

Procedures in respect of expulsion

- 1) Detailed investigation under Principal's direction**
 - a) Inform student and parent of details of alleged misbehaviour
 - b) How it will be investigated
 - c) That it could result in expulsion
 - d) Give parents every opportunity to respond before a sanction is imposed; to give their side of the story ; to ascertain the facts; to present a case for lessening the sanction
 - e) Inform parents in writing of above which will underline the seriousness of the matter
 - f) Invite them to a meeting at a mutually suitable time

- 2) Recommendation by Principal to BOM**
 - a) The BOM should be provided with the reasons why the Principal considers that expulsion should be considered
 - b) Inform parents of this decision
 - c) Suspend the student pending the BOM meeting
 - d) Give written records of the allegations, the investigation, the grounds given to BOM for the case
 - e) The documentation must be provided in a timely fashion to allow for adequate preparation
 - f) Give the same records to the BOM
 - g) Special meeting of the BOM
 - h) Notify parents date, time and invite to the meeting
 - i) Give enough notice
 - j) Advise of written or oral submission

- 3) Consideration by BOM of recommendation followed by a hearing**
 - a) Review the initial investigation and ascertain that it was conducted according to fair procedures
 - b) Review the documentation
 - c) Establish that there is an absence of bias among BOM members
 - d) HOLD A HEARING at a Special Meeting of the Board
 - e) Accord due process
 - f) Principal and parents/student 18+ put the case in each other's presence
 - g) Allow questioning of the evidence of each party
 - h) BOM must be seen to be impartial
 - i) Allow parents to be accompanied – if they suggest being accompanied by a lawyer it should be discouraged. Seek advice.
 - j) The Principal and parents/ student are not present during deliberations

- 4) BOM Deliberations and actions following the Hearing**
 - a) Must decide whether expulsion is warranted
 - b) If of the opinion that expulsion is warranted the BOM must inform the EWO in writing giving the reasons
 - c) Observe NEWB reporting procedures

- d) Cannot expel before the passage of 20 school days
- e) Can suspend during this time if there is a threat to safety of others or that the student poses a risk to good order and discipline in the school.
- f) Parents/Student 18+ must be informed in writing of the decision and the next steps

5) Consultation arranged by EWO – intervention to avoid expulsion or alternative educational possibilities

- a) EWO will consult with the Principal, parents, student and anyone who may be of assistance
- b) The EWO will convene a meeting of those who agree to attend – looking at options such alternative interventions or alternative educational possibilities

6) Confirming the expulsion

- a) When the 20 days have elapsed and the BOM remains of the view that the student should be expelled the BOM should FORMALLY confirm the decision to expel
- b) This task might be delegated to the Chairperson and Principal
- c) Notify parents immediately in writing
- d) Inform of the right to APPEAL and supply the standard appeal forms

Expulsion – The Board of Management Hearing

- 1) Chairperson – introductory comments
- 2) Parents and the student - *if parents wish the student to be present* - should be afforded the opportunity to attend to hear the evidence and to present a rebuttal or defence
- 3) The Principal presents the case outlining why this disciplinary matter is before the Board, setting out the full investigation details
- 4) If parents do not wish to attend they may make a written submission
- 5) Parents must hear a full account of all the charges against their child and be given a full opportunity to respond and to seek appropriate clarification
- 6) There should be an opportunity to cross question and clarify any issues
- 7) BOM members may question both parties
- 8) This process must be chaired with great care and skill
- 9) Any member of the BOM with an involvement in the case should not attend this meeting - the absence of bias in the decision maker is essential
- 10) Following the presentations, the principal, parents and student leave the meeting and cannot be present for the board’s deliberations on the matter

- 11) The Board takes account of all the facts
- 12) The Board decides then or at a later meeting (within a few days)
- 13) A decision to expel must be communicated in writing setting out the reasons, the date it takes effect and the right to appeal
- 14) Appeal documentation should be supplied to the parents/guardians

Footnote: Mr Justice Kearns (High Court 1999) expressed the opinion that there shouldn't be legal representation at B.O.M. meetings when dealing with pupil disciplinary matters.

*Ref. Developing a Code of Behaviour: Guidelines for Schools-NEWB
Chapter 12*