



Adopted: 2011-06-07

By-Law JCEA

EXAMINATION OF COMPLAINTS

1. PREAMBLE

The present by-law determines the procedure to be followed by the school board, students and parents for examination of complaints from students or their parents in order to protect students' rights.

2. OBJECTIVES

By means of this by-law, the school board wishes to ensure that all complaints are managed quickly and efficiently. More specifically, the objectives are the following:

- Ensure that all complaints are processed conscientiously and as quickly as possible;
- Ensure that all complaints are processed with fairness, impartiality and transparency;
- Ensure that the rights of a person involved in the drafting of a complaint are treated with respect;
- Ensure that any person who has lodged a complaint receives clear and precise explanations.

3. REFERENCES

The present by-law is established in accordance with Section 220.2 of the Education Act (R.S.Q.,c. I-13.3), and in conformity with the Regulation respecting the complaint examination procedure established by a school board (decree # AM 2009-01, dated December 15, 2009).

4. DEFINITIONS

In the present by-law, the following words or phrases are defined as follows:

- 4.1 Complainant: a student of the school board or his parents;
- 4.2 Complaint: a notice served to the school board regarding the dissatisfaction of one or several students or their parents with the services and/or decision offered or received;
- 4.3 Student ombudsman: a person designated by the Council of Commissioners and mandated to give the Council of Commissioners an opinion on the merits of a complaint and to recommend any appropriate corrective measures, if any.

5. GENERAL PROVISIONS

- 5.1 Only the concerned student or his parents may make a complaint.
- 5.2 Before any complaint is to be examined, it is expected that the complainant has consulted and made a good faith attempt to resolve the issue with the person who made the decision.
- 5.3 The recipient of the complaint must have sufficient information to deal with the complaint.
- 5.4 The complainant has the right to be accompanied by the person of his choice at any stage of the complaint examination procedure.
- 5.5 The complainant may receive assistance from the Secretary General in making his complaint or in any step related to the complaint.
- 5.6 Only written complaints will be responded to in writing.
- 5.7 All complaints will be handled in accordance with the *Act respecting access to documents held by public bodies and the protection of personal information*.

6. LODGING OF A COMPLAINT

- 6.1 All complaints must first be made to the following people in the following order:
 - a) To the school principal or center director when the complaint concerns a decision made by the staff of a school or centre, or to the director of the service from which the decision initially emanated;
 - b) To the director of the service concerned by the decision, if applicable;
 - c) To the Director General.
- 6.2 If the complainant is dissatisfied with the outcome of the complaint, he must address a written complaint to the Secretary General.
- 6.3 Upon reception of the written complaint, the Secretary General shall ensure that:
 - a) Due process as defined in 5.1 has been followed;
 - b) Concerned parties are informed that a complaint has been received.

7. ADMISSIBILITY OF THE COMPLAINT

- 7.1 The Secretary General determines the admissibility of the complaint by ensuring that it was made by the student or his parents and pertained to services offered by the school board to that student.
- 7.2 If the complaint is not deemed admissible, the Secretary General shall inform the complainant in writing of such within 5 workdays of the receipt of the written complaint.
- 7.3 If the complaint is deemed admissible, the Secretary General determines if the complaint should be processed according to sections 9 to 12 of the *Education Act*. If so, the complaint will be processed according to Policy JII *Request for the reconsideration of a decision*. If not, it will be forwarded to the Student Ombudsman
- 7.4 The Secretary General shall inform the complainant of the appropriate procedure, in writing, within 5 workdays of the receipt of the written complaint.
- 7.5 The complainant retains his right to have his complaint examined by the Student Ombudsman should he be dissatisfied with the decision of the Council of Commissioners following the examination of his complaint under Policy JII *Request for the reconsideration of a decision*.

8. INTERVENTION OF THE STUDENT OMBUDSMAN

- 8.1 A complainant who is dissatisfied with the manner in which a complaint has been handled or with its outcome must refer the matter to the student ombudsman in writing within 90 days of the incident in question.
- 8.2 The Student Ombudsman receives the complaint and verifies that the complainant has exhausted the remedies provided for in the complaint examination procedure by contacting the Secretary General.
- 8.3 The Student Ombudsman may, upon summary examination, dismiss a complaint if, in his opinion, it is frivolous, vexatious or made in bad faith.
- 8.4 The Student Ombudsman may also refuse or cease to examine a complaint if he has reasonable cause to believe that intervening would clearly serve no purpose or if the length of time having elapsed between the event that gave rise to the dissatisfaction of the complainant and the filing of the complaint makes it impossible to examine the complaint.
- 8.5 The Student Ombudsman must refuse or cease to examine a complaint upon becoming aware or being informed that the complaint concerns a serious fault committed by a teacher in the exercise of his functions or an act derogatory to the honor or dignity of the teaching profession for which a complaint has been filed with the Minister of Education under Section 26 of the *Education Act*, or if any legal action has been instigated. In such cases, the Student Ombudsman will inform the complainant and the Secretary General.
- 8.6 The Student Ombudsman reviews the file and contacts the concerned parties to request that they present their observations in writing.
- 8.7 The Student Ombudsman may require the cooperation of any staff member of the school board whose expertise is considered necessary. The Student Ombudsman will contact the Secretary General, responsible to facilitate such cooperation. He may also, with the authorization of the Council of Commissioners, call on an outside expert.
- 8.8 Within 30 days of the receipt of the complaint, the Student Ombudsman gives his opinion on the merits of the complaint to the Council of Commissioners and the Secretary General and recommends any appropriate corrective measures. He will also inform the complainant, in writing, that his opinion was sent to the Council of Commissioners.
- 8.9 The Council of Commissioners, at its next sitting or as soon as possible thereafter, will inform the complainant on any follow-up or action to be taken with respect to the corrective measures recommended by the Student Ombudsman.

9. FINAL PROVISIONS

- 9.1 The school board must take the necessary measures to ensure the confidentiality of the process and to prevent any form of retaliation against the complainant who has exercised his rights in accordance with the present by-law.
- 9.2 The reconsideration of a decision pursuant to sections 9 to 12 of the *Education Act* and the procedure for the examination of complaints pursuant to section 220.2 of the *Education Act* are two distinct recourses that a student or his parents can use. Under no circumstances can the student or his parent exercise more than once the recourse for the reconsideration of a decision or the examination of complaint procedure for the same situation. Furthermore, a student or his parents cannot exercise both recourses concurrently.
- 9.3 By September 30, the Student Ombudsman prepares a report stating the number of complaints received and their nature, the corrective measures recommended and any action taken during the previous school year. It is understood that no names of individuals or schools/centres or information that may identify a person or a school/centre shall be reported publicly. The school board gives an account of the application of the complaint examination procedure in its annual report.
- 9.4 The present by-law comes into force on the day of the publication of a public notice of its adoption by the Council of Commissioners.

Note: The masculine gender, when used in this document, refers to both women and men. No discrimination is intended.