



## COMMISSION SCOLAIRE EASTERN SHORES EASTERN SHORES SCHOOL BOARD

### BY-LAW

**Number: 11**

**Title: STUDENT OMBUDSMAN**

### Procedure for the examination of complaints from students or their parents

#### INTRODUCTION

With the implementation of Bill 88, Eastern Shores School Board is obliged to designate a Student Ombudsman to be in place for the 2009-2010 school year. Upon the recommendation of the Governance and Ethics Committee and after consultation with the parent's committee, Eastern Shores School Board has designated the office of this position in compliance with the said Bill. Neither a member of the council of commissioners nor a member of School Board personnel can act as Student Protector. Access to this office will only be possible after current complaint procedures in the Education Act are fully exhausted, and the powers of the Ombudsman are limited to giving the Council of Commissioners an opinion on the merits of the complaint and recommending any appropriate corrective measures.

The designation is for three years and is revisable annually.

#### COMPLAINT EXAMINATION

After consultation with the Parent's Committee, Eastern Shores School Board has established, by by-law, the following procedure for the examination of complaints from students or their parents.

The complaint examination procedure enables a complainant who is dissatisfied with the handling of a complaint or with the outcome to refer the complaint to the Student Ombudsman.

The complaint examination procedure provides 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 of the Education Act. The procedure also provides that within 30 days after the complaint is referred, the Student Ombudsman must give the Council of Commissioners an opinion on the merits of the complaint and recommend any appropriate corrective measures.

- A complaint must be made in writing and signed.
- When a complaint is made by a minor, he or she must be accompanied by a parent or guardian.
- Interested parties should include only the complainant, parent or guardian, the person against whom the complaint is made and anyone who can give direct information relating to the complaint.
- Procedure to follow: A complaint shall be made in writing and shall briefly set forth the grounds on which it is made. A copy of the complaint shall be transmitted to the following persons, if involved:
  1. Teachers
  2. Principal
  3. Secretary General of the School Board
  4. Director General
  5. Council of Commissioners
  6. Student Ombudsman

A complaint must remain confidential. The rights of the person against whom the complaint is made must be respected.

The Student Ombudsman intervenes after the procedure provided for in articles 9 to 12 of the Education Act have been satisfied and if the complaint is referred to him.

#### **Articles 9 to 12 of the Education Act**

**Article 9:**            ***Decision affecting student..***

*A student or parents of a student affected by a decision of the council of commissioners, the executive committee or the governing board, or of an officer or employee of the school board may request the council of commissioners to reconsider such decision.*

**Article 10:**        ***Request for reconsideration..***

*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.*

***Secretary general..***

*The secretary general shall assist every student or parent of a student requiring assistance in the formulation of his request.*

**Article 11:**        ***Prompt disposal..***

*The council of commissioners shall dispose of the request without delay.*

***Examination by committee..***

*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 her or its findings and accompany the report, if it seems appropriate to do so, with recommendations.*

***Hearing of parties..***

*During the examination of the request, the interested parties shall have the opportunity to present their points of view.*

**Article 12:**        ***Power of council..***

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

***Notification..***

*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.*