
SCHOOL DISTRICT NO. 36 (SURREY)

No. 9902.2

REGULATION: APPEALS PROCEDURE – NON-SCHOOL DISTRICT STAFF OR VOLUNTEERS

The *School Act*, Section 11 (2) – Appeals, states:

“If a decision of an employee of a board significantly affects the education, health or safety of a student, the parent of the student or the student may, within a reasonable time from the date that the parent or student was informed of the decision, appeal that decision to the board.”

It is the Board’s intention that students or parents should have a similar appeal process for handling complaints made regarding non-district staff or volunteers’ actions and/or decisions, as contemplated in the above section of the *School Act* and as prescribed within Regulation #9902.1 – *Appeals Procedure*, as well as this regulation.

Although Board Policy #9902 - *Appeals Procedure* and its Regulation #9902 .1 - *Appeals Procedure* sets forth, in some detail, the procedures for handling staff appeals, there is a need to ensure consistency and thoroughness in handling Notices of Appeal that have been submitted to the Board regarding non-school district staff or volunteers as contemplated under Regulation #9902.2.

It is important to note that the Regulation #9902.2 process is solely for the purpose of dealing with decisions on matters within school district jurisdiction that significantly affect the education, health or safety of a student. Matters involving other bodies related to the school district’s educational, extra-curricular or administrative programs are not part of this regulation and will not form part of any school district consideration of the appeal.

Step 1:

Upon receipt by anyone, of a written Notice of Appeal, it is to be forwarded immediately to the Secretary-Treasurer’s office.

Step 2:

Immediately upon receipt in the Secretary-Treasurer’s office, the Administrative Assistant - Administrative Services, will register the document and assign a number. A Notice of Appeal Register will be maintained by this position to record all details relative to the disposition of appeals.

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Step 3:

All attempts to resolve the matter by staff should be exhausted before the Notice of Appeal process proceeds to the Board level.

Step 4:

The Secretary-Treasurer will advise the appellant and the non-school district staff or volunteer, the date and time of the Special (In-Camera) meeting.

Step 5:

A standard memorandum, with a copy of the Appeal attached, will be sent by, or on behalf of, the Secretary-Treasurer to the following:

- (a) Superintendent.
- (b) The other member(s) of Management Committee in whose jurisdiction the matter may fall.
- (c) The school Principal (or Department Manager, if a non-school matter).
- (d) The teacher or other employee who was involved in the initial decision that gave rise to the Appeal.
- (e) The STA if the employee is a teacher.
- (f) CUPE if the employee is a union member.

Such memorandum will suggest a date when the matter should be placed on the Board Special (In-Camera) meeting agenda with the report of the Superintendent.

Step 6:

The report of the Superintendent (to be submitted to the Board) should be provided to the Secretary-Treasurer's office a few days in advance of "agenda day". The Superintendent's office will ensure that a copy of the report is sent to the appellants and non-school district staff or volunteer, and the employee(s) whose decision has been appealed. A copy of the report

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will also be sent to the STA, if the employee is a teacher or CUPE if the employee is a union member.

Step 7:

A hearing will be called by the Board to hear the appellant and the non-school district staff or volunteer at a Special (In-Camera) meeting.

Step 8:

The Board, Superintendent, Secretary-Treasurer, Deputy Superintendent, Assistant Secretary-Treasurer, appellant, and non-school district staff or volunteer and district officials will be present during the Special (In-Camera) hearing. The appellant and the non-school district staff or volunteer may have legal representation in attendance at the hearing. Other attendance is prohibited. The hearing will permit the appellant time to present evidence; the non-school district staff or volunteer to present evidence; rebuttal opportunities; and, as well, district officials may clarify for the Board's benefit, any information that may be unclear or requiring further explanation.

After the Board is satisfied on the completeness of the presentation, the appellant, non-school district staff or volunteer, district officials involved, and any other district officials will leave the meeting, except those noted below.

The Board, Superintendent, Secretary-Treasurer, Deputy Superintendent, Assistant Secretary-Treasurer (recording secretary) and the Board's legal counsel (if in attendance) will remain in session to discuss the matter and recommend a course of action.

Step 9:

If the employee is a union member, the employee and the STA or CUPE will be afforded an opportunity to provide a written response, within an approved time frame.

Step 10:

Where the appeal deals with a union member, and the Board invites the appellant, non-school district staff or volunteer and/or their legal representative to attend a meeting, the employee and a representative from the STA or CUPE will also be invited to the meeting.

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Step 11:

Formal communication with the appellant(s) and non-school district staff or volunteer(s), following Board action will be from the Secretary-Treasurer's office. If the appeal involved a union member, the employee and STA or CUPE will receive copies of the Board's decision.

Withdrawn Appeal:

If an appeal is withdrawn, written confirmation of such withdrawal is to be filed with the Secretary-Treasurer's office and communicated to all affected parties.

Appendix: Notice of Appeal

Approved: 2004-05-18

X-Ref: Policy #10310
