

Suspensions and Appeal hearings -Information for School Councils-

One of the duties of School Councils, under the [Yukon Education Act](#) is to hear suspension appeals by students, parents/guardians who request such a hearing. It is important that School Council members are familiar with what is written in the legislation in order to carry out their responsibilities if presented with such a situation.

The rights and responsibilities of students are outlined in sections 34-41.

Those of parents/guardians are outlined in sections 18-21.

The section specific to suspensions and the rights and responsibilities of School Councils, students and parents/guardians is section 41.

In the case of a busing suspension, it is important to review the [Student Transportation on School Buses Ridership Guidelines](#) and the [Student Transportation Regulations OIC 1991/069](#).

While Yukon Education has a policy that refers to suspensions and appeals---the '[School Council Dispute Resolution Procedure Policy](#)', it does not include any details about processes to follow when dealing with these situations. To assist School Councils with this important work, we have developed this document as a guide and reference.

While suspensions and appeal hearings are not frequent events, it is highly recommended that Councils have a protocol in place, which outlines the process to be used from beginning to end so that all members, as well as students, parents/guardians and school administration can understand and follow it, as needed. Once it is in place, it provides a consistent reference to use. This can be especially important with Administration/staff and School Council member turnover, the not uncommon experience of heightened emotions relative to suspension matters, and the importance of fairness, due diligence and natural justice.

Here are some important aspects to include when developing such a process:--

→ Ensure the protocol/process is in writing and it is shared with students, parents/guardians so that all will have the same information and there will be no question that the School Council is not responding to an individual incident but rather is following the process.

→ When the letter of suspension is sent by Administration to the student(s) and parent(s)/guardian(s), a copy (marked as confidential) should be sent to the School Council as well. The letter would include notification that the suspension can be appealed under the [Yukon Education Act](#), section 34 (f) and who to contact if they want to appeal (usually the Chair).

→ All School Council members have sworn an [Oath of Office](#) and an [Oath of Non-disclosure](#). Strict adherence is important, especially in sensitive matters that members may be dealing with regarding students, families, staff, etc. Sharing of information is done in a 'closed'/'in camera' meeting.

- It is advisable that suspension notifications from the Administration are shared with all School Council members so that all are aware of a situation and disciplinary matters are dealt with in an open accountable manner. While School Councils work with and support their schools, they are also responsible for being there for students, parents/guardians and the community.
- If the School Council is contacted to hear an appeal, or by a student, parent or guardian to learn more about doing so, it is important to advise the appellant about the number of days it would take to hear the appeal (in some cases the suspensions might be over by the time the Council could sit to hear it, such as in the case of a 1 or 2 day suspension). Regardless, the right to appeal is maintained. If an appeal hearing is requested, those involved should work together to find a workable time for all parties as soon as possible.
- Not all members of a School Council need to be involved in hearing an appeal, it can be conducted by a subcommittee of several members that has been established for this purpose. Any possible conflict of interest must be declared in each case and, if any exists, that member would not be involved in the hearing process.
- If a student or parent(s)/guardian(s) do not feel comfortable speaking at an appeal hearing, it is allowable for them to bring a representative or advocate who can speak on their behalf.
- When hearing an appeal, a witness (in a busing incident, perhaps the driver) to provide relevant information. At times, supporting information provided by students or staff is submitted in written statements.
- After presentations, questions and rebuttals, always directed through the Chair of the appeal sub-committee, the appellant(s) and staff leave and the sub-committee discuss and make a decision.
- It is important that all documents and notes are handled properly and a copy is retained in a locked confidential file. All other copies are to be destroyed. If a student or parent/guardian does not agree with the decision of a School Council it may be able to be further appealed to the Education Appeal Tribunal so it is critical to retain a copy.

A suggested framework and sample agenda for a suspension appeal hearing are on the following two pages.

Suggested Framework for Agenda

1. Welcome to parent/guardian(s) and student
Acknowledgment of members of school administration
Introduction of School Council members
2. The administration is asked to present their reason for the suspension. This usually includes:
 - Description of the incident that led to the suspension .
 - A summary of previous incidents that they student might have been involved in to demonstrate whether or not a graduated discipline plan has been used .
 - Review of the duties of students and the school or bus rules to provide the context.
3. The parent/guardian(s) or the student presents their reasons as to why they feel why the suspension is not justified. (This appeal is sometimes based on a question as to the facts, to the fairness of the decision or to the negative impact that the suspension might have on the student's education.)
4. School Council members are then given an opportunity to seek clarification on the information provided by either the administration or by the parent/guardian(s) and/or student. Any questions from Administration/staff or the student, parent/guardian must be asked through the Chair.
5. The School Council then thanks the student and parent/guardian(s) as well as the administration and once they leave, continue their deliberation and make a decision.
6. It is advisable to avoid being pressured by time in to making a quick decision so only commit to get back to the person(s) making the appeal by the next day with written correspondence to follow.
7. Although it is important to seek consensus through discussion, the decision need only be from a majority of the School Council. However, once the decision is made, it is from the School Council as a whole, not just the majority of members who supported it.
8. One copy of all information presented in written form and provided to School Council members as well as any notes taken by School Council members should be collected and kept in a secure locked file, with all other copies destroyed at the conclusion of the meeting.
10. Notification of the decision is given to the student/parent and administration.

SUSPENSION APPEAL HEARING AGENDA (sample)

1. Welcome parent/student
2. Thank you to the Administration for attending
3. Thank you to School Council members in attendance
4. Introductions all around
5. Acknowledge to all present that confidential information must be treated as such. (Council members have taken an Oath of Office and an Oath on Non-disclosure. Members hearing Appeals must do so to the best of their ability in an honest and fair manner)
6. Ask whether any present have a conflict of interest in hearing the appeal.
7. Explain the procedure to be followed:
 - Administration will present reason for suspension
 - Parent/student will present reason for requesting hearing
 - Council may ask questions of either or both Administration and parent/student.
8. Chair asks whether Council members have any further questions.
9. This portion of the process concludes and once again, Admin and parent/students are thanked for attending and advised they will receive a call that day or next, once a decision is made by Council. This will also be followed up in writing.
10. Council discusses the case 'in camera'.
11. A decision is reached according to the options available in Section 41 of the Yukon Education Act.
12. Meeting concludes.
13. Chair contacts both parties with decision, followed up in writing.