

Administrative Procedure 460

Human Resources

APPEALS OF EMPLOYMENT MATTERS

BACKGROUND

Westmount Charter School (WCS) is committed to maintaining fair, respectful, and transparent employment practices. The Charter Board recognizes the importance of providing employees with a process to appeal certain employment-related decisions while ensuring that administrative decisions are made consistently, objectively, and in accordance with applicable legislation, Board policy, and Administrative Procedures.

The Charter Board believes that employment matters should, whenever possible, be resolved at the administrative level through open communication, collaboration and established grievance processes.

Appeal processes shall be conducted in a manner that reflects the principles of procedural fairness, natural justice, confidentiality, and timely resolution.

The Superintendent is responsible for the administration of this Administrative Procedure. The Board Chair is responsible for matters referred to the Charter Board.

GUIDELINES

1. This Administrative Procedure applies to appeals related to employment matters arising from the application or interpretation of Board policies, Administrative Procedures, or administrative decisions affecting an employee.
2. Employees are encouraged first to attempt to resolve concerns informally with their supervisor or through the process outlined in AP 408 - Staff Grievances.
3. This Administrative Procedure does not apply to:
 - 3.1 The termination of employment;
 - 3.2 Suspension or cancellation of a teaching certificate;
 - 3.3 Matters governed by provincial legislation that provide an alternate appeal process; or
 - 3.4 Matters that fall under the jurisdiction of external agencies, tribunals, or the court.
4. Nothing in this Administrative Procedure limits the rights of an employee under:
 - 4.1 *The Education Act*;
 - 4.2 *The Employment Standards Code*;
 - 4.3 *The Alberta Human Rights Act*; and
 - 4.4 Any other applicable legislation.

PROCEDURES

1. Submission of Appeal
 - 1.1 An employee wishing to appeal an employment-related decision shall submit a written appeal to the Superintendent
 - 1.2 The written appeal shall include:
 - 1.2.1 The decision being appealed;
 - 1.2.2 The reasons for the appeal;
 - 1.2.3 The steps taken to resolve the matter;
 - 1.2.4 Any supporting documentation; and

- 1.2.5 The remedy being sought.
- 1.3 An appeal shall be submitted within thirty (30) calendar days of:
 - 1.3.1 The employee becoming aware of the decision being appealed; or
 - 1.3.2 The completion of the process outlined in AP 408 Staff Grievances.
- 2. Administrative Review
 - 2.1 The Superintendent shall review the appeal to determine:
 - 2.1.1 Whether the matter falls within the scope of this Administrative Procedure; and
 - 2.1.2 Whether reasonable efforts have been made to resolve the matter administratively.
 - 2.2 The Superintendent may:
 - 2.2.1 Attempt to facilitate a resolution;
 - 2.2.2 Request additional information;
 - 2.2.3 Dismiss the appeal if it falls outside this procedure; or
 - 2.2.4 Refer to the Charter Board.
- 3. Charter Board Review
 - 3.1 When an appeal is referred to the Charter Board, the Board Chair shall place the matter before the Board at the next regular meeting or, where circumstances warrant, call a special meeting.
 - 3.2 The Charter Board may establish an Ad-Hoc Appeal Committee to investigate the appeal, consisting of three (3) or four (4) Charter Board members.
 - 3.3 Members of the Appeal Committee shall not have direct involvement in the matter under appeal.
 - 3.4 The Charter Board may obtain independent legal, human resources, or other professional advice to assist in its consideration of the appeal.
 - 3.5 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.
 - 3.6 The Appeal Committee shall normally provide its report to the Charter Board within thirty (30) working days of being constituted.
- 4. Appeal Process
 - 4.1 The Appeal Committee may:
 - 4.1.1 Meet with the employee;
 - 4.1.2 Meet with administration or other individuals involved;
 - 4.1.3 Review relevant documentation; and
 - 4.1.4 Conduct any additional investigation considered necessary.
 - 4.2 The appeal process shall respect:
 - 4.2.1 Procedural fairness;
 - 4.2.2 Confidentiality;
 - 4.2.3 Impartial decision-making; and
 - 4.2.4 The opportunity for all parties to be heard.
- 5. Decision

- 5.1 Following its review, the Appeal Committee shall provide recommendations to the Charter Board.
- 5.2 The Charter Board may:
 - 5.2.1 Confirm the original decision;
 - 5.2.2 Vary the original decision;
 - 5.2.3 Overturn the original decision;
 - 5.2.4 Direct additional investigation; or
 - 5.2.5 Refer the matter to legal counsel.
- 5.3 The decision of the Charter Board shall be communicated in writing to the employee.
- 5.4 The decision of the Charter Board under this Administrative Procedure is final, subject to any rights of review or appeal available under applicable legislation.

Legal Reference: *Education Act*
Employment Standards Code
Alberta Human Rights Act

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

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