



### **Rationale**

CISVA believes in the importance of all members of the CISVA Community working together to create a positive and unified school culture that inspires success for every student. The values of trust, respect, responsibility, and collaboration set the tone for how the entire Catholic school community works together to pursue a common vision. From time to time, issues may arise where members of the community may differ in their perspectives.

### **Policy**

CISVA seeks to ensure that complaints are dealt with in a confidential and timely manner that reflects mutual respect and the principles of procedural fairness. All parties involved are expected to maintain confidentiality with respect to any information they obtain during a complaint investigation or related appeal, and to conduct themselves with Christian charity.

### **Procedure**

Every effort should be made whenever possible to resolve the issue by the parties directly involved. If the issue cannot be resolved at this level, then a formal written complaint can be brought forward following the procedures outlined below. Procedures for dealing with such situations should ensure that:

- Issues are handled as near the source as possible;
- All parties involved in the complaint are given a fair opportunity to respond and provide their perspective;
- Complaints are dealt with in a courteous, confidential, and constructive manner;
- Complaints are investigated and resolved expeditiously.

### **Informal Resolution**

Issues and concerns should, wherever possible, first be brought to the attention of the person(s) involved to attempt to resolve the matter. If a formal complaint is filed before that person has been consulted with, then the Complainant may be asked to explain why such a discussion has not taken place. Unless there are extenuating circumstances, the complaint process will generally be deferred to allow a discussion to take place.



If the Complainant or Respondent(s) is not comfortable with a face-to-face meeting but still desires an informal resolution of the complaint, the participants can seek the assistance of a mutually acceptable colleague, staff member or trusted person, to help facilitate a resolution.

Other individuals may be included in this process as appropriate to assist in resolving the matter. Advisors might include the Pastor, Chairperson of the Education Committee, a representative from the Superintendent's Office, or others to help facilitate a resolution of the issue.

Informal resolution may also include a process of mediation facilitated by the Superintendent's Office.

Informal resolution can be pursued at any stage of the major complaint process, including before, during or after an investigation or appeal.

### **Formal Complaint and Investigation**

If the issue cannot be resolved by the parties directly involved, and if the Complainant wishes to pursue the matter further, the Complainant will be asked to complete a Major Complaint using the "Notice of Major Complaint", Annex A of this policy, which is to be submitted to the investigating body (identified below). The Complainant should also supply any supporting documentation.

Unless there are extenuating circumstances (such as safety concerns), a copy of the Notice of Major Complaint form and supporting documentation will be provided to the Respondent(s) for their review and response. The Complainant should raise any such concerns with sharing the Major Complaint form or supporting documentation at the time of filing the Complaint. Depending on the circumstances, alternate methods of informing the Respondent(s) of the complaint might include providing a verbal or written summary of the complaint, or taking other precautions to protect the privacy interests of the Complainant while also preserving the fairness of the process for the Respondent(s).

Where a Complaint concerns more than one Respondent, the Complainant should submit separate complaint forms. The investigating body may decide to investigate the matters jointly, or separately.

Where a Complaint is submitted by an individual concerning a matter that does not directly affect the individual, then the investigating body can either (1) decline to investigate the Complaint on grounds of lack of standing or (2) approach the person directly affected by the matter to determine whether they want to file a complaint, in which case the affected person will be substituted as the Complainant.



The investigating body will then investigate the matter in an effort to obtain the facts necessary to reach a decision. Such investigation may include but is not limited to:

- Review of the information and documents supplied by the Complainant and Respondent(s);
- Interviews of the Complainant or Respondent(s);
- Interviews of witnesses;
- Reviews of additional documentation, including School and CISVA policy.

If the Complainant seeks to include any new allegations or concerns regarding events that occur after the filing of the Major Complaint, then in order to ensure those new allegations are included, the Complainant should submit a supplemental major complaint form.

Throughout the investigation, the investigating body will be guided by principles of procedural fairness, which includes providing both the Complainant and Respondent with a fair opportunity to be heard and informing the Complainant and Respondent of relevant information gained through the investigation process. The extent of the information supplied will take due account of the privacy interests of those impacted by the investigation.

The investigating body/decision maker should act in a manner that is independent, impartial, unbiased and fair.

If appropriate, the investigating body may bring in a designate with expertise to assist in the process, including to conduct the investigation. In addition, the Superintendent (or his/her designate) may be consulted at any time for guidance regarding the investigation process.

Where a complaint involves educational policy or educational matters, then the investigating body must consult with the Superintendent (or his/her designate) before reaching a decision on the matter. The investigation should be completed in a confidential and timely manner. If an investigation is expected to take longer than seven days, the parties to the Complaint should be informed and provided an expected timeline for the investigation to be completed. Unless there are unexpected circumstances (including but not limited to complexity or severity), investigations should be concluded within 7-14 days.

Both the Complainant(s) and Respondent(s) are entitled to be informed of the outcome of the investigation, and where corrective action is taken, the nature of the corrective action. The extent of



the information supplied to those individuals will take due account of the privacy interests of those impacted by the decision.

In the event that disciplinary action is recommended as a result of the findings reached in an investigation, the investigating body must consult with and obtain approval from the Superintendent (or his/her designate) prior to releasing its decision.

### **Appeal Process**

Either party can request an appeal of the decision of the investigating body. The appeal should be filed within seven days of receipt of the decision, and a copy of the appeal will be supplied to the Superintendent (or his/her designate). The procedures for an appeal are outlined below.

A Notice of Appeal, Annex B of this policy, should be completed and submitted to the Appeal Body.

The Appeal Body will form a sub-committee responsible for reviewing the findings of the investigation. The Sub-committee will then report their findings and their recommended resolution to the Appeal Body for ratification.

If a member of the Appeal Body was consulted or involved in the investigation, that individual must recuse themselves from involvement in the appeal process and must not participate in any decision-making at the appeal level.

An appeal is not a re-hearing of the original complaint, nor is it an investigation into the underlying facts of the complaint. The focus of the appeal is on procedural fairness and adherence to applicable School and CISVA policy.

The decision of the investigating body will not be overturned if the relevant CISVA and School policies were followed and where, in all the circumstances, the investigating body acted in a procedurally fair manner.

Generally speaking, the appeal will be based on the decision under review, and the written submissions of the Complainant and Respondent(s). The Appeal Body may also request additional information and submissions from the investigating body, or others, as necessary to understand the investigation and decision-making process. Throughout the appeal, the Appeal Body will be guided by principles of procedural fairness including ensuring that the participants have a fair opportunity to be heard.



If appropriate, the Appeal Body may bring in a designate with expertise to assist in the appeal process. In addition, the Superintendent (or his/her designate) may be consulted at any time for guidance in regard to the appeal process.

The Complainant(s), Respondent(s), as well as the investigating body, are entitled to be informed of the outcome of the appeal. The extent of the information supplied to those individuals will take due account of the privacy interests of those impacted by the decision.

Appeals should be conducted in a timely manner. In the event that the Appeal Body expects that it will take longer than 14 days to reach a decision, both the Complainant and Respondent should be informed. For appeals before the CISVA Board of Directors, the 14-day timeline commences once a sub-committee has been formed at the next scheduled Board meeting.

Generally speaking, any corrective action arising from the decision under appeal will not be stayed pending the outcome of the appeal process. If the individual bringing the appeal requests that any corrective action or the outcome of the decision under appeal not be implemented pending the decision on the appeal, then the individual should first seek the consent of the Respondent(s), failing which the individual may request that the decision under appeal be stayed by the appellate body. The individual should specifically indicate this request on the Notice of Appeal Form and explain why the request should be granted. The decision on whether to stay the decision under the Appeal will then be at the discretion of the Appeal Body.

Where there is a second level of appeal, the same principles apply. The appeal should be filed within seven days and the decision of the Appeal Body will not be overturned if CISVA and School policy were fairly and appropriately applied.

### **CISVA Board of Directors Procedure**

Where a complaint, appeal, or a second appeal, is brought to the CISVA Board of Directors, the following principles also apply:

- 1) The Notice of Complaint, Annex A, or Notice of Appeal, Annex B, should be submitted to the CISVA Superintendent's Office
- 2) The Notice of Complaint, or Notice of Appeal, will be forwarded to the Archbishop, or his delegate, for review in advance of the next CISVA Board of Directors meeting.
- 3) The Archbishop or his delegate, the Vicar for Catholic Schools, in consultation with the Superintendent, may decline to consider a complaint, an appeal, or a portion of the complaint or



appeal, without referring the matter to the Board of Directors if he determines that the complaint, appeal, or that portion of the appeal:

- a. is trivial, frivolous, vexatious, or made in bad faith, or by an individual without proper standing;
  - b. does not contain allegations that, if proven, would constitute a violation of CISVA policy or a breach of procedural fairness;
  - c. in the case of an appeal, contains allegations that relate to a matter for which there is no right of appeal; or
  - d. concerns a matter that is before another authority or other body, or is more properly brought before another authority or other body, in which case the appeal will be stayed until after that right has been exercised and the proceeding finally concluded or until the time limit for the exercise of that right has expired. If, following the decision or process of the other authority or other body, the matter has been substantively addressed or resolved, the appeal may be dismissed.
- 4) If the complaint or appeal is accepted, in whole or in part, then the accepted complaint/appeal will be reviewed at the first available meeting of the Board of Directors at which point a sub-committee will be formed to decide the complaint/appeal. The process will then proceed as outlined above.

### **Complaint/Appeal Procedures**

#### **1.0 Complaint involving all employees and all others under the supervision of the Principal.**

- a. Submit Complaint to: Principal (Note: If the Complaint is against more than one individual, and one of those individuals is the Principal, the Complaint should be submitted directly to the Education Committee).
- b. Investigating body: Principal or Vice-Principal (as appropriate).
- c. Appeal body: Education Committee Sub-Committee of the School (note: the Sub-Committee must include the school's Pastor/Archbishop's Representative or his delegate).
- d. Second level of appeal: Board of Directors of the CISVA.



## 2.0 Complaint Involving a Principal

- a. Submit Complaint to: Chair of Education Committee and the Associate Superintendent of Human Resources.
- b. Investigating Body: Education Committee Sub-Committee of the School (note: the Sub-Committee **must include** the school's Pastor/Archbishop's Representative or his delegate). The Associate Superintendent of Human Resources (or his/her designate) has a right to participate in the investigating sub-committee, at their discretion.
- c. Appeal body: Board of Directors of the CISVA.

## 3.0 Complaint Involving an Education Committee Member

- a. Submit Complaint to: Another member of the Education Committee and the Associate Superintendent of Human Resources.
- b. Investigating Body: Education Committee Sub-Committee of the School (note: the Sub-Committee must include the school's Pastor/Archbishop's Representative or his delegate; the education committee member who is the subject of the complaint must be recused from all aspects of the investigation and decision-making). The Associate Superintendent of Human Resources (or his/her designate) has a right to participate in the investigating sub-committee, at their discretion.
- c. Appeal body: Board of Directors of the CISVA.

## 4.0 Issue Involving the Pastor of the School

- a. Submit Complaint to: CISVA Superintendent and the RCAV Vicar General.
- b. Investigating Body: Complaint will be handled using the Archdiocesan policies and procedures for the specific complaint(s).

## 5.0 Issue involving the Superintendent's Office

- a. Submit Complaint to: CISVA Board of Directors.
- b. Investigating Body: Sub-Committee of the CISVA Board of Directors.



### **General Considerations**

Requests for extensions of timelines mentioned in the policy, will, for valid reasons, ordinarily be approved.

A participant in a major complaint process may request that a support person be present either at an interview, or to assist them in other aspects of the process, such as preparing or reviewing written submissions. The participant should communicate to the investigating body or appeal body that they wish to have a support person, provide the identity of the support person, and confirm that the support person is aware of and agrees to abide by the requirements of confidentiality associated with either the investigation or appeal. If the investigating or appeal body is of the view that the support person may be a material witness to the matters under investigation or appeal, or that the support person is otherwise not appropriate either due to confidentiality or other concerns that may impact the integrity or proper conduct of the investigation or appeal, then the participant will be asked to identify an alternate support person. The investigating or appeal body may also require written confirmation from the support person that they are aware of and agree to abide by the confidentiality expectations expected under the major complaints process. Note that this requirement does not apply if a participant, investigating body or appeal body is seeking advice from a lawyer or support from a pastor, and nothing in this policy requires an individual, investigating body or appeal body to disclose information subject to solicitor-client privilege, to disclose whether they have or are seeking legal advice or to provide the identity of legal counsel.

Nothing in this policy restricts an investigating body or appeal body from adjusting the investigation or appeal process where necessary and justified, to ensure the safety and well-being of participants, or the efficient and orderly conduct of an investigation or appeal, while also ensuring that principles of procedural fairness are maintained.

### **Failure to cooperate or breaches of confidentiality**

It is the expectation that anyone involved in a major complaints investigation or appeal, whether as a Complainant, Respondent, witness, or otherwise, will be cooperative, respectful and will abide by the requirements in this policy, including confidentiality.

If a participant refuses to cooperate with an investigation or appeal, or breaches the expectation of confidentiality, then the investigating body or appeal body, as applicable, may take corrective action to address the breach. A non-exhaustive list of corrective actions includes, depending on the severity, persistence, frequency and extent of the breach:

- Remind the participant of the duty to cooperate and/or the duty to avoid further breaches of confidentiality;





- Require the participant to take steps to address the consequences of the breach and to verify that those steps have been taken by a particular deadline;
- If the participant is an employee, disciplinary action upon approval by the CISVA Superintendent's Office;
- If the participant is an Education Committee member, temporary or permanent removal or restriction of duties or, if there is just cause, removal from their position for cause, upon approval by the CISVA Board of Directors;
- If the participant is a Complainant, suspend or stay the Complaint/Appeal, restrict their rights to participate or receive information in the Investigation/Appeal process, or dismiss the Complaint or Appeal.

### Independent School Ombudsperson

If the subject matter of the complaint/appeal concerns an education matter, and if a parent, guardian or student impacted by the decision disagrees with the decision of the final appellate body, then they may request a Catholic Independent Schools of BC (CISBC) Ombudsperson (refer to Policy 436 – Use of Ombudsperson) to review the appeal.

The names and contact information of the CISBC Ombudsperson shall be obtained from the Superintendent. The procedure and scope of the Ombudsperson's review shall be communicated to the appellant by the Superintendent's Office. The outcome of the Ombudsperson's review shall be communicated to the appellant by the Superintendent (or his/her designate).

The CISBC Ombudsperson does not have the ability to review complaints concerning employment matters. To file a complaint concerning bullying and harassment, please refer to CISVA Policy 321.

References Policy 321 – Harassment/Bullying Prevention	Approved Board of Directors
	Date 1 March 2005



<p>Cross-reference Policy 426 – Suspensions and Expulsions</p>	<p>Revised 5 February 2008 5 May 2009 6 March 2017 5 June 2018 5 February 2019 1 February 2022 5 March 2024 2 July 2024</p>



**NOTICE OF MAJOR COMPLAINT**

Submitted by (Name) \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ Province \_\_\_\_\_ Postal Code \_\_\_\_\_

Home Phone number		E-mail address	
Work Phone number			
Cell number			

Please be as detailed as possible in completing this form. If you require more space, please attach additional pages to this Notice of Major Complaint. Please also enclose with this Notice of Major Complaint any and all documents, notes, or correspondence that you believe to be relevant or of assistance in considering this Notice of Major Complaint.

1. This complaint is made against \_\_\_\_\_ (the **“Respondent”**)
2. What is your relationship to the school? (staff member, parent, etc.)
3. Please describe the nature of your complaint, including the details of any and all conduct complained of (the **“Conduct”**), the names of all persons involved and witnesses to the events. Please be as detailed as possible, including where and when the Conduct took place.
4. How did you learn of the Conduct (i.e. personally witnessed it, learned of it from other staff, or informed by a student?) If you learned of the Conduct from a secondary source, please provide details of that source, and if the source is aware that you are filing this complaint.



5. Please describe any and all attempts that you have made to discuss your concerns with the Respondent and when those attempts occurred. If you have not discussed your concerns with the Respondent directly, please advise of the reasons why you have not done so prior to submitting this Notice of Major Complaint.
6. What would you like to see occur as a result of this Notice of Major Complaint (i.e. the outcome)?
7. Please list the names of any other persons who you believe have information regarding the Conduct.

In signing below, you confirm each of the following:

- (a) you have reviewed CISVA Major Complaints Policy 302 prior to submitting this Notice of Major Complaint;
- (b) it is your intention that this Notice of Major Complaint be made as a Major Complaint pursuant to CISVA Major Complaints Policy 302;
- (c) you understand that you must maintain confidentiality with respect to all aspects of the Major Complaints process and related appeals or processes and that you are expected to conduct yourself throughout this process in accordance with Christian charity and all CISVA policies, including but not limited to the CISVA Harassment /Bullying Prevention Policy 321;
- (d) you understand that, unless the investigating body decides otherwise, a copy of this Notice of Major Complaint will be provided to the Respondent for his or her response and copies may also be provided to the relevant Parish or Regional Education Committee and the Office of the Superintendent, in addition to the school's principal and pastor and other necessary parties, as appropriate, for their records and review;
- (e) you understand that in the course of reviewing the Conduct, the investigating body may request that you provide further documents or information and you agree to cooperate with the investigation and all such requests to the best of your abilities;



## Human Resources

### Notice of Major Complaint

Policy 302 Annex A

- (f) all of the contents of this Notice of Major Complaint are true and accurate to the best of your knowledge.

Date: \_\_\_\_\_ Signature: \_\_\_\_\_



**NOTICE OF APPEAL**

Submitted by (Name) \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ Province \_\_\_\_\_ Postal Code \_\_\_\_\_

Home Phone number		E-mail address	
Work Phone number			
Cell number			

Please be as detailed as possible in completing this form. If you require more space, please attach additional pages to this Notice of Appeal. Please also enclose with this Notice of Appeal any and all documents, notes, or correspondence that you believe to be relevant or of assistance in considering this Notice of Appeal

1. I am bringing this Appeal concerning the decision of \_\_\_\_\_ [investigative body] made \_\_\_\_\_, and (if applicable), the decision of \_\_\_\_\_ [the initial appeal body] dated \_\_\_\_\_.

These decisions concern a complaint filed on \_\_\_\_\_ [date], by \_\_\_\_\_ [Complaint} against \_\_\_\_\_ [Respondents] under Policy \_\_\_\_\_ [identify policy, for example, policy 302, 321, 426]

2. Please describe the nature of your Appeal and address specifically which School or CISVA policies you feel were not followed and any concerns of procedural fairness in the investigation or decision under appeal. Use additional pages as necessary.



3. Please indicate whether you are requesting that any corrective action or the outcome of the decision under Appeal not be implemented pending the decision on your Appeal and whether the Respondents consent. If the Respondents do not consent, please explain why your request should be granted. Use additional pages as necessary.
  
4. What would you like to see occur as a result of this Notice of Appeal (i.e. the outcome or remedy you are seeking)?
  
5. Are you willing to engage in an informal resolution process in order to resolve the concerns set out in your appeal?

In signing below, you confirm each of the following:

- (a) you have reviewed CISVA Major Complaints Policy 302 prior to submitting this Notice of Appeal;
  
- (b) it is your intention that this Notice of Appeal be made pursuant to CISVA Major Complaints Policy 302;
  
- (c) you understand that you must maintain confidentiality with respect to all aspects of the Appeal process, including the underlying Major Complaints process, and that you are expected to conduct yourself throughout this process in accordance with Christian charity and all CISVA policies, including but not limited to the CISVA Harassment /Bullying Prevention Policy 321;
  
- (d) you understand that a copy of this Notice of Appeal, and any submissions you supply in the course of the Appeal, will be provided to the Respondent(s) for his or her response and that copies may also be provided to the relevant Parish or Regional Education Committee, the Board of Directors, and the Office of the Superintendent, in addition to the school's principal and pastor and other necessary parties, as appropriate, for their records, review, and investigation;



## Human Resources

### Notice of Appeal

Policy 302 Annex B

- (e) you understand that in the course of investigating this Appeal, appeal body may request that you provide further documents or information, and you agree to cooperate with all such requests to the best of your abilities, and also understand that all evidence or information supplied in the course of this Appeal will be shared with the other participants.
  
- (f) all of the contents of this Notice of Appeal are true and accurate to the best of your knowledge.

Date: \_\_\_\_\_ Signature: \_\_\_\_\_