

CODE: AB.AR**EFFECTIVE DATE:** (06-09-2007)**TOPIC:** Appeal Processes**ISSUE DATE:** (18-12-2015)**REVIEW YEAR:** (2012)**REGULATION****A. DISPUTE RESOLUTION**

1. The District expects the use of co-operative and collaborative approaches to resolve matters of disagreement or dispute. It is expected that, in this way, most disagreements or disputes will be resolved at the local level.
2. When attempts to resolve the dispute have been unsuccessful, parties in dispute may appeal the matter, in writing, to the individual assigned the responsibility for the matter within the District. This individual shall review the submissions of the parties, make a decision, and communicate it in writing to the two parties.
3. Information shall be provided regarding the District's appeal processes to individuals wishing to appeal the decision.

B. APPEALS

1. District appeal processes shall ensure that:
 - a. there is no limitation of any rights provided by law or the right to other appeal processes;
 - b. the individual making the appeal receives the decision in writing without undue delay; and
 - c. the written decision includes information about the next level of appeal where appropriate.
2. Individuals have the right:
 - a. to retain, at their own initiative and expense, the services of advocates, witnesses and, or legal counsel to represent them during the appeal process;
 - b. to present information relating to the appeal; and
 - c. to have access to the information used and the rationale for the original decision which is being appealed.
3. The appeal of a decision shall be made in writing to the immediate supervisor of the individual who made the decision, unless otherwise specified in a particular appeal process. For example, to appeal the decision of a principal, the next level of appeal would be the Superintendent of Schools.
4. The individual who receives the appeal shall attempt to resolve the issue in a satisfactory and timely manner.
 - a. If able to resolve the dispute the individual shall confirm, in writing, that the appeal has been discontinued and indicate the resolution achieved.
 - b. If unable to resolve the dispute, the individual shall make a decision, communicate the decision and the reasons for it, in writing to those making the appeal, and advise them of the next level of appeal.

5. On receipt of an appeal to the Board of Trustees, the Executive Director Governance and Strategic Support Services: schedule the appeal at a meeting of the Board of Trustees or at a meeting of the Caucus Committee of the Board, and advise, in writing, those making the appeal of the time and place of the meeting, the procedures to be followed, that the individual may request a postponement of the hearing, and that decisions of the Board of Trustees may be reviewed by the Minister of Education.
6. An appeal process is initiated when a written appeal has been received. Where there are timelines specified in the appeal procedures, these shall commence upon the date of receipt of the appeal.

C. STUDENT APPEALS

1. A principal's decision that significantly affects the education of a student may be appealed, in writing, to the Superintendent of Schools.
2. The Superintendent of Schools, or designate, shall review the information provided by the parents and the Principal, and may meet with the parents, the Principal and student where appropriate, to discuss the appeal and attempt to resolve the dispute.
3. If able to resolve the dispute, the Superintendent of Schools shall, in writing to the parents, confirm the resolution achieved.
4. If unable to resolve the dispute, the Superintendent of Schools shall make a decision, write to the parent indicating the decision, the reasons for it, and the fact that the decision may be appealed to the Board of Trustees, or where the Superintendent of Schools has been delegated the authority for the matter, the Superintendent of Schools' decision may be reviewed by the Minister of Education.
5. The appeal process, from the receipt of the written appeal of the Superintendent of Schools' decision until the Board of Trustees' decision, shall proceed without undue delay. Appeals to Board of Trustees initiated after May 31 will be heard at the earliest possible date, but no later than the first scheduled Board of Trustees meeting of the subsequent school year.
6. Parents wishing to appeal a decision shall be provided with detailed information about the appeal process, including notice of the time and dates of all meetings, information on the process and procedures to be used for each meeting, and the next level of appeal or review.

D. SCHOOL COUNCILS

If there is a dispute between the Principal and a majority of the other members of the school council respecting policies proposed or adopted for a school, and if reasonable attempts to resolve the dispute have been unsuccessful, the Principal or the chair of the school council may appeal the matter, in writing, to the Superintendent of Schools. The Superintendent of Schools, or his designate, shall review the submissions of the Principal and the school council, make a decision, and communicate it in writing to the two parties, and advise them of the opportunity to request a hearing before the Board of Trustees.

REFERENCES

AB.BP - Appeals

FA.BP - Human Resources Framework

FBCA.AR - Respectful Working Environments

FBM.AR - Grievance Process

School Act Sections 40 and 123