



Northeastern Catholic District School Board

SAFE SCHOOLS EXPULSION HEARINGS - STUDENTS

Administrative Procedure Number: APE034-5

POLICY STATEMENT

2.0 PRINCIPAL OUTLINE OF ALLEGATIONS

In consultation with the Superintendent of Education, the Principal will prepare an outline of the allegations which form the basis of the recommendation for expulsion.

3.0 EXPULSION HEARING PANEL

3.1 The powers and duties of the Board to conduct an expulsion hearing and to make an expulsion determination will be exercised by the Student Discipline Committee (hereafter "the panel"), consisting of three members, as designated by the Chair of the Board.

3.2 When, despite best efforts, one of the appointed members of the panel is unavoidably unable to be present on the appointed hearing date, the Chair may appoint the alternate trustee to substitute.

3.3 The hearing will be postponed unless all three members of the panel are present, except in a case where the Chair has been able to replace one member of the panel by appointing another trustee to substitute.

3.4 The panel will be assisted by such Board staff as it requires, including the Director of Education who will act as advisor to the panel (hereafter "the advisor"), with responsibility for proper notification and recording of the appeal hearing decision.

4.0 PARTIES

4.1 The parties to the hearing will be the student, adult student if the student is 18 years or older,

- iii) Solicit the views of all parties as to whether, if the student is not expelled, the panel should confirm the suspension originally imposed, confirm the suspension but reduce its duration or withdraw the suspension.

16.0 PANEL DETERMINATION

- 16.1 Where there is conflict in the findings presented by the parties on the issue of whether the student committed an expulsion activity the panel will assess the findings and determine whether on the balance of probabilities, it is more probable than not that the student did committed the activity.
- 16.2 Where the panel determines that the student committed an expulsion activity, before imposing an expulsion, the panel will consider the mitigating factors set out as follows:
 - i) The student does not have the ability to control their behaviour;
 - ii) The student does not have the ability to understand the foreseeable consequences of their behaviour;
 - iii) The student's continuing presence in the school does not create an unacceptable risk to the safety of any other individual at the school.
- 16.3 In addition to the mitigating factors listed above the panel will consider whether the following other factors mitigate the seriousness of the activity for which the student may be or is being suspended or expelled:
 - i) The student's academic, discipline and personal history;
 - ii) Whether progressive discipline has been attempted with the student, and if so, the progressive discipline approach(es) that has/have been attempted and any success or failure;
 - iii) Whether the activity for which the student might be disciplined was related to any harassment of the student because of race, ethnic origin, religion, creed, disability, gender or gender identity, sexual orientation or to related harassment of any other reason;
 - iv) The im

18.0 OPTION TO APPEAL

An expulsion decision of the Board may be appealed to the Child and Family Services Review Board of the Province of Ontario.

19.0 RELATED FORMS AND DOCUMENTS

DOCUMENT: Hearing Before the Student Discipline Committee

LETTER: Expulsion Decision – School

LETTER: Expulsion Decision – Board

LETTER: Notice of Determination for Alternative Discipline to Expulsion

LETTER: Notice of Expulsion Hearing

LETTER: Notice of Non-Commission of Expulsion Infraction by Expulsion Hearing Panel

Director of Education: Tricia Stefanic Weltz

Date: May 2024