

Administrative Procedure 460

Human Resources

APPEALS OF EMPLOYMENT MATTERS

BACKGROUND

The charter board is committed to designing fair and orderly processes in which to resolve disputes or concerns arising from its human resources administrative procedures and the decisions made thereunder.

The charter board further believes its employees have the right to appeal decisions relating to their employment.

All human resource practices must be ethical, fair, just and based on processes known to staff. The professional and administrative practices used to implement this administrative procedure must respect procedural fairness.

The charter board chairperson, superintendent and principal are jointly responsible for the implementation of this administrative procedure.

GUIDELINES

1. This administrative procedure does not apply to a disagreement over the termination of a contract of employment, suspension or termination of a designation of a teacher. In these instances, a teacher may appeal the matter to the minister for referral to the Board of Reference under the *Education Act*.
2. This administrative procedure does not restrict the rights of an employee to appeal certain decisions made by or actions of the charter board to the Registrar of Appeals under the *Employment Standards Code*.

PROCEDURES

1. An appeal made under this administrative procedure must be made in writing to the superintendent, must set out the nature of the appeal and when applicable, would be made after attempts have been made to resolve a grievance as provided under AP-408 Staff Grievances.
2. An appeal made under this administrative procedure must be made within thirty (30) days after receipt of the charter board's decision under dispute or thirty (30) days following the superintendent's involvement under AP-408 Staff Grievances.
3. The chairperson will bring the appeal before the next regular meeting of the charter board. Under extraordinary circumstances, the chairperson may call a special meeting of the charter board.
4. The charter board shall, by resolution, appoint an ad-hoc appeal committee of the charter board to investigate the appeal.
5. The committee shall be comprised of three (3) or four (4) charter board members suitable to the particular nature of the appeal. In consultation with the superintendent, the charter board may choose to recommend the contracting of an advisor to assist the appeal committee.
6. The superintendent may be a member of the appeal committee, but in any case, is responsible to ensure the appeal process respects procedural fairness.
7. The appeal committee shall meet within seven (7) working days of being constituted to consult with all parties to the appeal, review pertinent documentation and make any other investigation it considers necessary.
8. At the next regular charter board meeting after thirty (30) working days of being constituted, the appeal committee shall submit a report to the charter board with the findings of the investigation and its recommendations.

9. Based on the recommendations and evidence, the charter board, as a whole, shall make a decision with respect to the matter under appeal.
10. The charter board may:
 - 10.1 make any other finding it deems appropriate;
 - 10.2 confirm, change or reject the original decision, order or action of the charter board;
 - 10.3 direct that an additional investigation be undertaken, in which case a similar time frame will apply; or
 - 10.4 refer the matter to legal counsel.
11. The decision of the charter board under this process is final and shall be communicated, in writing, to the employee who made the appeal.

Legal Reference: *Education Act*
Employment Standards Code

Cross Reference: Charter Board Policy 12: Hearings on Teacher Matters
AP-408 Staff Grievances

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