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By-Law JCEA

EXAMINATION OF COMPLAINTS

This By-Law:

- **Establishes** the procedure for the examination of complaints relating to functions of the school board under section 220.2 of the *Education Act* (CQLR, ch. I-13.3).
- **Encourages** and prioritises amicable solutions to complaints whenever possible, placing an emphasis on cooperation, collaboration and understanding between the complainant and the person directly concerned by the complaint.
- **Recognizes** the importance of relevant school community stakeholders.
- **Sets up** a complaint resolution process favoring diligence, equity, and impartiality while emphasizing respect for all.

FIELD OF APPLICATION

This By-Law applies only to complaints relating to the functions of the school board; it does not apply to complaints concerning services offered to students enrolled in a school or centre of the school board or their parents. Complaints regarding such matters shall follow the *Act Respecting the National Student Ombudsman* (CQLR, ch. P-32.01). Whenever a more specific law, regulation, decree, or by-law applies to a complaint, those shall be applied; in such cases By-Law JCEA will not apply.

DEFINITIONS

Working days	Days on which the school board is open.
Complainant	Any person who files a complaint.
Complaint	A verbal or written expression of dissatisfaction with the functions of the school board.
Complaints Officer	Person designated by the school board in charge of processing complaints according to the present by-law.

RIGHTS OF THE COMPLAINANT

Opportunity to be Heard	The complainant, and the person directly concerned by the complaint, or their immediate supervisor, will have an opportunity to be heard.
Right to be Accompanied	A complainant has the right to be accompanied by the person of their choice in all steps of the procedures of the examination of complaints, but that person may not speak on the complainant's behalf, unless the complainant is a child.
Absence of Reprisals	The school board will take the necessary measures to avoid reprisals against a complainant who, in good faith, makes a complaint, cooperates in the processing of a complaint, or accompanies a person who files a complaint in accordance with the present by-law.

PROCEDURE

Step #1	Complaint to the person directly concerned or their immediate supervisor	<ul style="list-style-type: none"> • The complainant must first communicate with the person directly concerned by the complaint or their immediate supervisor, describing the object of the complaint. • A response shall be given to the complainant within ten (10) working days from receipt of the complaint. <ul style="list-style-type: none"> ○ If the person directly concerned or their immediate supervisor refuses to act on the complaint, they must clearly explain their reasons to the complainant.
Step #2	Complaint to the Complaints Officer	<ul style="list-style-type: none"> • A complainant who is dissatisfied with the response provided by the person directly concerned by the complaint or their immediate supervisor may file a written complaint with the Complaints Officer. • The Complaints Officer has fifteen (15) working days from the date the complaint was received to provide a response.

<p style="text-align: center;">Summary Rejection or Refusal to Examine a Complaint</p>	<p>The Complaints Officer may summarily terminate the examination of a complaint or reject a complaint if:</p> <ul style="list-style-type: none"> • It concerns a complaint which would fall under the <i>Act Respecting the National Student Ombudsman</i> or any more specific law, regulation, decree, or by-law. • If the complainant refuses to provide any information or document that the Complaints Officer considers relevant for a clear understanding of the facts. • If they have reasonable grounds to believe their intervention would clearly serve no purpose. • If the lapse of time between the facts on which the complaint is based and the receipt of the complaint makes it impossible to examine the complaint. • Another person or organisation is better suited to examine the object of the complaint. • If the complaint was already the object of a decision, opinion, conclusion, or recommendation of the Complaints Officer, the school board, a tribunal, or an administrative tribunal. • It is vexatious. • It is made in bad faith. • It is frivolous.
<p style="text-align: center;">Mediation</p>	<p>The Complaints Officer will attempt to mediate between the parties to find a solution.</p>
<p style="text-align: center;">Decision of the Complaints Officer</p>	<ul style="list-style-type: none"> • If the parties are unable to amicably resolve the complaint, the Complaints Officer will explain the situation to the complainant, the person directly concerned or their immediate supervisor, provide their opinion on the merits of the complaint, and, if advisable, offer recommendations to resolve the complaint. • The Complaints Officer may examine the complaint even if it was not first brought to the attention of the person directly concerned or their immediate supervisor when their intervention is deemed necessary to prevent the complainant from suffering harm.

RESPONSIBILITY

The Director General is responsible for the application of this By-Law.

LEGISLATIVE REFERENCE

This By-Law is established in accordance with section 220.2 of the Education Act (CQLR, ch. I-13.3).

End.