



APPEALS & PROCEDURAL FAIRNESS POLICY

NORTH CREEK MONTESSORI Tel: 604.687.6701
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I. PREAMBLE

Lions Gate Montessori Society (“LGMS”) establishes policies and procedures to deal with the many types of situations that may arise in during the operation of Anchor Point Montessori and achieve procedural fairness in the policies and procedures they formulate.

II. INTRODUCTION

It is in the best interests of LGMS, its administration, staff, students and families that procedures followed in making decisions affecting students or staff are fair and are seen to be fair. This principle applies equally to any process for appeal involving decisions of LGMS’s school administration. Fair procedures reassure students, parents and staff by providing integrity and consistency in respect to decisions made in the school setting which in turn will help to avoid misunderstandings and disputes.

We understand that our family community is drawn from many cultures, and our processes always include sensitivity and respect to the cultures they represent. We include in our educational program information about the many cultures of our school community, including their histories, language, religions and social structures. At the same time, we present our school culture in our Canadian context and laws. The school would continue to do so in any and all relevant interactions with students and families in the appeal process.

III. PURPOSE OF THESE GUIDELINES

These guidelines explain the policies governing the LGMS schools day to day operations.

IV. REQUIREMENTS OF PROCEDURAL FAIRNESS

Whenever the legal rights of an individual may be affected by school officials exercising legal decision-making authority, there is an expectation that the decision will be made in accordance with the principles of procedural fairness and natural justice. These principles encompass the following elements:

- if a decision-maker (e.g., a principal or authority) is intending to consider a matter which may affect a person’s rights, that person should be informed of the matter;
- the person should be given a reasonable opportunity to make oral or written submissions to the decision-maker on the matter being considered;
- the person is entitled to know and answer the case against them, that is to say, be informed of and be given the opportunity to respond to all information submitted which might influence a decision, prior to the decision being made;
- the person should be told the reasons for the decision;
- the decision-maker should act in a manner which is unbiased, fair and open-minded.



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V. PROCEDURAL FAIRNESS AND STUDENTS

A. Basic elements of procedural fairness when dealing with student discipline include:

1. Students need to be treated with respect and dignity and to conduct themselves in accordance with the rules set forth in the school's **Elementary Behaviour Guidelines** as presented in the **Parent School Handbook**, **Staff Guidelines** as well as the class's **Student Contract**.
2. In accordance with school policy, a student who is accused of breaching a rule shall be notified of that of which he/she is accused, with the essential facts of what he/she is alleged to have done. If the breach is considered serious, notification shall be given to the student's parents.
3. An accused student shall be given an opportunity to tell his/her side of the story. The right to be heard is a fundamental element of procedural fairness. Where the stakes are minor, this can be satisfied by the principal or teacher asking the student to explain her/his actions. More serious matters require more formal investigation and documentation.
4. If the decision results in the expulsion of the student, then the student and parents may pursue an appeal or review of the decision to the principal, or, if the principal participated in the original decision, then to the full LGMS board, in writing, setting forth the basis for their appeal and detailing any disagreement with the facts as determined in the original decision.
5. There shall be no retribution to the student or parents for pursuing an appeal or review.
6. In order to avoid bias or the appearance of bias, LGMS shall do its best to refrain from
 - a) prejudging the evidence of the particular circumstances of any case, or give the appearance (e.g., in public statements) of having done so;
 - b) selecting persons to hear a case or an appeal of a decision with a close out-of-school relationship, family tie or adversarial relationship with the student or student's family, or a staff member who is closely involved in the incident.
7. If a person (e.g., principal, staff member or committee member) has made a previous decision, or has been a member of a committee that has made a previous decision, that now is under appeal, such a person shall only participate in the appeal for the purpose of providing testimony and not in decision-making at appeal levels.
8. The mandate for the appeals committee shall be limited to a review of the procedures followed by the original decision-maker to ensure fairness and correctness except as to reviewing new evidence that was not presented to the original decision-maker. An appeal-hearing committee shall only hear or receive evidence that will be shared with the other party in the dispute. It shall not receive evidence



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or representations from administrators or staff in the absence of the person appealing. It shall avoid even the appearance of doing so.

B. Procedural Protections

The requirements of procedural fairness will depend on the seriousness of the matter being decided. At the low end of the scale, a minor infraction may be appropriately dealt with by an informal meeting between the principal or teacher and the student. A decision respecting the possible suspension or expulsion of a student would be at the high end of the scale because of the serious implications for the student. These cases call for careful observance of all elements of procedural fairness and a full hearing involving the following:

- an impartial (unbiased) decision-maker;
- reasonable notice of the proposed suspension or expulsion which clearly sets out the grounds being relied on in order to give the student and his/her parents an opportunity to prepare a response;
- a hearing at which the student has an opportunity to present reasons why the proposed action should not be taken. Oral and/or written submissions will usually be appropriate with respect to expulsions or lengthy suspensions;
- the opportunity for the student to present witnesses;
- a fair and unbiased decision based upon the evidence presented;
- a timely decision with written reasons.

C. Mediation

At the sole discretion of LGMS, the student and parents may be required to participate in a mediation process in order to resolve a dispute involving the expulsion of a student. In such an event, a mediator shall be chosen by LGMS through the Dispute Resolution Office of the Ministry of Attorney General.