

### AP 325 – Formal Complaints and Appeals

#### Purpose

#### Addressing Complaints and Appeals

The Board of Education (“Board”) recognizes and respects the fact that students and/or parents or guardians may sometimes disagree with actions and/or decisions of its employees. The School Act of British Columbia gives parents/guardians<sup>1</sup> and students the right appeal employee decisions that significantly affect the health, education or safety of a student. Employee decisions also include the failure of the employee to make a decision. The Board believes that parents/guardians should also have a process for filing formal complaints.

The following decisions shall be deemed to significantly affect the education, health or safety of a student:

- disciplinary suspension from school for a period in excess of ten (10) consecutive days;
- suspension from school for a health condition;
- significant decisions regarding placement in an educational program (this does not include classroom or teacher preference issues, except in exceptional circumstances)
- grade promotion and graduation;
- refusal to offer an educational program to a student from 16 to 19 years of age;
- any other decision that, in the opinion of the Board of Education or the designate, significantly affects the education, health or safety of a student.

The information in this administrative procedure provides the Board’s procedure for handling formal complaints or appeals. However, before initiating a formal complaint or appeal, parents/guardians and students are strongly encouraged to try to resolve their concerns with those involved at the school level.

The Board strives for excellence in educational programming and service delivery for students and makes every effort to treat all complaints and appeals promptly and courteously in order to address the issue. The process used to address complaints and appeals follows a standard meeting, reporting, and follow-up process. Parents/guardians and students are further advised and assured that there will be no reprisals and where there is evidence of retribution against persons who have exercised their right to complain or appeal, the school principal and/or the Board will take steps immediately to remedy the situation.

A conversation regarding confidentiality of information will be held with the individual filing the complaint or appeal at the time of receipt of the “Formal Notice of Complaint or Appeal” reporting form. The conversation will cover such topics as information collection, storage, duplication, persons to be involved, access to the information, and retention of documents/information.

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<sup>1</sup> For the purposes of this Policy, a “parent/guardian” has the same definition as in the *School Act*

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Any individual filing a formal complaint or appeal has the right to be accompanied at any stage of the process with a support person of their choosing. The Board reserves the right to deny a support person attendance in a meeting where:

- the support person is being, or is reasonably expected to be unduly disruptive; or
- the Board determines that the support person is in a conflict of interest.

### Procedure

To initiate a formal complaint or appeal, the individual must complete the Formal Notice of Complaint or Appeal reporting form which is available at the school office, district office or at the end of this administrative procedure. An appeal should be initiated within 30 days of the parent/guardian or student being notified of the decision which is the subject of the appeal. A formal complaint should be initiated within 30 days after the issue that gives rise to the complaint, occurs.

The Board is committed to providing open and equal access to the complaint and appeal process and will make, whenever possible, interpreters available to individuals who have difficulty communicating in English. Should assistance be required at any stage of the complaint or appeal process, the student or parent/guardian may contact their school principal or an assistant superintendent at the district administration office. If either or both of these people have already been involved in the decision-making process, or are a party to the complaint or appeal, then a designate will be appointed. Once the Formal Notice of Complaint or Appeal form has been completed, it must be mailed, emailed or delivered to the person specified at that particular step of the formal process.

The Board advises that the proper channelling of complaints or appeals involving instruction, discipline, safety and health is as follows:

- Employee (teacher or staff) – informal process
- School Principal –informal process or formal process outlined below
- Assistant Superintendent –formal process outlined below
- Superintendent/CEO – formal process outlined below
- Board of School Trustees - formal process outlined below

Informal Process: It is strongly encouraged that any complaint or appeal first be brought informally to the source. If the parent/guardian or student is unable to do so, then a complaint about an appeal involving school personnel must first be brought to the attention of the school administrator. A complaint about a school administrator should be brought to that administrator's attention before pursuing a formal process.

In the event that the informal process does not provide a satisfactory outcome, the steps outlined below will constitute the Board's formal process for the resolution of a complaint or an appeal.

### **The Formal Complaint or Appeal Process – Four Steps**

The purpose of each individual step is to try and resolve the complaint or appeal in an open and constructive manner that is solution-focused.

**Errors and Omissions** – In the event of an error or omission by the individual in the process, the staff member receiving the correspondence shall inform the appellant of the error and inform the appellant of the appropriate step that must be followed.

Where a matter may not be appealable – Where a matter is determined by a staff member to not be subject to appeal, the appellant may proceed to the next step of the process up to Step 4 where the Board may refuse to hear a matter.

#### **Step 1**

After receiving the Formal Notice of Complaint or Appeal, the principal will arrange a meeting. The meeting will include the principal, parent/guardian/student and possibly other employees who have been involved in the complaint or decision being appealed.

The principal will initiate two conversations at the outset of the meeting: 1) a conversation regarding confidentiality of information with the individual filing the appeal, which will cover information collection, storage, duplication, access to the information, persons to be involved, and retention of documents/information; and 2) a conversation regarding the process for the meeting and individuals who will be present at the meeting.

As soon as possible before the meeting, the individual filing the formal complaint or appeal should inform the principal if a support person(s) will be accompanying them at the meeting.

Within a reasonable period of time after the meeting has taken place, the individual who filed the formal complaint or appeal will receive a letter summarizing the outcome of the meeting, any follow-up actions to be taken, rationale for the decision (the “Decision”) and next steps available to the individual under this AP.

The individual filing the formal complaint or appeal may respond to the Decision in writing if they believe the Decision is unfair or unacceptable by emailing, mailing or delivering the Decision to the decision maker with their written response attached.

#### **Step 2**

If the Step 1 meeting was not successful, parents/guardians/students can refer the formal complaint or appeal to the assistant superintendent. To initiate this process, contact the office of the assistant superintendent by contacting the School Board Office at 250-754-5521.

The assistant superintendent will then request that the individual filing the formal complaint or appeal forward all documentation from step 1 directly to them.

After receiving the appeal and all documentation from step 1, the assistant superintendent will arrange a meeting. The meeting will include the assistant superintendent, parent/guardian/student and possibly other employees who have been involved in the complaint or Decision being appealed. As soon as possible before

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the meeting, the individual filing the formal complaint appeal should inform the assistant superintendent if a support person(s) will be accompanying them at the meeting.

The assistant superintendent will initiate two conversations which will be put in writing: 1) a conversation regarding confidentiality of information, which will cover information collection, storage, duplication, access to the information, persons to be involved, and retention of documents/information; and 2) a conversation regarding the process for the meeting and individuals who will be present at the meeting.

Within a reasonable period of time after the meeting has taken place, the individual who filed the formal complaint or appeal will receive a letter summarizing the outcome of the meeting, any follow-up actions to be taken, rationale for the decision (the “Decision”) and next steps available to the individual under this AP.

The individual filing the complaint or appeal may respond to the Decision in writing if they believe the Decision is unfair or unacceptable by emailing, mailing or delivering the Decision to the decision maker with their written response attached.

### **Step 3**

If the Step 2 meeting was not successful, parents/guardians/students can refer the formal complaint or appeal to the Superintendent’s Office. To refer a matter to Step 3, contact is made with the Office of the Superintendent to advise them of the wish to pursue a formal complaint or an appeal to Step 3. This can be done through regular mail, email or a phone call to the Superintendent’s Office. To initiate this process, contact the Office of the Superintendent by contacting the School Board Office at 250-754-5521.

The Superintendent’s office will then request that the individual filing the formal complaint or appeal forward all documentation from steps 1 and 2 directly to the Superintendent’s Office. After the Superintendent has received this documentation, the Superintendent’s Office will work with the individual filing the appeal to arrange a meeting with the Superintendent or designate. As soon as possible before the meeting, the individual filing the formal complaint or appeal should inform the Superintendent if support person(s) will be accompanying them at the meeting.

Prior to the meeting with the Superintendent or designate, the Superintendent’s Office will initiate two conversations: 1) a conversation regarding confidentiality of information, which will cover information collection, storage, duplication, access to the information, persons to be involved, and retention of documents/information; and 2) a conversation regarding the process for the meeting and individuals who will be present at the meeting.

At the meeting, the individual filing the appeal and the individuals present will have an opportunity to explain their perspectives. Within a reasonable period of time after the meeting has taken place, the Superintendent will make their decision in private, and the individual filing the formal complaint or appeal will be notified of the decision in writing, any follow-up actions to be taken, rationale for the decision and next steps available to the individual under this AP.

The individual filing the appeal may respond to the Decision in writing if they believe the Decision is unfair or unacceptable by emailing, mailing or delivering the Decision to the decision maker with their written response attached.

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### Step 4

If the Step 3 meeting was not successful, parents/guardians/students may refer the formal complaint or appeal to the Board. At Step 4 the Board may choose to proceed with a hearing or deem the Superintendent's decision final.

The Board must decide the appeal within 45 days of the date the Board receives the formal complaint or appeal.

The Board may refuse to hear an appeal where:

- the formal complaint or appeal has not been commenced within a reasonable time from the date the decision significantly affecting the student's education, health or safety was made; or,
- the student and/or parent or guardian has refused or neglected to discuss the complaint or decision under appeal with the person(s) directed by the Board or its designate; or,
- the complaint or decision being appealed is deemed to not significantly affect the education, health or safety of a student.

Upon delivering its decision, the Board of Education will also inform the appellant(s) of the ability to appeal the decision to a Superintendent of Achievement in the Ministry of Education per Section 11 of the *School Act*.

To initiate this process, contact the Office of the Secretary-Treasurer by contacting the School Board Office at 250-754-5521.

Confidential Information Disclaimer:

The Board is committed to ensuring the protection and security of all personal information that it collects, uses, maintains and discloses in the course of carrying out its responsibilities.

The Board may disclose personal information collected during an appeal with its employees, but only to the extent necessary for the Board to perform its duties under this policy. Any decisions reached as a result of an appeal will be disclosed to the extent necessary to implement an appeal decision.

### At the School Level

Principals must include information regarding *AP 325 – Formal Complaints and Appeals* in all letters of suspension.

Principals must include the information regarding *AP 325 – Formal Complaints and Appeals* in parent and teacher handbooks.

Adopted: May 22, 1991

Amended: November 10, 1991; January 26, 1994; December 19, 2007; April 19, 2016; May 1, 2019; February 10, 2021

References: *The School Act*

The Board of Education of School District 68 (Nanaimo-Ladysmith) Parent/Student Appeals Bylaw No. 2  
Administrative Procedures Manual – *Notice of Appeal*  
*Appeals Regulation BC Reg 24/08*



### Formal Notice of Complaint or Appeal

Student Name: \_\_\_\_\_ Grade: \_\_\_\_\_

Preferred Name: \_\_\_\_\_

Parent/Guardian: \_\_\_\_\_

Address: \_\_\_\_\_

City/Town: \_\_\_\_\_ Postal Code: \_\_\_\_\_

Phone No.: \_\_\_\_\_ Cell: \_\_\_\_\_

Principal: \_\_\_\_\_ Employee(s)  
Involved: \_\_\_\_\_

School: \_\_\_\_\_

Preferred Contact  
for this Complaint  
or Appeal: \_\_\_\_\_

Provide a brief statement outlining the complaint or decision that was made or not made which significantly affects the education, health or safety of the student.

Date of the complaint or the date that you were informed of the decision being appealed:

Name of school district employee who is involved in the complaint or made the decision being appealed:

Grounds for the appeal:

Requested action or relief:

Other relevant information you wish to provide:

*Date of Step 1 Meeting:*

*Signature of Principal:*

Decision / Outcome:

Next Steps Available:

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<i>Date of Step 2 Meeting:</i>
<i>Signature of Assistant Superintendent:</i>
Decision / Outcome:
Next Steps Available:

<i>Date of Step 3 Meeting:</i>
<i>Signature of Superintendent or Designate:</i>
Decision / Outcome:
Next Steps Available:

<i>Date of Step 4 Meeting:</i>
<i>Signature of Secretary Treasurer or Designate:</i>
Decision / Outcome:
Next Steps Available: