



CENTRE FOR GOVERNANCE EXCELLENCE

Professional Development Program for School Board Trustees

Core Modules

11

Legal Aspects of School Board Governance

PART A: QUASI-JUDICIAL DECISION MAKING

UNDERSTANDING SUSPENSIONS AND SUSPENSION APPEALS

Grounds for Suspension include:

- Uttering a threat to inflict serious bodily harm on another person
- Possessing alcohol or illegal drugs
- Being under the influence of alcohol
- Swearing at a teacher or at a person in a position of authority
- Committing an act of vandalism that causes extensive damage to school property at the student's school or to property located on the premises of the student's school
- Bullying
- Any other act which is an activity for which a principal may suspend a student under a policy of the Board

Appealing a Suspension

- The suspended student's parent/guardian or an adult student (18 years or over, or 16-17 years and removed from parental care/control) may appeal a suspension.
- Many school boards have a review process in place where a Superintendent of Education will attempt to resolve the issues of concern before a formal suspension appeal is heard.
- Appeals must be heard and decided upon within 15 days of receipt.
- The Discipline Committee must apply the Four Elements of Procedural Fairness to the suspension appeal process. For example, were parents informed in advance of the suspension process?
- The Discipline Committee must determine if the school principal used the Progressive Discipline approach before suspending the student and whether Mitigating Factors were considered.
- The Discipline Committee then decides whether or not the suspension was appropriate in the circumstances.
- From there, the Committee can decide whether to uphold, alter or expunge the suspension.

For more detailed information on this topic, please consult your board legal counsel or the appropriate Board Superintendent