C

# Expulsion Hearing Rules and Guidelines

### Rules

1. The Education Act states that at the hearing, the Discipline Committee shall:
  - 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 pupil, if he or she is expelled, should be expelled from his or her school only or from all schools of the WRDSB; and
  - c. solicit the views of all the parties as to whether, if the pupil is not expelled, the WRDSB should confirm the suspension originally imposed under section 310, confirm the suspension but reduce its duration or withdraw the suspension.
2. In reaching a decision as to the appropriate disciplinary response, the Discipline Committee is required to take into account:
  - a. all submissions and views of the parties, including their views as to whether the pupil, if expelled, should be expelled from his or her school only or from all schools of the WRDSB;
  - b. any mitigating or other factors prescribed by the regulations; and
  - c. any written response to the principal's report recommending expulsion that a person gave to the WRDSB under subsection 311.1 (10) before the completion of the hearing.
3. 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 pupil committed the infraction which led to the recommendation to expel, 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;
  - c. taking into account mitigating and other factors with respect to disposition.
4. WRDSB Staff will then act on the decision with respect to placement or other areas.
5. The information shared from the investigation is independent from police investigations and threat risk assessments

### Guidelines

- The chair must ensure that both parties are given an opportunity to make submissions on whether the infraction was committed, and what form of disciplinary response is warranted.
- 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 as set out in the Expulsion Hearing Rules, subject to the requirement that the hearing take place within 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.

## Script

### PRIOR TO THE HEARING:

The Discipline Committee will receive a confidential electronic copy of the Principal's Report and any written submissions by the parties 24 hours prior to the expulsion hearing through a shared Google folder.

Name plates for trustees will be placed in the meeting room and two tables set up facing the Discipline Committee.

The Discipline Committee will receive a list of the names of all participants in the meeting.

Administration, student, family, legal counsel if present and the System Administrator will wait outside the meeting room until the Discipline Committee is prepared.

The System Administrator will invite all participants into the meeting.

### HEARING:

CHAIR: Welcome to this expulsion hearing. My name is \_\_\_\_\_. I will be chairing this hearing. The Board of Trustees establishes the Discipline Committee that will preside over this hearing for the Waterloo Region District School Board. All members of the committee are elected trustees. At this time, I would like to introduce the other members of the Discipline Committee.

(Chair introduces committee members)

I would ask that the System Administrator introduce the other participants of the hearing.

(System Administrator introduces participants)

CHAIR: At this time, I would like to outline the process for expulsion hearings.

The System Administrator will hand out the hearing information packages. It is our understanding that the information contained in the Principal's Report has been shared prior to the Pre-Expulsion meeting.

The administration of the school will have a suggested maximum of twenty minutes to present their rationale for recommending an expulsion.

Following this presentation, members of the Discipline Committee may ask questions.

The pupil/parent (guardian) will then be provided with a suggested maximum of twenty minutes to make a presentation and/or respond to the school's presentation.

Following this presentation, members of the Discipline Committee may ask questions.

Any questions being asked by the administration or the family should be directed through the Chairperson of the Discipline Committee and not to other individuals in the room.

The administration will be offered an opportunity to reply to the submissions of the parent/guardian or Adult Student.

The student and parent/guardian shall also be asked if they would like to make a statement.

Following any questions from the Discipline Committee, the Chair shall ask each party if they have any final comments before the hearing will be closed.

Following all presentations, all participants will be asked to leave the room while the Committee deliberates and remain until deliberations are complete. Participants will be notified by the System Administrator within 24 hours of the outcome.

Before we proceed, are there any questions about the process of the hearing?

Now that we are ready to proceed, I would ask that the System Administrator hand out the hearing packages.

At this time, I would ask that the school begin their presentation.

(Administration makes presentation)

(At the completion of the presentation, trustees may ask questions)

At this time, I would ask that the student and/or parent/guardian begin their presentation.

(Student and/or family makes their presentation)

(At the completion of the presentation, trustees may ask questions)

Would the administration like to reply to the submissions of the pupil, parent/guardian?

Would the student and parent/guardian like to make a statement?

Would the administration like to make any final comments before the hearing will be closed?

Would the pupil, parent/guardian like to make any final comments before the hearing will be closed?

Thank you for your presentations and comments. The Discipline Committee will now deliberate on the facts presented today. Please remain in the building in case the committee has any questions and needs to reconvene. The Discipline Committee's decision will be communicated to the System Administrator, who will be in charge with communicating the outcome to both the family and school administration. All other participants will be asked to leave the room.

The family may take one copy of the expulsion package today. One other copy will be shared with the Choices program if the student is given a WRDSB expulsion and a copy is kept in the WRDSB central file.