

## **BYLAW 9330.1**

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### **APPEAL PROCESS**

#### **Preamble**

In the spirit of administrative fairness, the Board of Education welcomes members of its educational community to express their questions, complaints or concerns to the appropriate authority.

As described in Section 11 of the *School Act*, the Board of Education supports and recognizes the right of the student, parent or guardian to appeal a decision of an employee(s) of the Board which significantly affects the education, health, or safety of the student. The failure of an employee(s) to make a decision shall be deemed a decision for the purpose of initiating an appeal.

The Board of Education encourages students, parents and guardians to pursue a resolution of any questions or concerns through the problem-solving process set up under Policy and Regulation 1155 *Complaint Process for a Resolution of Concerns*.

- I. The following decisions shall be considered to significantly affect the education, health or safety of a student:**
- a) Disciplinary suspension from school;
  - b) Placement in an educational program (this does not refer to classroom or teacher preference);
  - c) Grade promotion or graduation;
  - d) Refusal to offer an educational program to a non-graduated student sixteen (16) years of age or older; and,
  - e) Any other decision which significantly affects the education, health or safety of the student will be considered on a case-by-case basis.

## **II. Written Notice of Appeal**

Every appeal to the Board of Education must be commenced by a written Notice of Appeal form (see [Bylaw 9330.1 attachment 1](#)). This form may be obtained from the school or district administration office. It must be completed in full and submitted to the Superintendent of Schools in care of [Community@sd61.bc.ca](mailto:Community@sd61.bc.ca). Assistance required in filling out this form is available upon request from the Board Office at 250-475-3212.

## **III. The Appeal Process**

Upon receipt of the Notice of Appeal, the Superintendent of Schools will notify the Board of Education who will meet as soon as practicable to:

- a) Determine whether the appeal meets the threshold set out in Section 11(2) of the *School Act* of a decision by an employee that significantly affects the education, health or safety of a student;
- b) In the event that the appeal does not meet the Section 11(2) threshold, refer the appellant to the appropriate complaint resolution process; or
- c) In the event the appeal does meet Section 11(2) threshold;
  - i. Refer the appeal to the Appeal Sub-Committee for investigation;
  - ii. Require the appellant to meet with the Superintendent of Schools or designate prior to further consideration; or
  - iii. Convene a meeting of the Board of Education to hear the appeal.

The Board of Education will promptly report its decision and the reasons for the decision to the appellant.

## **IV. Appeal Sub-Committee**

The Appeal Sub-Committee is established under Section 11(5) of the School Act and its members will be appointed by the Board of Education, and its membership will include:

- a) Deputy/Associate Superintendent or Director of Instruction;
- b) Official Trustee;
- c) Principal or Vice Principal.

The Appeal Sub-Committee may invite oral or written submissions.

The Appeal Sub-Committee will conduct an investigation and provide a recommendation on the appeal to the Board of Education within 21 days of receipt of the Notice of Appeal.

The Board of Education shall promptly notify the appellant in writing of the Appeal Sub-Committee's recommendation and the reasons for the recommendations. If the issue is not resolved by the Appeal Sub-Committee, **the Board of Education must hear the appeal within 45 days of the date the Notice of Appeal was received.**

## **V. Meeting with Designated Employee(s)**

**If the appellant is required by the Board of Education to meet with an employee,** the Superintendent of Schools or designated employee(s) will gather all information relevant to the appeal and will meet with the appellant and attempt to resolve the appeal. If there is no resolution, the Superintendent of Schools will notify the Board of Education within 21 days of receipt of the Notice of Appeal that the appellant request to take the Appeal to the Board of Education. The appellant may be accompanied by a support person of their choice.

## **VI. Board of Education Appeal Hearing**

- a) If an appeal hearing is granted, the Board of Education will notify in writing the appellant and the employee(s) whose decision is being appealed of the time and date that the appeal hearing will occur. **The appeal hearing will be scheduled at a time that provides for the Board of Education to make a decision within 45 days of the date the Notice of Appeal was received.** In the case of a hearing, reasonable time limits must be given to both the appellant and the employee(s) whose decision is being appealed. Opportunity must be given to the appellant to have their story heard and to ensure that all relevant information has been considered.
- b) The appellant may be accompanied by a support person of their choice.
- c) The Board of Education must confine its deliberations to the decision being appealed.
- d) The Board of Education shall make a decision and that decision shall be deemed the final decision. The Board of Education shall notify in writing the appellant of the decision. At the same time, the decision and reasons for the decision shall be communicated in writing to the appellant and the employee(s) whose decision led to the appeal.

## **VII. Protection from Reprisals**

The Board of Education will not tolerate any direct or indirect form of reprisal as a result of the initiation or outcome of an appeal. Where there is evidence of reprisal, the Board of Education will take immediate steps to remedy the situation.

## **VIII. Review Process**

Each appellant and each employee(s) whose decision has been appealed will be given the opportunity to provide feedback on their experience on the Appeal Process (see [Bylaw 9330.1, attachment 2](#)). This feedback will be reported to the Board of Education annually and utilized when reviewing this bylaw and when developing new procedures to ensure mechanisms for ongoing annual reporting feedback from Bylaw 9330.1, and that the Appeal Process remains balanced and fair.

## **IX. Avenues Beyond This Appeal Process**

If the appellant believes that the process has been unfair, the appellant may file a complaint with the Office of the Ombudsperson British Columbia and/or appeal to the superintendent of appeals under Section 11.1 of the *School Act*. This appeal avenue will be included in the notification of the Board of Education's decision.

*Greater Victoria School District*

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Adopted: April 26, 1993  
Revised: December 13, 2021  
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