APPEALS POLICY

Rationale
In order that all concerns can be given respectful attention, a process is required that provides clear procedures for addressing concerns in a fair manner (procedural fairness) for students, parents and employees.

Policy
Concerns of individuals and/or groups will be addressed in a spirit that reflects the philosophy of the School. Those concerned will try to resolve the issue respecting each other's point of view. The attached procedure to this policy provides steps to be taken if an agreeable solution cannot be achieved at a particular level.

Definitions
Days – days for the purpose of this policy refers to days the school is in session.

Witness – means a person with first-hand knowledge of the event.

Appealable Decision with regard to students – a decision that is deemed to significantly affect the education, health or safety of a student:

a) disciplinary suspension from school for a period in excess of five (5) consecutive days;
b) suspension from school for a health condition;
c) grade promotion;
d) any other decision that significantly impacts the present or future educational program of the student.

Employee Complaints - for the purpose of this policy complaints refer to complaints that are outside of the employee/employer contract.

Parent – refers to parent and/or legal guardian

Procedures

A. Complaints and Appeals from Students and Parents

As this policy must be followed, the Board of Advisors members are unable to engage in discussions with parents about complaints that have the potential to end up in an Appeal.

Complaints Relating to School Personnel

A parent who has a concern regarding any educational matter which significantly affects the education, health, or safety of the student has the responsibility to begin addressing the concern directly with the person(s) with whom the concern lies before taking the concern elsewhere. The Acton Academy Nanaimo Board of Advisors expectation is that prior to utilizing an appeals process, the students and their parents/guardians will have tried to resolve the issues in dispute in a constructive manner with those responsible at the school or program level.

Begin at step 3 if:

- The complaint relates to decisions made by the Head of School, versus another school employee, OR
- If the decision relates to an indefinite suspension or expulsion.

1. Step One:
   If no agreeable solution is achieved with the staff member, the complainant may commence an appeal by submitting a written appeal to the Head of School together with any relevant written material. Upon receipt of a completed appeal request, the Head of School will, as soon as practicable, arrange a meeting with the person initiating the appeal. The Board of Advisors expectation is that appeals will be initiated within seven (7) days of the date that the parent or student was informed of the decision, unless the parent/student can demonstrate that there are reasonable grounds to extend this deadline (e.g. the parent/student have been involved in ongoing discussions with the staff member to resolve the issue which is the subject of the appeal).

2. Step Two:
   The Head of School will gather any relevant information about the concern and meet with both parties. At this meeting, the Head of School will:
   - review all the available information
   - refer to any relevant school policies
   - document the proceeding

- assist the parties to reach an agreeable solution OR adjourn the meeting and seek further information or consultation.

After considering all the relevant information and if no agreeable solution is reached, the Head of School will make a decision regarding the complaint. This decision is to be conveyed to both parties orally and in writing, notifying the complainant of their right to appeal to the Board of Advisors within seven (7) days of receiving the Head of School's decision.

3. Step Three:
   This step may be used if the complainant is not satisfied with the decision of the Head of School.

   A person seeking to appeal a determination made by the Head of School may, within seven (7) days of receipt of the Head of School's determination, provide, in writing, to the Board of Advisors a notice of the appeal. The complainant should use the *Application for Appeal Form (re: appeal from students/parents)* which outlines the reason(s) for the appeal.

   Upon receipt of the notice and outline of the appeal, the Board of Advisors will:
   - review the available information
   - meet with both parties to listen to presentations and responses from both sides
   - document the proceedings
   - refer to any additional school policies in addition to the ones identified by the complainant and/or Head of School that are relevant to the appeal
   - seek an agreeable solution or if this is not possible, make a final decision regarding the appeal.

   The Board of Advisors, within seven (7) days of completing their investigation/ unbiased hearing, will inform both parties in writing of their decision regarding the appeal. The communication to the complainant will include notifying the complainant of their right to appeal within seven (7) days of receiving the decision of the Board of Advisors to the Ombudsperson appointed for the AMS Schools (if approved to join AMS). The complainant will be informed that the role of the Ombudsperson is to determine if the processes used have been fair and impartial, not to substitute their judgment for that of the Board of Advisors.

   The Board's procedure to be followed in conducting the hearing is as follows:

a) Persons Present: A majority of Board members, Head of School, staff member (if applicable), parents and student. NOTE: Student attendance is optional depending on age, maturity, and situation for the student.
b) The Board will review school policies relevant to the appeal prior to the meeting.
c) The Chairperson or a designated member of the Board will chair the meeting;
d) The Chairperson will provide an overview of the process for the appeal.
e) The Head of School will give their report on the issue(s) which precipitated the decision under appeal. If the appeal is based on a decision made by a school employee other than the Head of School, that employee may also provide a report on the issue.
f) The parents and student will be provided the opportunity to question the contents of the Head of School's and/or employee's report.
g) The Board members, parents and students may ask questions of the Head of School and/or employee.
h) The Board members, Head of School, and/or employee may question the student and/or parents.
i) The parents with the student may talk with the Board alone, without the Head of School and/or employee present.
j) The Head of School and/or employee may talk to the Board alone without the parents/guardians and/or student present.
k) The parent and/or Board members may then ask the student to leave to talk with parents alone.
l) The Board may determine the need to speak to any witnesses of the event leading to the decision under appeal.
m) The Board, Head of School, parents, and student will reconvene for final comments.
n) The parents, student, Head of School, and any staff members are thanked and dismissed.
o) The Board may make a recommendation of a solution to both parties.
p) After considering all the relevant information and if no agreeable solution is reached, the Board will make a final decision in regard to the complaint. The Board's decision is to be conveyed to all parties orally and in writing.

4. Step 4:
   Any student or parent of a student affected by a decision, recommendation, act or omission of the School may file a complaint with the AMS Ombudsperson (if approved to join AMS). The Complainant can obtain the "Complaint to Ombudsperson Form" from the School.

   A complaint or reference made to the ombudsperson shall be limited to:

a) A decision, recommendation, act or omission by a school related to school policies, procedures and practices used in dealing with an educational matter that was
    (i) contrary to the rules of natural justice and due process and fairness,
    (ii) unjust or oppressive
    (iii) based on irrelevant grounds or
    (iv) arbitrary, unreasonable, or unfair, or
b) In doing or omitting an above act or in making or acting on an above decision or recommendation, a school
    (i) did so for an improper purpose,
    (ii) failed to give adequate and appropriate reasons,
    (iii) acted improperly, or
    (iv) failed to follow its own policies, procedures and practices, or
c) There was unreasonable delay in dealing with a matter (the "Prohibited Actions and Decisions").

B. Complaints and Appeals From Employees

As this policy must be followed, Board of Advisor members are unable to engage in discussions with staff about complaints that have the potential to end up at an appeals level.

Complaints Relating to School Personnel Other Than the Head of School

This may include complaints from guides, support staff or other school employees. An employee who has a concern has the responsibility to begin addressing the concern directly with the person(s) with whom the concern lies before taking the concern elsewhere.

The Board's expectation is that prior to utilizing this policy, employees will have tried to resolve the issues in dispute in a constructive manner with those responsible at the school.

The Board of Advisors expectation is that appeals will be initiated within seven (7) days of the date that the employee was informed of the decision, unless the employee can demonstrate that there are reasonable grounds to extend this deadline (e.g. the employee have been involved in ongoing discussions to resolve the issue which is the subject of the appeal).

If the complaint relates to the Head of School then begin at step 3.

1. Step One:
   If no agreeable solution is achieved between two employees, the complainant may within seven (7) days of meeting with the other employee refer their concern in writing to the school Head of School together with any relevant written material.

2. Step Two:
   The Head of School will gather any relevant information about the concern and meet with both parties. At this meeting, the Head of School will:
   - review all the available information
   - refer to any relevant school policies
   - document the proceeding
   - assist the parties to reach an agreeable solution OR adjourn the meeting and seek further information or consultation.

   After considering all the relevant information and if no agreeable solution is reached, the Head of School will make a decision regarding the complaint. This decision is to be conveyed to both parties orally and in writing, notifying the complainant of their right to appeal to the Board of Advisors within seven (7) days of receiving the Head of School's decision.

3. Step Three:
   This step may be used if the complainant is not satisfied with the decision of the Head of School.

   A person seeking to appeal a determination made by the Head of School may, within seven (7) days of receipt of the Head of School's determination, provide, in writing, to the Board of Advisors a notice of the appeal. The complainant should use the *Application for Appeal Form (re: appeal from employees)* which outlines the reason(s) for the appeal.

   Upon receipt of the notice and outline of the appeal, the Board of Advisors will:
   - review the available information
   - meet with both parties to listen to presentations and responses from both sides
   - document the proceedings
   - refer to any additional school policies in addition to the ones identified by the complainant and/or Head of School that are relevant to the appeal
   - seek an agreeable solution or if this is not possible, make a final decision regarding the appeal.

The procedure to be followed in conducting the hearing is as follows:

a) Persons Present: A majority of the Board members, the Head of School, and the employee(s) filing the appeal.
b) The Board will review school policies relevant to the appeal prior to the meeting.
c) The chairperson or a designated member of the Board will chair the meeting.
d) The chairperson will provide an overview of the process for the appeal.
e) The Head of School will give their report on the issue(s) which precipitated the decision under appeal.
f) The employee(s) is/are provided the opportunity to speak about the dispute under appeal and/or question the contents of the Head of School's report.
g) The Board members may ask questions of the Head of School and/or employee(s).
h) The Board may determine the need to speak to any witnesses of the event leading to the decision under appeal.
i) The Board, Head of School, and/or employee(s) will reconvene for final comments.
j) The employee(s) and Head of School are thanked and dismissed.
k) The Board may choose to make a recommendation of a solution that may be agreeable to both parties. If the parties are not agreeable to the suggested solution, the Board will make a final decision on the appeal.
l) The decision of the Board will be communicated through the Board Chairperson both orally and in writing to the Head of School and the employee(s).
m) The decision of the Board is final.

Reference(s):	**Approved by:** Board of Advisors **Date Approved:** August 5, 2026
Cross-reference(s):	**Date(s) revised:**