

Policy Statement	
	
Policy No. C-5	
SUBJECT:	Policy Outlining the Discipline Hearing Process for Students of the Western Québec School Board
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Origin: Governance and Ethics	

1. OBJECTIVE

This policy establishes the process for discipline hearings for students of the WQSB under section 242 of the Education Act.

2. LEGAL REFERENCES

- Education Act, CQLR, c. I-13.3
- Act Respecting the National Student Ombudsman, CQLR, c. P-32.01
- Youth Protection Act, CQLR, c. P-34.1
- Act Respecting Access to Documents Held by Public Bodies and the Protection of Personal Information, CQLR, c. A-2.1
- By-law Establishing Delegations of Powers and Functions of the Western Québec School Board (By-law 30)
- Policy on Drug Free Atmosphere in our Schools and Related Activities (Policy C-4.1)
- Safe Schools Policy (Policy C-14)

3. PREAMBLE

The Education Act outlines, in general terms, the authority of school boards to conduct hearings of cases involving conduct by its students that could result in

expulsion or a transfer to another school or centre. This policy aims to clearly define the process as well as the roles of the various stakeholders involved in the hearing and in the final decision taken thereafter. Additional annexes are included at the end of the policy related to specific administrative or procedural steps that must be taken.

4. DEFINITIONS (alphabetical order)

Adult Student

A student, regardless of age, attending an Adult Education or Vocational Training Centre.

Commissioner of the Western Québec School Board

An elected or appointed member of the WQSB Council of Commissioners responsible for governance, decision making, and oversight as outlined in the Education Act.

Delegation of Powers

A formal transfer of specific authority from the Council of Commissioners to members of the executive staff, principals/centre directors or committees to support efficient governance. The various delegations of powers are recorded in a by-law: “By-law Establishing Delegations of Powers and Functions of the Western Québec School Board”.

Director of Education

A senior executive role within the school board responsible for leadership and oversight of educational services, including Preschool, Elementary, Secondary, Adult Education, and Vocational Training sectors.

Director General

The person holding the highest executive office within the school board. This position is established under the Education Act.

Director of Complementary Services

A senior executive role within the school board responsible for overseeing complementary services, including programming and specialized services for students with particular needs and profiles who attend Preschool, Elementary, Secondary, Adult Education and Vocational Training sectors.

Discipline Advisory Committee

At the Western Québec School Board, a committee whose members participate in disciplinary hearings for cases referred by school principals and centre directors under section 242 of the Education Act. Members of the committee are directly involved in the hearing and present recommendations to the Director General regarding expulsion, transfer to another educational institution, or a return to the student’s current educational institution.

Expulsion

Pursuant to section 242 of the Education Act, a student may be removed from all WQSB schools and centres for just and sufficient cause following a Discipline Hearing.

Expulsion results in immediate removal from school and the suspension of educational services for the rest of the school year.

Minor Student

A student under the age of 18, typically represented by parents or legal guardians in disciplinary matters.

Regional Student Ombudsman

The person responsible for receiving, investigating, and ruling on an official complaint at the third level in the complaint process outlined in the Act Respecting the National Student Ombudsman.

Secretary General

A senior executive position within the school board established under the Education Act, responsible for legal matters.

Transfer

A disciplinary measure under section 242 of the Education Act whereby a student is reassigned to another school or centre within the WQSB following a discipline hearing.

Western Québec School Board - WQSB

The English-language school board serving the Western Québec regions of the Outaouais and Abitibi-Temiscamingue.

Youth Sector Student

A student enrolled in school at the pre-school, elementary or secondary level, regardless of age.

5. THE DISCIPLINE HEARING

Certain forms of conduct by students, if they are deemed serious enough by the school principal or the centre director, may result in the calling of a special meeting to review and analyze the information presented in the case and to arrive at one of three decisions: the student's expulsion, transfer to another educational institution, or return the student to school.

At the Western Québec School Board, this meeting is called a Discipline Hearing. It is attended by the Director General who chairs the meeting, a Director of Education, the Director of Complementary Services, the principal or centre director of the educational institution attended by the student, the student, the adults with parental authority over the student, and two of five commissioners from the WQSB Council of Commissioners who are elected to the Discipline Advisory Committee every two years.

6. COMPOSITION OF THE DISCIPLINE ADVISORY COMMITTEE

The Education Act stipulates that the school board conducts the hearing and renders a decision. Pursuant to the Education Act (s. 174, s. 181), the Council may delegate this responsibility. The authority to make this decision has been delegated to the Director General as recorded in the school board's by-law on the delegation of powers. The latter receives recommendations from members of the Discipline Advisory Committee composed of two commissioners, the Director of Education, and the Director of Complementary Services. The Director General chairs the hearing. The parents/guardians, student, and principal/centre director provide information to the Discipline Advisory Committee and Director General during the Discipline Hearing.

7. CIRCUMSTANCES PROMPTING A DISCIPLINE HEARING

The law is clear about the role of the school in ensuring a safe and secure environment (s. 76, s. 96.21, EA). The law is equally clear that the expulsion or the transfer of a student to another school or centre is warranted where the school board finds there is "just and sufficient cause" (s. 242, EA).

The Discipline Hearing may be called for serious acts of conduct that are repeated (s. 96.27, EA) including the following:

- acts of bullying or violence;
- manifestations of hatred or discrimination;
- non-compliance with the school's Code of Conduct.

Board policies also outline certain behaviours that warrant immediate referral to a Discipline Hearing to consider expulsion or transfer to a different school or centre because of their serious nature:

- drug trafficking or repeated drug offences
- use of a weapon

Discipline Hearings are requested in exceptional circumstances by the principal or centre director, usually after other interventions have been attempted. In most cases, where appropriate, a school-level meeting will have taken place previously with the principal/centre director, parents/guardians (may be waived by the student if 18 years of age or older), student, and a director of the school board. The purpose of the meeting is to convey the seriousness of the conduct that, if repeated, may lead to a referral to a Discipline Hearing. When possible, the school level meeting is held at the WQSB board office.

There is a distinction to be made between intentional conduct that would warrant the referral to a disciplinary hearing and serious behaviour manifested by a factor out of the

student's control. Some students, by virtue of a disability, neurodivergence, trauma, communication challenges, developmental functioning, sensory processing, and mental health, engage in behaviours that may appear to be intentional but are not. Such situations call for different approaches on a case-by-case basis, in collaboration with Complementary Services, Educational Services, families and outside partners as needed. That is not to say students with the profiles listed above are not subject to a disciplinary hearing if serious conduct is deemed to have been intentional.

This is why the principals and centre directors have the authority to exercise professional judgement in applying the Code of Conduct at their schools or centres and to interpret what is deemed to be just and sufficient cause. At the school and centre level, the principals and centre directors have access to the information required to make such a determination. The circumstances leading to the behaviour or factors out of the student's control are to be considered before a referral to a disciplinary hearing. The maintenance of the learning environment for others, the physical and psychological safety of staff and students must also be considered.

8. CONFIDENTIALITY AND THE PROTECTION OF PERSONAL INFORMATION

Throughout the entire process, the sharing of information regarding the student's conduct as well as the student's academic file and other information pertinent to the hearing will be conducted with the utmost care for the confidentiality of personal information. Only those people who have a need to know the information in the case will be granted access to it. Measures to protect personal information include the use of secure methods to transmit information, the restriction of access to all documentation, the signing of confidentiality agreements by the members of the committee, and the destruction of documents held by members of the committee after the hearing has taken place. The secure storage of the complete Discipline Hearing file by the Secretary General at the conclusion of the hearing will adhere to strict standards of information security and the established retention schedule of the school board.

The Discipline Hearing will take place in person, at the WQSB office or – depending on the distance from the student's home to the board office – at the school/centre the student attends.

9. ACCESSIBILITY

Every reasonable effort will be made to ensure the parents' and students' needs are accommodated, including the location, time, and date of the Discipline Hearing, while also ensuring the legislated timeline of 10 school days is respected. Other considerations include the use of accessible language, interpretation services, alternate communication formats, written submissions, sensory accommodations,

extra processing time, and disability-related accommodations where needed. In addition, virtual participation in the meeting may be provided for the parents/guardians or the student, if requested.

10. REPLACEMENT OF MEMBERS

If one of the Directors scheduled to attend the Discipline Hearing is unable to do so, the Director of Education will find an alternate in a similar role to replace that person. If the two commissioners scheduled to attend the hearing are unable to do so, an attempt will be made to find an alternate among the other commissioners of the Discipline Advisory Committee. Failing this, the meeting will proceed as scheduled. If the parents/guardians or the student waive the right to attend, the Discipline Hearing will take place in their absence.

11. RESPECT AND DIGNITY

Throughout the process, the Chair will ensure respect for all participants of the Discipline Hearing.

12. TRAINING FOR DISCIPLINE ADVISORY COMMITTEE MEMBERS

Committee members must complete ongoing mandatory training on current interventions in education, cultural safety-EDI, legal and policy requirements, effective questioning, maintaining a safe environment as well as hearing procedures to ensure hearings are conducted smoothly, safely and effectively. The Director General will ensure appropriate training is provided to members.

13. PROCEDURES

- a) A ***Request for Discipline Hearing*** form (Annex A) must be filed by the principal at the time of the principal's request for a Discipline Hearing. This form must be accompanied by all relevant reports and documents. The principal provides copies to the parents/guardians (the student if 18 years of age or older). The Director of Education will ensure members of the Discipline Advisory Committee and Director General receive the same documentation. Following the meeting, the Director of Education will ensure the Secretary General receives the file containing the same documentation as well as documents related to the decision of the Director General.
- b) The copies referred to in paragraph a) shall be sent at least 72 hours before the scheduled date of the hearing.
- c) The Discipline Hearing shall take place within 10 school days (including professional

development days) of the referral of the matter by the principal. The decision will be made directly following the hearing.

- d) The parents/guardians (or student, if 18 years of age or older) shall also be notified by the principal/centre director in writing of the date, time, and location of the hearing. An **Information Guide** form (Annex B) shall also be included.
- e) If the parents/guardians (or student, if 18 years of age or older) choose not to attend the Discipline Hearing, it will proceed as scheduled. and a decision will be rendered by the Director General.
- f) The Director of Education will advise Youth Protection services of the Discipline Hearing and extend an invitation for a representative from the service to attend.
- g) Prior to the Discipline Hearing, the Director General, principal, and members of the Discipline Advisory Committee will meet to familiarize themselves with any contextual matters related to the case to ensure efficiency during the meeting.
- h) The Director General will preside over the hearing, maintaining efficiency, order, safety, decorum, respect, and dignity for all members. The director general shall also intervene, if required, to ensure the hearing complies with all applicable legislation, as well as the by-laws and policies of the school board.
- i) At the hearing, the principal/centre director shall present the documentation supplied with reason(s) supporting the request for a Discipline Hearing and respond to questions from members of the Discipline Advisory Committee or from the Director General.
- j) At the hearing, the student and parents/guardians will have the opportunity to be heard and to respond to questions from members of the Discipline Advisory Committee.
- k) At the hearing, the members of the Discipline Advisory Committee and the Director General may ask questions directly pertaining to the case. Questioning will be conducted in a way that respects the dignity and rights of the participants in the hearing. The emotional wellbeing and safety of students and family members must be a priority during the entire process.
- l) Once the parents/guardians and the student have been heard, they will leave the hearing. The Discipline Advisory Committee will ask any further follow-up questions to the principal/centre director arising from the information previously shared. The Discipline Advisory Committee members will then make a recommendation to the Director General from among three options available under the law.
The decision is restricted to one of the following:
 - 1. return the student to the school / centre (currently attended by the student);
 - 2. transfer the student to another WQSB school or centre;
 - 3. expel the student from all schools and centres of the school board.
- m) The parents/guardians (or student, if 18 years of age or older) will be advised of the

Director General's decision by the Director of Education, in writing, by registered letter. They will also be advised of their right and means to file a complaint against the decision as per the process outlined in the *Act Respecting the National Student Ombudsman* and the right to consult the Secretary General for assistance in this process.

- n) All copies of the accompanying reports and documents, other than that of the parents/guardians (or student, if 18 years of age or older) and the official copy to be kept on file, shall be destroyed following the hearing.
- o) The official copy of the written decision shall be stored securely by Secretary General and kept on file according to the school board's retention schedule.
- p) A copy of the decision is sent to the Regional Student Ombudsman if it proves necessary to expel the student in order to put an end to acts of bullying or violence, any manifestation of hatred, or any discrimination. (s. 242, EA)
- q) In the case of an expulsion, the Director of Education will notify the director of Youth Protection services.

14. REVIEW OF POLICY

A review of the procedures contained in this document will be conducted through Governance and Ethics on a biannual basis. The school board will collect and analyze data on discipline hearing outcomes to examine equitable application of the policy, consistency across schools, and identification of any disproportionate impacts on students.

Annex A Policy C-5

Request for Discipline Hearing

This form is to be used by the principal/centre director when requesting a WQSB Discipline Hearing. Such a request should be made only after all reasonable options have been thoroughly explored at the school level. School level interventions will include, where appropriate, a school level pre-disciplinary meeting with the student, the student's parents/guardians, the principal/centre director, and a senior director to discuss the school's concerns and to explore additional interventions. When a school level meeting is not appropriate given the gravity of the student's actions, the principal/centre director may immediately request a Discipline Hearing.

Information to be included with the request for a Discipline Hearing

(Please note that all accompanying documentation must be received by the Discipline Advisory Committee members, parents, and student not less than 72 hours before the hearing).

Name of School/Centre: _____

Name of Principal/Centre Director: _____

Date of Request: _____

Name of Student: _____

Address of Student: _____

Date of Birth of Student: _____

Grade Level of Student: _____

Name of WQSB Director: _____

Attachments must include:

- Incident Report – an account of behavioural incident(s) leading to this request
- Intervention Report – an account of interventions taken by the school, and the outcomes
- Summary of Involvement of Any Outside Agency (e.g., DPJ, Pavillon Jellinek, *Programme d'enrichissement éducatif du Pontiac*, Complexe Héritage, Pierre Janet Hospital, police services, etc.)
- All official pertinent documents from agencies and police services outlining the interventions and actions taken
- Individualized Education Plan – I.E.P. (where applicable)
- Principal's School Level Pre-disciplinary Meeting Report
- Most recent report card
- Attendance record
- Other services offered/provided by the school
- Any other document deemed pertinent

INFORMATION GUIDE

The Western Québec School Board Discipline Hearing

The WQSB schools and centres must ensure the safety and security of all students. This is accomplished through collaboration with families, students, employees, and outside agencies through the implementation of preventative and responsive measures. When serious or persistent issues arise involving conduct that jeopardizes the safety and security of others and contravenes the Codes of Conduct of the educational institutions, a principal may request that the matter be referred to a Discipline Hearing.

Education Act (Section 242)

A school service centre may, at the request of the principal and for just and sufficient cause, and after giving the student and his parents an opportunity to be heard, enrol him in another school or expel him from its schools; in the latter case, it shall inform the director of youth protection.

The school service centre shall promptly decide on the principal's request, at the latest within 10 days (including professional development days).

A copy of the decision is sent to the regional student ombudsman in charge of accountability assigned to the region in which the school is located if it proves necessary to expel the student in order to put an end to acts of bullying or violence.

1. What is a Discipline Hearing?

Certain forms of conduct by students, if they are deemed serious enough by the school principal or the centre director, may result in the calling of a special meeting to review and analyze the information presented in the case and to arrive at one of three decisions: the student's expulsion, transfer to another educational institution, or return the student to the school or centre.

At the Western Québec School Board, this meeting is called a Discipline Hearing.

2. Who attends the Discipline Committee Hearing?

The Discipline Hearing is attended by the Director General who chairs the meeting, a Director of Education, the Director of Complementary Services, the principal or centre director of the educational institution attended by the student, the student, the adults with parental authority over the student, and two of five commissioners from the WQSB Council of Commissioners who are elected to the committee every two years.

An employee from Youth Protection services is also invited to attend by the Director of Education as is any other professional the Director General deems necessary. The student and the student's parents/guardians may themselves invite another person to assist them at the Discipline Hearing.

3. What can I expect at the Discipline Hearing?

Prior to the scheduled hearing, the student's principal/centre director will send the parents/guardians (or students 18 years of age or older) a copy of the pertinent documentation that will be presented. The same information will be sent to the other members who attend the Discipline Hearing so the parents/guardians and students can review the school's position and prepare responses. Both the student and the parents/guardians will be given an opportunity to be heard, to present their side of the story, and to answer any questions raised by the members of the Discipline Advisory Committee and Director General.

After the Discipline Hearing, the Director General takes a decision after examining all pertinent information with the members of the Discipline Advisory Committee and after members of the committee make a recommendation on one of the following options:

- to expel the student;
- to send the student to another WQSB school or centre;
- to return the student to the school or centre attended by the student.

The decision is limited to the three options.

4. What happens if the student is expelled?

A student who is expelled is excluded from all WQSB schools and centres as well as all services for the remainder of the school year. Following a decision to expel a student, the Director of Youth Protection is informed of this decision.

5. Is it possible to appeal the decision?

Decisions made following the Discipline Hearing may be appealed by submitting a complaint to the Complaints Officer at the WQSB. The contact information for this person as well as the details of the process are accessible on the homepage of each school's or centre's website as well as on the homepage of the school board's website. The Secretary General of the school board may be contacted for assistance in the

process.

6. Does expulsion mean my child will never be allowed to return to school?

Students who have been expelled may reapply for admission the following school year. This application must be made to a WQSB Director of Education in writing prior to the beginning of the school year. An intake meeting will be convened. The director of Education can be reached by calling the school board office at (819) 684-2336 or toll free at 1 (800) 363-9111.

7. Who can I contact if I have any other questions?

At any time, the Secretary General can be contacted to answer questions about this process. To contact the secretary general, call the school board office at (819) 684-2336. or toll free at 1 (800) 363-9111.