



Lester B. Pearson
School Board

Commission scolaire
Lester-B.-Pearson

REGISTER OF POLICIES, PROCEDURES AND BY-LAWS

BY-LAW 9: Complaint Examination Procedure

Code: By-Law 9

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GENERAL PROVISIONS

1. Objective of the By-law

The present By-law outlines the procedure to be followed for the examination of complaints from students of the Lester B. Pearson School Board or their parents. The procedure will focus on solving problematic situations in a mutually agreeable manner. It is understood that all individuals involved in this process will interact respectfully at all times and will maintain the confidentiality of the individuals involved.

2. Legal framework

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

3. Definitions

In the present By-law, the following words are defined as follows:

1. **Complainant:** a student of the Lester B. Pearson School Board or his* parent;
2. **Complaint:** a notice regarding the dissatisfaction of one or several students from the School Board or their parents regarding the services offered or received;
3. **Student Ombudsman:** an individual designated by the Council of Commissioners and mandated to receive, investigate and give an opinion on the merits of a complaint and to recommend, if required, any appropriate corrective measures.

4. Principles

- 4.1 Only the student concerned or his parent may make a complaint. Anonymous complaints will not be considered. The identity of the complainant will be verified.
- 4.2 It is expected that, prior to submitting a complaint, the complainant will have made an attempt, in good faith, to resolve the issue with the person who made the decision.
- 4.3 The recipient of the complaint must, at all stages, be provided with all pertinent information relating to the complaint. Concerned parties will be given the opportunity to present their observations.
- 4.4 The complainant has the right to be accompanied by the person of his choice at any stage of the complaint examination procedure.
- 4.5 The complainant may receive assistance from the Director of Secretariat in making his complaint or in any step related to the complaint.
- 4.6 Only written complaints will be responded to in writing.

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

COMPLAINT EXAMINATION PROCEDURE

5. Deposit of a complaint

5.1. All complaints must be made as follows:

- a) The complaint concerning the staff of a school or centre must be directed to the School Principal or Centre Director. Should the complainant be dissatisfied with the handling of his complaint or its outcome, he may forward his complaint himself to the Director of Schools or request that it be forwarded by the Director of Secretariat.
- b) The complaint concerning a Principal or a Centre Director must be directed to the Director of Schools.
- c) The complaint concerning a Board-level Department or its staff must be directed to the Director of said department.

5.2 Should the complainant be dissatisfied with the handling of his complaint as per 5.1 or its outcome, he may forward his complaint himself to the Director General or his delegate or request that it be forwarded by the Director of Secretariat.

5.3 Should the complainant be dissatisfied with the handling of his complaint or its outcome at each level, the complainant can address a written complaint to the Director of Secretariat.

6. Admissibility of the Complaint and Processing Procedures

6.1 Upon receipt of the written complaint, the Director of Secretariat shall ensure that due process, as defined in Section 5 of the present By-law has been followed, that the complaint was made by the student concerned or his parent, and that the complaint pertained to services offered by or received at the School Board.

6.2 If the complaint is deemed admissible, the Director of Secretariat will determine whether the complaint meets the criteria pursuant to Sections 9-12 of the Education Act. If so, the complainant will be informed within 5 working days of the receipt of his written complaint that his complaint will be processed according to the School Board *Procedure 1.1 Request for a reconsideration of a decision*.

6.3 The Director of Secretariat will inform concerned parties that a complaint has been submitted.

6.4 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 under *Procedure 1.1 Request for a Reconsideration of a Decision*.

6.5 If the complaint is deemed inadmissible, the Director of Secretariat shall inform the complainant of such, in writing, within five (5) working days of receipt of the written complaint.

6.6 The Director of Secretariat will advise the complainant of his right to apply to the Student Ombudsman should he be dissatisfied with the examination of his complaint or its outcome. The Director of Secretariat will also inform the complainant of the procedure to follow to gain rapid access to the Student Ombudsman services.

STUDENT OMBUDSMAN

7. Intervention of the Student Ombudsman

- 7.1 A complainant dissatisfied with the handling or the outcome of his complaint may refer his complaint to the Student Ombudsman. Such complaint should be made in writing.
- 7.2 Upon receipt of a complaint, the Student Ombudsman will communicate with the Director of Secretariat to verify that the complainant has exhausted the remedies provided for in the present By-law.
- 7.3 Notwithstanding the above, the Ombudsman may take up a complaint at any stage if he considers that intervention is necessary to prevent the complainant from suffering a prejudice.
- 7.4 The Student Ombudsman may, upon summary examination of the complaint, dismiss it, if in his opinion, it is frivolous, vexatious or made in bad faith.
- 7.5 The Student Ombudsman may 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 events that gave rights to the dissatisfaction of the complainant and the filing of the complaint makes it impossible to examine the complaint.
- 7.6 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, Leisure and Sports under Section 26 of the *Education Act*. In such cases, the Student Ombudsman will inform the complainant and the Director of Secretariat.
- 7.7 The Student Ombudsman may require the cooperation of any staff member of the School Board whose expertise is considered necessary to the examination of the complaint. He may also, with the authorization of the Council of Commissioners, call on an outside expert.
- 7.8 Within 30 days after the complaint is received, the Student Ombudsman must give the Council of Commissioners an opinion on the merits of the complaint and, if required, recommend any appropriate corrective measures. Within the same delay, a copy of said opinion and recommendations, if any, must be given to the Director of Secretariat and to the complainant.
- 7.9 The Council of Commissioners will inform the complainant, without delay, of any action to be taken with respect to recommendations made by the Student Ombudsman.

FINAL PROVISIONS

8. Every person involved in the process must ensure that complaints are handled in a confidential manner and that there is no form of retaliation against a complainant who exercised his rights in accordance with the present By-law.
9. All complaints will be handled by the School Board in accordance with the *Act Respecting Access to Documents held by Public Bodies and the Protection of Personal Information*.
10. The Student Ombudsman must declare to the Council of Commissioners if, in any particular case, he is in real or perceived conflict of interest. In particular, it must be declared if there is a personal or business relationship with a person involved in the complaint, other than their business relationship through the School Board.
11. The reconsideration of a decision process exercised by virtue of Sections 9-12 of the Education Act and the procedure for the examination of a complaint as provided for in Section 220.2 of the Education Act are two distinct recourses that may be exercised by a student of the School Board or his parent. Under no circumstances can the student or his parent exercise either procedure more than once for the same situation, the same event or the same decision. Furthermore, a student or his parent cannot exercise both recourses concurrently.
12. By October 1st, the Student Ombudsman must provide the School Board with an annual report, covering the previous school year, stating the number of complaint referrals received and their nature, the corrective measures recommended, if any, and any action taken. No names of individuals or schools/centres or other information that may identify a person or a school/centre will be reported publicly. The report from the Student Ombudsman must be part of the School Board's Annual Report.
13. The School Board must report on the activities resulting from the application of the *Complaint Examination Procedure* in its Annual Report.
14. At the beginning of each school year, the students and their parents shall be informed of the present complaint examination procedure. The School Board will make the By-law available on the School Board website along with the contact information for the Student Ombudsman.
15. The present By-law comes into force the day of the publication of public notice of its adoption by the Council of Commissioners