

APPEALS TO THE SUPERINTENDENT

Background

Division administration favours the timely resolution of disagreements by those involved. If a disagreement cannot be resolved using the conflict resolution process, the Superintendent encourages those seeking resolution to utilize this Appeal Process, but only after individuals have reasonably attempted to come to a common understanding using the conflict resolution process.

The Board reserves the right to hear appeals on any decision made by the Superintendent with regards to teacher transfers.

Teachers appealing a transfer by the Superintendent must utilize the Board Policy 14. The Board will not deal with any other appeals if the authority has been specifically delegated to the administration.

Procedures

1. Division administration expects the use of cooperative and collaborative approaches to resolve matters of disagreement or dispute. It is expected that, in this way, most disagreements or disputes will be resolved at the local level. Refer to AP 152 for further information on dispute resolution.
2. When attempts to resolve the dispute have been unsuccessful, parties in dispute may appeal the matter, in writing, to the individual assigned the responsibility for the matter within the Division. For example, to appeal the decision of a principal, the next level of appeal would be the immediate supervisor, the Superintendent. Complaints filed must be done so in a manner consistent with the Code of Professional Conduct for Teachers and Teacher Leaders.
3. The individual who receives the appeal shall attempt to resolve the issue in a satisfactory and timely manner.
 - 3.1 If able to resolve the dispute, the individual shall confirm, in writing, that the appeal has been discontinued and indicate the resolution achieved.
 - 3.2 If unable to resolve the dispute, the individual shall make a decision, communicate the decision and the reasons for it, in writing, to those making the appeal, and advise them of the next level of appeal.
4. If an individual believes that the decision is unacceptable and that s/he is unjustly harmed by the decision, then an appeal can be made to the Office of the Superintendent.
5. Appeal Process
 - 5.1 The Appeal to the Office of the Superintendent shall ensure that:

- 5.1.1 There is no limitation of any rights provided by law or the right to other appeal processes; and
 - 5.1.2 The individual making the appeal receives the decision in writing without undue delay; and
 - 5.1.3 The written decision includes information if the decision is final and binding.
- 5.2 Individuals have the right:
- 5.2.1 To retain, at their own initiative and expense, the services of advocates, witnesses and, or legal counsel to represent them during the appeal process;
 - 5.2.2 To be represented by their professional association/ union;
 - 5.2.3 To present information relating to the appeal; and
 - 5.2.4 To have access to the information used and the rationale for the original decision which is being appealed.
6. The Superintendent shall review the submissions of the parties, make a decision, and communicate it in writing to the two parties.
7. An appeal process is initiated when a written appeal has been received. Where there are timelines specified in the appeal procedures, these shall commence upon the date of receipt of the appeal.

Reference: Section 52,53, 222 Education Act
Cross Reference: Board Policy 13 – Appeals and Hearings Regarding Student Matters
Board Policy 14 – Hearings on Teacher Matters
Code of Professional Conduct for Teachers and Teacher Leaders