

#1817731

### **Appeals Procedures**

#### **Scope**

Any person involved with a decision that feels that policy had an unintended or unjust effect **may** request that the Board of Trustee review the policy.

This policy does **not** apply to personnel decisions which will be handled according to divisional employment policies and/or procedures.

This policy does **not** apply to any action regarding Board members, which shall be handled according to divisional procedures, policies, the Trustee Code of Conduct, or *The Public Schools Act* as appropriate.

This policy is **not** intended to circumvent existing appeal processes detailed in other policies.

#### **Procedure**

Appeals must be filed with the Chair of the Board within the same school year. Appeals submitted after must include an explanation why the appeal could not be submitted within that timeframe.

Appeals must set out the following:

- the decision made and the date it was made;
- the name and title of the person who made the decision;
- the facts upon which the appeal relies;
- the decision or result that the Appellant seeks

The Chair of the Board will present the Notice of Appeal to the full Board at the next Board meeting following receipt of the Appeal. The Board will hear the appeal details and consider any preliminary matters in camera. The Board may dismiss the appeal summarily.

If the appeal is not summarily dismissed, the material will be provided to the Superintendent, who will provide a written response as well as any additional material relevant to the appeal.

The onus is on the Appellant to demonstrate that the decision:

- a. illegal or made contrary to a law;
- b. a violation of the person's rights as protected by the Constitution Act (1982) or any other statute;

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- c. not made according to the appropriate policy or procedure of the School Division;
- d. manifestly unjust; or
- e. the School Division had no policy, and the decision was unfair

The decision on an appeal, in writing and signed by the Chair of the Board, will be sent to the Appellant at the conclusion of the appeals process.

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