

## **Title: Appeals**

### **Policy Statement:**

*The Board expects the Superintendent and the Senior Leadership Team to act fairly when hearing appeals on behalf of employees and students adversely affected by decisions of a senior manager.*

**Approved: M. Lynn Gullackson**  
(Chair of the Board)

**May 23, 2018**  
(Date)

**First Approval Date:** May, 2018

**To Be Reviewed:** May, 2022

**Review and Amendment Date(s):**

**Stakeholders Consulted (Date):** May 8, 2018

### **Reference to Documents:**

Bylaw 4.4

Policy on Role of the Board

### **Replaces:**

Policy on Appeals by Employees 2017

Policy on Appeals by Students 2017

### **Principles:**

“The Board delegates its adjudicative functions to the Superintendent and holds the Superintendent responsible for ensuring fair and impartial decisions when hearing appeals on decisions which may adversely affect students and employees.” (Policy on Role of the Board).

1. When a senior manager makes a decision that may adversely affect an employee or student they must be advised of an appeal route. An adverse decision includes termination, suspension or demotion. A parent may appeal on behalf of a student.
2. A clearly defined appeal process is intended to ensure that all parties have fair, timely and equal access to appeal.
3. A concern or complaint must be handled in a confidential manner.
4. If a decision adversely affecting an employee or student is made by the Principal, Administrator or Secretary Treasurer the appeal shall be heard by the Superintendent, whose decision is final.
5. If a decision adversely affecting an employee is made by the Superintendent the appeal shall be heard by the Board, whose decision is final.

## **Appeal Procedure**

1. The notice of appeal must be made within a reasonable time from the date that the parent or student was informed of the adverse decision. The notice of appeal must be filed in writing and must contain the name of the party filing the appeal, the date, the matter at hand, and the reason for the appeal including information as to how the matter significantly affects the appellant.
2. Appellants have the right to be assisted by a resource person(s) of their choosing.
3. The hearing of the appeal must be scheduled so as to ensure the appellant has sufficient notice and time to prepare for the presentation.
4. All written materials that the senior manager and the appellant wish to be considered must be submitted not less than (5) five business days prior to the scheduled date of the meeting.
5. The appeal will be heard in-camera.
6. The appeal hearing will be conducted in accordance with the following guidelines:
  - a. The Superintendent/Chair will outline the purpose of the appeal hearing, which is to provide:
    - i. An opportunity for the appellant and senior manager to make representation in support of their respective positions.
    - ii. The Superintendent/Board with the opportunity to receive information and to review the facts of the dispute, including the alleged adverse decision;
    - iii. A process through which a fair and impartial decision can be reached.
  - b. The senior manager will explain the decision that has been challenged and give reasons for the decision.
  - c. The appellant will present their reasons and evidence for the appeal and will have an opportunity to respond to information provided by the senior manager.
  - d. The senior manager will have an opportunity to respond to information presented by the appellant.
  - e. No cross-examination of the parties, by either of the parties, shall be allowed.
  - f. The Superintendent/Board may provide reasons in support of its decision at the time it issues its decisions but is not required to do so.
  - g. The decision in relation to the appeal will be communicated to the Appellant and confirmed in writing.
  - h. The Superintendent/Board may decide to:
    - i. uphold the decision,
    - ii. vary the decision,
    - iii. overturn the decision and return to the status quo, or
    - iv. return the matter for reconsideration.