



Section: **School Operations**
Policy #: **1300**
Policy: **Diocesan-Appeals-Committee**

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Where disputes exist and cannot be resolved at the local level through established procedures, then the complainant may seek to have the issue resolved through the Diocesan Appeals Committee.

The composition of the Appeals Committee will include:

1. Bishop or the Bishop's representative (Chair)
2. Member of the Board of Directors*
3. A Teacher*
4. A Principal*
5. A Pastor*

* Not from the complainant's school.

It is the intent and purpose of these procedures to make efficient the process by which appeals are considered and decided, and to promote the just disposition of disputes. Therefore, they should be interpreted and applied to meet these objectives:

- 1) The dissatisfied party will make a formal written brief to the Chair of the Appeals Committee for a resolution of the complaint through the Diocesan Appeals Committee.

The brief should include:

- a) Statement of the issues under appeal.
 - b) Outline of the facts relied upon.
 - c) Copies of documents to be relied upon.
 - d) A list of witnesses proposed to be called.
- 2) Having received the brief from the complainant the Chair of the Appeals Committee will request a brief from the respondent and the Superintendent.

- 3) The briefs will be distributed to each member of the Appeals Committee, the complainant, the respondent, and the Superintendent.
- 4) The Chair of the Appeals Committee has the authority and responsibility to conduct the appeal in a fair and professional manner. (S)He will strive to give the parties a fair hearing while ensuring that the procedure is not needlessly prolonged by repetition or irrelevant information.
- 5) Because the appeal is a process internal to the Catholic community, it is not intended that either party is to be represented by legal counsel. The complainant may however, have a colleague in attendance. Each side will have only one (1) spokesperson.
- 6) Under normal circumstances the Superintendent will be present as the chief administrative officer of schools.
- 7) At the hearing, the complainant, limited to the brief submitted, will present his/her case. The respondent may ask questions of the witnesses or advocate that are relevant. Likewise, the Committee may ask questions to clarify the evidence or to bring out any pertinent circumstances.
- 8) The respondent will then present its case:
 - a) proof and discussion of the matters outlined in the school's brief;
 - b) reply to the matters raised in the complainant's brief.

A similar questioning procedure will be available to the complainant advocate and the Committee.

- 9) When the respective cases are finished, the Superintendent, if (s)he so desires, may make a statement but only as it relates to his/her decision or to the other briefs presented. First the respondent and then the complainant may question him/her on his/her statement.
- 10) Prior to final summation by the parties' representatives, the Committee may, if it thinks necessary, call for such further evidence from witnesses or documents that it feels are required by the nature of the case. Both representatives will have the opportunity to examine such documents and question the witnesses brought to light by the Committee itself.
- 11) The respondent and the complainant will each be given five (5) minutes to summarize their position.

- 12) Following the hearing, the Committee will meet in-camera to deliberate and reach a decision, considering such factors as, for example, was the respondent justified in his/her action - did the respondent follow policy/procedure/guidelines - did he/she have the right to do what he/she did. The primary objective is to ascertain the truth and to produce a result that is fair and reasonable.
- 13) The Committee will communicate its decision in writing and provide written reasons to the complainant and the respondent. The decision must be delivered promptly and with due regard for the needs of both parties to settle their affairs.
- 14) If the complainant is dissatisfied with the decision of the Appeals Committee, he/she may refer the matter to the ombudsman for further review.

Appeals Process Flowchart

