

Appleby College wins right to defend pot-smoking student's expulsion

Private school to contest ruling that quashed expulsion of pot-smoking student

by **Tony Van Alphen**
Toronto Star

The fight over a school's decision to expel a student who smoked marijuana on campus during the last night of his graduation year is moving to the Ontario Court of Appeal.

A panel of three judges granted a motion on Friday to Appleby College of Oakville for leave to appeal a divisional court ruling that quashed the expulsion of student Gautam Setia. The appeal court did not provide reasons.

Appleby, a private international boarding school, had effectively expelled Setia in June 2010 for allegedly lighting up a bong with marijuana and then smoking it in a friend's dormitory room as they celebrated the end of Grade 12.

His family sought a judicial review to get the prestigious Appleby diploma and cancel the expulsion.

In a majority decision last November, a divisional court didn't order Appleby to give the diploma but said the school should reconsider it; the court also quashed the expulsion.

The 102-year-old school, which has 725 students, filed a notice for leave to appeal on the grounds that the lower court erred by al-

lowing a private school's disciplinary decision to be subject to judicial review.

Appleby argued the question of whether decisions concerning administration and discipline by private schools are subject to judicial review is a matter of public interest and importance which will affect the development of jurisprudence.

The legislature formed the private school in 1911 under a special act rather than under the Ontario Corporations Act. In their decision, the divisional court ruled that because of the special act, Appleby's decisions are an act of statutory power and are subject to judicial review.

Setia, then 18, had attended the school since Grade 7 and posted good grades with no record of misconduct until the incident.

Appleby did not give Setia's parents a formal hearing regarding the punishment to their son, who admitted to smoking but not lighting the bong.



Gautam Setia

Under Appleby's rules, lighting a bong on school property would mean mandatory expulsion but the divisional court said there was no evidence he did that. Smoking marijuana gave the school's head a range of options, according to the court.

In addition to expelling him, Appleby barred Setia from graduation ceremonies and his name did not appear in the list of graduates in the school's quarterly magazine.

He still received his Ontario secondary-school diploma.



GTAA Annual Public Meeting

Notice is hereby given of the Greater Toronto Airports Authority Annual Public Meeting relating to the management, operation, and maintenance of Toronto Pearson International Airport.

The meeting will be held on **Wednesday, May 8, 2013, at 1 p.m.** in Terminal 1, Arrivals Level, near door F. Parking will be validated.

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