



Riverside School Board

LEGISLATION

PLEASE NOTE THAT THE FOLLOWING MAY BE SUBJECT TO CHANGE

Please refer to Publications Québec's website for the most recent version of Statutes and Regulations : <http://legisquebec.gouv.qc.ca/en/home>

Quebec Education Act (R.S.Q. ch. I-13.3), Section 9-12*

1988, c. 84, s. 8; 2012, c. 19, s. 1.

9. 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.

1988, c. 84, s. 9; 1997, 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 council of commissioners 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 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.

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.

Quebec Education Act (R.S.Q. ch. I-13.3), Section 26*

26. Any natural person may file a complaint with the Minister against a teacher for a serious fault committed in the exercise of his functions or for an act derogatory to the honour or dignity of the teaching profession.



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An information stating that a teacher has had a conviction is not considered a complaint for the purposes of this subdivision.

The complaint must be in writing, include reasons and be made under oath. It must briefly state the nature of the fault alleged to have been committed by the teacher and the relevant circumstances, including the time and place. The complaint shall be received by a person designated by the Minister, who shall assist any person so requesting in drawing up the complaint.

The Minister shall send a copy of the complaint to the teacher and ask him to present observations in writing to the Minister within 10 days.

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988, c. 84, s. 26; 1990, c. 78, s. 54; 1997, c. 43, s. 314; 2005, c. 16, s. 4.

Quebec Education Act (R.S.Q. ch. I-13.3), Section 220.2*

220.2. After consulting with the parents' committee, every school board shall establish, by by-law, a procedure for the examination of complaints related to its functions.

The complaint examination procedure must enable a complainant who is a student, a homeschooled child or a parent of either and who has filed a complaint with regard to the services the school board provides to him under this Act and who is dissatisfied with the handling of the 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 council of commissioners nor a member of the personnel of the school board may act as Student Ombudsman.

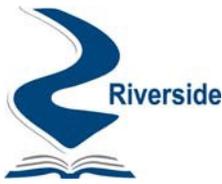
In addition to the measures the Minister may establish by regulation, the complaint examination procedure must provide that the Student Ombudsman must refuse or cease to examine a complaint upon becoming aware or being informed that the complaint concerns a fault or an act for which a complaint has been 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 council of commissioners 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.

2008, c. 29, s. 29; 2012, c. 19, s. 18; 2016, c. 26, s. 41

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Regulation respecting the Complaint Examination Procedure Established by a School Board (ch. I-13.3, r.7.1)* Education Act

(chapter I-13.3, s. 457.3)

DIVISION I

COMPLAINT EXAMINATION PROCEDURE

1. The complaint examination procedure established by a school board pursuant to section 220.2 of the Education Act (chapter I-13.3) must make provision for:

- (1) the manner in which a complaint is to be made, either orally or in writing;
- (2) the complaint processing procedure;
- (3) the complainant's right to be accompanied by the person of his or her choice, at any stage of the complaint examination procedure;
- (4) the opportunity, for interested parties, to submit their observations;
- (5) the means by which the complainant will be informed of the outcome of the complaint examination, the deadline for so informing the complainant and the applicable measures to ensure the follow-up on any correctives measures that will be proposed;
- (6) the sending of a notice to the complainant stating the complainant's right, if dissatisfied with the complaint examination or examination outcome, to apply to the Student Ombudsman and informing the complainant of the documents or information allowing rapid access to the services of the Student Ombudsman;
- (7) the obligation for the council of commissioners to inform the complainant of the action it intends to take in respect of any recommendation of the Student Ombudsman.

The complaint examination procedure established by a school board may not result in limiting the complaints that may be made by students or their parents.

M.O. 2009-01, s. 1.

2. A school board must inform its students and their parents of the complaint examination procedure at the beginning of each school year.

The complaint examination procedure and the contact information of the Student Ombudsman must be broadcast on the website of the school board.

M.O. 2009-01, s. 2.

3. A school board must ensure that a complainant who so requires receives assistance in making the complaint or in any step related to the complaint.

M.O. 2009-01, s. 3.

4. A school board must take the necessary measures to ensure the confidentiality of a complainant and to prevent any form of retaliation against him or her.

M.O. 2009-01, s. 4.



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5. A school board must give an account of the application of the complaint examination procedure in its annual report.

M.O. 2009-01, s. 5.

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DIVISION II

STUDENT OMBUDSMAN*

6. The Student Ombudsman must be designated by the council of commissioners for a term that may not be less than 3 years.

The Student Ombudsman's term may be revoked only by a vote of not less than two-thirds of the commissioners entitled to vote. The Ombudsman remains in office until re-appointment or replacement.

The Student Ombudsman must be under the responsibility of the council of commissioners.

M.O. 2009-01, s. 6.

7. The council of commissioners must take appropriate measures to preserve the independence of the Student Ombudsman at all times.

To that end, the school board must take up the defence of the Student Ombudsman if the Student Ombudsman issued by a third person for an act that the Student Ombudsman performed or failed to perform in the performance of duties, except in the case of a gross fault.

M.O. 2009-01, s. 7.

8. The Student Ombudsman intervenes after the complainant has exhausted the other remedies provided for in the complaint examination procedure.

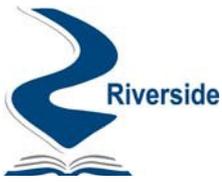
Despite the foregoing, the Student Ombudsman may take up a complaint at any stage of the complaint examination procedure if the Student Ombudsman considers that intervention is necessary to prevent harm from being caused to the complainant.

M.O. 2009-01, s. 8.

9. 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 council of commissioners, call on an outside expert.

M.O. 2009-01, s. 9.

10. 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.



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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.

M.O. 2009-01, s. 10.

11. *(Omitted).*

M.O. 2009-01, s. 11.

REFERENCES

M.O. 2009-01, 2010 G.O. 2, 47

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