

## Administrative Procedures

<p><b>AP-516</b></p> <p>GENERAL APPEAL PROCESS</p>	<p><b>Date of implementation:</b> April 23, 2019</p> <p><b>Date of update:</b></p>
	<p><b>Related Administrative Procedures:</b></p> <p><a href="#">AP-501 Recruiting and Placement</a></p> <p><a href="#">AP-505 Harassment Prevention</a></p> <p><a href="#">AP-509 Employee Complaints and Grievances</a></p> <p><a href="#">AP-512 Violence Prevention</a></p> <p><a href="#">AP-513 Progressive Discipline</a></p>

**Purpose:** Employees who disagree with administrative decisions that negatively affect the employee will have opportunity to appeal to the Director.

**Procedure:**

- 1) Appeals to the Director must be made within fourteen (14) days from the appellant being made aware of a decision by a Superintendent or Deputy Director unless the appellant can demonstrate that there are reasonable grounds to extend this time limit (Appendix A – Request for Appeal Form).
- 2) a) Appeals to the Director will be considered when the appellant has first tried to resolve the issue as per the informal process contained in an applicable procedure or the informal resolution process contained in AP-509 Employee Complaints and Grievances.
  - b) In addition, one or more of the following conditions must be met in order for the Director to consider the appeal:
    - i) The decision maker had no authority or jurisdiction to reach the decision they did;
    - ii) There was a reasonable belief of bias on the part of the decision maker;
    - iii) The decision does not demonstrate procedural fairness in terms of approved Administrative Procedures;
    - iv) The decision significantly impacts an individual's health or safety and is deemed to be an exceptional situation; and/or
    - v) New information is being presented.
- 3) The Director shall appoint a three (3) member committee comprising of individuals not previously involved with informal resolution of the complaint or employment concern under consideration. This committee shall review the formal complaint tendered in AP-505 Harassment Prevention, AP-509 Employee Complaints and Grievances, AP-512 Violence Prevention or AP-513 Progressive Discipline and, within ten (10) business days of receiving the appeal, forward their recommendation to the Director for the final decision.

- 4) The Director's decision and the rationale for the decision will be communicated to the appellant by email and by registered letter within five (5) business days of the review.



# Request for Appeal Form

## Appendix A, AP-516 General Appeal Process

Please fill out and submit this form to the Director of Education via email: [lori.jeschke@spiritsd.ca](mailto:lori.jeschke@spiritsd.ca)

Employee Name: \_\_\_\_\_

Department/School: \_\_\_\_\_

Date of original decision: \_\_\_\_\_

Original decision submitted by: \_\_\_\_\_

**Please state the rationale for requesting an appeal to the original decision you received. The rationale must fall into one of the following categories:**

1. The decision maker had no authority or jurisdiction to reach the decision they did.
2. There was a reasonable belief of bias on the part of the decision maker.
3. The decision does not demonstrate procedural fairness in terms of approved Administrative Procedures.
4. The decision significantly impacts on individual's health or safety and is deemed to be an exceptional situation.
5. New information is being presented.

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**Describe the remedy or solution that you would like:**

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\_\_\_\_\_  
Employee Name

\_\_\_\_\_  
Date