

<b>IDENTIFICATION CODE</b>
<b>PROC10-091</b>

**TITLE: ESTABLISHING PROCEDURE EXAMINATION OF COMPLAINTS FROM STUDENTS  
AND PARENTS**

<b>DATE OF COMING INTO FORCE</b>	<b>AUTORIZATION REQUIRED</b>	<b>FOLLOW-UP RESPONSIBILITY</b>
November 3, 2010	Administrator	Secretary General

**UPDATING FORM**

	<b>DATE</b>	<b>AUTORIZATION</b>
<b>ADOPTION</b>	November 3, 2010	Ordinance 10-091
<b>Modification</b>	November 1, 2016	Ordinance

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## 1. Preamble

The present procedure is 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

The School Board wishes to establish an effective and rapid approach in managing complaints and in pursuing the following objectives:

- Ensure that each complaint be treated in a diligent manner and within a reasonable delay;
- Ensure that each complaint be treated with fairness, objectivity and preciseness;
- Ensure that the rights of all individuals involved in a complaint are respected;
- Ensure that the individuals who have formulated a complaint receive clear and precise explanations.

## 3. Legal References

- Sections 9 to 12 of the Education Act and 220.2 (R.S.Q. ch.I-13.3)
- The Act respecting access to documents held by public bodies and the protection of personal information (R.S.Q. ch.A.-2.1)

## 4. Definitions

In the present procedure, the following words or phrases are defined as follows:

- a. **Complainant** : a student of the School Board or his parents or guardian;
- b. **Complaint** : notice served to the School Board regarding the dissatisfaction of one or several students or their parents with the services offered or received;
- c. **Student Ombudsman**: a person designated by the School Board and mandated to give him/her an opinion on the merits of a complaint and recommend any appropriate corrective measures, if any.

## 5. General Provisions

- 5.1 Only the concerned student or his parent may make a complaint. 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.

## 6. Confidentiality

The School Board must take the necessary measures to ensure the confidentiality of a complainant and to prevent any form of retaliation against the complainant.

## **7. How to formulate a complaint**

### **Step 1: Speak directly to the person(s) involved.**

Many situations are easily resolved through direct communication with the person(s) involved. Sometimes this just means phoning the staff member concerned or arranging a face-to-face meeting.

### **Step 2: Contact the school administration.**

If the first approach is deemed inappropriate or unsuccessful (due to the nature of the dissatisfaction), the complainant is asked to contact the school principal or service concerned.

### **Step 3: Contact the person responsible of complaints .**

If these steps do not lead to a satisfactory resolution to the situation of the complainant, the school or service concerned refers the complainant to the person responsible of complaints (Secretary General).

The Secretary General verifies that the initial steps provided in steps 1 and 2 were made and ensures the admissibility of the complaint.

If the complaint is deemed admissible, the Secretary General determines if the criteria pursuant to Section 9 to 12 of the Education Act are met. If not, it will be forwarded to the Student Ombudsman.

### **Step 4 : Contact the Student Ombudsman.**

Following the decision of the School Board, a complainant who is dissatisfied with the way a complaint has been handled or with its outcome must refer the complaint to the Student Ombudsman in writing.

If the Student Ombudsman intervention is requested, he shall ensure the previous steps (1, 2 and 3) were found unsatisfactory or inappropriate.

During the analysis of the file, the Student Ombudsman may dismiss a complaint or refuse or cease consideration of it.

Within 30 days after the complaint is referred, the Student Ombudsman must give to the School Board an opinion on the merits of the complaint and recommend any appropriate measures. Within the same time period, the Student Ombudsman transmits, in writing, the same information to the complainant and the Secretary General.

## **8. Lodging of a complaint**

**8.1** All complaints must first be made to the following people in the following order:

- a. To the author of the decision;
- b. To the school principal or centre 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.

**8.2** If the complainant is dissatisfied with the manner in which the complaint was handled or its outcome, he must address a written complaint to the Secretary General.

**8.3** Upon reception of the written complaint, the Secretary General will ensure that:

- a. Due process as defined in 8.1 has been followed;
- b. Concerned parties are informed that a complaint has been received.

## **9. Admissibility of the complaint**

- 9.1** The Secretary General determines the admissibility of the complaint by ensuring that it was made by the concerned student of the School Board or his parent and pertained to services offered by the School Board to that student.
- 9.2** If the complaint is deemed not admissible, the Secretary General will inform the complainant of such in writing within 10 workdays of the receipt of the written complaint.
- 9.3** If the complaint is deemed admissible, the Secretary General determines if the criteria pursuant to Section 9 to 12 of the Education Act are met. If not, it will be forwarded to the Student Ombudsman.
- 9.4** Considering 8.3, the Secretary General will inform the complainant of the relevant procedure in writing within 10 workdays of the receipt of the written complaint.
- 9.5** The complainant retains his right to have his complaint examined by the Student Ombudsman should he be dissatisfied with the decision of the School Board following the examination of his complaint.

## **10. Intervention of the Student Ombudsman**

### **10.1 Duties of the Student Ombudsman**

If the student or the parents are dissatisfied with the handling of a complaint or the outcome, they may refer the matter to the Student Ombudsman. The Student Ombudsman will determine whether or not the complaint has merit and if so, will recommend the corrective measures deemed appropriate to the School Board.

### **10.2 Admissibility of the Complaint**

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

### **10.3 Conflict of Interest**

The Student Ombudsman must declare any conflict of interest, real or apparent. In particular if the Student Ombudsman 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 will enter into an ad hoc contract for the services of the ombudsman of another school board.

### **10.4 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.

### **10.5 Transfer of Information**

Once the Student Ombudsman intervenes, the person responsible for complaints (Secretary General) will transfer all available information to the Student Ombudsman.

#### **10.6 Right to be Accompanied**

The Student Ombudsman informs the complainant of his/her right to be accompanied by the person of his/her choice at any stage of the complaint examination procedure, and that the person accompanying the complainant may submit his/her observations.

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 them, may neither summon nor interrogate witnesses.

#### **10.7 Evaluation of the Complaint**

The Student Ombudsman analyzes the information received in order to determine if the complaint has merit.

#### **10.8 Communication of the Student Ombudsman's Opinion**

Within 30 days after the complaint is referred, the Student Ombudsman must give to the School Board an opinion on the merits of the complaint and recommend any appropriate measures. Within the same time period, the Student Ombudsman transmits, in writing, the same information to the complainant and the Secretary General.

#### **10.9 Application of the Recommendations**

Without delay, the School Board will inform, in writing, the complainant, the Student Ombudsman, the service or person concerned by the complaint of any actions to be taken with respect to the recommendations of the Student Ombudsman.

#### **10.10 Dismissal 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 Secretary General of this decision in writing.

#### **10.11 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 makes it impossible to examine the complaint.

In addition, the Student Ombudsman must refuse or cease to examine a complaint upon becoming aware or being informed that the complaint concerns a fault or an act for which a complaint has been filed with the Minister of Education under, section 26 of the Education Act (R.S.Q.c.I-13.3).

The Student Ombudsman will inform the complainant and the Secretary General of this decision in writing.

#### **10.12 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 Administrator, call on an outside expert.

### **10.13 Reprisals**

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

### **10.14 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 7 of this procedure. The second is defined in sections 220.2 of the Education Act and 9 of this procedure.

Once a complaint filed by a student and/or the parents has been examined according to the complaint examination procedure, the complainant has no further recourse for the same complaint under this procedure.

### **10.15 Annual Report**

The Student Ombudsman must send the School Board an annual report stating the number of complaint referrals received and their nature, the corrective measures recommended and any action taken by September 1<sup>st</sup>. The report must separately list complaint referrals concerning acts of bullying or violence. It may include any recommendation the Student Ombudsman considers appropriate with respect to measures required to prevent and stop bullying and violence. The report must be attached to the School Board's annual report.

## **11. Final Provisions**

**11.1** The School Board must prevent any form of retaliation against a complainant who exercised his rights in accordance with the present procedure.

**11.2** The reconsideration of a decision affecting a student in accordance with the Section 9 to 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 or his parent. Under no circumstances would a student or his parent exercise more than once the reconsideration for a decision affecting a student recourse or the procedure for the examination of complaints for the same situation. Furthermore, a student or his parent cannot exercise both recourses concurrently.

**11.3** The present procedure comes into force on the day of its adoption by ordinance.

## APPENDIX A STUDENT COMPLAINT FORM

<b>SECTION I : PERSONAL INFORMATION</b>						
Student's Name :	Parent's/Gardian's Name:					
Address and Postal Code:						
Home phone :	Work phone:	Cell Phone:				
E-mail:						
<b>SECTION II : NAME OF SCHOOL OR CENTER</b>						
School/Center:						
<b>SECTION III : INFORMATION ABOUT YOUR COMPLAINT (ATTACH ADDITIONAL PAGES IF NECESSARY)</b>						
Date of complaint :						
Author of decision :						
Date of decision						
Brief description of your complaint :						
<b>SECTION IV : HAVE YOU GONE THROUGH THE PROCEDURES OUTLINED IN THE STUDENT OMBUDSMAN COMPLAINT PROCEDURE? WHAT STEPS HAVE YOU TAKEN TO RESOLVE YOUR COMPLAINT?</b>						
<b>SECTION V : WHAT IS YOUR DESIRED OUTCOME?</b>						
<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border-bottom: 1px solid black; text-align: center; vertical-align: bottom;"> <b>Signature</b> Student/Parents/Gardians         </td> <td style="width: 50%; border-bottom: 1px solid black; text-align: center; vertical-align: bottom;"> <b>Date</b> </td> </tr> <tr> <td style="padding-top: 20px; vertical-align: top;"> <b>Please send the completed form and other relevant information to:</b> </td> <td style="padding-top: 20px; vertical-align: top;"> <b>Secretary General</b>            Commission scolaire du Littoral            789, rue Beaulieu            Sept-Iles (Québec) G4R 1P8            Tel : 418-962-5558 Fax : 418-968-2942         </td> </tr> </table>			<b>Signature</b> Student/Parents/Gardians	<b>Date</b>	<b>Please send the completed form and other relevant information to:</b>	<b>Secretary General</b> Commission scolaire du Littoral 789, rue Beaulieu Sept-Iles (Québec) G4R 1P8 Tel : 418-962-5558 Fax : 418-968-2942
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		<b>Date of complaint received</b>				



## APPENDIX B

### SECTIONS OF THE EDUCATION ACT

9. A student or parents of a student affected by a decision of the Administrator, the executive committee or the governing board, or of an officer or employee of the School Board may request the Administrator to reconsider such decision.1988, c. 84, s. 9; 1977, c.96, s. 8
10. The request of the student or his parents shall be made in writing and shall briefly set forth the grounds on which it is made. It shall be transmitted to the Secretary General of the School Board.

The Secretary General shall assist every student or parent of a student requiring assistance in the formulation of his request.1988, c. 84, s. 10

11. The Administrator shall dispose of the request without delay.

It may submit the request for examination by a person whom it designates or by a committee which it establishes; such person or committee shall make a report of his or its findings and accompany the report, if it seems appropriate to do so, with recommendations.

During the examination of the request, the interested parties shall have the opportunity to present their points of view.1988, c. 84, s. 11

12. The Administrator may, if it considers that the request is founded, overturn, entirely or in part, the decisions contemplated by the request and make the decision which, in its opinion, ought to have been made in the first instance.

The person who made the request and the author of the contested decision shall be notified of the council's new decision and informed of the grounds on which it was made.1988, c. 84, s. 12

### EXAMINATION OF COMPLAINTS

- 220.2 After consulting with the parents' committee, every school board shall establish, a procedure for the examination of complaints from students or their parents.

The complaint examination procedure must enable a complainant who is dissatisfied with the handling of a complaint or with the outcome to refer the complaint to a person designated by the School Board as the Student Ombudsman. The Student Ombudsman is designated after consultation with the parents' committee and on the recommendation of the governance and ethics committee. Neither a member of the Administrator nor a member of the personnel of the school board may act as Student Ombudsman.

In addition to the measures the Minister may establish by regulation, the complaint examination procedure must provide that the Student Ombudsman must refuse or cease to examine a complaint upon becoming aware or being informed that the complaint concerns a fault or an act for which a complaint has been filed with the Minister under section 26. The procedure must also provide that, within 30 days after the complaint is referred, the Student Ombudsman must give the Administrator an opinion on the merits of the complaint and recommend any appropriate corrective measures.

The Student Ombudsman must send the School Board an annual report stating the number of complaint referrals received and their nature, the corrective measures recommended and any action taken. The report must separately list complaint referrals concerning acts of

bullying or violence. It may include any recommendation the Student Ombudsman considers appropriate with respect to measures required to prevent and stop bullying and violence. The report must be attached to the school board's annual report.

The School Board may enter into an agreement with another school board to designate the same person as Student Ombudsman and determine how to share the expenses incurred.