



Policy 13

Appeals

The principles of natural justice support the provision of a mechanism for parents, students, members of the public and staff to appeal decisions made, or not made, by employees of the Board.

The Superintendent has been delegated the authority by the Board to deal with all appeals, or hearings, with the exception of the following:

1. The placement of a student in a special education program.
2. The expulsion of a student.
3. Access to and accuracy and completeness of the student's record.
4. The amount and payment of fees and costs.
5. The transfer of a teacher.
6. The termination of a teaching designation.
7. The termination of a teacher contract of employment.
8. The termination of a paraprofessional contract of employment.
9. The suspension of a teacher other than where the Superintendent is of the opinion that the welfare of students is threatened by the presence of the teacher.
10. Where a decision has been made directly by the Superintendent.

Specifically

1. All of the items noted above dealing with teachers shall be dealt with in accordance with Policy 12, Hearings on Teacher Matters.
2. Should a Local School Board Committee wish to deal with a recommendation of a school principal that a student be expelled, the Board has delegated the responsibility to the Local School Board Committee in this circumstance. Should the Local School Board Committee not choose to deal with this matter, it shall be referred to the Personnel and Education



Policy 13

Appeals

Committee which has been delegated the authority to act on behalf of the Board in this matter.

The principal shall provide the information required under section 24 (6) of the *School Act* to Board through the Superintendent of Schools. The Superintendent will contact the Chairperson of the Local School Board Committee to determine if the Local School Board Committee wishes to assume the responsibility to deal with the matter. If so, then the Local School Board Committee is delegated the responsibility to act on behalf of the Board in accordance with the procedures outlined in Administrative Procedure ----- Suspension and Expulsion of Students.

3. The Personnel and Education Committee has been delegated the authority to act on behalf of the Board is all those cases regarding a decision made directly by the Superintendent, or for which there has not been any other avenue of appeal specified.

- 3.1 An individual wishing to request an appeal under this section shall apply in writing to the Secretary-Treasurer within ten days of having been advised of the decision of the Superintendent.

- 3.2 The Secretary-Treasurer shall advise the Chairperson of the Personnel and Education Committee and the Superintendent of the request and advise the appellant of the time, date and place of the meeting at which the appeal will be heard. Unless the matter is urgent, the matter would be placed on the agenda of the next scheduled Committee meeting. If the matter is deemed to be urgent by the Chairperson, or there is a time limit in the legislation, a special meeting would then be called to deal with the appeal.

In the case of the termination of a home education program, the Committee shall hear the appeal within ten days of having been notified of the of the parents wish to appeal the decision of the Superintendent.

- 3.3 The appellant will be advised of their right to attend the meeting to present their case as well as the right to have an advocate or be represented by legal counsel.



Policy 13

Appeals

- 3.4 The hearing of the appeal will be held in the following manner:
 - 3.4.1 The Committee Chairperson will advise those involved in the dispute that the appeal hearing will:
 - 3.4.1.1 Provide an opportunity for the parties involved to make representation in support of their request and to provide any evidence that may impact on the issue
 - 3.4.1.2 Provide the Committee with an opportunity to receive information and to review the facts of the dispute
 - 3.4.1.3 Provide a process through which the Committee can reach a fair and impartial decision
- 3.5 Minutes of the proceedings will be taken and kept for the Committee's record.
- 3.6 If the Superintendent or other members of the administration have provided the Board with any written information regarding the decision or the circumstances surrounding the dispute, this material will be provided to the parties to the dispute.
- 3.7 The person who made the decision that is being appealed will explain the decision and give reasons to support that decision.
- 3.8 The appellant will present the appeal, state the reasons for the appeal and will be provided with the opportunity to respond to the information provided by the employee or the administration.
- 3.9 The employee or the administration will be provided with the opportunity to respond to the information presented by the appellant.
- 3.10 The Committee members will be provided an opportunity to ask questions of clarification from both parties through the Chairperson.
- 3.11 The parties to the appeal will not be provided the opportunity to cross-examine each other or their representatives.
- 3.12 The Committee may meet without the respective parties in attendance to discuss the appeal and reach a decision, should the Committee so choose.



Policy 13

Appeals

- 3.13 If the Committee requires additional information or clarification in order to make its decision, both parties to the appeal will be requested to return in order to provide the information.
 - 3.14 The decision of the Committee will be communicated to the appellant by telephone and confirmed in writing.
3. If the appeal concerns a student matter, the parents and the student, if over the age of 16, will be advised of their right to appeal to the Minister.

Legal Reference: Section 61, 123, School Act – RSA 2000