



# *Christ the Teacher Catholic Schools*

## **Board Policy**

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**Policy Title:** General Appeals and Hearings Regarding Student Matters

**Code:** BP 13

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### **Background**

The Board will hear general appeals on administrative decisions that significantly demonstrate a contravention of an Administrative Procedure/Board Policy, the decision is not reasonable based upon the facts, and/or significantly impacts the student's education, health or safety and is deemed to be exceptional in nature. This Board Policy applies to general procedural appeals for matters that do not fall under Board Policies BP 14: *Appeals for Student Suspension or Expulsion* or BP 15: *Appeals for Students with Diverse Needs and Intensive Supports*.

#### **1. Before Filing an Appeal**

- 1.1. To ensure fairness and equity for all who are part of Christ the Teacher Catholic Schools it is recognized that the division develop procedures for the investigation, adjudication and resolution of complaints, grievances and appeals, and that the process used must be careful and just. Before an appeal is filed *AP 151: Mediation of a Complaint or Grievance* must be followed.
- 1.2. Parents of students, and independent students, have the right to appeal to the Board a decision of the Director. The Director must advise parents and students of this right of appeal.

#### **2. Initiating Board Level Appeal Hearings**

- 2.1. Appeals to the Board must be made within fourteen (14) days from a decision by the Director unless the appeal (the "appellant") can demonstrate that there are reasonable grounds to extend this time limit.
- 2.2. This appeal must be submitted on BP 13.1: *General Appeal Procedure*.
- 2.3. Appeal hearings must be scheduled to ensure that the appellant and the Director (or designate) whose decision is being appealed, has sufficient notice and time to prepare.

### **3. Consideration of Appeals to the Board**

- 3.1. Appeals to the Board will be considered when the appeal has been initiated within a reasonable time period (Sec. 2.1) and the appellant has first tried to resolve the issue as per AP 151: *Mediation of a Complaint or Grievance* and/or AP 390: *Student Appeals*.
- 3.2. In addition, one or more of the following conditions must be met in order for the Board to hear the appeal:
  - 3.2.1. the decision does not demonstrate procedural fairness in terms of Board Policy and/or approved Administrative Procedures;
  - 3.2.2. the decision significantly impacts the student's education, health or safety and is deemed to be an exceptional situation;
  - 3.2.3. new information is being presented.
  - 3.2.4. The Board may deny the appeal if 3.1 and one or more of the considerations in 3.2.1 - 3.2.3 are not met.

### **4. Conducting Board Level Appeal Hearings**

- 4.1. Board level appeals will be heard in closed session, with specified individuals attending.
- 4.2. Parents, or students as above, when appealing a decision to the Board, have the right to be assisted by a resource person(s) of their choosing. The responsibility for engaging and paying for such assistance rests with the parents or students.
- 4.3. At the Board level appeal, the Board Chair will review the purpose of the hearing, stating that the appeal process exists:
  - 4.3.1. To provide an opportunity for the parties to make representation in support of their respective positions.
  - 4.3.2. To provide information that may include expert medical, psychological and educational data and may be presented by witnesses.
  - 4.3.3. To provide Board with a means to receive information and to review the facts of the dispute.
  - 4.3.4. To provide a process for the committee to reach a fair and impartial decision.
- 4.4. The Director or designate shall provide rationale for the decision rendered.
- 4.5. The appellant shall provide rationale for their appeal and have opportunity to respond to information provided in 4.3.
- 4.6. The Director or designate shall have opportunity to respond to information presented by the appellant in 4.5

- 4.7. Board members shall have opportunity to ask questions or clarification from both parties.
- 4.8. Cross-examination of parties shall not be allowed unless deemed advisable by the Board Chair.

## 5. **Board Deliberation Regarding Appeal Hearings**

- 5.1. The Board will meet without the respective parties present to arrive at a decision regarding the appeal. The Board will review the decision based on the following considerations: the decision was made by following the proper process, the decision was reasonable based on the facts, and/or the decision significantly impacts the student's education, health or safety and should be deemed to be exceptional in nature.
- 5.2. The recording secretary will remain in attendance.
- 5.3. The Board may have legal counsel in attendance.
- 5.4. If the Board requires additional information or clarification in order to make its decision, both parties to the appeal will be requested to return to the hearing.
- 5.5. The Board decision and the rationale for that decision will be communicated to the appellant by telephone and by double-registered letter within three (3) days of the hearing.
- 5.6. Notes of all proceedings shall be entered into Board records.

Reference: Sections 5, 109, 141, 142, 148, 150, 151, 152, 153, 154, 155, 158, 175, 186, 186.1, 231 Education Act  
Regulations 48, 49, 50, 50.1, 52  
Human Rights Code  
Canadian Charter of Rights and Freedoms

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