



SECTION:	Student Management and Welfare	APPROVAL DATE:
SUBSECTION:	Discipline	October 1, 2001
POLICY NAME:	Pupil Expulsion	LAST REVISED:
POLICY NUMBER:	R.SMW.E.2	May 3, 2004

1. DEFINITION OF TERMS

1.1 Limited Expulsion

A limited expulsion is from a student's school and school related activities. The limited expulsion can be imposed for a period of twenty-one (21) days to one (1) year and may be imposed by either the principal or the Board. The Board may set re-entry requirements.

1.2 Full Expulsion

A full expulsion is from all schools of the Board and from all school related activities. The student cannot return to any regularly publicly funded school in Ontario until provincially established re-entry requirements are met. This will include successful completion of a strict discipline or equivalent program. The full expulsion is for an unlimited time period.

1.3 Mandatory Expulsion

A mandatory expulsion is issued by the principal and/or Board in accordance with the Board's Code of Conduct and will result in a student being expelled from attendance at school for a minimum duration of twenty-one (21) days.

1.4 Discretionary Expulsion

A discretionary expulsion is issued by the principal and/or Board in accordance with the Board's Code of Conduct and will result in a student being expelled from attendance at school for a minimum duration of twenty-one (21) days.

1.5 Strict Discipline Program

A program approved by the Minister as a strict discipline program. Successful completion of this program entitles a student who is subject to a full expulsion to attend a regularly funded school in Ontario.

1.6 Inquiry

An investigative process, conducted by the principal, intended to discover facts regarding an infraction.

1.7 Appeal

An application for a rehearing of a decision.

2. MANDATORY EXPULSION

It is mandatory that a student be expelled for a minimum of twenty-one (21) days, if the student commits any of the following infractions while he or she is at school or is engaged in school related activities, subject to 4.7 below.

- possession of a weapon as defined within the Criminal Code of Canada;
- trafficking in drugs or weapons;
- robbery;

- extortion;
- use of a weapon to cause bodily harm, or to threaten serious harm;
- physical assault causing bodily harm requiring professional medical treatment;
- sexual assault;
- providing alcohol to minors;
- acts of vandalism causing extreme damage to school property or property located on school premises.

3. DISCRETIONARY EXPULSION

A student may be expelled for the following for a minimum of twenty-one (21) days, if the student commits any of the following infractions while he or she is at school or is engaged in school related activities subject to 4.7 below:

- engaging in activities on or off school property, including the use of electronic communication, that cause the student's presence in school to be injurious to the physical and/or emotional well being of other people or persons in the school or the Board.
- the student has demonstrated through a pattern of behaviour (eg. habitual neglect of duty, persistent truancy, or opposition to authority) that he or she has not prospered from the instruction made available to him or her.
- the student's pattern of behaviour is so unmanageable that the student's continued presence is injurious to the effective learning and/or working environment of others.

4. PRINCIPAL-EXPULSION PROCEDURE:

- 4.1 When a student commits an infraction for which a mandatory or discretionary expulsion is warranted, the principal shall immediately suspend the student for a period not exceeding twenty (20) days and inform the Superintendent of Education of this action. In unique or unusual circumstances, after consultation with the Superintendent of Education, the principal may refer the matter to the Board.
- 4.2 The principal shall ensure that written notice of the suspension is given to the student and if the student is a minor, to the student's parent or legal guardian. (Appendix A)
- 4.3 The principal shall conduct an inquiry to determine whether the student has committed an infraction for which expulsion is warranted. The principal shall consult with the Superintendent of Education regarding the process and timing of the inquiry which must be completed within five (5) days from the imposition of the suspension.
- 4.4 When conducting an inquiry of the incident that led to the suspension, the principal shall ensure that an additional staff member is present during the initial investigative process. The principal shall:
- Interview students, staff and any other individual who witnessed the infraction and document all relevant details about the incident.
 - Interview the student who committed the infraction and document all relevant details.
 - Summarize the incident by recording the time, location and specific circumstances leading to the infraction.
 - Inform the Superintendent of Education of the nature of the incident and proposed course of action.
 - Inform police if necessary and as indicated by the Police-School Protocol and the Board's Code of Conduct.
- 4.5 Upon completion of the inquiry, if the principal is satisfied that the student committed an infraction for which expulsion is mandatory or discretionary,
- The principal shall impose a limited expulsion for a duration not exceeding one (1) year from the date of the initial suspension or until re-entry requirements established by the Board are met, or
 - The principal may refer the matter to the Board for a decision.
- 4.6 When the principal decides that the student has not committed an infraction for which expulsion is not mandatory or discretionary, the principal will:
- Consider whether alternative discipline is appropriate, or

- Uphold the suspension, or
 - Amend the suspension, or
 - Ensure that no record of suspension remains in the OSR.
- 4.7 Prior to imposing an expulsion, the principal will consider the following mitigating circumstances:
- the student does not have the ability to control his or her behaviour,
 - the student does not have the ability to understand the foreseeable consequences of his or her behaviour, or
 - the student’s continuing presence in the school does not create an unacceptable risk to the safety or well being of any person.
- 4.8 In determining the duration of an expulsion, a principal will also consider the age and history of the student as well as any other factor considered by the principal as appropriate and relevant.
- 4.9 The principal, by legislation, cannot expel a student if more than twenty (20) days have elapsed since the principal suspended the student unless the parties to the inquiry hearing agree upon a later deadline.
- 4.10 A principal who decides to impose an expulsion shall provide a letter indicating the decision to expel, the reasons, the duration, requirements for re-entry and the right to appeal the expulsion in accordance with Appendix B.
- 4.11 A limited expulsion imposed by a principal may be appealed to the Board.
5. **BOARD – EXPULSION PROCEDURES**
- 5.1 When a student commits an infraction requiring mandatory or discretionary expulsion the principal will conduct an inquiry and may refer the matter to the Board for resolution. The Board shall then hold an expulsion hearing.
- 5.2 The Policy/Program Committee of the Board is delegated to conduct expulsion hearings and will hereinafter be termed the Board Expulsion Hearing Committee.
- 5.3 The Board, by legislation, cannot expel a student if more than twenty (20) days have elapsed since the principal suspended the student, unless the parties to the expulsion hearing agree upon a later deadline.
- 5.4 The Expulsion Hearing will be conducted in accordance with the following procedure.
The principal will:
- Provide the Superintendent of Education with a copy of the notice of referral provided to the parent or legal guardian.
 - Prepare a draft report in sufficient detail to ensure that all key elements of the incident are clearly set out in a chronological sequence, and provide a factual account of the events as described by witnesses and substantiated by witness statements.
 - Review the draft report and discuss possible recommendation for expulsion with the Superintendent of Education.
 - Send a letter of recommendation for expulsion to the parent or legal guardian, or adult student. (Appendix C)
 - Help facilitate a meeting with the parent, legal guardian, or adult student to discuss the recommendation that will go to the Board.
- The Superintendent of Education will:
- Review the incident with the Principal, discuss the investigation results and determine the appropriate recommendation to the Board.
 - Prepare and provide the parent, legal guardian, or adult student with an expulsion report containing;
 - i) a report of the incident and recommendation of the principal to the Superintendent of Education;
 - ii) a report of the incident and recommendation of the Superintendent of Education to the Director;
 - iii) a copy of the letter of recommendation for expulsion to the parent, legal guardian or adult student; (Appendix C)

- iv) a letter from the Superintendent of Education to the parent, legal guardian or adult student regarding the date of the hearing and the right to legal representation; (Appendix D)
 - v) the background report prepared by the principal, including witness statements and the principal's notes on the incident;
 - vi) Code of Conduct for the School and the Board Code of Conduct;
 - vii) a copy of the letter of suspension from the school;
 - viii) a copy of the Expulsion Hearing Procedure and Expulsion Hearing Rules.
- Inform the parent, legal guardian, or adult student that any issues regarding process shall be addressed at a pre-hearing meeting between the parent/legal counsel, Superintendent of Education, and the chair of the Board Expulsion Hearing Committee. Any issues regarding process will be addressed in accordance with the Rules as established by the Board Expulsion Hearing Committee.
 - i) Inform the parent, legal guardian, or adult student that each party shall advise the other in writing prior to the pre-hearing meeting of the issues the party wishes to raise at the meeting.
 - ii) Where no issues are raised by either party, the Superintendent of Education may notify the parties that the pre-hearing meeting is cancelled.
 - Arrange a date for the Expulsion Hearing.
 - Forward a copy of the expulsion report, prepared by the principal, to the parent, legal guardian, or adult student, and to the office of the Director of Education.
- 5.5 Prior to imposing an expulsion, the Board Expulsion Committee will consider the following mitigating circumstances;
- the student does not have the ability to control his or her behaviour,
 - the student does not have the ability to understand the foreseeable consequences of his or her behaviour, or
 - the student's continuing presence in the school does not create an unacceptable risk to the safety or well being of any person.
- 5.6 In the event the Board Expulsion Committee decides to impose an expulsion on the student, the Board Expulsion Committee must decide whether to impose a full expulsion or a limited expulsion. In determining the type and length of the expulsion, the Board Expulsion Committee shall consider the following factors:
- i) the student's history,
 - ii) any factors prescribed by regulations, if any,
 - iii) such other matters as the Board Expulsion Committee considers appropriate.
- 5.7 The period of time during which the student was suspended pending a decision on expulsion shall be deemed to be part of the period of expulsion and the period of expulsion shall not be shorter than twenty-one (21) days. In the case of a limited expulsion the expulsion shall be no longer than the later of, the date specified by the Board Expulsion Committee, which date cannot be more than one (1) year after the date on which the Principal suspended the student, and the date on which the student meets such requirements as may be established by the Board Expulsion Committee for returning to school after being expelled. In the case of a full expulsion the student shall not be permitted to attend until such time as the student completes a strict discipline program.
- 5.8 In the event the Board Expulsion Committee decides to expel the student, the Superintendent of Education shall ensure that a written notice of the expulsion is given promptly to the parent, legal guardian, or adult student, in accordance with Appendix E.
- 5.9 When the Board Expulsion Committee decides that the student has not committed an infraction for which expulsion is mandatory or for which a discretionary expulsion is warranted, the Expulsion Committee may consider whether alternative discipline is appropriate in the

- circumstances. Where the Board Expulsion Committee makes a determination that the suspension served by the student to date, or some lesser period of suspension, is appropriate and so directs, the committee may send the matter back to the Principal to be addressed by the Principal. In either case, notice of the Board Expulsion Committee's decision shall be provided to the parent, legal guardian, or adult student in accordance with Appendix E.
- 5.10 If requested by either party, the Board Expulsion Committee will provide a brief statement of the reasons for its decision.
- 5.11 The decision of the Board may be appealed.

6. EXPELLED STUDENT

- 6.1 A student who is issued a limited expulsion by a principal or Board may not attend the school issuing the expulsion, nor participate in any school related activities occurring within that school.
- 6.2 A student who is issued a full expulsion by the Board may not attend any school in the province, nor attend or participate in any school related activities in any school in the province. The full expulsion is for an unlimited time period.
- 6.3 Notwithstanding the above (4.0 and 5.0) a student is not considered to be engaging in school related activities if the student is using the services of, or taking a course or program designed to assist an expelled student to return to school.

7. RE-ENTRY REQUIREMENTS

- 7.1 A student who is subject to a full expulsion may attend a school in Ontario only if he or she successfully completes a strict discipline program which has been approved by the Minister as a strict discipline program or has satisfied the objectives required for the successful completion of a strict discipline program.
- 7.2 The determination of whether a student has satisfied the objectives required for the successful completion of a strict discipline program must be made by the person who provides the strict discipline program.
- 7.3 Re-entry for a limited expulsion is based upon the student having demonstrated:
- i) a strong interest in his or her own education,
 - ii) a responsible attitude, and
 - iii) receipt of counselling or professional help, during the period of expulsion, addressing the cause(s) of the action(s) which led to the expulsion.
- 7.4 In addition the student must sign the Declaration of Performance form provided by the Board.