



Catholic Independent School Committee of BC Ombudsperson Guidelines

Rationale

The Catholic Independent Schools of BC (CISBC), in co-operation with the Federation of Independent School Associations (FISA) and in consultation with the Office of the Inspector of Independent Schools has established the position of Independent School Ombudsperson, (Ombudsperson). The role of the Ombudsperson is to investigate appeals made by student and/or parent/guardian affected by a decision, act, or omission of an independent school and/or school authority that is a member of CISBC.

Policy

If, after following the Authority's Appeals Process, the student and/or parent/guardian believes that the decision of the school and the Authority is unfair because policy or procedural fairness has not been followed, the student and/or parent/guardian has the right to appeal the decision to the ombudsperson.

Definition

Procedural Fairness – is concerned with the procedures used by a decision maker, rather than the actual outcome reached. It requires a fair and proper procedure be followed when making a decision.

Role of the Ombudsperson

An Ombudsperson is available to assist those persons who have exhausted all avenues of redress or review within their independent school and school authority to resolve a dispute.

The Ombudsperson is not an arbitrator and does not have the ability to make a binding decision with respect to an Appeal. It is intended that the Ombudsperson provide an objective opportunity for investigation of "procedural fairness" regarding a decision, procedure, act or omission of a School and/or the Authority.

The Ombudsperson is authorized, in response to an Appeal, to undertake an investigation to determine if the School and/or Authority's policies and procedures have been followed. The Ombudsperson,

having completed an investigation, may make a recommendation to the School and/or Authority regarding the Appeal Process in an attempt to resolve the complaint.

Appointment of the Ombudsperson

The Ombudsperson for CISBC is a person appointed by the Catholic Independent School Authority and approved by the Catholic Independent School Committee of BC (CISCBC) who is qualified through training and experience to act as an impartial investigator of complaints. The Ombudsperson should be appointed for a term of 2 years and can be reappointed by the Authority that made the appointment for as many terms as the Authority sees fit. An Ombudsperson can resign at any time by providing written notice to the Authority that made the appointment.

Making a Complaint

Any student and/or parent/guardian affected by a decision, recommendation, act or omission of a school and/or authority may ask the Ombudsperson to conduct an investigation if the complainant believes that he or she was treated in a manner contrary to the principles of procedural fairness or local/diocesan school policy and that the School and/or Authority applied policies and procedures incorrectly or inconsistently.

The Ombudsperson cannot investigate a matter related in any way to the employment of a person by the school.

The complainant must agree at the time of making the complaint to accept the Ombudsperson as an unbiased party in the complaint and not to compel the Ombudsperson to give evidence in a court or in other proceedings of a judicial nature in respect of anything coming to the Ombudsperson's knowledge while investigating of the complaint.

Powers of the Ombudsperson

The Ombudsperson is not authorized to investigate a decision, recommendation, act or omission in respect of which there is a right of appeal, objection, or review until after that right has been fully exercised through the Authority's Appeals Process.

The Ombudsperson is only authorized to receive appeals related to independent schools in the Association that appointed the Ombudsperson.

The Ombudsperson may refuse to investigate or cease to investigate a complaint, if in the opinion of the Ombudsperson it is reasonable to do so.

The Ombudsperson may receive or obtain information from a person in the manner the Ombudsperson considers appropriate.

Procedures

A complaint to the Ombudsperson must be in writing.

If the Ombudsperson investigates a matter, the Ombudsperson must notify the Superintendent of the Authority affected and any other person the Ombudsperson considers appropriate to notify in the circumstances.

If, during an investigation, the Ombudsperson decides to hold a hearing (in-person or virtually), the complainant, the School, and any other affected persons must be given the opportunity to make representations.

A person is not entitled as a right to a hearing before the Ombudsperson.

If the Ombudsperson decides not to investigate or further investigate a complaint, or if at the conclusion of the investigation, decides that the complaint has not been substantiated, the Ombudsperson must record the decision and the reasons for the decision in a written report. Upon completion of an investigation, the Ombudsperson shall provide the written report to the complainant and the Authority.

The Ombudsperson may request the Authority to notify the Ombudsperson of any steps which have been taken to give effect to the recommendation(s) or, if no steps have been or are proposed to be taken, the reasons for not following the recommendation(s).

Confidentiality

The Ombudsperson will hold in confidence all information that comes to his or her knowledge in performing his or her duties.

If the Ombudsperson investigates a matter, the Ombudsperson must notify the Authority affected of the name of the complainant and the nature of the complaint.

Catholic Independent Schools of BC Ombudsperson Contact

The contact information of the current Catholic Independent Schools of BC ombudsperson shall be obtained from the Superintendent.