



**BY-LAW RESPECTING THE COMPLAINT EXAMINATION PROCEDURE ESTABLISHED
BY THE CENTRAL QUÉBEC SCHOOL BOARD**
(Adopted on January 14, 2011)

1.0 Purpose:

To establish clear procedures for parents and students to use to request the revision of a decision rendered by an employee of the School Board or the Council of Commissioners in order to ensure the protection of the rights of students and their parents.

2.0 Legal references:

Sections 9 to 12 and Section 220.2 of the Education Act (R.S.Q. ch. I-13.3).

The Regulation respecting the complaint examination procedure established by a school board (c. I-13.3, r. 7.1)

The Act respecting access to documents held by public bodies and the protection of personal information (R.S.Q. ch. A.-2.1)

3.0 Application of the Policy:

This policy applies to all students and parents of students of minor age enrolled in a school or centre under the jurisdiction of the Central Québec School Board.

4.0 Confidentiality:

All requests for the revision of a decision will be treated in a confidential manner.

5.0 Procedures to follow for members of the Council of Commissioners:

A Commissioner who receives a concern or complaint from a parent or a student will refer that parent or student to the appropriate person as outlined in the policy.

6.0 Right to be accompanied:

The complainant has the right to be accompanied by the person of his/her choice, at any stage of the complaint examination procedure.

7.0 Steps to follow:

7.1 Step One:

The initial step for a student or his/her parents is to discuss the decision with its author in order to exhaust all possibilities for agreement at this level, either through a meeting, a telephone conversation or written correspondence, for example, with the classroom teacher, the school principal, the centre director, etc. The author of the decision will inform the student or his/her parents without delay of the revised decision, if any.

7.2 Step Two:

If the student or his/her parents are not satisfied with the results of the discussions outlined in Step One, they must then submit their concerns to the school principal or centre director. The school principal or centre director will study the concerns and will render a decision without delay. The school principal or centre director will meet with the student and/or his/her parents and with the author of the decision in order to reach a conclusion that is satisfactory to all parties involved.

7.3 Step Three:

If the student or his/her parents are not satisfied with the results of the discussions outlined in Step One and Step Two, they must then submit their concerns to the Director General **in writing**. The Director General, or his delegate, will contact the school principal or centre director, the student and/or his/her parents in order to obtain any information he deems necessary. The Director General will render a decision without delay. The student or his/her parents will be informed of the decision.

Verbal complaints, written complaints that are not signed and complaints received by electronic means will not be treated.

8.0 Revision of a decision by the Council of Commissioners:

8.1 If a student or his/her parents are not satisfied with the results of the discussions outlined in sections 7.1 to 7.3 above, the Education Act stipulates that they may request the Council of Commissioners to reconsider such decision.

8.2 A written request for the review of the decision must be submitted to the Secretary General.

Verbal complaints, written complaints that are not signed and complaints received by electronic means will not be treated.

8.3 The Secretary General will then submit the request to a Revision Committee of three commissioners, named by the Council of Commissioners, who will study the request and make a recommendation. The membership of the committee may vary according to the geographic region in which the student and/or his/her parents reside.

- 8.4 The Secretary General may assist the student and/or his/her parents in the preparation of their request for the revision of a decision.
- 8.5 The Revision Committee will hear the parties concerned by the decision and may call upon additional resource people as necessary.
- 8.6 As a result of the recommendation of the Revision Committee, and if the student and/or his/her parents so desire, the request is submitted to the Council of Commissioners.
- 8.7 The Council of Commissioners will hear the concerned parties if they request to be heard, and the recommendation of the Revision Committee, and will render a decision without delay.
- 8.8 A letter containing the decision of the Council of Commissioners, and the grounds upon which it was made, will be transmitted in writing to the student and/or his/her parents, the author of the decision, and his/her immediate superior as soon as possible following the meeting at which the decision is made.

9.0 Register of complaints:

A register of all complaints submitted to the Council of Commissioners under sections 9 to 12 of the Education Act will be kept by the Secretary General.

10.0 Intervention of the Student Ombudsman:

10.1 Duties of the Student Ombudsman

If the student or his/her parents are not satisfied with the results of the process defined in section 8.0, they may then submit their concerns to the Student Ombudsman. The Student Ombudsman will determine whether the complaint is justified and if so, will recommend the corrective measures he/she deems appropriate to the Council of Commissioners.

10.2 Conflict of Interest

The Student Ombudsman must declare any conflict of interest, real or apparent. In particular if he/she or one of his/her close relations has a personal or business link with the person(s) concerned by the complaint.

In the event of such conflict of interest, the School Board reserves to right to enter into an ad hoc contract for the services of the ombudsman of another school board.

10.3 Intervention

The Student Ombudsman intervenes after the complainant has exhausted the other remedies provided for in the complaint examination procedure.

Despite the foregoing, the Student Ombudsman may receive a complaint at any stage of the complaint examination procedure if the Student Ombudsman considers that intervention is necessary to prevent harm from being caused to the complainant.

10.4 Transfer of Information

Once the Student Ombudsman intervenes, the Director General or the Secretary General will transfer all available information to him/her.

10.5 Right to be Accompanied

The Student Ombudsman informs the complainant that he/she has the right to be accompanied by the person of their choice at any stage of the complaint procedure. When applicable, the person accompanying the complainant may submit their observations, if the Student Ombudsman agrees.

Given that the examination of a complaint is treated in a purely administrative manner and therefore has no judicial or quasi-judicial nature, the complainant and the person accompanying him/her, may neither summon nor interrogate witnesses nor may they ask for a hearing.

10.6 Admissibility of the Complaint

The Student Ombudsman examines the complaint and ensures that it has been formulated by a student and/or his/her parents and that it concerns services offered by the School Board's administration or by one of the schools or centre.

10.7 Collection of information

The Student Ombudsman reviews the file concerning the complaint and communicates with the service or person named in the complaint to obtain their observations. The Student Ombudsman then informs the complainant of the information thus received and the complainant may provide his/her own observations.

If requested, the Student Ombudsman will meet the complainant, and if applicable, the person accompanying him/her, so that they may present their observations.

10.8 Evaluation of the Complaint

The Student Ombudsman analyzes the information received in order to determine if the complaint is to be retained. A complaint is retained when it is reasonably apparent that, according to the information and observations received, the rights of the complainant have not been respected as far as services offered to him/her by the School Board administration, schools or centre.

10.9 Communication of the Student Ombudsman's Opinion

Within thirty (30) days of receiving the complaint, the Student Ombudsman submits his/her opinion to the Council of Commissioners as to whether the complaint should be retained. If the complaint is retained, the Student Ombudsman will also submit his/her recommendations to resolve the complaint. Within the same time period, the Student Ombudsman transmits, in writing, the same information to the complainant and to the service or person concerned by the complaint.

10.10 Following the Recommendations

Without delay, the Council of Commissioners will inform, in writing, the complainant, the Student Ombudsman, the service or person concerned by the complaint of the steps it intends to take following receipt of the recommendations of the Student Ombudsman.

10.11 Rejection of a complaint

The Student Ombudsman may, upon summary examination, dismiss a complaint if, in the Student Ombudsman's opinion, it is frivolous, vexatious or made in bad faith. The Student Ombudsman will inform the complainant and the service or person concerned by the complaint of this decision in writing.

10.12 Interruption of the Treatment of a Complaint

The Student Ombudsman may also refuse or cease to examine a complaint if the Student Ombudsman has reasonable cause to believe that intervening would clearly serve no purpose or the length of time having elapsed between the events that gave rise to the dissatisfaction of the user and the filing of the complaint make it impossible to examine the complaint.

In addition, the Student Ombudsman must immediately refuse or cease to examine a complaint when he/she realizes or is informed that the complaint has been submitted to the Minister of Education, as it concerns a serious fault committed by a teacher in the exercise of his functions or for an act derogatory to the honour or dignity of the teaching profession as stipulated in section 26 of the Education Act (R.S.Q. c. I-13.3).

The Student Ombudsman will inform the complainant and the service or person concerned by the complaint, of this decision in writing.

10.13 Administrative Services

The Student Ombudsman may require the cooperation of any staff member of the School Board whose expertise is considered necessary by the Student Ombudsman and may, with the authorization of the Council of Commissioners, call on an outside expert.

It is understood that the Student Ombudsman has no role of authority over the personnel of the School Board.

10.14 Reprisals

The School Board must ensure that the complainant does not become a victim of reprisals as the result of having filed a complaint.

10.15 Final Recourse

There are two procedures for the examination of a complaint. The first is defined in sections 9 to 12 of the Education Act and in section 8.0 of this policy. The second is defined in section 10.0 of this policy.

Once a complaint filed by a student and/or his/her parents has been examined according to these two measures, he/she has no further recourse for the same complaint and subsequent decision.

10.16 Reporting

No later than the date set by the Council of Commissioners, the Student Ombudsman will prepare and present a report of the complaints received, treated and presented to the Council of Commissioners.

The School Board must give an account of the application of the complaint examination procedure in its annual report.

11.0 Policy in Force:

This policy enters into force on the date of the public notice of its adoption.

11-01-31