

## Appeals Policy

A student or a parent of a student who is enrolled at Studio9 may appeal a decision of an employee of Studio9 which significantly affects the education, health or safety of the student.

Employee decisions relating to individual students should be carried out in accordance with principles of procedural fairness. This includes treating students with respect and dignity, notifying the student who has been accused of breaching a rule along with the essential facts of what she/he is accused of doing, and allowing the student to tell his/her side of the story. The appeal process should encourage all parties to disputes to understand the concerns of the other parties and make good faith efforts to resolve disputes to mutual satisfaction.

The Administration team at Studio9 generally encourages complaints and disputes to be dealt with at the point closest to where the dispute first arises.

If an employee's decision is disputed or a complaint is made about an employee's decision, the dispute or complaint is not resolved to the satisfaction of the student or the parent of the student affected, and the decision significantly affects the education, health or safety of the student, the Administration team at Studio9 recognizes the right of a student and/or his or her parents (including guardians and persons acting in place of parents) to appeal this decision as it pertains to a breach in school policy.

The Administration team also recognizes that employee decisions that they have decided do not significantly affect the education, health or safety of a student are within the final authority of the Principal as chief educational officer.

For the purpose of bringing an appeal, the failure of an employee to make a decision shall be considered a decision.

For the purpose of this policy, parent means:

1. the guardian of the person of the student or child,
  2. the person legally entitled to custody and control of the student or child, or
  3. the person who usually has the care and control of the student or child.
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## Policy

1. The administration team shall inform students/parents/guardians of the existence and availability of this policy at least annually. When a disagreement arises, the employee shall inform the appellant of their rights to appeal under this Appeals Procedure.

2. The usual process for an appellant to follow is:

- a) meet with the employee who made the decision to try to reach a solution;
- b) if the problem is unresolved, meet with the Principal;
- c) if the appellant is not satisfied with the response provided by the Principal, an appeal may be submitted to the CEO;
- d) if the problem is regarding the actions of the CEO, or the appellant has reason to believe that the CEO has not followed school policy in his/her decision, an appeal may be submitted to an independent committee, headed by an ombudsperson, appointed by the Board.

A parent and/or student may begin the appeal process by presenting a written notice of appeal to the CEO within fifteen (15) school days after being informed of the decision that is being appealed, or from the date of completion of the dispute resolution steps referred to above, whichever is later.

3. Within fifteen school days of the receipt of the written notice of appeal, the CEO must inform the appellant of the date of the hearing or provide reasons for the CEO's decision to not hear the appeal, if it pertains to an alleged breach in school policy.

4. Appeals to the CEO are to be carried out in accordance with principles of fairness, including:

- a) The appeal process should be accessible to parents and students. Information about the appeal process and relevant policies should be readily accessible to all, including employees, students and parents. Reasonable accommodation should be provided where necessary to allow parents or students to make use of the appeal process.
- b) Appellants are entitled to receive the same written and oral information to be used in the appeal as is provided to the CEO by administration and to have an opportunity to respond to it.
- c) The CEO accepts his/her responsibility to exercise his/her independent judgment when hearing appeals. In particular, the CEO may not engage in mediation or an attempt to resolve the decision being appealed, or take part in investigating the matter.
- d) A student or parent shall not be subjected to retribution by the CEO, the Principal or employees of Studio9 because an appeal has been made.

5. If a student under the age of 19 years initiates the appeal, a copy of the appeal will be sent to the parent/guardian.

6. The CEO recognizes that whether a decision significantly affects a student's education, health, or safety is a matter for individual consideration. The following will normally be considered (but not limited to) to be matters that significantly affect a student's education, health or safety:

- a) suspension or exclusion of a student from a school for a period in excess of 10 days, or that could prevent the student from fulfilling graduation requirements in a timely way;
- b) decisions regarding placement in an educational program other than access to a specific course or class;
- c) decisions regarding whether a student has met the requirements for promotion from one grade or course to the next, or has met the requirements for secondary school graduation;
- d) denial of a request for an individual education program;
- e) failure to consult with regard to a student's individual education program;
- f) exclusion due to student conduct;
- g) exclusion due to medical conditions that endangers others;

Decisions made on appeals are not set on precedent and are not binding on future decision-makers.

7. The CEO may refuse to hear an appeal if:

- a) the appellant has not followed the correct appeals process;
- b) the appeal has not been initiated within a reasonable time (usually 15 school days) from the date of the decision being made;
- c) the CEO determines that the decision does not significantly affect the student's education, health or safety;
- d) the appeal is not based upon a breach of school policy.

8. The CEO may invite oral or written submissions in relation to the appeal from all concerned parties, and:

- a) the appellant may be accompanied by an advocate; an interpreter/translator may also attend such meetings, if required;
- b) a copy of all written submissions shall be provided to the appellant and advocate, and to the employee whose decision is being appealed;

9. In considering appeals of employee decisions, the CEO shall consider:

- a) whether the decision appealed is in accordance with legislation, Studio9 policies and procedures;
- b) whether the decision appealed was reached through a process that was fair to the student and after consideration of relevant information;
- c) whether the evidence presented to the CEO supports the decision or calls it into question;
- d) whether the decision is reasonable in the circumstances; and
- e) whether there are special circumstances that would warrant making an

exception to a Studio9 policy.

A parent and/or student who has reason to believe that Studio9 policy has been breached by the decision of the CEO, or if the complaint is directly related to the CEO is able to present a written notice of appeal to the Board within fifteen (15) school days after being informed of the decision that is being appealed, or from the date of completion of the dispute resolution steps referred to above, whichever is later.

10. Within fifteen school days of the receipt of the written notice of appeal, the Board must appoint an individual committee, headed by the ombudsperson, to review the appeal.

11. Within ten days of the formation of the individual committee, the Board must inform the appellant of the date of the hearing or provide reasons for the independent committee's decision to not hear the appeal.

12. Appeals to the individual committee appointed by the Board are to be carried out in accordance with principles of fairness, including:

- a) The appeal process should be accessible to parents and students. Information about the appeal process and relevant policies should be readily accessible to all, including employees, students and parents. Reasonable accommodation should be provided where necessary to allow parents or students to make use of the appeal process.
- b) Appellants are entitled to receive the same written and oral information to be used in the appeal as is provided to the individual committee appointed by the Board and to have an opportunity to respond to it.
- c) The individual committee appointed by the Board accepts their responsibility to exercise their independent judgment when hearing appeals. In particular, the members of the individual committee appointed by the Board may not engage in mediation or an attempt to resolve the decision being appealed, or take part in investigating the matter.
- d) A student or parent shall not be subjected to retribution by the Board, the members of the individual committee appointed by the Board, the CEO, the Principal or employees of Studio9 because an appeal has been made.

13. If a student under the age of 19 years initiates the appeal, a copy of the appeal will be sent to the parent/guardian.

14. The individual committee appointed by the Board recognizes that whether a decision significantly affects a student's education, health, or safety is a matter for individual consideration. Decisions made on appeals are not set on precedent and are not binding on future decision-makers.

15. The individual committee appointed by the Board may refuse to hear an appeal if:

- a) the appellant has not followed the correct appeals process;

- b) the appeal has not been initiated within a reasonable time (usually 15 school days) from the date of the decision being made;
- c) the committee determines that the decision does not significantly affect the student's education, health or safety;
- d) the appeal is not based on an alleged breach of school policy.

16. The individual committee appointed by the board may invite oral or written submissions in relation to the appeal from all concerned parties, and:

- a) the appellant may be accompanied by an advocate; an interpreter/translator may also attend such meetings, if required;
- b) a copy of all written submissions shall be provided to the appellant and advocate, and to the employee whose decision is being appealed;

17. In considering appeals, the individual committee appointed by the board will consider:

- a) whether the decision appealed is in accordance with legislation, Studio9 policies and procedures;
- b) whether the decision appealed was reached through a process that was fair to the student and after consideration of relevant information;
- c) whether the evidence presented to the committee supports the decision or calls it into question;
- d) whether the decision is reasonable in the circumstances; and
- e) whether there are special circumstances that would warrant making an exception to a Studio9 policy.

18. The decision of the individual committee appointed by the Board may be brought to the attention of the Federation of Independent Schools Association's Independent Schools Ombudsperson. The Ombudsperson will investigate complaints made by persons affected by a decision, procedure, act, or omission of an independent school that is a member of the Associate Member Society (AMS) of the Federation of Independent Schools Association (FISA).

The Ombudsperson is appointed to assist those persons who, having exhausted all avenues of redress, appeal, or review provided by an independent school, wish to make a complaint pursuant to the Associate Member Society Schools' Ombudsperson Policy.

The Ombudsperson is authorized to undertake an investigation and make a recommendation to Studio9. If the recommendation does not result in a resolution of the complaint, the Ombudsperson may deliver a written report to Studio9. If Studio9 does not comply with the written report, the Ombudsperson may issue a further report setting out the circumstances to AMS and to FISA.

The Ombudsperson is not an arbitrator and does not have the ability to make a binding decision with respect to a complaint. It is intended that the Ombudsperson provide an objective opportunity for investigation of a decision, procedure, act, or omission of a

school. Any student, parent, or legal guardian of a student affected by a decision, recommendation, act or omission of an independent school may ask the Ombudsperson to conduct an investigation of a complaint.

The current AMS Ombudspersons are Robert G. Kuhn ([bkuhn@kuhnco.net](mailto:bkuhn@kuhnco.net), 604 864-8877) and Heres Snijder ([hopehelphealing2015@gmail.com](mailto:hopehelphealing2015@gmail.com), 778 680-4977).

19. After consideration of all parties contributing information to the appeal, the decision of the board shall be final, subject to any rights to appeal under the School Act, and will be communicated promptly, in writing, to the appellant and advocate. If the appeal was initiated by a student under the age of 19 years, a copy of the committee's decision will also be sent to the parent/guardian.

20. Appellants who have appeal rights under the School Act, Section 11.1 will be advised of those rights when they are notified of the committee's reasons for decision.

21. Employees of Studio9 are required to manage appeals in a positive manner. If there are any reprisals, the Principal and/or the CEO will immediately investigate and take any appropriate action.