

APPEALS POLICY

Policy Statement

Students, parents, employees, or other stakeholders may appeal any decision or action of Eastern School District that significantly impacts upon them. Appeals are to be made in writing and in accordance with this policy, the Schools Act (1997), the Constitution and By-Laws of the Eastern School District, and any relevant collective agreements. Where appeals are governed by the labour relations forum, via articles or conditions of a collective agreement, that forum shall be deemed to have precedence, and the appeals process described herein will not be applicable.

Rationale

Eastern School District recognizes and respects the fact that parents, guardians and/or students may sometimes strongly disagree with the decisions and actions of the school board. The spirit and intent of the Schools Act (1997), the Constitution and By-Laws of the District, and the principles of natural justice and due process dictate that people should have a right of appeal when decisions or actions are made that impact significantly upon them. This policy sets out the specific parameters around an appeals process to govern Eastern School District operations.

Scope

This policy applies to policies, programs, decisions, and actions of the Eastern School Board and/or all staff employed by the Eastern School Board.

Procedures

1. **Appeals Structure:** Appeals concerning the decisions of:
 - a. a board employee in a school will be made to the principal;
 - b. a board employee not in a school will be made to their direct management supervisor;
 - c. a principal will be made to the Director of Education/CEO;
 - d. the Director of Education/CEO to the Executive Committee of the Board.

2. Before initiating an appeal to the Director of Education/CEO, parents/caregivers, and/or students are strongly encouraged to try to resolve the issue at the school level. If this is not possible, the parent/caregiver, and/or student shall contact the Senior Education Officer for the family of schools in an attempt to resolve the issue, prior to the appeal being heard by the Director/CEO.

Authority: Eastern School Board

Date Approved by the Board: October 22, 2008

Legal Reference:

Date of Amendments:

Cross Reference: The Schools Act, 1997

3. The right to appeal a decision or action also applies to the failure to make a decision or take an action.
4. The determination of whether a decision or a failure to make a decision ‘significantly’ affects a student’s education, health or safety will be made on a case-by-case basis.
5. Where a decision affects a student, the parent of the student or the student, if the student is 19 years of age or older, may appeal the decision.
6. Where a decision affects an employee or other stakeholder, that party may appeal the decision.
7. An appeal under Procedure 5 must be commenced within 15 days from the date that the parent or student is informed of the decision.
8. An appeal under Procedure 6 must be commenced within 7 days from the date that the party is informed of the decision.
9. All appeals shall be made in writing to the appropriate party, as noted in Section 3; verbal appeals shall not be considered part of the formal appeals process.
10. To commence an appeal an individual must complete and file “A Notice of Appeal” form which shall be available on-line at the district website. The form will ask for basic information about the decision you want to challenge, the reasons why you feel the decision is wrong, what you would like to happen, and to whom you are directing the appeal.
11. Appeal investigations and decisions/responses are to be completed in a timely fashion, not to exceed 7 working days unless appellants are notified in writing of the need for an extension, which are not to exceed an additional 7 working days.
12. Appeal decisions are to be provided in writing to both the appellants and the employee who made the decision, and must include the rationale for the decision.
13. Appellants who are dissatisfied with appeal decision, and who feel that they have grounds to have this decision reversed, may choose to further appeal at the level determined by Procedure 1 – “Appeals Structure”.
14. Decisions made by the Executive Committee of the Board are final.
15. The appeals process concerning expulsion is governed by Section 37 of the Schools Act (1997), which supersedes this policy.

<i>Authority:</i>	<i>Eastern School Board</i>	<i>Date Approved by the Board: October 22, 2008</i>
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