

## DISPUTE RESOLUTION PROCESS, REQUEST FOR REVIEW

### Background

The Division is committed to the establishment of productive partnerships between parents/guardians and school staff members in support of student learning. The *Education Act* outlines responsibilities of students, parents and employees of the Board in ensuring that each member of the school communities' conduct contributes to a welcoming, caring, respectful and safe learning environment.

It is recognized that generally concerns or complaints are best resolved as close to the source of the concern or complaint as possible beginning at the classroom and school level. Division staff members are expected to work effectively with parents/guardians to respond to expressed concerns and to deal with complaints in a fair, just and timely manner that supports a co-operative and collaborative learning environment for students.

Staff members are expected to make every effort to resolve parental concerns in a collaborative, open and solution-focused manner. Concerns and complaints related to students are best resolved at the school level as close to the source of the concern or complaint as possible in accordance with section 41 of the *Education Act* either informally or in accordance with the dispute resolution process provided for in this administrative procedure.

Following the dispute resolution process, if the decision significantly affects the education of the student or child as provided for in section 42 of the *Education Act* and the concern or complaint is not resolved the parent or student may appeal the decision to the board of trustees.

For the administration of this administrative procedure, the following personnel are responsible to specific direct reports:

- Principals are responsible to the Assistant Superintendent of Learning Services; or Director of Early Childhood Education and Learning Support (specific to division supports for early childhood and inclusive education);
- The Transportation Supervisor is responsible to the Secretary Treasurer.

Principals are responsible to the Assistant Superintendent of Learning Services for the administration of this administrative procedure.

This administrative procedure is not intended to address allegations of employee misconduct. If at any time during the dispute resolution process, potential or alleged employee concerns are identified, relevant concerns must be communicated to the employee impacted and referred to the Assistant Superintendent of Human Resources for further review. Complaints of teacher incompetence or misconduct may also be directed to the Alberta Teaching Profession Commission.

## Principles

1. As Christians we are called to uphold the inherent dignity and worth of our neighbours and to bring our concerns directly to those who may have offended us. Therefore, the Division will enact approaches to dispute resolution that seek to obtain the truth and further a person's right to know the source of a concern.
2. This procedure aligns with the basic Channels of Communication protocol for the Division, as outlined within Administrative Procedure 151 – Channels of Communication.
3. Concerns or complaints must be made at an appropriate time, place, and manner as prescribed by Sections 32, 41(i), 256 of the *Education Act*.
4. Notwithstanding the application of the previous principles, when investigations are required to understand matters that are in dispute between parties, the basic principles of natural justice and procedural fairness as they apply to a respondent will be supported in the following manner:
  - 4.1. Notice – a respondent to a concern is given adequate understanding of the nature of a concern;
  - 4.2. Opportunity to Present One's Case – a respondent to a concern is given the opportunity to respond;
  - 4.3. Duty to Consider all Facts – a decision - maker is required to consider all relevant evidence and information pertaining to a concern prior to making a decision;
  - 4.4. Right to Representation – a respondent has the right to seek advice or assistance from an advocate in responding to concerns.

## Procedures

1. Programming Decisions
  - 1.1. All student programming decisions made by Division staff must be directed toward the best educational interests of students. Other key factors to consider in making such decisions include the impact of each decision on the overall population of students served, and the availability of resources.
2. Exemptions from Instruction
  - 2.1. Parents wishing to exempt their child from taking part in any instruction or exercises that involve subject matter that deals primarily and explicitly with religion, human sexuality or sexual orientation, must provide the school with a written request, signed by the parent.
    - 2.1.1. Teachers will honour the parent's request regarding how the student is to be exempted. The teacher will ensure the student does one of the following, as requested by the parent:
      - 2.1.1.1 Leave the classroom or area where the instruction is taking place for the duration of the instruction or exercise, or
      - 2.1.1.2 Remain in the classroom or area where the instruction is taking place, but not participate in the instruction or use the instructional material.

2.1.1.3 An appropriate alternative activity will be provided to the student for assessment purposes (if required).

### 3. Concern or complaint

3.1. When a concern or complaint arises, the parent/guardian is requested to meet and speak first with the Division employee directly involved (i.e., teacher) in an attempt to resolve the issue. It is expected that meetings will typically be:

3.1.1. in person;

3.1.2. one to one; and

3.1.3. focused on resolving the matter.

3.2. Concerns and complaints must be communicated in a respectful manner, at an appropriate time and place and should not be made:

3.2.1. in the presence of students;

3.2.2. during instructional time; or

3.2.3. in the presence of an employee's co-workers (save for the Principal or Direct Report).

3.3. If satisfactory resolution to the concern is not achieved with the employee directly involved, the next step is to meet the Division employee's direct report (i.e., Principal, Director of Early Childhood Education and Learning Support Services, Secretary Treasurer).

3.4. Notwithstanding the foregoing, if the parent is reluctant to speak first to the employee directly involved, the parent can contact the Principal, Director of Early Childhood Education and Learning Support Services, Secretary Treasurer to assist with a concern or complaint.

3.4.1. Steps will be taken to ensure that the concern or complaint is reviewed in an appropriate and timely manner.

3.4.2. The parent will be informed that the employee directly involved may be advised of the parent's concern or complaint.

### 4. Dispute Resolution Process

4.1. Prior to appealing any decision to the Board, the parent or student must have followed the school dispute resolution process provided for in this administrative procedure.

4.2. When a decision by a Division employee significantly affects the education of a student or child and the parent or student indicates their intention to contest the decision, the Division employee shall inform the parent or student of the dispute resolution process at the school level, and after the dispute resolution process is completed, of the appeal process to the Board.

4.3. Throughout the course of addressing a concern, the aim is to achieve fair, just and timely dispute resolution in a collaborative manner that supports a co-operative and collaborative learning environment for students in keeping with the following:

4.3.1. Full opportunity will be provided for the parent or student to provide information, discuss issues and state their positions and supporting arguments;

- 4.3.2. The parent or student shall have access to reports and other information used to make the decision;
    - 4.3.3. The parent or student has the right to be assisted by legal counsel, or subject to any privacy concerns related to third party information may have an advocate or resource person of their choosing to help in the preparation and presentation of their concerns. The responsibility for engaging and paying the cost associated with such assistance rests with the parent or student; and
    - 4.3.4. The direct report has the right to assess concerns on the basis of availability of resources to meet program goals.
5. Dispute Resolution Staging and Timeline
  - 5.1. After the parent or student has met with the employee directly involved to discuss a complaint or a concern and if they are not satisfied with the outcome, the parent or student may, within ten (10) school days of the meeting or from the date indicated in the communication setting out the response, request a review by the Principal or Direct Report.
  - 5.2. The request for review can be verbal, or can be in writing, and if in writing should set out the nature of the complaint or concern to be reviewed by the Principal or Direct Report.
  - 5.3. The Principal or Direct Report must either meet with parent or student or provide a response in writing within seven (7) school days of the request for review.
  - 5.4. If the decision is overturned the matter is considered resolved.
  - 5.5. If the decision is maintained then the parent or student may have the right to appeal.
  - 5.6. Notwithstanding any timeline noted above, the dispute resolution process must be completed within sixty (60) calendar days.
6. Dispute Resolution Process - Superintendent
  - 6.1. If a parent is not satisfied with a decision made by a Principal or Direct Report, the parent may make a request for review in writing to the Superintendent or designate, within ten (10) school days of communication of the decision.
  - 6.2. Notwithstanding any timeline noted above, the dispute resolution process must be completed within sixty (60) calendar days.
7. Student Appeal Procedure – Superintendent
  - 7.1. If a parent or student is not satisfied with a decision made by the Superintendent or designate, and if the decision significantly affects the education of a student or a child, the parent may appeal the decision in writing to the Board as outlined in Board Policy 13 within ten (10) school days of communication of the request for review decision by the Superintendent or designate.

The request for appeal shall be in writing and set out the nature of the complaint or concern being appealed.

## 8. Additional Considerations

- 8.1. A concern or complaint must be handled in a confidential manner in accordance with the Alberta Freedom of Information and Protection of Privacy Act.
- 8.2. If a parent or student has a concern or complaint that has been fully addressed in accordance with this administrative procedure and the parent or student brings forward substantially the same concern or complaint within twelve (12) months, the Division employee receiving concern or complaint may refer the matter directly to the Assistant Superintendent, Learning Services requesting authorization to disregard processing the concern complaint.
- 8.3. If the Assistant Superintendent, Learning Services determines the matter has already been addressed in accordance with this administrative procedure, the Assistant Superintendent of Learning Services may advise that the concern or complaint is to be disregarded.
- 8.4. If the concern or complaint is to be disregarded, the Assistant Superintendent, Learning Services shall inform the parent or the student in writing, along with the Division employee, Principal or Direct Report and the Superintendent of Schools of the decision to disregard the concern or complaint, which decision is final and not subject to review.
- 8.5. If the request to disregard processing the concern or complaint is denied, the Division employee along with their Principal or Direct Report shall be directed to process the concern or complaint without delay, in accordance with this administrative procedure. (see *Education Act*, Interpretation, Section 3).
- 8.6. When uncertainty regarding the authority of guardianship in participating in dispute resolution comes into question, the onus rests with the person presenting concerns to provide proof of their guardianship.
- 8.7. Failure to hear a concern at the school between parents and school staff is deemed to be a decision of the Board, and that decision will be ultimately appealable to the Board.

References: Sections 3, Interpretation, 32, 41(i), 43, 44, 256 of the *Education Act*  
Administrative Procedure 151 – Channels of Communication  
Administrative Procedure 154 – Public Civility on School / Division Sites  
Administrative Procedure 380 – Student Appeal Procedures  
Policy 13 – Appeals and Hearings Regarding Student Matters

Implementation Date: May 12, 2017