



**BOARD OF EDUCATION OF
SCHOOL DISTRICT NO. 46 (SUNSHINE COAST)**

**POLICY COMMITTEE
AGENDA**

Tuesday, January 22nd, 2019 from 11:30-1:00 p.m.
School Board Office – Gibsons, BC

1. Role of the Trustee
2. Appeals Bylaw Review

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

3 ROLE OF THE TRUSTEE

The Board and Trustees shall operate in an ethical, respectful and professional manner. This policy shall be recognized as the Board's Code of Conduct. Consequently, trustees shall:

- 3.1 Be prepared for the work of the Board by devoting time, thought and study to meeting agendas, policies and bylaws, rules of order, provincial educational issues, community issues, the Board strategic plan and other relevant information.
- 3.2 Attend all Board meetings, working sessions, and meetings of all committees of which they are Board-appointed members, except when absence is necessary.
- 3.3 Work harmoniously with all other trustees in the spirit of openness, cooperation and trust; respect and encourage the free and appropriate expression of opinions by other trustees.
- 3.4 Immediately share with the Board and/or senior administration, through the Board Chair, any significant information that may impact the Board or School District No. 46 (Sunshine Coast), and not withhold from the Board any information necessary to make an informed decision.
- 3.5 Be knowledgeable and respectful of the roles of those who work with and for the Board.
- 3.6 Endeavour to fairly, impartially and equitably ensure the district and schools are administered by the most qualified and appropriate personnel.
- 3.7 Be loyal and accessible to the community at large, superseding any conflicting loyalties to employee, advocacy or interest groups; political parties; other councils or boards; individual employees, schools, electoral areas or communities; or personal interests.
- 3.8 Respect and maintain the confidentiality of confidential business of the Board and School District No. 46 (Sunshine Coast), including individual statements and opinions expressed in closed sessions.
- 3.9 Conduct themselves in a manner that represents the Board and School District No. 46 (Sunshine Coast) in a positive light, taking no action that compromises, or will compromise, the Board and its decisions.
- 3.10 Recognize that any interactions they have as individuals with staff, the public, press or other entities lack board authority; and always clarify, within reason, that personal, individual opinions do not reflect the corporate position of the Board.
- 3.11 Refrain from getting involved in or expressing judgments on any school-level disputes or concerns, but listen to complainants and refer them to the district's "How to Communicate with Us", Regulation 5350.
- 3.12 When appointed to a liaison position, faithfully keep apprised of any concerns or circumstances of the particular school, PAC or external organization that are relevant to the Board, and report them to the Board Chair for the arrangement of appropriate discussion, decision or delegation.
- 3.13 Share any materials or ideas gained from external professional development activities with the Board.

- 3.14 Subject to the provisions of 3.16, and if in attendance, carry out their fiduciary duty to vote either positively or negatively on every motion before the Board, expressing their opinions during Board debate, but always abiding by majority decisions of the Board.
- 3.15 Make no disparaging remarks or accusations, in or out of Board meetings, about other members of the Board or their opinions, nor about Board employees.
- 3.16 Disclose the nature of any conflict of interest to the Board, and avoid exerting any influence on any school district issue when in conflict of interest—as defined by legislation, policy or personal declaration— by leaving the meeting and not taking part in the discussion and vote on issues when in a conflict of interest.
- 3.17 Refrain from sitting on the board or executive of any corporation or organization that receives funding from School District No. 46 (Sunshine Coast).
- 3.18 Refrain from sitting on any specific school-related or program-related group in the district, including Parent Advisory Councils except as a liaison from the Board.

Board Policy: December 2010

Revised: November 2013, November 2014, February 2016, April 2016