

BYLAW 9330.1

APPEAL PROCESS

Preamble

In the spirit of administrative fairness, the Greater Victoria School Board 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 Greater Victoria School Board 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.

It is the position of the Greater Victoria School Board that in most cases an appeal should be preceded by an appropriate consultative and problem-solving sequence as described in Policy and Regulation 1155 *Complaint Process for a Resolution of Concerns* but that such procedures should in no way constitute a barrier to an appeal or a final recourse to the Greater Victoria Board of School Trustees.

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

- a) disciplinary suspension from school for a period in excess of five (5) consecutive days;
- b) suspension from school for a health condition;
- c) placement in an educational program (this does not refer to classroom or teacher preference);

- d) grade promotion or graduation;
- e) refusal to offer an educational program to a non-graduated student sixteen (16) years of age or older; and,
- f) any other decision that significantly impacts the present or future educational program of the student.

If the Greater Victoria School Board or designate denies the appellant the right of appeal, reasons for the decisions denying the appeal must be given to the appellant in writing. The Greater Victoria School Board or designate will inform the appellant of the role of the Ombudsman.

II. Written Notice of Appeal

Every appeal to the Greater Victoria School Board 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.

Assistance required in filling out this form is available upon request from the Greater Victoria School Board Office.

III. Appeal Sub-Committee - Appellants may choose to go directly to Step 1 of the Appeal Process

As an alternative to the appeals process, the Superintendent or designate, with agreement from the appellant, may refer the matter to an Appeal Sub-Committee consisting of:

- a) Assistant Superintendent or Director of Instruction (1)
- b) Trustee (1)
- c) Administrative Officer (2)

The Sub-Committee may invite oral or written submissions.

When the Superintendent refers the appeal to the Sub-Committee, the Superintendent shall set a time, date and place for this purpose and shall give notice in writing to the appellant. With this notice the appellant must receive copies of all documentation and appropriate information.

The Sub-Committee will recommend a decision on the appeal to the Board of School Trustees.

The Board of School Trustees shall promptly notify the appellant in writing of the Sub-Committee's recommendation and the reasons for the recommendations. If the issue is not resolved by the Sub-Committee, then the issue may be taken through the appeal process.

IV. The Appeal Process

Upon receipt by the Superintendent of Schools of the Notice of Appeal, in most cases, the appellant may be required to undertake the following steps. It is the intention that all steps in the Appeal Process proceed in a timely manner.

Step 1:

The appellant shall meet with the employee(s) involved with the decision. If for some acceptable reason the problem cannot be dealt with at the source the appellant may be directed to meet with the principal or designate. A support person of the appellant's choice shall be allowed to accompany the appellant throughout the Appeal Process.

Throughout the Appeal Process the appellant and the employee(s) whose decision is being appealed must receive all documentation and appropriate information generated at each step within a reasonable length of time and be informed of the progress of the appeal at each step.

If there is no resolution:

Step 2:

The appellant shall meet with the principal or designate and employee(s) involved in Step 1.

Before this meeting, it is the responsibility of the principal or designate to review with the appellant Bylaw 9330.1 and the sequence of steps in the Appeal Process.

At this meeting:

- a) a written report by the employee(s) indicating the decision and rationale for the decision will be reviewed. A copy of this report must be made available to the appellant prior to the meeting.
- b) other District personnel and/ or outside agency personnel may be requested to attend the meeting for consultation. The appellant must

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be notified prior to the meeting of all personnel invited or likely to be present at the meeting.

- c) if there is no resolution, the principal or designate will forward all documentation to the Assistant Superintendent or the Director of Instruction.
- d) the principal or designate will ensure that the appellant receives a copy of all documentation and appropriate information that is being forwarded to the Assistant Superintendent or Director of Instruction.

Step 3:

The appellant shall meet with the Assistant Superintendent or the Director of Instruction who will review all information relevant to the decision on the matter. At this meeting the Assistant Superintendent or Director of Instruction:

- a) may request the presence of other members of the District administration, employees or outside personnel as consultants. The appellant must be notified in writing and in advance of the meeting of the names of the people to be in attendance at that meeting.
- b) will attempt a resolution of the appeal based on the review of information available.
- c) communicate the resolution and the reasons for it in writing to the appellant and to the employee(s) whose decision led to the review.
- d) will document the events of the discussion of this meeting.
- e) if there is no resolution, the Assistant Superintendent or Director of Instruction will forward all documentation to the Superintendent of Schools.
- f) the Assistant Superintendent or Director of Instruction will ensure that the appellant receives a copy of all documentation and appropriate information that is being forwarded to the Superintendent of Schools.

Step 4:

The Superintendent of Schools 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

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Chairperson of the Board that the appellant requests to take the Appeal to the Board of School Trustees.

Step 5:

The Board of School Trustees will receive and review information pertaining to the appeal as follows:

- a) The Superintendent shall provide the Board of School Trustees with all documentation and appropriate information with an explanation of the steps in the process undertaken.
- b) The Board of School Trustees, after reviewing the pertinent information and documents surrounding the decision, shall decide if an appeal hearing is appropriate.
 - i) if an appeal hearing is deemed not to be appropriate, the Board of School Trustees or designate will notify in writing the appellant and the employee(s) for that decision and the reasons for that decision.
 - ii) if an appeal hearing is granted, the Board of School Trustees will notify in writing the appellant and the employee(s) whose decision is being appealed of the time and date that it is to take place. 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 his/ her story heard and to ensure that all relevant information has been considered.
 - iii) the appellant may be accompanied by a support person of their choice.
- c) The Board of School Trustees must confine its deliberations to the decision being appealed.
- d) The Board of School Trustees shall make a decision and that decision shall be deemed the final decision. The Board of School Trustees 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.

V. Protection from Reprisals

The Board of School Trustees 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 School Trustees will take immediate steps to remedy the situation.

VI. 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 utilized when reviewing this bylaw and when developing new procedures to ensure that the Appeal Process remains balanced and fair.

VII. Avenues beyond this appeal process

If the appellant believes that the process has been unfair, the appellant may complain to the office of the Ombudsman. The Ombudsman can investigate the process and recommend resolution, but does not overturn a decision.

Greater Victoria School District

Adopted: April 26, 1993
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