**Dispute Resolution Policy (Draft)**

**GENERAL INFORMATION**

**School-Based Disputes**

The *Education Act* requires each School Council and School Board to (in consultation

with the superintendent/director, school administration, and teachers of the school)

establish a procedure for resolving disputes within the school community.

The *Education Act* further provides that if a decision made by a person employed in a

school significantly affects the education, health, or safety of a student, the parent of the

student or the student (if the student is 16 years of age or older) may appeal the decision

in accordance with that dispute resolution procedure.

Appeals to the Education Appeal Tribunal

The *Education Act* specifically provides that the following decisions must be appealed to

the Education Appeal Tribunal rather than through the dispute resolution procedure

established by the School Council or School Board:

* special needs appeals under s. 17 of the Act;
* the decision of the superintendent/director in a dispute involving student records under s. 20 of the Act;
* the decision of a School Council or School Board regarding the suspension of a student under s. 41 of the Act; and
* the rejection by the Minister of a proposal for a locally developed course of study under s. 43 of the Act.

**PURPOSE**

The purpose of this policy is to provide guidelines for School Councils and School Boards

when they develop dispute resolution procedures for ls, and to provide direction to Yukon

Education staff in dealing with and resolving school-based disputes within the school

community.

**DEFINITIONS**

‘*Collaborative Dispute Resolution*’ is a process that is timely, open, and fair. Procedural

fairness is essential and means the right to have all relevant information shared, the right

to be heard, and the right to an unbiased decision. The process must be completed in a

timely manner that ensures that the parties involved have time to prepare. Collaborative

dispute resolution can provide opportunities for respectful dialogue that builds

relationships and mutual understanding.

‘*Parent*’ means the biological parents, the adoptive parents by custom or otherwise, the

persons legally entitled to custody, or the persons who usually have the care and control

of the child.

‘*School Community*’ means everyone in a community that has contact with a school,

including students, families, Yukon Education staff, School Councils, School Boards, First

Nations, and other partners in education.

**POLICY STATEMENT**

**A. General**

Yukon Education recognizes that disputes are part of relationships and that people will

periodically disagree on matters, and encourages everyone in the School Community to

treat these differences as healthy.

Yukon Education supports resolving disputes in a collaborative manner that is respectful

of differences, in order to promote open and effective relationships within the school

community.

It is expected that school administrators and staff will resolve school-based disputes in

accordance with the dispute resolution procedure established collaboratively with the

School Council or School Board.

It is also expected that all members of the School Community will make every reasonable

effort to practice collaborative dispute resolution at the school level.

**B. Procedures**

A dispute resolution procedure established by a School Council or School Board should

include the following steps:

**1**. When the dispute involves a teacher or other school staff, the parents should

meet with the teacher to attempt to resolve the matter together.

**2**. If the matter cannot be resolved with the teacher, the parents should meet

with the school administrator to attempt to resolve the matter.

**3**. If the matter cannot be resolved with the school administrator the

superintendent/director shall, in consultation with the School Council or

School Board, arrange for a meeting involving the school administrator, the

superintendent, representatives of the School Council or School Board, and

the parents (who may choose to include someone to advocate on their behalf)

to attempt to resolve the matter.

**4.** If the matter still cannot be resolved, any of the involved parties may notify the

Assistant Deputy Minister, Public Schools in writing. The Assistant Deputy

Minister will then make a final decision on the matter.

There will be times when one or more persons express a need to bring a third party to the

dispute resolution process and such requests will be accommodated where possible.

**ROLES AND RESPONSIBILITIES**

School administrators are responsible for promoting satisfactory relationships with

parents and the community served by the school.

Students and parents of students attending school are entitled to appeal decisions that

significantly affect their education, health, or safety.

In consultation with the superintendent/director, school administration, and teachers of a

school, the School Council or School Board is responsible for establishing a procedure

for resolving disputes between the school, parents, and teachers.

The involvement of the School Council or School Board in resolving a dispute over the

suspension of a student must reflect the School Council or School Board’s role under the

*Education Act* to review the suspension when requested to do so by the parent and

student. Individual members are responsible for ensuring that the School Council or

School Board’s ability to impartially review the suspension is not compromised by the

member otherwise becoming involved in the dispute.

All members of School Communities are responsible for practicing collaborative dispute

resolution at the school level.