

115: APPEAL OF DECISION BY AN EMPLOYEE (P)

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POLICY

The Board of Education recognizes that a student or parent/guardian of the student has the right to appeal the decision by an employee where a decision significantly affects the education, health or safety of the student. Failure to make a decision where a decision is warranted, is deemed to be a decision.

The Board accepts its obligation to inform members of its public of the statutory right of appeal under the School Act, and where necessary, a subsequent to the Superintendent of Appeals.

Where a decision is in question, the Board expects that all reasonable efforts will be made to resolve the matter at the school/department level. Failing the resolution of the matter, the concerned party shall be advised of their right to appeal.

Appeals on decisions shall be made to the Board and shall be dealt with in accordance with the Regulations to this policy.

REGULATIONS

1.0 PRINCIPLES OF APPEAL

An appellant has the right to be heard.

- 1.1 An appellant has the right to obtain all relevant information that has led to the appeal.
- 1.2 An appellant has the right to be accompanied by a parent, advocate, support person, or interpreter/translator.
- 1.3 Appeal proceedings shall respect the privacy of individuals.
- 1.4 There shall be no reprisals for the appellants or their children as a result of appealing a decision of an employee.

- 1.5 The employee whose decision is being appealed shall, other than providing information to the appeal meeting, disassociate him/herself from the decision-making process.

2.0 NATURE OF THE APPEAL

The following decisions or failure to make decisions, by an employee shall be deemed appropriate for appeal:

Disciplinary suspension from school;

- 2.1 suspension from school for a health condition;
- 2.2 placement in an educational program;
- 2.3 grade promotion and/or graduation;
- 2.4 refusal to offer an educational program, or
- 2.5 other decisions that significantly affects the education, health and safety of a student.

3.0 REQUEST FOR APPEAL

- 3.1 The student or the parent/guardian of the student making the appeal must complete the appropriate "Appeal of Decision" form, stating their reasons for the appeal (included with this policy).
- 3.2 A student making an appeal has the right to be accompanied and/or supported by a parent, advocate, support person or interpreter/translator.

4.0 APPEAL DISPOSITION

- 4.1 As soon as practical after receipt of the request for appeal, the Superintendent shall cause to have the matter investigated and to seek immediate resolution of the matter at the school/department level.
- 4.2 Where a student's interests may be jeopardized while awaiting the hearing of an appeal (such as in a suspension), the Superintendent, after consultation with the Board Chairman, may postpone the suspension until the appeal process is completed.
- 4.3 If resolution at the school/department level is not possible to the mutual satisfaction of the appellant and/or the employee, the superintendent shall convene a meeting of the Appeal Committee to hear the reasons for the dispute from the appellant and from the employee(s).

- 4.4 The Appeal Committee shall be composed of the Superintendent and a minimum of three Trustees.
- 4.5 The Appeal Committee shall hear from the appellant(s) and the employee(s), review the investigator's report, and receive input from staff.

The appellant(s) and employee(s) shall be excused, and the Appeal Committee shall prepare a written recommendation for the resolution of the appeal to the Board at the next regular or special meeting of the Board.

5.0 DECISION ON APPEAL

- 5.1 The Board shall consider the recommendation of the Appeal Committee and based on relevant information provided, shall;
 - 5.1.1 provide a decision on the recommendation including reasons for the decision, or
 - 5.1.2 require further investigation and/or information; or
 - 5.1.3 require other dispute resolution processes, including mediation; and/or
 - 5.1.4 convene a special meeting to hear the appeal before the entire Board.

6.0 REFUSAL TO HEAR AN APPEAL

- 6.1 The Board may refuse to hear an appeal where:
 - 6.1.1 the appeal has not commenced within a reasonable time from the date of the incident; or
 - 6.1.2 the student and/or parent/guardian has refused or neglected to discuss the incident under appeal with the Superintendent or designate investigating the matter;
 - 6.1.3 the incident does not, in the opinion of the Board, significantly affect the education, health or safety of the student.
- 6.2 The decision of the Board not to hear an appeal will be forwarded to the appellant in writing.

7.0 REFERRAL TO THE SUPERINTENDENT OF APPEALS

In the event where the Board cannot support the appellant's position or where the Board refuses to hear an appeal, the Board shall ensure that the concerned individual(s) is informed of the right to refer the matter to the Superintendent of Appeals.

8.0 INFORMING THE PUBLIC

The Superintendent shall cause to have the enclosed information posted and/or circulated in the schools/departments and in consultation with the educational partners to up-date the information as may be required.

**School Act Reference
Section 11**

P115: Appendix I - REQUEST TO APPEAL THE DECISION, OR FAILURE TO MAKE A DECISION, BY AN EMPLOYEE OF THE BOARD

If the appeal is by a student:

NAME: _____

SCHOOL: _____ HOME PHONE NO. _____

If the appeal is by a parent/guardian on behalf of a student:

NAME: _____

ADDRESS: _____

PHONE (residence) _____ PHONE (business) _____

NAME OF STUDENT _____

SCHOOL: _____

Nature of the Appeal (Please Check)

_____ Disciplinary suspension from school

_____ Suspension from school for health condition

_____ Placement in an educational program

_____ Grade promotion and/or graduation

_____ Refusal to offer an education program

_____ Other decision that significantly affects the education, health or safety of the student.

Please provide a brief description of the problem.

Date: _____ Signature: _____

Note:

This form MUST BE MAILED OR DELIVERED TO THE OFFICE OF THE SUPERINTENDENT OF SCHOOLS.

NOTICE TO STUDENTS AND PARENTS

Students and/or parents/guardians of students have the right to appeal the decision of any employee of the School District provided that the employee's decision SIGNIFICANTLY AFFECTS THE EDUCATION, HEALTH OR SAFETY OF A STUDENT.

Students and parents/guardians who wish to appeal a decision as described above should contact their school principal or the office of the Superintendent of Schools (723-3565) to be advised of the appropriate procedures, including the necessary appeal form.

Students and parents/guardians should be assured that the "appealing of a decision of an employee" will be dealt with in an honest and forthright manner and will not constitute any risk or reprisal to the person making the appeal.