

REGULATIONS

SUBJECT: Suspension Reviews and Appeals

Review of a Suspension

1. A review of a suspension may be requested within 3 school days of the commencement of the suspension by the parent/guardian of a minor student, or the student if 16 or 17 years of age having withdrawn from parental control, or if 18 years of age or older.
2. The request for review may be received either verbally or in writing by the principal or superintendent of education.
3. If the request is made verbally, the person requesting the review will be advised that it must be confirmed in writing to be valid under the Regulations.
4. The review will be conducted by the Superintendent of Education or designate, who may consider the reason(s) for the suspension, duration, mitigating or other factors, or any other information deemed relevant to the review.
5. The Superintendent of Education may consult with the principal regarding modification or expunging the suspension.
6. The Superintendent of Education will provide notice of the review decision to the adult pupil or pupil's parent / guardian.

Appeal of a Suspension

1. Where a student has been suspended, the parent/guardian of a minor student, or the student if 16 or 17 years of age having withdrawn from parental control, or the student if 18 years of age or older, (hereafter "Appellant") may appeal the suspension to the Board.
2. The appeal must be made in writing and delivered to the Board within ten (10) school days of the commencement of the suspension.
3. An appeal of the suspension does not stay the suspension.
4. The Suspension Review Committee, a committee of the Board as designated by the Chairperson of the Board, shall hear the appeal.

5. The Board shall hear and determine the appeal within fifteen (15) school days of receiving notice of the appeal, unless the parties agree on a later deadline, and shall not refuse to deal with the appeal on the grounds that there is a deficiency in the notice of the appeal.
6. Suspension appeals will not be conducted in accordance with or be subject to the Statutory Powers Procedure Act.
7. The appeal will be conducted in camera, and in accordance with the Education Act, Board policy, regulations, and administrative procedures.

Automatic Review of Suspension upon Appeal

1. The Superintendent of Education will conduct a review of any suspension appealed.
2. Upon receipt of written notice of intention to appeal the suspension, the Superintendent of Education:
 - Will promptly advise the principal of the appeal, and the review prerequisite;
 - Will promptly advise the adult pupil or the pupil's parent / guardian that a review of the suspension will take place and invite the appellant to discuss any matter respecting the incident and / or appeal of the suspension;
 - Will review the suspension and in doing so may consider the reason(s) for the suspension, duration, mitigating or other factors, or any other information deemed relevant to the review;
 - May consult with the principal regarding modification or expunging the suspension;
 - Will request a meeting with the adult pupil or the pupil's parent / guardian and the principal to narrow the issues and try to effect a settlement, and arrange a date for the appeal before the Suspension Review Committee;
 - Will, where a settlement is not effected, provide notice of the review decision to the adult pupil or pupil's parent / guardian.
2. Where the suspension is upheld on review and the adult pupil or pupil's parent / guardian chooses to continue with the appeal, the Superintendent of Education will:
 - Co-ordinate the preparation of a written report for the Committee. The report will contain but may not be limited to the following components:
 - i. A report of the incident and rationale for suspension prepared by the principal;
 - ii. A copy of the original suspension letter;
 - iii. A copy of the letter requesting the Suspension Appeal; and,
 - iv. A copy of the correspondence with respect to the decision of the Superintendent of Education regarding the outcome of the suspension review.

SUSPENSION REVIEWS AND APPEALS

Regulation No. A-R-113.1-08

3. Inform the adult pupil or the pupil's parent / guardian of the date of the Suspension Appeal meeting, provide a guide to the process for the appeal, and a copy of the documentation that will go to the Suspension Review Committee.

The Suspension Appeal Meeting

1. The Area Superintendent or designate will act in an advisory role to the committee on procedural matters during the suspension hearing and the committee's subsequent deliberations, ensure that a copy of the principal's report is forwarded to the appellant prior to the appeal and provided to the committee at the beginning of the appeal, and to ensure that any documents, reports and/or submissions prepared by the appellant are provided to the Principal at the earliest opportunity and to the committee at the beginning of the Appeal.
2. The parties to the appeal shall include the parent/guardian of a minor student, or the student if 16 or 17 years of age having withdrawn from parental control, or the student if 18 years of age or older, and the Principal or designate. The pupil may also attend the suspension appeal.
3. An advocate may represent the appellant. Prior notice of an advocate's attendance at the appeal must be provided to the area superintendent or designate. If prior notice is not provided, the suspension appeal may be re-scheduled. The committee and / or the principal may exercise the right to legal counsel.
4. The principal will prepare a report summarizing the incident, the evidence relied upon and the rationale for discipline, including the student's disciplinary and academic history, any progressive discipline strategies that have been undertaken, and any mitigating or other factors that may be applicable.
5. The committee of the Board may decide that the suspension was:
 - a. justified and should be upheld; or
 - b. justified but that the number of days imposed was too many, in which case the committee may reduce the length of the suspension and amend the record of suspension accordingly;
 - c. justified, but that the record of suspension be removed after a period of time if there are no further incidents requiring discipline;
 - d. not justified, in which case the record of suspension will be expunged, and the pupil will be permitted to return to school, if the suspension remains outstanding; or such other order as the committee considers appropriate.
6. When making their determination the committee shall consider the:
 - a. principal's report and submissions;
 - b. submissions and any other information provided by the appellant; and
 - c. analysis and application of the mitigating and other factors, which may or may not be applicable in the circumstances.

7. The committee may give such directions or make such orders at a suspension appeal as it considers necessary for the maintenance of order at the appeal. Should any person disobey or fail to comply with any such order and direction, a trustee may call for the assistance of a police officer to enforce the direction.
8. The committee will wait for thirty (30) minutes after the time communicated for the commencement of the suspension appeal. If the appellant or their representative has not yet attended and notice that they may be late has not been provided, the committee may proceed to hear the appeal or dismiss the appeal in their absence.
9. The superintendent will invite the parties into the meeting room and introduce the parties to the committee.
10. The superintendent will introduce the committee and will indicate that:
 - a. they have been appointed by the Board to hear the matter;
 - b. they are not connected as trustees to the school in question;
 - c. they have had no prior involvement with the matter that has come before them;
 - d. this matter will be heard *In Camera* (in private); and
 - e. the decision of the committee is final.
11. The superintendent will call the meeting to order.
12. The superintendent will outline the:
 - a. process to be followed during the suspension appeal;
 - b. matter on appeal before the committee, including the suspension that was imposed and the infraction for which the pupil was suspended.
13. The superintendent will distribute copies of the principal's report and any documents submitted by or to be submitted by the appellant to the committee. The committee may choose to call a brief recess in order to review the submissions.
14. The Administration will be invited to make a presentation.
 - a. Either the Principal or the Superintendent of Education will review the Report provided to the Discipline Committee and the Appellant, and provide any response to the Appellant's presentation.
 - b. Trustees may ask questions of clarification through the Chair.
 - c. The Appellant may ask questions of clarification through the Chair
15. The appellant will be invited to make an oral presentation.
 - a. trustees may ask questions of clarification through the Chair
 - b. the administration may ask questions of clarification through the Chair
16. The pupil will be invited to make a statement on his or her own behalf to the committee.
 - a. trustees may ask questions of clarification through the Chair
 - b. the administration may ask questions of clarification through the Chair

18. At the conclusion of both presentations, the appellant and administration will be invited to make summary statements but may not introduce new issues. The committee may choose to call a brief recess prior to hearing the summary statements.
19. Trustees may ask final questions of clarification.
20. The superintendent will explain that:
 - a. except for the committee, all persons will be asked to leave the room while the trustees deliberate and make their decision;
 - b. the superintendent will be informed of the decision by the committee and will communicate this decision to the parties at the earliest opportunity
21. The superintendent will contact the parties involved by phone the next day with the decision of the committee. Written notice shall also be provided to the adult student or the student's parent/guardian informing them of the decision of the committee.
22. The decision of the committee is final.

Implementation Date: September 12, 2001
Revised: January 29, 2008

Reference: Policy & Regulations
Education Act