



“Eaton Arrowsmith” refers to Eaton Arrowsmith locations in Vancouver and Redmond, Eaton Arrowsmith Adults in Vancouver and Redmond, and Eaton Arrowsmith Learning Centre / Eaton Arrowsmith School Online, each of which is referred to herein as “Eaton Arrowsmith” or the “school.”

Eaton Arrowsmith may add, modify or remove portions of this Policy when it is considered appropriate to do so. Any changes will be effective upon the posting of the revised policy. The most recent version can be found on our website: www.eatonarrowsmith.com/policies-and-procedures/

Eaton Arrowsmith

Complaints and Appeals Policy and Procedures

There are times when problems may arise within our school community. The Eaton Arrowsmith community is composed of a diverse group of people and situations may require intervention for the goal of resolution. The following steps are to be followed with observation of the included principles of “Best Practice.”

1. All complaints must be directed initially to the staff member or parent/guardian involved in a manner of open dialogue with the intention of resolving the problem.
2. If resolution does not occur, the principal shall be notified and both parties shall meet with the principal in an effort to restore a healthy situation.
3. If #2 does not fulfil the objective, the Leadership Team (Principal, Vice Principal, Head Teacher) shall enter the affair and attempt to bring about a resolution.
4. If #3 still does not bring resolution, the Leadership Team and the Director shall render a final decision, with the decision directed to the parties involved in such a manner as to bring about a resolution.
5. At Eaton Arrowsmith Vancouver, the FISA Ombudsperson may be contacted by the school in a final attempt to solve the difficulties.
6. If any complaints or grievances proceed beyond #1, all actions, discussion and contacts should be recorded in writing.

Updated: July 2022 | Page 1 of 4

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PRINCIPLES OF BEST PRACTICE

Requirements of Procedural Fairness

We at Eaton Arrowsmith will be guided by Procedural Fairness.

- If a decision-maker (e.g., a Principal or Leadership Team) 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 him/her. That is to say, he/she ought to 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.

Procedural Fairness and Students

The following paragraphs A and B are adapted from *Keeping Students Safe: A Practical Guide for Principals and Vice-Principals (June 1999)*.

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

1. Students need to be treated with respect and dignity and to know what is expected of them. The school authority and the school should enact codes of conduct and rules that are clear and well communicated.
2. A student who is accused of breaching a rule should be notified of that of which he/she is accused, with the essential facts of what he/she is alleged to have done.
3. An accused student should 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 his/her actions, more serious matters require more formal investigation and documentation.
4. The student and parent/guardian should be informed of any appeal or review procedure.
5. There is to be an assurance of no retribution for pursuing an appeal or review.

Seeking Unbiased Resolutions

"Bias" may occur when the mind of the decision-maker is in some way pre-disposed to a particular result, or is closed with respect to particular issues and, as a result, the decision-maker lacks impartiality or neutrality. The British Columbia Court of Appeal in a case comments as follows: "to charge such person with bias is not merely to say that they would be likely to decide a particular matter in a particular way. But to say that they would do so improperly. The charge implies that the

(decision-maker) would not decide the case independently, and on the basis of the evidence, but would do so under improper influence, and with a view to achieving an extraneous or otherwise improper purpose.”

Therefore the following guidelines are observed by Eaton Arrowsmith:

1. Decision-makers will not prejudge the evidence of the particular circumstances of a student’s case, or give the appearance (e.g., in public statements) of having done so, even if the decision maker has strong convictions on such matters.
2. When selecting Leadership Team representatives to hear a case or an appeal of a decision, those having a close out-of-school relationship, family ties or adversarial relationships with the student or student’s family, or a staff member who is closely involved in the incident be disqualified from serving for this duty.
3. 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 should only participate in the appeal for the purpose of providing testimony. Such a person should not participate in decision-making at appeal levels.
4. An appeal-hearing committee should not hear or receive evidence that will not be shared with the other party in the dispute. The committee will not receive evidence or representations from administrators or staff in the absence of the person appealing, and the committee will avoid the appearance of doing so.

Appropriate Procedural Protection

The requirements of procedural fairness will depend on the seriousness of the matter being decided. 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 have much more serious implications for the student.

If consideration is being given to expelling a student, the parents/guardians will first be notified and given an opportunity to meet with the principal and the student’s teachers. Expulsion will only be considered in the most serious cases or where there have been serious and repeated violations of Eaton Arrowsmith student conduct policies. A student will not be expelled until:

- the parents/guardians have been given a detailed description in writing of the conduct giving rise to the expulsion;
- the parents/guardians have been invited to meet with the classroom teachers and principal to discuss the student’s conduct;
- the student has been given an opportunity to modify his or her behaviour; where doing so will not place the student or other students at risk*;
- the parents/guardians have been formally notified that expulsion is under consideration*.

* Ensuring that a student has been given an opportunity to modify their behaviour is our goal, however in cases of serious violation of student conduct policies, immediate expulsion may be considered.

Mediation

For some types of disputes a mediation process may be a more appropriate and less confrontational way of resolving a dispute. Therefore, Eaton Arrowsmith will consider accessing the services of a mediator.

Summary

- The Principal shall establish rules of conduct for students attending educational programs at their site.
- The Leadership Team will ensure students and parents/guardians are aware of the rules of conduct and agree to abide by them as outlined in the Parent Handbook and will obtain written confirmation of this acknowledgement annually.
- The Principal, Leadership Team, and Director are to ensure principles of procedural fairness and natural justice are followed when decisions are made affecting the rights of a student whether the decision relates to a matter of discipline, e.g., suspension or expulsion from school, or to an important facet of the student's educational program, e.g. admission into a class or a mark assigned by a teacher;
- And, at least in more serious matters, provide an appeal process which gives the student and/or parent an opportunity for a fair and unbiased review of the original decision.

PROCEDURAL FAIRNESS AND TEACHERS/EMPLOYEES

The terms and conditions of employment of teachers and other employees at an independent school will be governed by the contract of employment between the employee and the school authority. The School operates with individual contracts of employment between the employee and the school authority. In the event that a dispute arises, the six steps outlined in the beginning of this policy will be employed.