



Grievance Procedures

Due process procedures must always be used when a suspension or expulsion is necessary from the perspectives of staff. There are two types of due process. One is called substantive due process and the other is procedural due process. Substantive due process may be implicated by the rules or regulations written by educators to regulate or control student behavior. This may be satisfied by written procedures that gives the student their rights and responsibilities - To deny substantial rights requires procedural due process - This document addresses procedure first and then substantial procedures.

The principle of fairness, while remaining flexible, requires that adherence be given to the following touchstones of procedural due process. Below are the major steps to be followed to satisfy due process:

1. The first notice must be given to the student or guardian with specific charges, which if proven would justify the prescribed penalty ;
2. A hearing should be held to give interested parties the opportunity to hear the details;
3. Students should be given the opportunity to present his or her version of the facts;
4. The hearing results should be open for the student's inspection.

There are times when Immediate Temporary Suspension is necessary. The Supreme Court has ruled in the Case of Goss vs. Lopez explained that there "need be no delay between the time (when) 'notice' is given and the time of the hearing. The court found in Goss that "suspension pending formal proceedings comports with the requirements of due process". When there is an ongoing threat of disruption to the academics process or safety of student, staff and others, no former notice is required prior to taking action.

If the suspension is going to be more than 10 days a formal hearing will be scheduled to assure that all parties have the opportunity to present their sides of the issue. The formal hearings will be conducted in line with the Administrative Act (APA).

Print Parent/Guardian Name

Parent/Guardian Signature Date

Print Student Name

Student Signature Date

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