



# COMMISSION SCOLAIRE EASTERN SHORES EASTERN SHORES SCHOOL BOARD

<b>By-Law Name:</b>	Student Ombudsman
<b>By-Law Number:</b>	By-Law 11
<b>Date Approved by Council:</b>	June 18, 2014 March 23, 2021
<b>Resolution Number:</b>	C14-06-414 C21-03-694
<b>Suggested Date of Next Review:</b>	3 years from approval by Council

*N. B. - This by-law should be read in conjunction with the Quebec Education Act and the regulations made thereunder and available at: <http://legisquebec.gouv.qc.ca/en/home>*

## 1. REFERENCE

The present By-Law is established in accordance with Article 220.2 of the Quebec 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).

## 2. OBJECTIVE

This By-Law is intended to provide for a process to ensure:

- that there is a system in place to resolve problematic situations;
- that there is an examination of complaints procedure in place in the event that the problem resolution procedure was unsuccessful;
- that complaints are resolved in a confidential and timely manner;
- the rights of the interested parties involved in the complaint are respected;
- every complaint is treated in a fair and objective manner.

## 3. DEFINITIONS

**3.1 Complaint:** The written notice referred to section 4.2.1 of this by-law.

**3.2 Complainant:** A student of the school board or the student's parents or guardian who files a complaint regarding a service or a decision affecting the student;

**3.3 Interested Parties:** The complainant and the person against whom the complaint is made.

**3.4 Student Ombudsman:** An independent and neutral individual who is designated by the Council of Commissioners, after consultation with the Parents' Committee and upon the recommendation of the Governance and Ethics Committee, and whose mandate is to give an opinion on whether a complaint is founded and recommend, if need be, any appropriate corrective measures.

## 4. GENERAL PROVISIONS

### 4.1 Problem Resolution Procedure

Prior to filing a complaint with the office of the Secretary General, the complainant will:

- a) **Speak directly to the person(s) involved:** Contact the person(s) involved, either by phone or in writing, and express his or her dissatisfaction with the decision or service. If the dissatisfaction persists, the complainant should request an in-person meeting to attempt to resolve the problem.
- b) **Contact the School Principal or Centre Administrator:** If the issue remains unresolved, the complainant should then contact the school principal or Centre administrator either by phone or in writing and express his or her dissatisfaction with the decision or service. If the dissatisfaction persists, complainant should request an in-person meeting to attempt to resolve the problem.
- c) **Contact the Assistant Director General.** If the meeting with the School Principal or Centre administrator did not resolve the issue, then the complainant should contact, in writing, the appropriate director at the school board office outlining the problem as well as steps taken so far to resolve the issue. A written response shall be sent to the complainant.
- d) **Contact the Director General.** In the event that the issue remains unresolved, then the complainant should contact, in writing, the Director General outlining the problem as well as steps taken so far to resolve the issue. A written response shall be sent to the complainant.

### 4.2. Examination of Complaint Procedure

**4.2.1** If after having followed the steps described above, the complainant is still dissatisfied with the outcome or with the way in which the issue was handled, the complainant shall file a written complaint using the form prescribed by the Secretary General (appendix 1). The completed complaint form shall be sent to the Secretary General.

**4.2.2** Upon receiving the complaint, the Secretary General will determine whether it is admissible based on the following criteria:

- The complainant must be a student of Eastern Shores School Board or the parent or guardian of an Eastern Shores student
- The complainant followed the Problem Resolution Process, as outlined in section 4.1
- The complainant has referred the complaint to the Secretary General within 180 days of initiating the Problem Resolution Procedure. Complaints received after the 180 days will summarily be dismissed.
- The student was affected by a service provided by or a decision made by Eastern Shores School Board and/or one of their employees
- The complainant may not exercise the same recourse for the same situation more than once or exercise two recourses concurrently

- 4.2.3** If the complaint does not meet the criteria, the Secretary General will advise the complainant, in writing, within ten (10) days and outline the reason.
- 4.2.4** If the issue qualifies as a “**complaint**” but does not qualify as a “**decision**”, then the Secretary General will, within ten (10) days inform the complainant that it is eligible to be examined by the Student Ombudsman.
- 4.2.5** If the complaint qualifies as a “**decision**”, then it is eligible for ‘Reconsideration of a Decision’ as per the Quebec Education Act, Sections 9-12. The Secretary General will inform the Complainant within ten (10) days of his right to either request a Reconsideration of a Decision by the Council of Commissioners or to request that his complaint be directly forwarded to the Student Ombudsman.

## **5. RECONSIDERATION OF A DECISION BY THE COUNCIL OF COMMISSIONERS**

- 5.1** The Council of Commissioners shall examine, within thirty (30) days, the request for the Reconsideration of a Decision which has been referred to it by the Secretary General and shall adopt a resolution, in public, either confirming or overturning, in part or in its entirety, said decision.
- 5.2** The Secretary General shall forward a copy of the resolution to the interested parties within five (5) days of the adoption of said resolution.
- 5.3** The meetings of the Council of Commissioners in reconsideration of a decision are to be held in camera.

## **6. COMPLAINT REFERRED TO THE STUDENT OMBUDSMAN**

- 6.1** The Student Ombudsman will investigate complaints which have been referred to him by the Secretary General. In the event that a complaint is filed directly with the Student Ombudsman, the latter will invite the complainant to follow the problem resolution procedure referred to in section 4.1 of this by-law.
- 6.2** 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. In such cases, the Student Ombudsman will inform the complainant and the Secretary General.
- 6.3** The Student Ombudsman may dismiss a complaint upon summary examination if he is of the opinion that it is frivolous, vexatious, made in bad faith or if too much time has elapsed since the event that gave rise to the complaint.
- 6.4** The Student Ombudsman may take up the complaint at any stage of the complaint procedure if the Student Ombudsman considers that intervention is necessary to prevent harm from being caused to the complainant.
- 6.5** In conducting the investigation of a complaint, the Student Ombudsman may invite the complainant and any interested parties to submit their observations.

- 6.6 The Student Ombudsman may require the cooperation of any staff member of the School Board whose expertise is considered necessary by the Ombudsman and may, with the authorization of the Executive Committee, call an outside expert.
- 6.7 The Student Ombudsman will, within thirty (30) days of the receipt of the request, inform the interested parties and the Executive Committee, in writing, of his decision and of his recommendations for appropriate corrective measures, if applicable.
- 6.8 The Executive Committee shall examine the Student Ombudsman's recommendation for appropriate corrective measures and will adopt a resolution, either accepting or refusing, in part or in its entirety, the recommendation and this within ten (10) days of receipt of the Ombudsman's decision. The Executive Committee may request that the Student Ombudsman present his report.
- 6.9 The Secretary General shall forward a copy of the resolution to the interested parties within five (5) days of the adoption of said resolution.

## **7. OFFICE OF THE STUDENT OMBUDSMAN**

- 7.1 The term of the Student Ombudsman may not be for less than three (3) years. It may only be revoked by a vote of at least two-thirds of the commissioners entitled to vote.
- 7.2 The Student Ombudsman is under the responsibility of the Council of Commissioners as is his or her Substitute.
- 7.3 The Student Ombudsman and his or her Substitute may not be a member of the Council of Commissioners or a member of the School Board personnel.
- 7.4 The Student Ombudsman must declare to the Council of Commissioners any conflict of interest situations. In such cases, the Student Ombudsman Substitute will handle the complaint. The Substitute will also handle complaints in the event that the Student Ombudsman is otherwise unavailable.
- 7.5 The Council of Commissioners delegates to the Executive Committee the review of the Student Ombudsman's report and to decide on the actions to be taken, if any.
- 7.6 The Student Ombudsman must provide an annual report for the Council of Commissioners stating the number of complaint referrals received and their nature, the corrective measures recommended and any action taken. This report must be included in the Board's Annual Report. The Substitute must send his report to the Student Ombudsman in time for the preparation of the Student Ombudsman's Annual Report.
- 7.7 The Student Ombudsman may be asked to present his Annual Report, in person, to the Executive Committee.

**8. RIGHTS OF THE COMPLAINANT AND OTHER INTERESTED PARTIES**

- 8.1 An interested party has the right to be assisted by the person of his or her choice at any stage of the proceedings provided for in this by-law. However, only interested parties may make representations.
- 8.2 A complainant may receive assistance from the Secretary General in the filing of a complaint referred to in section 4.1 of this by-law.
- 8.3 The School Board will take the necessary measures to ensure the confidentiality of a complaint and to prevent any form of retaliation against him or her.
- 8.4 The examination of complaints procedure established under this by-law may not result in limiting the complaints that may be made by students, their parents or guardian.

**9. OBLIGATIONS OF THE SCHOOL BOARD**

- 9.1 At the beginning of each school year, the School Board shall inform its students and parents or guardians of Eastern Shores Board’s examination of complaints procedure. The procedure and the contact information regarding the Student Ombudsman shall be published on the School Board’s Website.
- 9.2 The School Board shall give an account of the complaint examination procedure in its Annual Report.

**10. COMING INO FORCE**

This by-law comes into force upon its adoption by Council and subsequent public notice, as provided for under Chapter V Division IX of the Education Act. It is to be available to be viewed by the public at the Board offices during regular working hours.

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Chairperson

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Secretary General



# EASTERN SHORES SCHOOL BOARD Complaint Examination Form

APPENDIX 1

## YOUR DETAILS

Student's Name:

Parent's/Guardian's Name:

Address:

Postal Code:

Home phone:

Work phone:

Cell Phone:

E-mail:

## NAME OF SCHOOL OR CENTRE

School/Centre:

## INFORMATION ABOUT YOUR COMPLAINT (ATTACH ADDITIONAL PAGES IF NECESSARY)

Date of complaint:

Author of decision:

Date of decision:

Brief description of your complaint:

## HAVE YOU GONE THROUGH THE PROBLEM RESOLUTION PROCESS PROVIDED IN THE BY-LAW? WHAT STEPS HAVE YOU TAKEN TO RESOLVE YOUR COMPLAINT?

## WHAT IS YOUR DESIRED OUTCOME?

**Signature:**

**Date:**

Student/Parents/Guardians

Please send the completed form and other relevant information to:

Secretary General  
Eastern Shores School Board  
40 Mountsorrel  
New Carlisle (QC) G0C 1Z0  
Fax:418-752-6447  
[sgessb@essb.qc.ca](mailto:sgessb@essb.qc.ca)