

### **3.0. Student Services**

#### **3.B**

#### **3.B. Dispute Resolution**

**Adopted:** December 11<sup>th</sup>, 2018

**Reviewed by Committee:** December 11<sup>th</sup>, 2018

**Policy Reference:** EL-1.1/EL-1.2

### **Parent/Community Concern Protocol**

#### **Rationale**

The Lakeshore School Division acknowledges that at times, parents or members of our community will have concerns regarding Board decisions or recommendations (**Delegation**) or with decisions of an employee that significantly affect the education, health or safety of a student (**Appeal**). All concerns brought forward by identified individuals to the attention of our staff must be addressed. Any Lakeshore School Division employee contacted by a parent or community member with a concern will acknowledge their concern and advise them to follow this protocol.

#### **Guiding Principles**

The following principles apply to all individuals involved in addressing a concern:

- All communication needs to be conducted with decorum and respectfulness.
- Seek to understand each other's point of view.
- Communication needs to be conducted in a timely fashion.
- All individuals involved have a right to confidentiality.

#### **Procedure**

Every reasonable effort should be made to resolve a concern with the Lakeshore staff member directly involved. If no resolution can be made, the person with the concern is invited to proceed with their concern through the levels of supervision (See page 2). Final **APPEALS** may be brought before the Board. The Board has the right to decline to hear an appeal. Please see page 3 for examples of what can be appealed.

**DELEGATIONS** (individuals or groups) may express opinions regarding Board decisions or make submissions with respect to a recommendation. Delegations are expected to be respectful and refrain from making statements concerning the character or performance of identifiable individuals, including students, staff, citizens or Trustees of the Lakeshore School Division Board. Delegations are expected to be issue based.

## Practices

### Step One: Discuss with The Staff Member

- An individual with a concern should express their concern directly with the staff member involved. Every reasonable effort should be made to resolve the concern at this level.
- Clarify the concern. Should the staff member be unable to address the concern they should direct the individual to the staff member who would best be able to address the concern.
- Seek to understand each other's point of view.
- The person with the concern, may be accompanied by an advocate/support person (please be advised that any involvement of legal counsel needs to proceed through the Division's legal counsel).
- If either party refuses to meet to address the concern, the matter may be referred to Step Two.

### Step Two: Share Concern with a Supervisor

- If no resolution has been made at Step One, the person with the concern should bring the concern to the direct supervisor of the staff member involved. They **may choose to complete a** Concern Form (available at the main office of all schools and at [www.lakeshoresd.mb.ca](http://www.lakeshoresd.mb.ca)) to facilitate communication with the direct supervisor of the staff member.
- An individual with a concern should bring it forward in a timely fashion (within five working days of the specific incident).
- Upon being advised of a concern, the supervisor will communicate with the person(s) registering the concern in a timely fashion (within three working days).
- The supervisor will make every effort to resolve the concern.

#### Supervision Chart

Step 1: Individual	Step 2: Supervisor	Step 3: Supervisor	Step 4: Board of Trustees	Step 5: Minister of Education
School Based Staff	School Principal	Superintendent	Board of Trustees	Minister of Education
Transportation Staff	Director of Operations	Superintendent	Board of Trustees	Minister of Education
Maintenance Staff	School Principal	Director of Operations	Board of Trustees	Minister of Education
Technology Staff	Director of Operations	Superintendent	Board of Trustees	Minister of Education
Clinicians	Student Services Administrator	Superintendent	Board of Trustees	Minister of Education
Division Office Staff	Secretary Treasurer	Superintendent	Board of Trustees	Minister of Education
School Principals	Superintendent		Board of Trustees	Minister of Education

Secretary Treasurer	Superintendent	Board of Trustees	Minister of Education
Director of Operations	Superintendent	Board of Trustees	Minister of Education
Superintendent/CEO	Board of Trustees		Minister of Education
Trustee	Board of Trustees		Minister of Education
Board of Trustees	Minister of Education		

### **Step Three: Discuss with Divisional Supervisor**

- If there has not been a resolution at Step 2, the person with the concern should contact the appropriate division supervisor (see chart above) in a timely fashion (within five working days) and **must complete a Concern Form.**
- If the supervisor involved at Step 2 is the Superintendent, the person with the concern may proceed directly to Step 4.
- Upon being advised of a concern, the division supervisor will communicate with the person registering the concern in a timely fashion (within three working days). • The division supervisor will make every effort to resolve the concern.

#### **General Board and Administration Constraints / Decision-making Matrix**

The Lakeshore School Division will not operate illegally, unethically, imprudently, or in contravention of Board policies. The Board is committed to regular evaluation of all operations and encourages involvement of the public in decision-making. The Superintendent shall provide the board with continuous and candid reports and will not cause, allow, or fail to take reasonable measures to prevent any practice, activity, decision, or organization circumstance which is imprudent, illegal, in violation of commonly accepted business practices and ethics, or is contrary to the *Board Policy Manual* of the Lakeshore School Division, *The Public Schools Act*, *The Safe Schools Charter of Manitoba*, *The Education Administration Act*, or any other federal, provincial or municipal law. The following decision-making matrix outlines the General Board and Administration Constraints.

<b>Superintendent – has authority to decide &amp; act</b>	<b>Superintendent – has authority to decide and act and the responsibility to inform the Board</b>	<b>Board has the responsibility and authority to decide and act. Superintendent may recommend</b>
<ul style="list-style-type: none"> <li>• Employ staff as delegated in in the PSA (52)</li> <li>• Administer collective agreements</li> <li>• Implementation of Board Policy</li> <li>• Evaluate staff</li> <li>• Employ appropriate means to provide for continuous and candid reports by staff of accomplishments in the pursuit of the goals and objectives guided by the vision statement</li> <li>• Administrative regulations and procedures</li> </ul>	<ul style="list-style-type: none"> <li>• Student suspensions up to six weeks</li> <li>• Grant applications</li> <li>• Administrative regulations and procedures <ul style="list-style-type: none"> <li>○ New</li> <li>○ Controversial changes</li> <li>○ That may result in public concern</li> </ul> </li> <li>• Professional development</li> <li>• Evaluate programs</li> <li>• Emergency school closures</li> <li>• Crisis situation (e.g. lockdown with immediate notification via e-mail)</li> <li>• Superintendent professional development</li> <li>• Acceptance of resignations</li> <li>• Staff out of province travel</li> <li>• Year-end staffing reports</li> <li>• School calendar</li> </ul>	<ul style="list-style-type: none"> <li>• Policy development and approval</li> <li>• Student expulsion</li> <li>• Employee compensation and benefits</li> <li>• Approval of budget</li> <li>• Setting staffing levels</li> <li>• Special levies</li> <li>• Appeals</li> <li>• Corporate sponsorship</li> <li>• New programming</li> <li>• Hiring and assignment of senior administration and supervisory positions as outlined in the PSA (52 and 53)</li> <li>• Teacher termination as outlined in the PSA (92)</li> <li>• Change the administrative organization chart</li> <li>• Expenditures within budget which exceed the threshold of \$50,000</li> <li>• Over budget expenditures</li> <li>• Hiring additional staff outside formula</li> <li>• Division-wide strategic planning</li> <li>• Student overnight travel</li> <li>• Out of province and country student field trips</li> <li>• Staff leaves of absences</li> </ul>

## **Step Four: Appeals and Delegations to the Board of Trustees**

### **APPEALS**

• If no resolution has been made at Step 3, the person with the concern may appeal to the Board of School Trustees. To make an appointment, the person with the concern is asked to do the following:

- ✓ The individual's Concern Form should be updated and forwarded along with supporting documents to the Lakeshore Board of Trustees c/o the Administrative Assistant to the Superintendent.
- ✓ Every effort will be made to place the person/s onto the next board meeting agenda; receiving the person's request before the Tuesday of the next scheduled board meeting would be helpful in scheduling an appearance before the Board.
- ✓ The Administrative Assistant will provide notification of the date, time and location of the meeting.
- ✓ Board members will be provided with the person's documentation ahead of the meeting.
- ✓ The person will be reminded that they may be accompanied by an advocate or support person (please be advised that any involvement of legal counsel needs to proceed through the division's legal counsel).

**The determination of whether a decision "significantly impacts" a student's education, health or safety will be made on a case by case basis.**

**Examples** of decisions that will be deemed to significantly impact the education, health or safety of a student:

- ✓ Disciplinary suspensions for a period in excess of five consecutive instructional days.
  - ✓ The exclusion of a student from school for health reasons
  - ✓ Significant decisions regarding placement in an educational program (this does not include classroom or teacher preference issues, except in exceptional cases)
  - ✓ Grade promotion or graduation
  - ✓ A bus that is driven erratically
  - ✓ Students who are not properly supervised in a high risk activity
- At the meeting, the person/s will have an opportunity to:
1. Present the concern.
  2. Share, from their perspective, why they are concerned.
  3. Share potential recommendations for resolution of their concern.
- The Board shall respond to the person, in writing, in a timely fashion (within five working days of the presentation).

The Board meeting presentation **should not exceed 15 minutes**

*At each of these steps, Lakeshore staff have the right to review any written concerns that reference them directly. If a concern may lead to a disciplinary action, they are entitled to Association/Society/Union representation. At all times, they must be part of the eventual resolution of the concern.*

## **DELEGATIONS**

Delegations (individuals or groups) may express opinions regarding Board decisions or make submissions with respect to a recommendation. Delegations are expected to be respectful and refrain from making statements concerning the character or performance of identifiable individuals, including students, staff, citizens or Trustees of the Lakeshore School Division Board. Delegations are expected to be **issue based**.

- ✓ Delegations shall inform the office of the superintendent of their desire to appear before the Board, stating in writing the reason for the delegation and any remedy requested of the Board.
- ✓ The delegation must deliver or send a written notice so that it reaches the superintendent at least ten (10) days before the date of the meeting at which the delegation wishes to appear.
- ✓ The Chair in consultation with the Superintendent/CEO may determine (when setting the meeting meeting) that the reason for the delegation to appear does not fall within the purview of Lakeshore School Division. Should the delegation be denied appearance, the delegation may appeal this decision in writing to the full Board. The appeal will be considered at the next regularly scheduled Board meeting under Other Business. A resolution to appear must be approved by two-thirds of the Board.
- ✓ The Chair shall decide which Board meeting the delegation shall appear before and the office of the Superintendent/CEO shall inform the delegation as to the date of the meeting and the time during the meeting at which the delegation will be received.
- ✓ All delegation members shall give his or her name, and the name of the group, if any, that will be represented at the Board meeting. An address must be submitted to the Superintendent/CEO, in writing, to allow for any further correspondence.
- ✓ Delegations must appoint one spokesperson and no other member of the delegation shall address the Board except with the permission of the Board. After the spokesperson has spoken, the Board members shall have the opportunity to ask questions for clarification.
- ✓ The presentation should be as brief as possible. The delegation when presenting the highlights of their brief at the Board meeting should restrict its presentation to a **maximum of fifteen minutes** unless the Board grants an extension. An additional five minutes will allow the Trustees to ask questions of clarification.
- ✓ Speakers may offer constructive criticism of school operations and programs; but in a public session, the Board will not hear personal complaints of school or divisional personnel. The Board provides alternative channels for consideration and disposition of legitimate complaints involving individuals.
- ✓ Once the delegation has appeared before the Board, the Superintendent/CEO shall provide, in writing, acknowledgement of the submission, advice as to the intended date that a decision is to be made, or whether a staff report is to be considered.
- ✓ Within three months of the first hearing, a delegation will not be received again by the Board on the same issue.

- ✓ Despite the foregoing, if a matter is determined by resolution of a two-thirds majority of the Board members present at a meeting to be of a serious and urgent nature, or new information has come to light, some or all of these rules concerning delegations may be waived.
- ✓ On resolution of the Board, a delegation may appear before a committee of the Board. Persons appearing before the Board are reminded, as a point of information that members of the Board are without authority to act independently as individuals in official matters.

### **Communicating the Protocol**

- The Superintendent/CEO is to ensure that this protocol is reviewed with all school and division administrators before the 30th of September each year.
- Each school Principal must review this protocol in September of each year with the school PAC (if there is one) and with all staff.
- Concern Forms and Concern Resolution Forms will be available in all division sites.

### ***Attachments:***

***Parent Community Concern Form***

***Parent Community Concern Resolution Form***

*Adapted from Sunrise and Mountain View School Divisions*