



ROLES AND RESPONSIBILITIES Appeals 1300

RATIONALE

In order that all concerns be given respectful attention a process is required that provides clear procedures for addressing these concerns in a fair manner.

POLICY

Concerns of individuals and/or groups will be addressed in a spirit that reflects the philosophy of the Catholic Independent Schools of Nelson Diocese (CISND). Those concerned will try to resolve the issue in a Christian manner respecting each other's point of view. The regulation of this policy provides the steps to be taken if a resolution cannot be achieved at a particular level (see Policy 3010 or 2040).

This policy applies only to families who registered with a CISND school.

PROCEDURES

1. Parent or Guardian or Non-employee

A. Appeal of a decision made by the Principal.

If the appellant is not satisfied with the decision of the Principal, he/she may, within seven (7) days of receiving the decision of the Principal, submit a written appeal to the Superintendent who will:

- Form a sub-committee, consisting of School Council members and the Superintendent, who will meet with both parties to:
 - Review available information.
 - Listen to presentations and responses from both sides.
 - Seek a resolution and inform both parties in writing of the decision.
 - Notify the appellant of their right to appeal to the CISND Appeals Committee within seven (7) days of receiving the decision. (See Section B.)

NOTE: Student Suspension and Expulsion appeals will use the process outlined in Policy 4210 Student Suspension and Expulsion.

B. The CISND Appeals Process

1.0 Decisions Which May Be Appealed to the CISND Appeals Committee.

A parent/guardian who has a concern regarding any educational issue which significantly affects the education, health, or safety of the student may appeal a decision, made by the Superintendent, to the CISND Appeals Committee. The following decisions will normally be considered (but not limited to) to be matters that significantly affect the education, health or safety of a student:

- a) disciplinary suspension from school for a period more than five (5) consecutive days. See Policy 4210 Student Suspension and Expulsion.
- b) exclusion from school for a health condition.
- c) denial of an educational program by failure to take action in respect of a complaint of bullying, intimidation, harassment, or threat or use

of weapons or violence by one or more students against another student.

d) includes the failure of an employee to plan; and,

e) any other decision that **significantly impacts** the present or future educational program of the student.

2.0 The composition of the Appeals Committee will include:

- Bishop or the Bishop's representative (Chair)
- Member of the Board of Directors*
- A Teacher*
- A Principal*
- A Pastor*

* Not from the appellant's school.

Others present:

- Parents/Guardians
- Student(s)
- One person who sat on the Superintendent/Local Discipline Committee
- Superintendent
- Principal of the appellant's school

3.0 Refusal to Hear Appeals

The CISND Appeals Committee may refuse to hear an appeal where:

- 2.1 the appeal has not been initiated within a reasonable amount of time of the decision being appealed.
- 2.2 the student or parent appealing the decision has not first discussed the decision being appealed with any persons identified by the CISND Appeals Committee.
- 2.3 the CISND Appeals Committee Chair determines that the decision does not significantly affect the student's education, health, or safety.

4.0 Time Limit for Filing Appeal

An appeal must be filed within seven (7) days of the date the student or parent was informed of the decision unless the student or parent initiating the appeal (the "Appellant") can demonstrate that there are reasonable grounds to extend this time limit.

5.0 Filing an Appeal

The dissatisfied party will make a formal written notice of appeal to the Chair of the CISND Appeals Committee for a resolution of the complaint through the CISND Appeals Committee.

5.1. The notice of appeal should include:

- the name, address, email address, and telephone number of the

Appellant, including the student's name, school, and grade level.

- a description of the decision that is being appealed and how its effect is having a significant impact on the education, health, or safety of the student.
- the name of the employee who made the decision.
- the grounds of the appeal and the action requested; and the steps the Appellant has taken to discuss the matter directly with the person who made the decision or with other CISND employees and/or school representatives.

5.2 Having received the notice of appeal from the Appellant the Chair of the CISND Appeals Committee will request a brief from the Respondent and the Superintendent.

5.3 The notice of appeal and briefs will be distributed to each member of the CISND Appeals Committee, the complainant, the Respondent, and the Superintendent.

6.0 The Appeal Hearing

6.1 The Chair of the CISND Appeals Committee has the authority and responsibility to conduct the appeal in a fair and professional manner.

6.2 Because the appeal is a process internal to the CISND community, it is not intended that either party is to be represented by legal counsel. The Appellant may, however, have a support person in attendance.

6.3 Under normal circumstances the Superintendent will be present, either physically or virtually.

6.4 The Chairperson of the CISND Appeals Committee provides the overview of the process for the hearing.

6.5 The Committee meets with the Superintendent during which time the Committee members may ask questions regarding the incident.

6.5.1 The Committee meets with the Parents and/or Guardians and student(s) during which time the Committee members may ask questions regarding the incident.

6.5.2 Parents and/or Guardians, and/or Committee members may then ask the student to leave to talk with parents alone.

6.5.3. Committee, Principal, and/or staff, parents and/or guardians, and student reconvene for final comments.

6.5.4. Superintendent, Principal, Parents and/or Guardians, and student(s) are thanked and excused.

6.6 The Committee meets alone to make a final decision.

6.7 The decision of the Appeals Committee will be communicated through the Vicar of Education or designate in writing to the parents and/or guardians. The Committee will communicate its decision and provide written reasons to the appellant and the Local School Council Discipline Committee. The decision must be delivered within seven (7) calendar days of the hearing.

6.8 The decision of the CISND Appeals Committee is communicated at the next regular meeting of Board of Directors (in camera).

7.0 Appeal

If the appellant is dissatisfied with the decision of the CISND Appeals Committee, s/he may appeal in writing to the BC Independent Schools Ombudsperson within seven (7) calendar days of notice of the CISND Appeals Committee's decision.

Note: The role of the Ombudsperson is to determine if the processes used have been fair and impartial, not to substitute his/her judgement for that of the Board of Directors.

Appeals Process Flowchart

Step 1
7 days

Notice of Appeal received by Chair of the CISND Appeals Committee from Appellant requesting resolution through the CISND Appeals Committee. The Chair determines if the appeal meets the criteria to be heard.



Step 2
14 days

Chair requests briefs from Respondent and Superintendent

Copies of all briefs distributed to members of Appeal Committee



Step 3
7 days

Appeal Hearing Conducted

Decision of Committee Rendered



Ombudsperson

2. EMPLOYEES

REGULATIONS

A. Appeal of a decision made by the Principal.

If the employee is not satisfied with the decision of the Principal, he/she may, within seven (7) days of receiving the decision of the Principal, submit a written appeal to the Superintendent who will:

- Form a sub-committee, consisting of School Council members and the Superintendent, who will meet with both parties to:
- Review available information.
- Listen to presentations and responses from both sides.
- Seek a resolution and inform both parties in writing of the decision.
- Notify the employee of their right to appeal to the CISND Appeals Committee within seven (7) days of receiving the decision. (See Section B2)

B. The CISND Appeals Process

1.0 Decisions Which May Be Appealed to the CISND Appeals Committee.

A staff member who has a concern regarding any educational or human resources issue may appeal a decision, made by the Superintendent, to the CISND Appeals Committee.

2.0 The composition of the Appeals Committee will include:

- Bishop or the Bishop's representative (Chair)
 - Member of the Board of Directors*
 - A Teacher*
 - A Principal*
 - A Pastor*
- * Not from the complainant's school.

Others present:

- Staff member
- One person who sat on the Superintendent/Local School Council Committee

- Superintendent
- Principal

3.0 Refusal to Hear Appeals

The CISND Appeals Committee Chair may refuse to hear an appeal where:

- 3.1 the appeal has not been initiated within a reasonable time from the original local appeal decision.
- 3.2 the staff member appealing the decision has not followed the appeal process correctly.

4.0 Time Limit for Filing Appeal

An appeal must be filed within seven (7) days of the date the staff member was informed of the decision of the Superintendent, unless the staff member initiating the appeal (the "Appellant") can demonstrate that there are reasonable grounds to extend this time limit.

5.0 Filing an Appeal

- 5.1 The appellant will make a formal written notice of appeal to the Chair of the Appeals Committee for a resolution of the complaint through the CISND Appeals Committee.

The notice of appeal should include:

- 5.2.1 the name, address, email address, and telephone number of the Appellant.
 - 5.2.2 a description of the decision that is being appealed.
 - 5.2.3 the name of the employee who made the decision.
 - 5.2.4 the grounds of the appeal and the action requested; and
 - 5.2.5 the steps the Appellant has taken to discuss the matter directly with the person who made the decision or with other CISND employees.
- 5.3 Having received the notice of appeal from the Appellant, the Chair of the CISND Appeals Committee will request a brief from the Respondent and the Superintendent.
 - 5.4 The notice of appeal and briefs will be distributed to each member of the CISND Appeals Committee, the Appellant, the Respondent, and the Superintendent.

6.0 The Appeal Hearing

- 6.1 The Chair of the CISND Appeals Committee has the authority and responsibility to conduct the appeal in a fair and professional manner. (S)He will strive to give the parties a fair hearing while ensuring that the procedure is not needlessly prolonged.
- 6.2 Because the appeal is a process internal to the CISND community, it is not intended that either party is to be represented by legal counsel. The Appellant may, however, have a support person in attendance. Each side will have only one (1) spokesperson.
- 6.3 Under normal circumstances the Superintendent will be present either physically or virtually.
- 6.4 The Chairperson of the CISND Appeals Committee provides overview of the process for the hearing.
 - 6.4.1 The Committee meets with the Superintendent during which time the Committee members may ask questions regarding the complaint.
 - 6.4.2 The Committee meets with the Appellant during which time the Committee members may ask questions regarding the complaint.
 - 6.4.3 Committee, Principal, and/or staff member reconvene for final comments.
 - 6.4.5 Superintendent, Principal, and staff member are thanked and dismissed.
7. Following the hearing, the CISND Appeals Committee will meet in-camera to deliberate and reach a decision, considering such factors as, for example, was the respondent justified in his/her action - did the Respondent follow policy/ procedure/guidelines - did he/she have the right to do what he/she did. The primary objective is to ascertain the truth and to produce a result that is fair and reasonable.
8. The CISND Appeals Committee will communicate its decision in writing and provide written reasons to the Appellant and the Respondent. The decision must be delivered promptly and with due regard for the needs of both parties to settle their affairs.

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Chair requests briefs from Respondent and Superintendent

Step 2
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Copies of all briefs distributed to members of Appeal Committee



Appeal Hearing Conducted

Step 3
7 days

Decision of Committee Rendered

Date Approved: November 1997

Date(s) Revised: November 2000, April 2004, November 20, 2004, May 2021

Date Reviewed: July 15, 2021 (SO) October 13, 2021 (SO)