

 <p data-bbox="479 285 764 317">COMMISSION SCOLAIRE SIR-WILFRID-LAURIER SIR WILFRID LAURIER SCHOOL BOARD</p>	<p data-bbox="1149 247 1365 306"><b>BY-LAW n° BL2009-CA-19</b></p>
<p data-bbox="188 384 1430 443"><b>By-Law Establishing Procedures for the Examination of Complaints from Students or Their Parents</b></p>	
<p data-bbox="188 464 391 495"><b>Resolution n°</b></p>	<p data-bbox="1101 464 1409 495"><b>CC-100623-CA-0147</b></p>
<p data-bbox="188 531 500 562"><b>Revision: As needed</b></p>	

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

## 1.0 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.

## 2.0 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.

## 3.0 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 (c. I-13.3, r. 7.1).

## 4.0 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 verbal or written 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.

## **5.0 GENERAL PROVISIONS**

- 5.1 Only the concerned student or his parent may lodge a complaint.
- 5.2 Before any complaint is examined, it is suggested that the complainant has consulted and made every 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 it.
- 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*.

## **6.0 LODGING A COMPLAINT**

- 6.1 All complaints must first be addressed to the following people in the order indicated below:
  - a) To the school principal or centre director when a 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 originated;
  - b) To the director of the service concerned by the decision, if applicable;
  - c) To the general directorate
- 6.2 If a complainant is dissatisfied with the manner in which his complaint was handled or with its outcome, he must address a written complaint to the secretary general.
- 6.3 Upon reception of a written complaint, the secretary general will ensure that:
  - a) due process has been followed (as defined in 6.1);
  - b) the parties concerned are informed that a complaint has been received;
- 6.4 Notwithstanding the above, the student ombudsman may take up a complaint at any stage if he considers that intervention is necessary to prevent harm from being caused to the complainant.

## **7.0 ADMISSIBILITY OF A COMPLAINT**

- 7.1 The secretary general determines the admissibility of a complaint by ensuring that it was made by the concerned student of the school board or his parent (s) and that it pertains to services offered by the school board to that student.

- 7.2 If a written complaint is deemed not admissible, the secretary general will so inform the complainant in writing within 5 workdays of its receipt.
- 7.3 When a complaint is deemed admissible, the secretary general determines whether the criteria pursuant to Section 9 to 12 of the Education Act are met. If so, the complaint will be processed according to Policy No. 2000-CA-03 – Reconsideration of a Decision affecting a student. If not, it is then forwarded to the student ombudsman.
- 7.4 In keeping with 7.3, the secretary general will advise the complainant in writing of the relevant procedure within 5 workdays of receipt of the written complaint.
- 7.5 The complainant retains the right to have his complaint examined by the student ombudsman should he be dissatisfied with the decision of the Council of Commissioners following examination of his complaint under Policy No. 2000-CA-03 – Reconsideration of a Decision affecting a student.

## **8.0 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 When the student ombudsman receives a complaint, he must contact the secretary general to verify that the complainant has exhausted the corrective measures prescribed in the present by-law before proceeding.
- 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 the complaint upon becoming aware or being informed that it concerns a fault or an act for which a complaint has been filed with the Minister under Section 26 of the Education Act. In such a case, he must inform the complainant and the secretary general.
- 8.6 The student ombudsman may require the cooperation of any staff member of the school board whose expertise is considered necessary. The student ombudsman should advise the Secretary General, who is responsible for facilitating such assistance. He may also call on an outside expert, with the authorization of the Council of Commissioners.
- 8.7 Within 30 days of referral of a complaint, the student ombudsman must give the Council of Commissioners and the secretary general an opinion on the merits of the complaint and recommend any appropriate corrective measures. He will also inform the complainant, in writing, that his opinion was submitted to the Council of Commissioners.
- 8.8 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.

## **9.0 FINAL PROVISIONS**

- 9.1. The school board must avoid any form of retaliation against a complainant who has exercised his rights in accordance with the present by-law.
- 9.2. 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 means of recourse that a student or his parent may have. Under no circumstance should a student or his parent request reconsideration more than once on a decision affecting a student or the procedure for examining its associated complaints. Furthermore, a student or his parent cannot exercise both areas of recourse concurrently.
- 9.3. On September 15<sup>th</sup> at the latest, the student ombudsman must provide the school board a report stating the number of complaint referrals received in the previous school year and their nature, as well as the corrective measures recommended and any follow-up taken. It is understood that no names of individuals, or schools, and situations that could identify a person or a school can be reported publicly.
- 9.4. The present by-law comes into force on the day of publication of a public notice of its adoption by the Council of Commissioners and will be reviewed on an as needed basis.