



<b>Title</b>	<b>Student Procedural Fairness and Appeal</b>
<b>Effective Date:</b>	October 1, 2019
<b>Approval Date:</b>	September 24, 2019
<b>Approving Body:</b>	Board of Directors
<b>Supersedes:</b>	None

## **Policy**

When parents/guardians are concerned with a significant decision involving their child, they should follow the following procedures:

- Contact the staff member involved for their perspective on the issue/decision.
  - Try to resolve the problem at the lowest level of authority.
  - If the issue cannot be resolved, an appeal can be made to the next level of authority. Do not skip any of these levels when appealing.
1. Staff Member
  2. Principal
  3. Superintendent

### **Appeal to Board**

If all the levels of authority have been involved and a parent is still convinced that a decision is unfair or unreasonable, a written appeal may be made to the PCS Board. The appeal must be filed in writing with the Superintendent within a reasonable timeframe (typically within 5 working days of the school's final decision).

- The Superintendent will deliver the appeal to the Chair of the Board.

When necessary, the School Board shall set the time, date and place of the appeal meeting and the Board Chair will be responsible to ensure all parties (including the student's advocate if applicable) have been given this information. At this meeting an ad hoc Committee of the Board will receive oral and/or written submissions from the parties involved in the original decision. After the Committee has heard all relevant testimonies, those parties who were present during the initial school-based decision hearing shall absent themselves from the meeting and the Committee will make their decision on the appeal.

### **3 - Alternate Procedure: Mediation**

Prior to an official Board Committee appeal meeting, either party may request that the Society of Christian Schools in BC appoint an Arbitration and Mediation Committee to consider the matter. The SCSBC may appoint its Ombudsman to oversee the matter.

#### **Background**

(The “Background” section of this policy is based on the working document on the topic developed by the Federation of Independent Schools of British Columbia)

#### **I. INTRODUCTION**

It is in the best interests of independent school authorities (“authorities”) and school officials in their employ (e.g., principals and administrative teaching staff) that policies and procedures followed in making decisions affecting students are fair and are seen to be fair. This principle applies equally to any process for appeal involving decisions of authorities’ school officials.

Fair procedures reassure students, parents and staff by providing integrity and consistency in respect to decisions made in the school setting which in turn will help to avoid misunderstandings and disputes.

#### **II. REQUIREMENTS OF “PROCEDURAL FAIRNESS”**

Whenever the legal rights of an individual may be affected by officials exercising legal decision-making authority, there is an expectation that the decision will be made in accordance with the principles of “procedural fairness” and “natural justice”. These principles encompass the following elements:

- if a decision-maker (e.g., a principal or authority) is intending to consider a matter which may affect a person’s rights, that person should be informed of the matter;
- the person should be given a reasonable opportunity to make oral or written submissions to the decision-maker on the matter being considered;
- the person is entitled to know and answer the case against them, that is to say, be informed of and be given the opportunity to respond to all information submitted which might influence a decision, prior to the decision being made;
- the person should be told the reasons for the decision;
- the decision-maker should act in a manner which is unbiased, fair and open-minded.