

Appeals Procedure

Policy No. 302.16

The Board of Education, School District No. 91 (Nechako Lakes), believes that employee decisions in relation to individual students should be carried out in accordance with principles of fairness. The appeal process should encourage all parties to disputes to understand the concerns of the other parties and make good faith efforts to resolve disputes to mutual satisfaction.

The Board of Education generally encourages that complaints and disputes to be dealt with at the point closest to where the dispute first arises, pursuant to the Board's dispute resolution [or complaint] process. (See *Board Policy 405.2*)

If an employee's decision is disputed, and the dispute is not resolved to the satisfaction of the student or the parent of the student affected, and the decision significantly affects the education, health or safety of the student, the Board of Education recognizes the right of a student and/or his or her parents to appeal to the Board.

The Board also recognizes that employee decisions that do not significantly affect the education, health or safety of a student are within the final authority of the Superintendent as the Board's chief educational officer.

"Decision" includes a failure to make a decision.

"Parent" is as defined in the *School Act*, and includes a guardian or persons acting in place of parents.

"Appellant" is defined as the person making the appeal.

Guiding Principles:

Appeals to the Board of Education are to be carried out in accordance with principles of fairness, including:

1. The appeal process should be accessible to parents and students. Furthermore, information about the appeal process and relevant policies should be readily accessible to all, including employees, students and parents. Reasonable accommodation should be provided, where necessary, to allow parents or students to make use of the appeal process.
2. Appellants are entitled to receive the same written and oral information to be used in the appeal as is provided to the Board by administration and to have an opportunity to respond to it.
3. The Board accepts its responsibility to exercise its independent judgment when hearing appeals. In particular, a board officer who has participated in making the decision being appealed, who has

attempted to mediate it or who has investigated it shall not assist the Board of Education with its deliberations on the appeal.

4. A student or parent shall not be subjected to retribution by the Board, its officers or employees because an appeal has been made.

Appeal procedures shall be established by bylaw and shall be applied in accordance with the above principles.

Decisions made on appeals are not precedent-setting and are not binding on future decision makers.