

RATIONALE

The EBS Board recognizes that in a school the parents, students, teachers, and support staff form an integral part of the school community. From time to time, issues may arise where members of the community may differ in their perspectives.

POLICY

Within the school all complaints must be dealt with in a timely manner. Each member of the community is expected to follow the appropriate complaint procedure as described below. All parties involved must maintain confidentiality with respect to all aspects of this procedure.

PROTOCOL

1. All complaints must first be addressed directly with the teacher or parent involved through dialogue with the intention of resolving the problem.
2. If the issue cannot be resolved, the matter must be brought to the attention of the Principal of the school.
3. The Principal will clarify the issue of disagreement and document all matters pertaining to the issue and its resolution.
4. The Principal may, as appropriate, assist with resolving the issue through facilitated communication between the two parties. The Principal will determine which policy/policies of the school can be applied to resolve the issue. If necessary, the Principal may seek, while maintaining the party's confidentiality, advice from the Ministry of Education, the Federation of Independent Schools Association (FISA), or the Board Directors to help inform their decision.
5. The Principal, having made a judgment to resolve the issue, shall promptly notify both parties of the resolution in writing. In this written notification, the parties must be informed of the available appeal procedures.
6. If the Principal's resolution is not accepted, the matter may be appealed to the Board of Directors. The appeal must be brought to the President of the Board no more than one month after the Principal's decision has been received.
7. Upon receiving the complaint, the Board will form a subcommittee with authority to make a decision regarding the appeal. The subcommittee will study the documentation and then call a meeting to hear presentations from the complainant and the Principal. Both parties will be in attendance and be given the opportunity to respond. The decision of the Principal will be overturned only if school policy was not followed.
8. After this, the subcommittee shall, in camera, present its decision to the Board of Directors. The Board will ratify the decision and take the steps necessary to implement the decision.

HUMAN RESOURCES MAJOR COMPLAINTS

The Board of Directors may reject the sub-committee's decision only if there is a serious flaw in the procedures of the appeal process. At that time, a decision will be delayed until the sub-committee receives direction from the Board of Directors.

The Board shall notify the appellant and the Principal of its decision within seven days of the meeting. The decision shall be communicated in written form.

When the complaint is about the Principal, the process should start at #1. However, if there is no resolution at the end of this, the process should skip to #6 in the protocol. The Board of Directors reserves the right to resolve the issue through investigation or through the formation of an appeal committee. The appellant must prepare a written submission to the Board detailing the reasons. This submission must be delivered to the President no later than fourteen days after the Board's decision. The decision of the Board will be overturned only if school policy was not followed.

When the complaint is about a Board member regarding an issue that pertains to the fulfillment of their duties in their capacity as a member of the Board, the process should start at step #1 in the protocol and, failing a satisfactory resolution, the issue should be taken to the Board by contacting the President, who will follow the protocol from step #6.

If the complaint is about the President, the process should start at #1, and, failing a satisfactory resolution, the issue should be taken to the Board by contacting the Vice-President, who will follow the protocol from step #6.

If the decision of the Board of Directors is not acceptable, the appellant may request an Independent School Ombudsperson to review the appeal. The names and contact information of the current Independent School Ombudspersons shall be obtained from FISA.

The outcome of the Independent School Ombudsperson's review shall be communicated to the appellant by the President of the Board of Directors.

The Board of Directors will communicate its final decision to all parties involved.

Requests for extensions of the timelines mentioned in the policy, will, for valid reasons, ordinarily be approved.

PRINCIPLES OF BEST PRACTICE

Requirements of Procedural Fairness, we at Elizabeth Buckley School will be guided by are:

- If a decision-maker (e.g., a principal or Board) 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 him/her, that is to say, he/she ought to 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.

PROCEDURAL FAIRNESS AND STUDENTS

The following paragraphs A and B are adapted from *Keeping Students Safe: A Practical Guide for Principals and Vice-Principals (June 1999)*.

- A. Basic elements of procedural fairness when dealing with student discipline include:
1. Students need to be treated with respect and dignity and to know what is expected of them. The school authority/board and the school should enact codes of conduct and rules that are clear and well communicated.
 2. In accordance with school policy, a student who is accused of breaching a rule should be notified of that of which he/she is accused, with the essential facts of what he/she is alleged to have done.
 3. An accused student should be given an opportunity to tell his/her side of the story. The right to be heard is a fundamental element of procedural fairness. Where the stakes are minor, this can be satisfied by the principal or teacher asking the student to explain his/her actions, more serious matters require more formal investigation and documentation.
 4. The student and parent should be informed of any appeal or review procedure in accordance with school policy as documented at the beginning of this paper.
 5. There is to be an assurance of no retribution for pursuing an appeal or review.

SEEKING UNBIASED RESOLUTIONS

“Bias” may occur when the mind of the decision-maker is in some way pre-disposed to a particular result, or is closed with respect to particular issues and, as a result, the decision-maker lacks impartiality or neutrality. The British Columbia Court of Appeal in a case comments as follows:

“to charge such person with bias is not merely to say that they would be likely to decide a particular matter in a particular way. But to say that they would do so improperly. The charge implies that the (decision-maker) would not decide the case independently, and on the basis of the evidence, but would do so under improper influence, and with a view to achieving an extraneous or otherwise improper purpose.”

Therefore the following guidelines are observed by Elizabeth Buckley School:

1. Decision-makers will not prejudge the evidence of the particular circumstances of a student’s case, or give the appearance (e.g., in public statements) of having done so, even if the decision maker has strong convictions on such matters.
2. When selecting Board representatives to hear a case or an appeal of a decision, those having a close out-of-school relationship, family ties or adversarial relationships with the student or student’s family, or a staff member who is closely involved in the incident be disqualified from serving the Board for this duty.
3. If a person (e.g., principal, staff member or committee member) has made a previous decision, or has been a member of a committee that has made a previous decision, that now is under appeal, such a person should only participate in the appeal for the purpose of providing testimony. Such a person should not participate in decision-making at appeal levels.
4. An appeal-hearing committee should not hear or receive evidence that will not be shared with the other party in the dispute. The committee will not receive evidence or representations from administrators or staff in the absence of the person appealing, and the committee will avoid the appearance of doing so.

APPROPRIATE PROCEDURAL PROTECTION

The requirements of procedural fairness will depend on the seriousness of the matter being decided. A minor infraction may be appropriately dealt with by an informal meeting between the principal or teacher and the student.

A decision respecting the possible suspension or expulsion of a student would have much more serious implications for the student. These cases call for careful observance of all elements of procedural fairness and a full hearing involving the following:

- An impartial (unbiased) decision-maker;
- Reasonable notice of the proposed suspension or expulsion which clearly sets out the grounds being relied on; this gives the student and his/her parents an opportunity to prepare a response;
- A hearing at which the student has an opportunity to present reason why the proposed action should not be taken. Oral and/or written submissions will usually be appropriate with respect to expulsions or lengthy suspensions;
- The opportunity for the student to present witnesses;
- A fair and unbiased decision based upon the evidence presented;
- A timely decision with written reasons

MEDIATION

For some types of disputes a mediation process may be a more appropriate and less confrontational way of resolving a dispute. Therefore, Elizabeth Buckley School will consider accessing the services of a mediator such as those found through the Dispute Resolution Office of the Ministry of Attorney General roster (250-356-8147)

SUMMARY

1. The Principal shall establish rules of conduct for students attending educational programs at Elizabeth Buckley School.
2. The Board will ensure students and parents are aware of the rules of conduct and agree to abide by them as outlined in the Parent Handbook and will obtain written confirmation of this acknowledgement annually.
3. The Board and Principal are to ensure principles of procedural fairness and natural justice are followed when decisions are made affecting the rights of a student whether the decision relates to a matter of discipline, e.g., suspension or expulsion from school, or to an important facet of the student's educational program, e.g. admission into a class or a mark assigned by a teacher;
4. And, at least in more serious matters, provide an appeal process which gives the student and/or parent an opportunity for a fair and unbiased review of the original decision.

PROCEDURAL FAIRNESS AND TEACHERS/EMPLOYEES

The terms and conditions of employment of teachers and other employees at an independent school will be governed by the contract of employment between the employee and the school authority.

Elizabeth Buckley School operates with individual contracts of employment between the employee and the school authority. In the event that a dispute arises, the steps outlined in the beginning of this policy will be employed.

Elizabeth Buckley School may add, modify or remove portions of this Personal Information Appeal Policy when it is considered appropriate to do so, and any such changes will be effective upon giving notice of the revised policy. You may ask for the most recent update of this Appeal Policy at the school office. This Appeal Policy may be supplemented or modified by agreements entered into between Elizabeth Buckley School and an individual from time to time.