

SCHOOL DISTRICT No. 69 (QUALICUM)

ADMINISTRATIVE PROCEDURES

RESOLUTION OF COMPLAINTS

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WHAT COMPLAINTS DOES THIS POLICY APPLY TO?

The Complaint resolution process outlined below is available to students, parents and other interested persons and applies to Complaints concerning the decisions, actions or conduct of the School District or its Personnel.

Not every complaint or concern that is received will be amenable to resolution under this Policy.

The following matters are not subject to this Policy:

- Student suspensions of more than 5 days (which will be reviewed by the District Discipline Committee in accordance with Board Policy 7030: Suspension of Students);
- Decisions of the District Discipline Committee;
- Where an investigation or resolution process under a collective agreement is available;
- Where the matters raised are the subject of ongoing legal proceedings;
- Where the matters complained of involve serious misconduct by a member of Personnel warranting an independent investigation and response by the School District;
- Where the School District has reason to believe the Complaint is malicious, frivolous, vexatious or filed in bad faith or the Complainant refuses to participate in a manner that is appropriate or respectful of the other participants.

The School District also reserves the right, in its sole discretion and on a case by case basis, to process complaints through other processes.

Any matters not covered by this Policy should be reported in writing to the applicable School Principal or School District office for appropriate action.

Application to Student and Parent Concerns (See Figure 2 attached)

Section 11 of the School Act provides students or parents with a right of appeal to the Board of Education from a decision of an employee of the School District that “significantly affects the education, health or safety of a student”.

A parent or student who wishes to exercise that right of appeal will be required to first complete the dispute resolution process set out in this Policy (See Bylaw 5; and School Act s. 11(4)), unless the decision in issue is a decision of the District Discipline Committee in which case the parent or student may proceed directly to the appeal process outlined in Bylaw 5, if available.

Application to Complaints about Senior Administration.

Complaints about the decisions, actions or conduct of the Superintendent, Assistant-Superintendent or Secretary-Treasurer of the School District, should be in writing and sent to the attention of the Superintendent, and a Complaint concerning the Superintendent may be sent to the attention of the Secretary Treasurer. Where the Superintendent or, as applicable, the Secretary-Treasurer, considers it appropriate to do so, he/she may submit such a Complaint to the resolution process outlined below, but omitting Step 2.

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PROCESS (See attached Figure 1 and 2)

Step 1 - Initial Contact

At Step 1 of the Process, the Complainant is encouraged to directly approach the person about whom the Complaint relates (the "Respondent") and communicate his or her concerns or issues. The Complainant may choose to approach the Respondent in person or through written communications and should reference this Policy.

At Step 1 of the Process, the Parties will attempt to:

- Define the concern(s);
- Clarify the issue(s);
- Develop an appreciation and understanding of each other's point of view;
- Resolve the concern(s).

If the Complainant is ~~uncomfortable~~ or unwilling to approach the Respondent directly or there is no resolution at Step 1, the Complainant may proceed to Step 2 by filing a written letter of complaint with the Respondent's direct management supervisor (the "Facilitator") (in most cases, the school principal). Please contact the School District office if clarification of the appropriate individual to receive the Complaint is needed.

In complaints concerning management Personnel (including principals, superintendent, assistant-superintendent and secretary treasurer) Step 2 will be omitted, and the Complainant may proceed directly to Step 3 by sending a written letter of complaint to the Superintendent (Complaints about the Superintendent shall be sent to the attention of the Secretary-Treasurer).

Step 2 - Facilitated Contact

Upon receiving a Complaint, the Facilitator will arrange to meet with each of the parties. The Facilitator will, as applicable, advise the union of any Complaint involving one of its members. Any party may choose to be accompanied by a support person in their meeting with the Facilitator.

The Facilitator will:

- Gather information and evidence;
- Record the Complaint or allegations and/or investigate the Complaint;
- Attempt to facilitate resolution;
- Make a decision concerning the appropriate resolution or remedy or, where appropriate, may confirm, rescind, vary or modify the decision or action under review.

The Facilitator will Complete the Process for Resolution of Concerns Form (attached), and, if appropriate, provide copies to all parties, including, the union, the Superintendent and the Secretary Treasurer. However, circulation of the Resolution of Concerns Form may be restricted in some cases to ensure the privacy of the individuals involved.

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Most Complaints will be resolved or concluded at Step 2, and the decision of the Facilitator will be considered final.

However, in appropriate circumstances, if a matter is not resolved at Step 2, it may be referred by the Facilitator to Step 3. Matters which will be referred to Step 3, include:

- student discipline or suspension (except where the matter has been reviewed by the District Discipline Committee);
- decisions significantly affecting the health or welfare of students (within the meaning of Section 11 of the School Act);
- complaints or concerns about any inappropriate conduct by any member of the Personnel.

Step 3 - School District Review

At Step 3, the Superintendent or his/her designate will review the Complaint and all information relevant to the matter, and may:

- contact or meet with the Complainant and Respondent;
- receive further information or evidence or investigate;
- attempt to facilitate a resolution;
- make a decision concerning the appropriate resolution or remedy or, where appropriate, confirm, rescind, vary or modify the decision under review;
- notify the parties of his/her decision verbally or in writing.

At Step 3 the Superintendent may refer any matter related to student discipline to the District Discipline Committee for its review and recommendations.

Step 4 – Board of Education Review

Certain student matters may also be subject to a further right of appeal to the Board of Education. Students and Parents should refer to Bylaw 5, Student (Parent) Appeals to determine whether they are eligible to appeal their concerns to the Board of Education.

GENERAL PRINCIPLES

1. Confidentiality. The School District will endeavour to respect the confidentiality of the parties involved in a Complaint, but confidentiality cannot be guaranteed. It may be necessary for the School District to disclose details of a Complaint in order to fairly and appropriately investigate and respond to it.
2. Freedom of Information Legislation and Information Access. The School District is subject to the Freedom of Information and Protection of Privacy Act. Accordingly, Complaint documentation may be subject to access and disclosure under this legislation. For more information see the School District's Privacy Policy at www.sd69.bc.ca

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3. Awareness of this Policy. All Personnel are responsible to inform members of the educational community (ie. parents, students, and other interested persons) about this Policy as one means of resolving their complaints or concerns.
4. Annual Policy Review. On at least an annual basis, the Superintendent shall review and circulate this Policy to school and district administrators. On or before October 30 each school year, school principals shall review this Policy with staff and local parent advisory councils.
5. Timeliness. The School District and all Personnel are expected to make reasonable efforts to file and respond to Complaints within a reasonable period of time. Complaints should be initiated within thirty (30) days of the decision or incident complained of.
6. Notification. If a Complaint involves allegations against a member of Personnel, that person will be provided notice of the allegations and an opportunity to respond.
7. Support. The School District and all personnel are expected to support the Resolution of Complaints process and to provide clarification of the process to parents, students and other interested persons as required.

References:

- *School Act: Sections 11.1(1), 175(2)(r) and Regulation 24/08: Appeal Regulation*
- *Board Policy 6240: Resolution of Complaints*
- *Board Bylaw 5: Parent/Student Appeals to the Board of Education*
- *Administrative Procedure: Parent/Student Appeals to the Board of Education*
- *BC Confederation of Parent Advisory Councils (BCCPAC) Speaking Out Booklet*

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Figure 1:
General Concerns

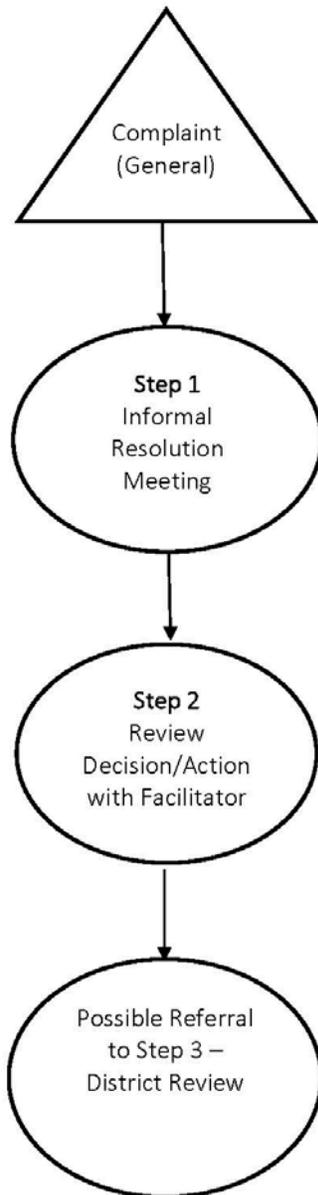
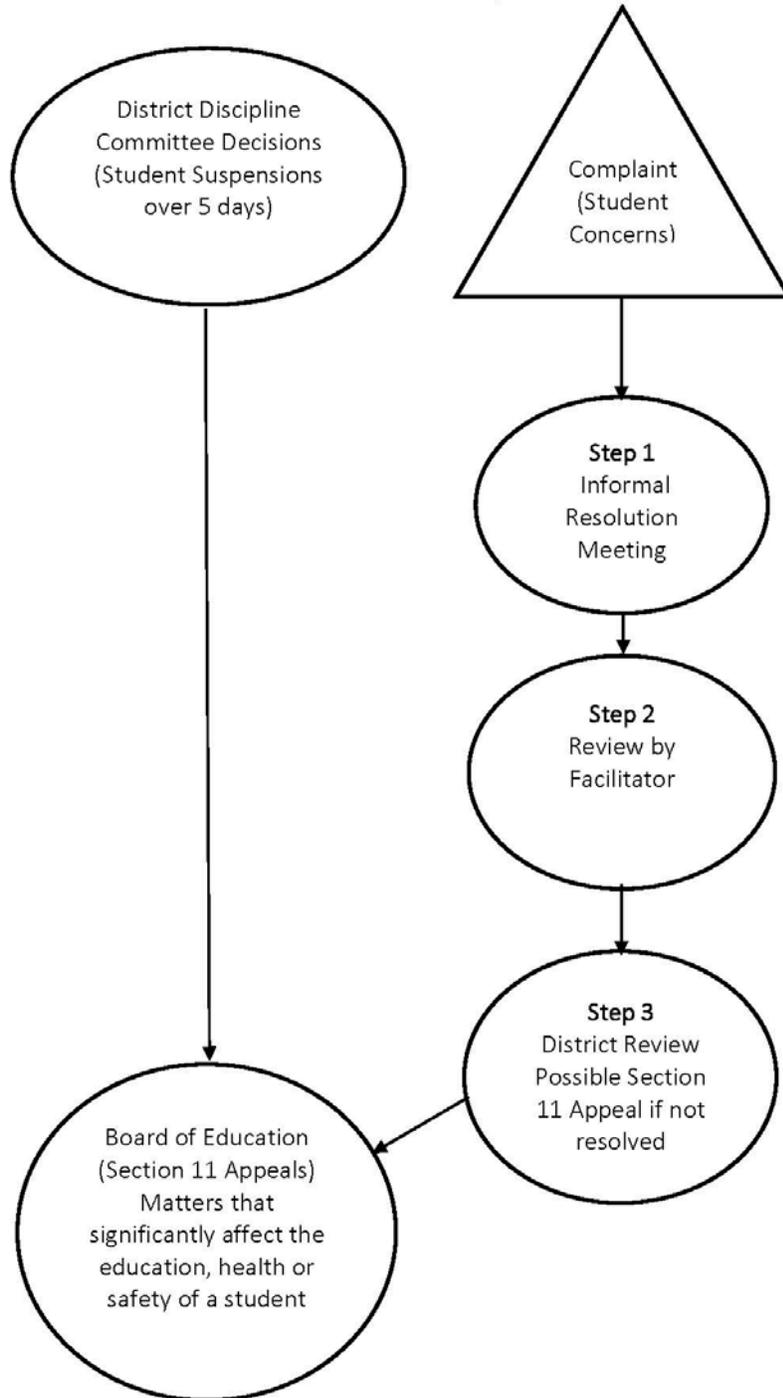


Figure 2:
Student Issues/Discipline



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Notice of Complaint

Name of Individual Raising the Concern: _____
(Please Print)

Phone # : _____

Email: _____

Date Submitted: _____

School or Work Site Where Concern Originated: _____

Others involved in this situation: _____

Please describe the situation/issue you are concerned about. Please be brief and factual; if you require assistance, please contact the DPAC president. Use the back side of this form if necessary and where appropriate, please name the persons involved in this issue.

In chronological sequence, please outline, in note form, the actions you have taken up to now in an attempt to resolve this problem.

Signature of Individual Raising Concern: _____

Date this form was completed: _____

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For Facilitator Use Only

Name of Facilitator: _____

Position: _____

Dates of Meetings/Contact:

Measures Undertaken to Resolve the Matter

Resolved

Decisions, Remedies and/or Outcomes:

Unresolved

Matter referred to:

Superintendent or Designate

Date: _____

Copies to:

- Superintendent
- Senior Staff the matter is referred to
- Supervisor's file
- Individual raising concern