

AVON MAITLAND DISTRICT SCHOOL BOARD BOARD POLICY #13

APPEALS AND HEARINGS REGARDING STUDENT MATTERS

Legal References: *Education Act: Section 265 Duties of Principal; Part XIII: Behaviour, Discipline and Safety, R.S.O. 1990, c.E-2 Suspension and Expulsion of Pupils, O. Reg. 472/07PPM 128, The Provincial Code of Conduct and School Board Codes of Conduct, Statutory Powers Procedure Act, R.S.O. 1990, c.S-22; P/PPM 141 School Board Programs for Students on Long-Term Suspension; P/PPM 142 School Board Programs for Expelled Students; P/PPM 145 Progressive Discipline and Promoting Positive Student Behaviour*

Related References: *Board Policy No. 9 Board Governance By-laws, Section 6 Electronic Means for the Holding of Meetings; Administrative Procedure 350 Safe Schools; Administrative Procedure 351 Code of Conduct; Administrative Procedure 352 Promoting Positive Student Behaviour; Administrative Procedure 353 Student Suspension; Administrative Procedure 354 Student Expulsion; Administrative Procedure 356 Substance Abuse by Students; Administrative Procedure 357 Violence-Free Schools; Administrative Procedure 358 Exclusion of Students*

A. Student Matters, Appeals and Hearings Committee of the Board

1. Establishment of the Committee

Each year the board will confirm a Student Matters, Appeals and Hearings Committee to be made up of all members of the Board. As needed, a subset of no fewer than three Trustees will be asked to hear appeals of pupil suspensions, principal recommendations for expulsion and appeals of student exclusions.

2. Operation of the Committee

Trustees who sit on the Student Matters, Appeals and Hearings Committee must ensure that they do not engage in conversations related to the issues on the agenda prior to the meeting of the committee. In particular, trustees on the committee should refer parents to other trustees or staff if they have questions or concerns regarding matters before the committee.

B. Appeal of a Suspension to the Board

1. Suspension – Effort to Resolve Dispute

1.1 Avon Maitland District School Board recognizes that from time to time a pupil may be suspended from a school in accordance with the terms outlined in the *Education Act*, Sections 306, 307, 308 and the terms of Administrative Procedure 353.

1.2 Although the *Education Act* makes provision for the parent, guardian or the pupil, if the pupil is an adult, to appeal to the board against a suspension, every reasonable effort should be made to resolve such a dispute before it is formalized in a request to the board.

2. The Suspension Appeal Process

- 2.1 The adult pupil or the pupil's parent/guardian may appeal a suspension. All suspension appeals will be received by the director or designate.
- An appeal of a suspension does not stay the suspension.
 - A person who intends to appeal a suspension must give written notice of his/her intention to appeal the suspension within ten (10) school days of the commencement of the suspension.
 - The board must hear and/or determine the appeal within fifteen (15) school days of receiving the notice of intention to appeal (unless the parties agree to an extension).
 - An individual who appeals a suspension may argue that his/her rights pursuant to the *Human Rights Code* have been infringed.
 - In addition, a separate right to apply to the Human Rights Tribunal of Ontario exists where an individual believes his/her rights pursuant to the *Human Rights Code* have been infringed.
- 2.2 Upon receipt of written notice of the intention to appeal the suspension, the director or designate:
- 2.2.1 Will promptly advise the school principal of the appeal;
- 2.2.2 Will promptly advise the adult pupil or the parent/guardian that a review of the suspension will take place and invite the appellant to contact the director of education or designate to discuss any matter respecting the incident and/or appeal of the suspension; (see template letter Form 353 E)
- 2.2.3 Will review the suspension (reason, duration, any mitigating or other factors);
- 2.2.4 May consult with the principal and director of education or designate regarding modification or expunging the suspension;
- 2.2.5 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 Student Matters, Appeals and Hearings Committee;
- 2.2.6 Will, where a settlement is not effected, provide notice of the review decision to the adult pupil or pupil's parent/guardian.
- 2.3 Where the suspension is upheld on review and the adult pupil or pupil's parent/guardian chooses to continue with the appeal, the director or designate will:
- 2.3.1 Coordinate the preparation of a written report for the board.
- 2.4 This report will contain at least the following components:
- 2.4.1 A report of the incident and rationale for suspension prepared by the principal;
- 2.4.2 A copy of the original suspension letter;
- 2.4.3 A copy of the letter requesting the Suspension Appeal; and
- 2.4.4 A copy of the correspondence with respect to the decision of the director of education or designate regarding the suspension review.
- 2.5 Inform the adult pupil or the parent/guardian of the date of the Suspension Appeal, provide a guide to the process for the appeal, and a copy of the documentation that will go to the Student Matters, Appeals and Hearings Committee..
- 2.6 Ensure that the item is placed on the Student Matters, Appeals and Hearings Committee's agenda.

- 2.7 The parties in an appeal to the Student Matters, Appeals and Hearings Committee shall be:
- 2.7.1 The principal; and
 - 2.7.2 The adult pupil or the pupil's parent/guardian, if they appealed the decision.

3. Suspension Appeal before the Student Matters, Appeals and Hearings Committee of the Board

Suspension appeals will be heard orally, in camera, by the Student Matters, Appeals and Hearings Committee of Trustees. The Student Matters, Appeals and Hearings Committee may grant a person with Daily Care authority to make submissions on behalf of the pupil. An adult pupil or pupil's parent/guardian may bring legal counsel, an advocate, or support person with them to the appeal and must notify the board in advance if they are doing so.

- 3.1 Suspension appeals will be heard orally, *in camera*, by the Student Matters, Appeals and Hearings Committee of Trustees. The appeal hearing will be held according to the Suspension Appeal Guidelines (Appendix 1).
- 3.2 The Student Matters, Appeals and Hearings Committee may grant a person with daily care authority to make submissions on behalf of the pupil.
- 3.3 The appellant and/or the person with daily care authority will proceed first by making oral submissions and/or providing written submissions regarding the reason for the appeal and the result desired.
- 3.4 The pupil will be asked to make a statement on his/her own behalf.
- 3.5 The superintendent of education for the school and/or the principal will make oral submissions on behalf of the administration, including a response to any issues raised in the appellant's submissions. The superintendent of education/principal may rely on the report prepared for the Student Matters, Appeals and Hearings Committee.
- 3.6 The appellant may make further submissions addressing issues raised in the administration's presentation that were not previously addressed by the appellant.
- 3.7 The Student Matters, Appeals and Hearings Committee may ask any party, or the pupil, where appropriate, questions of clarification.
- 3.8 Legal counsel for the board may be present at the appeal if the appellant is represented by legal counsel or an agent.
- 3.9 The Student Matters, Appeals and Hearings Committee may make such orders or give such directions at an 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/or direction, a trustee may call for the assistance of a police officer to enforce any such order or direction.

- 3.10 Where any party who has received proper notice of the location, date and time of the appeal fails to attend the appeal or comply with the necessary time lines, the appeal may proceed in the absence of the party and the party is not entitled to any further notice of the proceedings.
- 3.11 The Student Matters, Appeals and Hearings Committee will consider, based on the written and/or oral submissions of both parties, whether the decision to discipline and the discipline imposed was reasonable in the circumstances, and shall either:
- 3.11.1 Confirm the suspension and its duration; or
 - 3.11.2 Confirm the suspension but shorten its duration and amend the record, as necessary; or
 - 3.11.3 Quash the suspension and order that the record be expunged; or
 - 3.11.4 Make such other appropriate order.
- 3.12 The decision of the Student Matters, Appeals and Hearings Committee is final. The decision shall be communicated to the appellant in writing.

C. Expulsion of Pupils

If a principal, in consultation with the director of education or designate, determines that a referral for expulsion is warranted, the principal must refer the recommendation for expulsion to the Student Matters, Appeals and Hearings Committee to be heard within twenty (20) school days from the date the principal suspended the pupil, unless the parties to the expulsion hearing agree upon a later date.

1. The principal will prepare a report to be submitted to the Student Matters, Appeals and Hearings Committee and provide the report to the pupil and the pupil's parent or guardian (unless the pupil is an adult pupil) prior to the hearing. The report will include:
 - 1.1 A summary of the findings the principal made in the investigation;
 - 1.2 An analysis of which, if any, mitigating or other factors might be applicable;
 - 1.3 A recommendation of whether the expulsion should be from the school or from the board; and
 - 1.4 A recommendation regarding the type of school that would benefit the pupil if the pupil is subject to a school expulsion, or the type of program that might benefit the pupil if the pupil is subject to a board expulsion.
2. The principal will inquire with the director or designate as to the date and location of the hearing and provide written notice of the expulsion hearing to the adult pupil or the pupil's parent/guardian and pupil. The notice shall include:
 - 2.1 A statement that the pupil is being referred to the Student Matters, Appeals and Hearings Committee to determine whether the pupil will be expelled for the activity that resulted in suspension;
 - 2.2 A copy of the board's policies and guidelines governing the hearing before the Student Matters, Appeals and Hearings Committee;

- 2.3 A copy of the board's code of conduct and school code of conduct;
 - 2.4 A copy of the suspension letter;
 - 2.5 A statement that the pupil and/or his or her parent/guardian has the right to respond to the principal's report in writing;
 - 2.6 Information about the procedures and possible outcomes of the expulsion hearing, including that:
 - 2.6.1 If the Student Matters, Appeals and Hearings Committee does not expel the pupil they will either confirm, confirm and shorten, or withdraw the suspension;
 - 2.6.2 Parties have the right to make submissions with respect to the suspension;
 - 2.6.3 Any decision with respect to the suspension is final and cannot be appealed;
 - 2.6.4 If the pupil is expelled from the school, they will be assigned to another school;
 - 2.6.5 If the pupil is expelled from the board, they will be assigned to a program for expelled pupils;
 - 2.6.6 If the pupil is expelled there is a right of appeal to the Child and Family Services Review Board.
 - 2.7 The name and contact information for the director or designate.
3. **The Superintendent of Education will:**
- 3.1 Advise the director or designate of the general details of the incident, including actions taken or pending; and
 - 3.2 Submit the principal's Report for the Student Matters, Appeals and Hearings Committee to the director or designate.
4. **The Director or designate:**
- 4.1 May arrange a meeting with the adult pupil or the pupil's parent/guardian and pupil and the principal, as appropriate.
 - 4.2 If a meeting is arranged, designate will review the Student Matters, Appeals and Hearings Committee process for expulsion hearings, as well as respond to any questions or concerns the pupil or the pupil's parent/guardian may have regarding the process or incident; and
 - 4.3 If a meeting is arranged, during the meeting the Director or designate may assist to narrow the issues and identify agreed upon facts.
 - 4.4 Will ensure that the item is placed on the Student Matters, Appeals and Hearings Committee agenda for the date and time set out on the notice to the adult pupil or the pupil's parent/guardian and co-ordinate the attendance of the Trustees.

- 4.5 Will prepare a package of documents for the Student Matters, Appeals and Hearings Committee, which will include at least the following components:
 - 4.5.1 A copy of the Principal's Report; and
 - 4.5.2 A copy of the notice of expulsion sent to the adult pupil or pupil's parent/guardian.
- 4.6 Will confirm with the adult pupil or the pupil's parent/guardian the date and location of the expulsion hearing, will provide a copy of the Expulsion Hearing Rules, and a copy of the package to go to the Student Matters, Appeals and Hearings Committee.

5. **Hearing Before the Student Matters, Appeals and Hearings Committee**

If the principal recommends expulsion, the Student Matters, Appeals and Hearings Committee shall hold a hearing.

- 5.1 Parties before the Student Matters, Appeals and Hearings Committee will be:
 - a) The principal; and
 - b) The adult pupil or the pupil's parent/guardian.
- 5.2 If a pupil is not a party, s/he has the right to be present at the expulsion hearing and to make submissions on his/her own behalf. The Student Matters, Appeals and Hearings Committee may grant a person with daily care authority to make submissions on behalf of the pupil.
- 5.3 An adult pupil or pupil's parent, guardian may bring legal counsel, an advocate or support person with them to the expulsion hearing.
- 5.4 Legal counsel for the board may be present at the hearing if the adult pupil or the pupil's parent/guardian is represented by legal counsel or an agent.
- 5.5 The hearing will be conducted in accordance with the Rules of the Student Matters, Appeals and Hearings Committee and the Guideline for Expulsion Hearings (Appendix 2):
 - 5.5.1 The Student Matters, Appeals and Hearings Committee shall consider oral and written submissions, if any, of all parties;
 - 5.5.2 The Student Matters, Appeals and Hearings Committee shall solicit and consider the views of all parties with respect to whether, if an expulsion is imposed, the expulsion should be a school expulsion or a board expulsion;
 - 5.5.3 The Student Matters, Appeals and Hearings Committee shall solicit and consider the views of all parties with respect to whether, if an expulsion is not imposed, the suspension should be confirmed, shortened or withdrawn; and
 - 5.5.4 Such other matters as the Student Matters, Appeals and Hearings Committee considers appropriate.
- 5.6 In determining whether to impose an expulsion the Student Matters, Appeals and Hearings Committee shall consider the following factors:
 - 5.6.1 The mitigating and other factors:
 - 5.6.2 Whether the pupil has the ability to control his or her behaviour;
 - 5.6.3 Whether the pupil has the ability to understand the foreseeable consequences of his or her behaviour;

- 5.6.4 Whether the pupil's continuing presence in the school does or does not create an unacceptable risk to the safety of any other individual at the school;
 - 5.6.5 The pupil's academic, discipline and personal history;
 - 5.6.6 Whether progressive discipline has been attempted with the pupil, and if so, the progressive discipline approach(es) that has/have been attempted and any success or failure;
 - 5.6.7 Whether the infraction for which the pupil might be disciplined was related to any harassment of the pupil because of race, ethnic origin, religion, creed, disability, gender or gender identity, sexual orientation or to related harassment for any other reason;
 - 5.6.8 The impact of the discipline on the pupil's prospects for further education;
 - 5.6.9 The pupil's age;
 - 5.6.10 Where the pupil has an IEP or disability related needs,
 - 5.6.10.1 Whether the behaviour causing the incident was a manifestation of the pupil's disability;
 - 5.6.10.2 Whether appropriate individualized accommodation has been provided; and
 - 5.6.10.3 Whether an expulsion is likely to result in aggravating or worsening the pupil's behaviour or conduct or whether an expulsion is likely to result in a greater likelihood of further inappropriate conduct; and
 - 5.6.11 The submissions and views of the parties
 - 5.6.12 The application of the Human Rights Code;
 - 5.6.13 Whether or not the type of expulsion might have a disproportionate impact on a pupil protected by the Human Rights Code, including but not limited to race and disability, and or exacerbate the pupils disadvantaged position in society, and whether or not accommodation is required in the circumstances; and
 - 5.6.14 Any written response to the principal's report provided before the completion of the hearing; and
 - 5.6.15 Such matters as the Student Matters, Appeals and Hearings Committee considers appropriate.
- 5.7 Where there is a conflict in the evidence presented by the parties on the issue of whether the pupil committed the infraction, the Student Matters, Appeals and Hearings 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 Student Matters, Appeals and Hearings 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 pupil committed the infraction.

6. **No Expulsion**

If the Student Matters, Appeals and Hearings Committee decides not to expel the pupil, the Student Matters, Appeals and Hearings Committee shall take the submissions of the parties into account, including mitigating and other factors, in determining whether to:

- a) Consider whether alternative discipline is appropriate in the circumstances;
- b) Uphold the suspension and its duration;
- c) Uphold the suspension and shorten its duration and amend the record accordingly;

- d) Quash the suspension and expunge the record such that no record of the suspension remains in the Ontario Student Record; or
- e) Make such other orders as the Student Matters, Appeals and Hearings Committee considers appropriate.

The Student Matters, Appeals and Hearings Committee shall give written notice to all parties of the decision not to impose an expulsion and the decision with respect to the suspension.

The Student Matters, Appeals and Hearings Committee's decision with respect to the suspension is final.

7. **Expulsion**

In the event the Student Matters, Appeals and Hearings Committee decides to impose an expulsion on the pupil, the Student Matters, Appeals and Hearings Committee must decide whether to impose a board expulsion or a school expulsion.

- 7.1 In determining the type of the expulsion, the Student Matters, Appeals and Hearings Committee shall consider the following factors:
 - 7.1.1 Whether the pupil has the ability to control his or her behaviour;
 - 7.1.2 Whether the pupil has the ability to understand the foreseeable consequences of his or her behaviour;
 - 7.1.3 Whether the pupil's continuing presence in the school does or does not create an unacceptable risk to the safety of any other individual at the school;
 - 7.1.4 The pupil's academic, discipline and personal history;
 - 7.1.5 Whether progressive discipline has been attempted with the pupil, and if so, the progressive discipline approach(es) that has/have been attempted and any success or failure
 - 7.1.6 Whether the infraction for which the pupil might be disciplined was related to any harassment of the pupil because of race, ethnic origin, religion, creed, disability, gender or gender identity, sexual orientation or to related harassment for any other reason;
 - 7.1.7 The impact of the discipline on the pupil's prospects for further education
 - 7.1.8 The pupil's age;
 - 7.1.9 Where the pupil has an IEP or disability related needs,
 - 7.1.9.1 Whether the behaviour causing the incident was a manifestation of the pupil's disability;
 - 7.1.9.2 Whether appropriate individualized accommodation has been provided; and
 - 7.1.9.3 Whether an expulsion is likely to result in aggravating or worsening the pupil's behaviour or conduct or whether an expulsion is likely to result in a greater likelihood of further inappropriate conduct.
 - 7.1.10 The submissions and views of the parties;
 - 7.1.11 The application of the Human Rights Code;
 - 7.1.12 Whether or not the type of expulsion might have a disproportionate impact on a pupil protected by the Human Rights Code, including but not limited to race and disability, and or exacerbate the pupils disadvantaged position in society, and whether or not accommodation is required in the circumstances;

- 7.1.13 Any written response to the principal's report provided before the completion of the hearing; and
- 7.1.14 Such matters as the Student Matters, Appeals and Hearings Committee considers appropriate.
- 7.2 Where the Student Matters, Appeals and Hearings Committee decides to impose a school expulsion, then the Student Matters, Appeals and Hearings Committee must assign the pupil to another school. The requirements of school transfers as set out in AP 352 Promoting Positive Student Behaviour section 3.13 shall apply.
- 7.3 Where the Student Matters, Appeals and Hearings Committee decides to impose a board expulsion, then the Student Matters, Appeals and Hearings Committee must assign the pupil to a program for expelled pupils.
- 7.4 An expelled pupil is a pupil of the board, even where s/he attends a program for expelled pupils at another school board, unless s/he does not attend the program or registers at another school board.
- 7.5 The Student Matters, Appeals and Hearings Committee must promptly provide written notice of the decision to expel the pupil to all parties, and the pupil, if he or she was not a party. The written notice shall include:
 - 7.5.1 The reason for the expulsion;
 - 7.5.2 A statement indicating whether the expulsion is a school expulsion or a board expulsion;
 - 7.5.3 Information about the school or program to which the pupil has been assigned; and
 - 7.5.4 Information about the right to appeal the expulsion, including the steps to be taken.
- 7.6 Once the superintendent responsible for alternative programs has received notice that a pupil has been expelled, s/he must create a Student Action Plan in a manner consistent with the board's administrative procedure for programs for expelled pupils.

8. **Re-entry Requirements Following an Expulsion**

- 8.1 A pupil who is subject to a board expulsion is entitled to apply in writing for re-admission to a school of the board once s/he has successfully completed a program for expelled pupils and has satisfied the objectives required for completion of the program, as determined by the person who provides the program.
- 8.2 The board shall re-admit the pupil and inform the pupil in writing of the re-admission.
- 8.3 A pupil who is subject to a school expulsion may apply in writing to the board to be re-assigned to the school from which she/he was expelled.
 - 8.3.1 The board will consider whether re-attendance will have a negative impact on the school climate, including on any victims, where applicable;
 - 8.3.2 The pupil will be required to demonstrate that they have learned from the incident and have sought counseling, where appropriate;
 - 8.3.3 The pupil will be required to sign a Declaration of Performance form provided by the board

- 8.3.4 Following consideration of the principles of equity and inclusion, the board, in its sole discretion, may determine that a different school than the one from which the pupil was expelled is a more appropriate placement for the pupil.

9. **Appeal of Board Decision to Expel**

The adult pupil or the pupil's parent/guardian may appeal a board decision to expel the pupil to the Child and Family Services Review Board.

The Child and Family Services Review Board is designated to hear and determine appeals of school board decisions to expel pupils.

The decision of the Child and Family Services Review Board is final.

D. **Appeal of an Exclusion to the Board**

The Avon Maitland District School Board believes that effective learning environments must be safe for students, staff and parents. In some cases the principal may need to prevent individuals from accessing the school or classes to ensure a safe environment and to allow for development of appropriate programming and supports for a student. The process for exclusion is outlined in Administrative Procedure 358 Exclusion of Students.

Section 265(1) (m) of the Education Act R.S.O. 1990 indicates that one of the duties of the Principal is: "subject to an appeal to the board, to refuse to admit to the school or classroom a person whose presence in the school or classroom would in the principal's judgment be detrimental to the physical or mental well-being of the pupils".

Program and Policy Memorandum 145 stipulates that Section 265 (1) (m) of the Act is not to be used as a disciplinary measure but is a short term measure to ensure the safety of students, staff and parents in the school.

Exclusion under Section 265(1) (m) is subject to appeal to the Board.

1. Appeal of an Exclusion Process

- 1.1 The adult-student or the student's parent/guardian may appeal exclusion. All exclusion appeals will be received by the Director of Education or Designate.
- 1.2 An appeal of an exclusion does not stay the exclusion.
- 1.3 A person who intends to appeal an exclusion must give written notice of his/her intention to appeal the exclusion within ten (10) school days of the commencement of the exclusion.
- 1.4 An individual who appeals an exclusion may argue that his/her rights pursuant to the Human Rights Code have been infringed.
- 1.5 In addition, a separate right to apply to the Human Rights Tribunal of Ontario exists where an individual believes his/her rights pursuant to the Human Rights Code have been infringed.

- 1.6 The board must hear and/or determine the appeal within fifteen (15) school days of receiving the notice of intention to appeal (unless the parties agree to an extension).
- 1.7 Upon receipt of written notice of the intention to appeal the exclusion, the Director of Education or Designate:
 - a) Will promptly advise the school principal of the appeal;
 - b) Will promptly advise the adult-student or the parent/guardian that a review of the exclusion will take place and invite the appellant to contact the Director of Education or Designate to discuss any matter respecting the incident and/or appeal of the exclusion; (see the template letter at Appendix D)
 - c) Will review the exclusion (reason, duration, and any mitigating or other factors);
 - d) May consult with the principal and regional Superintendent of Education regarding modification or repeal of the exclusion;
 - e) Will request a meeting with the adult-student or the parent/guardian and the principal to narrow the issues and try to effect a settlement, and arrange a date for the appeal before the Student Matters, Appeals and Hearings Committee;
 - f) Will, where a settlement is not effected, provide written notice of the review decision to the adult-student or parent/guardian.
- 1.8 Where the exclusion is upheld on review and the parent chooses to continue with the appeal, the Director of Education or Designate will:
 - 1.8.1 Coordinate the preparation of a written report for the board. This report will contain at least the following components:
 - a) A report of the rationale for exclusion and the program currently in place for the student, as prepared by the principal;
 - b) A copy of the original exclusion letter;
 - c) A copy of the letter requesting the Exclusion Appeal; and
 - d) A copy of the Correspondence with respect to the decision of the Director of Education or Designate regarding the exclusion review.
 - 1.8.2 Inform the adult-student or the parent/guardian of the date of the Exclusion Appeal, provide a guide to the process for the appeal, a copy of the documentation that will go to Expulsion/Exclusion Appeal Committee (see the letter template attached as Appendix F) and ensure that the item is placed on the committee's agenda.
- 1.9 The parties in an appeal to the Student Matters, Appeals and Hearings Committee shall be:
 - a) The principal; and
 - b) The adult-student or the parent/guardian, if they appealed the decision.
- 1.10 Exclusion Appeal before the Student Matters, Appeals and Hearings Committee
 - 1.10.1. Exclusion appeals will be heard orally, in camera, by a committee of Trustees. The committee may grant a person with Daily Care authority to make submissions on behalf of the student. An adult-student or student's parent/guardian may bring legal counsel, an advocate, or support person with them to the appeal.
 - 1.10.2. The appellant and/or the person with Daily Care will proceed first by making oral submissions and/or providing written submissions regarding the reason for the appeal and the result desired.
 - 1.10.3. The student will be asked to make a statement on his/her own behalf.

- 1.10.4. The regional Superintendent of Education and/or the principal will make oral submissions on behalf of the administration, including a response to any issues raised in the appellant's submissions.
 - 1.10.5. The Superintendent/principal may rely on the report prepared for the committee.
 - 1.10.6. The appellant may make further submissions addressing issues raised in the Administration's presentation that were not previously addressed by the appellant.
 - 1.10.7. The committee may ask any party, or the student, where appropriate, questions of clarification.
 - 1.10.8. Legal counsel for the board may be present at the appeal if the appellant is represented by legal counsel or agent. The committee may make such orders or give such directions at an appeal, as it considers necessary for the maintenance of order at the appeal.
 - 1.10.9. 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 any such order or direction. Where any party who has received proper notice of the location, date and time of the appeal fails to attend the appeal or comply with the necessary time lines, the appeal may proceed in the absence of the party and the party is not entitled to any further notice of the proceedings.
 - 1.10.10. The committee will consider, based on the written and/or oral submissions of both parties, whether the decision to discipline and the discipline imposed were reasonable in the circumstances, and shall either:
 - a) Confirm the exclusion and its conditions; or
 - b) Confirm the exclusion and modify its conditions, as necessary; or
 - c) Quash the exclusion; or
 - d) Make such other appropriate order.
- 1.11 The decision of the Student Matters, Appeals and Hearings Committee is final. The decision shall be communicated to the appellant in writing.