



## XXXX: APPEAL OF DECISION BY AN EMPLOYEE (A/P)

**First Revision: 24 03 05**

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### **BACKGROUND**

Per Policy 115: Appeal of Decision By An Employee, the Board of Education (“Board”) recognizes and respects the fact that students and/or parents or guardians may sometimes disagree with actions and/or decisions of its employees that significantly affect the health, education or safety of a student.

The Board believes that students and parents/guardians should have a process for filing formal complaints.

The information in this administrative procedure provides the Board’s procedure for handling formal appeals. However, before initiating a formal appeal, parents/guardians and students are strongly encouraged to try to resolve their concerns with those involved at the school level.

The process used to address complaints and appeals follows a standard meeting, reporting, and follow-up process.

Parents/guardians and students are further advised and assured that there will be no reprisals and where there is evidence of retribution against persons who have exercised their right to complain or appeal, the school principal and/or the Board will take steps immediately to remedy the situation.

### **DEFINITION**

The following decisions shall be deemed to significantly affect the health, education, or safety of a student:

- disciplinary suspension from school for a period in excess of ten (10) consecutive days;
- suspension from school for a health condition;
- significant decisions regarding placement in an educational program (this does not include classroom or teacher preference issues, except in exceptional circumstances)
- grade promotion and graduation;
- refusal to offer an educational program to a student from 16 to 19 years of age;
- any other decision that, in the opinion of the Board of Education or the designate, significantly affects the health, education, or safety of a student.



## **REGULATIONS**

### **1. PRINCIPLES OF APPEAL**

- 1.1 An appellant has the right to be heard.
- 1.2 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. APPEAL DISPOSITION**

- 2.1 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.
- 2.2 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 Chair, may postpone the suspension until the appeal process is completed.
- 2.3 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).
- 2.4 The Appeal Committee shall be composed of the Superintendent and a minimum of three Trustees.
- 2.5 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.



### 3. DECISION ON APPEAL

3.1 The Board will consider the recommendation of the Appeal Committee and based on

relevant information provided, and shall;

- 3.1.1 provide a decision on the recommendation including reasons for the decision; or
- 3.1.2 require further investigation and/or information; or
- 3.1.3 require other dispute resolution processes, including mediation; and/or
- 3.1.4 convene a special meeting to hear the appeal before the entire Board.

### 4. REFUSAL TO HEAR AN APPEAL

4.1 The Board may refuse to hear an appeal where:

- 4.1.1 the appeal has not commenced within a reasonable time from the date of the incident; or
- 4.1.2 the student and/or parent/guardian has refused or neglected to discuss the incident under appeal with the Superintendent or designate investigating the matter; or
- 4.1.3 the incident does not, in the opinion of the Board, significantly affect the health, education, or safety of the student.

4.2 The decision of the Board not to hear an appeal will be forwarded to the appellant in writing.

### 5. 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.

### 6. 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.



## **PROCEDURE**

To initiate an appeal, the individual must complete the formal Appeal of Decision By An Employee form, stating their reasons for the appeal, which is available at the school office, district office, or at the end of this administrative procedure (see Appendix I). An appeal should be initiated within 30 days of the parent/guardian or student being notified of the decision which is the subject of the appeal.

Should assistance be required at any stage of the appeal process, the student or parent/guardian may contact their school principal or a Director of Instruction at the district administration office by contacting the School Board Office at 250-720-2750. If either or both people have already been involved in the decision-making process, or are a party to the appeal, then a designate will be appointed.

Once the Formal Appeal of Decision By An Employee form has been completed, it must be mailed, emailed, or delivered to the person specified at that particular step of the formal process.

The Board advises that the proper channelling of complaints or appeals involving instruction, discipline, safety, and health is as follows:

- Employee (teacher or staff) – informal process
- School Principal – informal process or formal process outlined below
- Director of Instruction – formal process outlined below
- Superintendent/CEO – formal process outlined below
- Board of Education Appeals Committee - formal process outlined below

**Informal Process:** It is strongly encouraged that any appeal first be brought informally to the source. If the parent/guardian or student is unable to do so, then an appeal involving school personnel must first be brought to the attention of the school administrator. An appeal about a school administrator's decision should be brought to that administrator's attention before pursuing a formal process.

In the event that the informal process does not provide a satisfactory outcome, the steps outlined below will constitute the Board's formal process for the resolution of an appeal.

### **Formal Appeal Process – Four Steps:**

The purpose of each individual step is to try and resolve the complaint or appeal in an open and constructive manner that is solution focused.



Errors and Omissions – In the event of an error or omission by the individual in the process, the staff member receiving the correspondence shall inform the appellant of the error and inform the appellant of the appropriate step that must be followed.

Where a matter may not be appealable (see Definition section on page 1) – Where a matter is determined by a staff member to not be subject to appeal, the appellant may proceed to the next step of the process up to Step 4 where the Board may refuse to hear a matter.

### **Step 1**

After receiving the Formal Appeal of Decision By An Employee form, the principal will arrange a meeting. The meeting will include the principal, parent/guardian/student and possibly other employees who have been involved in the complaint or decision being appealed.

The principal will initiate two conversations at the outset of the meeting: 1) a conversation regarding confidentiality of information with the individual filing the appeal, which will cover information collection, storage, duplication, access to the information, persons to be involved, and retention of documents/information; and 2) a conversation regarding the process for the meeting and individuals who will be present at the meeting.

As soon as possible before the meeting, the individual filing the formal appeal should inform the principal if a support person(s) will be accompanying them at the meeting.

Within a reasonable period of time after the meeting has taken place, the individual who filed the formal appeal will receive a letter summarizing the outcome of the meeting, any follow-up actions to be taken, rationale for the decision and next steps available to the individual under this AP.

The individual filing the formal appeal may respond to the decision in writing if they believe the decision is unfair or unacceptable by emailing, mailing, or delivering the decision to the decision-maker with their written response attached.

### **Step 2**

If the Step 1 meeting was not successful, parents/guardians or students can refer the formal appeal to the Director of Instruction. To initiate this process, contact the office of the Director of Instruction by contacting the School Board Office at 250-720-2750.

The Director of Instruction will then request that the individual filing the formal appeal forward all documentation from Step 1 directly to them.



After receiving the appeal and all documentation from Step 1, the Director of Instruction will arrange a meeting. The meeting will include the Director of Instruction, parent/guardian/student and possibly other employees who have been involved in the decision being appealed. As soon as possible before the meeting, the individual filing the formal complaint appeal should inform the Director of Instruction if a support person(s) will be accompanying them at the meeting.

The Director of Instruction will initiate two conversations which will be put in writing: 1) a conversation regarding confidentiality of information, which will cover information collection, storage, duplication, access to the information, persons to be involved, and retention of documents/information; and 2) a conversation regarding the process for the meeting and individuals who will be present at the meeting.

Within a reasonable period of time after the meeting has taken place, the individual who filed the formal appeal will receive a letter summarizing the outcome of the meeting, any follow-up actions to be taken, rationale for the decision and next steps available to the individual under this AP.

The individual filing the formal appeal may respond to the decision in writing if they believe the decision is unfair or unacceptable by emailing, mailing or delivering the decision to the decision-maker with their written response attached.

### **Step 3**

If the Step 2 meeting was not successful, parents/guardians/students can refer the formal appeal to the Superintendent's Office. To refer a matter to Step 3, contact is made with the Office of the Superintendent to advise them of the wish to pursue a formal an appeal to Step 3. This can be done through regular mail, email, or a phone call to the Superintendent's Office. To initiate this process, contact the Office of the Superintendent by contacting the School Board Office at 250-720-2770.

The Superintendent's office will then request that the individual filing the formal appeal forward all documentation from steps 1 and 2 directly to the Superintendent's Office. After the Superintendent has received this documentation, the Superintendent's Office will work with the individual filing the appeal to arrange a meeting with the Superintendent or designate. As soon as possible before the meeting, the individual filing the formal appeal should inform the Superintendent if support person(s) will be accompanying them at the meeting.

Prior to the meeting with the Superintendent or designate, the Superintendent's Office will initiate two conversations: 1) a conversation regarding confidentiality of information, which will cover information



collection, storage, duplication, access to the information, persons to be involved, and retention of documents/information; and 2) a conversation regarding the process for the meeting and individuals who will be present at the meeting.

At the meeting, the individual filing the appeal and the individuals present will have an opportunity to explain their perspectives. Within a reasonable period of time after the meeting has taken place, the Superintendent will make their decision in private, and the individual filing the formal appeal will be notified of the decision in writing, any follow-up actions to be taken, rationale for the decision and next steps available to the individual under this AP.

The individual filing the appeal may respond to the decision in writing if they believe the decision is unfair or unacceptable by emailing, mailing, or delivering the decision to the decision-maker with their written response attached.

#### **Step 4**

If the Step 3 meeting was not successful, parents/guardians/students may refer the formal to the Board. At Step 4 the Board may choose to proceed with a hearing or deem the Superintendent's decision final.

The Board must decide the appeal within 45 days of the date the Board receives the formal appeal.

The Board may refuse to hear an appeal where:

- the formal appeal has not been commenced within a reasonable time from the date the decision significantly affecting the student's health, education, or safety was made;  
or,
- the student and/or parent or guardian has refused or neglected to discuss the decision under appeal with the person(s) directed by the Board or its designate; or,
- the decision being appealed is deemed to not significantly affect the health, education, or safety of a student. Upon delivering its decision, the Board of Education will also inform the appellant(s) of the ability to appeal the decision to a Superintendent of Appeals in the Ministry of Education per Section 11 of the School Act.

To initiate this process, contact the Office of the Secretary-Treasurer by contacting the School Board Office at 250-720-2758.



**Confidential Information Disclaimer**

The Board is committed to ensuring the protection and security of all personal information that it collects, uses, maintains and discloses in the course of carrying out its responsibilities.

The Board may disclose personal information collected during an appeal with its employees, but only to the extent necessary for the Board to perform its duties under this policy. Any decisions reached as a result of an appeal will be disclosed to the extent necessary to implement an appeal decision.

**At the School Level**

Principals must include information regarding AP XXXX – Formal Complaints and Appeals in all letters of suspension.

Principals must include the information regarding AP XXXX – Formal Complaints and Appeals in parent and teacher handbooks.

**RESOURCES AND REFERENCES**

BC School Act Reference - Section 11

Acknowledgement to Nanaimo Ladysmith Public Schools AP 325 Formal Complaints and Appeals





AP XXXX: Appendix I – APPEAL THE DECISION BY AN EMPLOYEE FORM

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 (Other) \_\_\_\_\_  
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 health, education, or safety of the student.

Please provide a brief description of the concern.

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Date: \_\_\_\_\_ Signature: \_\_\_\_\_

**Note:**

**This form MUST BE E-MAILED, MAILED, OR DELIVERED TO THE OFFICE OF THE SUPERINTENDENT.**

Email - [info@sd70.bc.ca](mailto:info@sd70.bc.ca)  
Mail address - Pacific Rim School District  
c/o Superintendent  
4690 Roger Street  
Port Alberni, B.C.  
V9Y 3Z4

**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 HEALTH, EDUCATION, OR SAFETY OF A STUDENT (see DEFINITION on page 1).

Students and parents/guardians who wish to appeal a decision as described above should contact their school principal or the office of the Superintendent (250-720-2770) to be advised of the appropriate procedures, including the necessary appeal form.



*School District 70 Pacific Rim*

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.