

## 70 APPEALS BYLAW

The *School Act* requires that the Board set up a procedure enabling a student or his/her parents/guardians to appeal any decision made by an employee of the Board that significantly affects the education, health or safety of the student. The Board expects its employees to make any necessary decisions regarding students but appreciates that those affected may not always agree, hence the need to provide for appeals. For the purpose of this bylaw, the failure to make a decision may be considered as a decision in that a non-decision may have a significant effect on a student.

### Objectives

- To provide a means of appealing decisions.
- To safeguard the rights of students and their parents and to ensure their fair treatment.
- To ensure that procedural and administrative fairness and due process have been adhered to and conform to Board policy.

- 70.1 The Board requires that an appeal of any decision made by its employees which significantly affects the education, health or safety of a student be heard first at the school level and then, if necessary, at the district administrative level on a consultative basis per administrative regulations.
- 70.2 If the Administrative Regulation 5350 (How to Communicate with Us) fails to satisfy the student and/or parent/guardian bringing the appeal, he/she/they may appeal to the Superintendent of Schools. The basis of the appeal to the Superintendent is to be filed in writing.
- 70.3 If the appeal to the Superintendent cannot be resolved to the satisfaction of the complainant, the Board will review the complaint.
- 70.4 The Superintendent or designate will prepare a report for the School Board concerning the matter and will provide a copy to the complainant.
- 70.5 The appeal will be heard in-camera at a Special Closed Meeting of the Board and render a decision within 45 days as per Section 11(7) of the *School Act*.
- 70.6 The complainant and/or his/her advocate have the right to appear before the Board. At least forty-eight (48) hours prior to the meeting the complainant must notify the Superintendent of who will be attending the meeting.
- 70.7 The Board may request the presence of the complainant or any person who was involved in the matter giving rise to the appeal before the Board or in the dispute resolution efforts to date. At least forty-eight (48) hours prior to the meeting the complainant will be advised who will be attending the meeting.
- 70.8 The scope of the review shall be based on the criteria that:
- (a) the policies of the School Board have been followed;
  - (b) the administrative regulations of the school district have been followed;
  - (c) relevant information was considered by administration and the decision under appeal has been based on that evidence;
  - (d) the procedures followed have been fair to the complainant.
- 70.9 The Board will deliberate in the absence of all persons who were involved in the dispute or dispute resolution efforts to date.

- 70.10 The Board shall make a decision on the matter in question as soon as feasible after listening to the appeal and shall give written reasons for the decision to the complainant. Such decision shall be final.
- 70.11 No person shall penalize or otherwise discriminate against a person who brings a complaint, gives evidence or otherwise assists in the investigation, inquiry or reporting of a complaint to the administration or Board.
- 70.12 Information about the appeals procedure provided to a complainant and/or their advocates shall contain information about how to access the office of the Ombudsman and when it is appropriate to do so.
- 70.13 The Board shall conduct an annual review of this bylaw.

Board Policy: December 2010  
Revised: April 2015, October 2016, November 2017