

5.24 Appeal Policy

The appeal of a decision or action by an employee or parent follows the specific sequence listed below. This process encourages parents/guardians, members of the public and employees to practice good communication and to strive for resolving concerns as close to the source as possible.

Decision-making with “Procedural Fairness” and “Natural Justice”

- If a decision-maker (e.g., a principal or authority) is intending to consider a matter which may affect a person’s rights, that person should be informed of the matter;
- The person should be given a reasonable opportunity to make oral or written submissions to the decision-maker on the matter being considered;
- The person is entitled to know and answer the case against them, that is to say, be informed of and be given the opportunity to respond to all information submitted which might influence a decision, prior to the decision being made;
- The person should be told the reasons for the decision;
- The decision-maker should act in a manner which is unbiased, fair and open-minded

Procedures:

Complaints and Appeals from Students and Parents

As this policy must be followed, Board members are unable to engage in discussions with parents about complaints that have the potential to end up in an appeal.

Complaints Relating to School Personnel

A parent who has a concern regarding any educational matter which significantly affects the education, health, or safety of the student has the responsibility to begin addressing the concern directly with the person(s) with whom the concern lies before taking the concern elsewhere. The Living and Learning School Board of Directors expectation is that prior to using an appeals process, the students and their parents/guardians will have tried to resolve the issues in dispute in a constructive manner with those responsible at the school or program level.

Begin at step 3 if:

The complaint relates to decisions made by the Principal, versus another school employee, OR

If the decision relates to an indefinite suspension or expulsion.

Step One:

If no agreeable solution is achieved with the staff member, the complainant may commence an appeal by submitting a written appeal to the Principal together with any

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relevant written material. Upon receipt of a completed appeal request, the Principal will, as soon as practicable, arrange a meeting with the person initiating the appeal. The Board of Director's expectation is that appeals will be initiated within seven (7) days of the date that the parent or student was informed of the decision, unless the parent/student can demonstrate that there are reasonable grounds to extend this deadline (e.g. the parent/student have been involved in ongoing discussions with the staff member to resolve the issue which is the subject of the appeal).

Step Two:

The Principal will gather any relevant information about the concern and meet with both parties. At this meeting, the Principal will:

1. review all the available information
2. refer to any relevant school policies
3. document the proceeding
4. assist the parties to reach an agreeable solution OR adjourn the meeting and seek further information or consultation.

After considering all the relevant information and if no agreeable solution is reached, the Principal will make a decision in regard to the complaint. This decision is to be conveyed to both parties orally and in writing, notifying the complainant of their right to appeal to the Board of Directors within seven (7) days of receiving the Principal's decision.

Step Three:

This step may be used if the complainant is not satisfied with the decision of the Principal.

A person seeking to appeal a determination made by the School may, within seven (7) days of receipt of the Principal's determination, provide a notice of the appeal in writing to the Board of Directors.

Upon receipt of the notice and outline of the appeal, the Board of Directors will:

1. review the available information
2. meet with both parties to listen to presentations and responses from both sides
3. document the proceedings
4. refer to any additional school policies in addition to the ones identified by the complainant and/or principal that are relevant to the appeal
5. seek an agreeable solution or if this is not possible, make a final decision in regard to the appeal.

The Board of Directors within seven (7) days of completing their investigation/hearing, will inform both parties in writing of their decision with regard to the appeal. The communication to the complainant will include notifying the complainant of their right to appeal within seven (7) days of receiving the decision of the Board of Directors to the Ombudsperson appointed for the AMS Schools. The complainant will be informed that the role of the Ombudsperson is to determine if the processes used have been fair and impartial, not to substitute their judgment for that of the Board of Directors.

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The Board's procedure to be followed in conducting the hearing is as follows:

1. Persons Present: A majority of Board members, Principal, staff member (if applicable), parents and Student. NOTE: Student attendance is optional depending on age, maturity, and situation for the student.
2. The Board will review school policies relevant to the appeal prior to the meeting.
3. The Chairperson or a designated member of the Board will chair the meeting;
4. The Chairperson will provide an overview of the process for the appeal.
5. The Principal will give their report on the issue(s) which precipitated the decision under appeal. If the appeal is based on a decision made by a school employee other than the principal, that employee may also provide a report on the issue.
6. The parents and student will be provided the opportunity to question the contents of the Principal's and/or employee's report.
7. The Board members, parents and student may ask questions of the Principal and/or employee.
8. The Board members, principal, and/or employee may question the student and/or parents.
9. The parents with the student may talk with the Board alone, without the Principal and/or employee present.
10. The Principal and/or employee may talk to the Board alone without the parents/guardians and/or student present.
11. The parent and/or Board members may then ask the student to leave to talk with parents alone.
12. The Board may determine the need to speak to any witnesses of the event leading to the decision under appeal.
13. The Board, Principal, parents, and student will reconvene for final comments.
14. The parents, student, principal and any staff members are thanked and dismissed.
15. The Board may make a recommendation of a solution to both parties.
16. After considering all the relevant information and if no agreeable solution is reached, the Board will make a final decision in regard to the complaint. The Board's decision is to be conveyed to all parties orally and in writing.

Step 4:

Any student or parent of a student affected by a decision, recommendation, act or omission of the Living and Learning School may file a complaint with the AMS Ombudsperson. The Complainant can obtain the "Complaint to Ombudsperson Form" from the School.

A complaint or reference made to the ombudsperson shall be limited to a decision, recommendation, act or omission by a school related to school policies, procedures and practices used in dealing with an educational matter that was:

- contrary to the rules of natural justice and due process and fairness,
- unjust or oppressive
- based on irrelevant grounds or

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- arbitrary, unreasonable, or unfair

or in making or acting on an above decision or recommendation, a school:

- did so for an improper purpose,
- failed to give adequate and appropriate reasons,
- acted improperly, or
- failed to follow its own policies, procedures and practices, or
- There was unreasonable delay in dealing with a matter (the “Prohibited Actions and Decisions”).

Complaints and Appeals From Employees

As this policy must be followed, Board members are unable to engage in discussions with staff about complaints that have the potential to end up at an appeals level.

Complaints Relating to School Personnel Other Than the Principal

This may include complaints from teachers, support staff or other school employees. An employee who has a concern has the responsibility to begin addressing the concern directly with the person(s) with whom the concern lies before taking the concern elsewhere.

The Board’s expectation is that prior to utilizing this policy, employees will have tried to resolve the issues in dispute in a constructive manner with those responsible at the school.

The Board of Director’s expectation is that appeals will be initiated within seven (7) days of the date that the employee was informed of the decision, unless the employee can demonstrate that there are reasonable grounds to extend this deadline (e.g. the employee have been involved in ongoing discussions to resolve the issue which is the subject of the appeal).

If the complaint relates to the Principal then begin at step 3.

Step One:

If no agreeable solution is achieved between two employees, the complainant may within seven (7) days of meeting with the other employee refer their concern in writing to the school Principal together with any relevant written material.

Step Two:

The school Principal will gather any relevant information about the concern and meet with both parties. At this meeting, the Principal will:

1. review all the available information
2. refer to any relevant school policies
3. document the proceeding
4. assist the parties to reach an agreeable solution OR adjourn the meeting and seek further information or consultation.

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After considering all the relevant information and if no agreeable solution is reached, the Principal will make a decision in regard to the complaint. This decision is to be conveyed to both parties orally and in writing, notifying the complainant of their right to appeal to the Board of Directors within seven (7) days of receiving the Principal's decision.

Step Three:

This step may be used if the complainant is not satisfied with the decision of the Principal.

A person seeking to appeal a determination made by the Principal may, within seven (7) days of receipt of the Principal's determination provide, in writing, to the Board of Director a notice of the appeal. The complainant should use the Application for Appeal Form (re: appeal from employees) which outlines the reason(s) for the appeal.

Upon receipt of the notice and outline of the appeal, the Board of Directors will:

1. review the available information
2. meet with both parties to listen to presentations and responses from both sides
3. document the proceedings
4. refer to any additional school policies in addition to the ones identified by the complainant and/or principal that are relevant to the appeal
5. seek an agreeable solution or if this is not possible, make a final decision in regard to the appeal.

The procedure to be followed in conducting the hearing is as follows:

1. Persons Present: A majority of the Board members, the Principal, and the employee(s) filing the appeal.
2. The Board will review school policies relevant to the appeal prior to the meeting.
3. The chairperson or a designated member of the Board will chair the meeting.
4. The chairperson will provide an overview of the process for the appeal.
5. The Principal will give their report on the issue(s) which precipitated the decision under appeal.
6. The employee(s) is/are provided the opportunity to speak about the dispute under appeal and/or question the contents of the Principal's report.
7. The Board members may ask questions of the Principal and/or employee(s).
8. The Board may determine the need to speak to any witnesses of the event leading to the decision under appeal.
9. The Board, Principal, and/or employee(s) will reconvene for final comments.
10. The employee(s) and principal are thanked and dismissed.
11. The Board may choose to make a recommendation of a solution that may be agreeable to both parties. If the parties are not agreeable to the suggested solution, the Board will make a final decision on the appeal.
12. The decision of the Board will be communicated through the Board Chairperson both orally and in writing to the principal and the employee(s).
13. The decision of the Board is final.