



Riverside School Board – By-Law
Resolution B-20171121

By-Law 14 – Examination of Complaints Procedure

N. B. - This by-law should be read in conjunction with Article 220.2 of the Quebec Education Act (R.S.Q. c.1-13.3)

By-Law Name:	Generalities and Meetings of the Council of Commissioners of Riverside School Board
By-Law Number:	14
Resolution Number:	B639-20171121
Date Approved by Council:	Received for Consultation
Date of Next Review:	

1. Reference

The present By-Law is established in accordance with Article 220.2 of the Quebec Education Act (R.S.Q.. c.1-13.3) and in conformity with the Regulation respecting the Complaint Examination Procedure Established by a School Board (c.1-13.3,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.

Received for consultation by Council on November 21, 2017.

3.2 Complainant: A **student** of the school board or the student's parents or guardian who files the complaint.

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

3.4 Student Ombudsman: the person 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 have done the following:

- a) Contacted the person(s) involved, either by phone or in writing, and express his or her dissatisfaction with the decision, service or policy. If the dissatisfaction persists, complainant should request an in-person meeting to attempt to resolve the problem.
- b) If the problem remains unresolved, the complainant should then contact the school's principal, either by phone or in writing, and express his or her dissatisfaction with the decision, service or policy. If the dissatisfaction persists, complainant should request an in-person meeting to attempt to resolve the problem.
- c) If the meeting with the principal did not resolve the problem, then the complainant should contact, in writing, the director of schools or the director of the service, outlining the problem and a written response shall be sent to complainant.
- d) In the event the problem remains unresolved, then the complainant should contact, in writing, the Director General outlining the problem and a written response shall be sent to complainant.

4.2 Examination of Complaints Procedure

4.2.1 The complainant shall file a written complaint with the Secretary General in the format prescribed by the Secretary General and which can be found on the School Board's Website.

4.2.2 Upon receiving the complaint, the Secretary General will determine whether the complainant has followed the problem resolution process outlined in section 4.1. In the event that complainant has not done so, the Secretary

General will advise the complainant, in writing, within five (5) days to pursue the problem resolution procedure before filing a complaint.

4.2.3 If the complainant has followed the procedure set out in section 4.1, the Secretary General will, within ten (10) days, inform the complainant, in writing, whether the complaint qualifies for reconsideration of a decision by the Executive Committee of the Council of Commissioners as per sections 9 to 12 of the Quebec Education Act. He will, in all cases, inform the complainant of the possibility of having the complaint referred to the Student Ombudsman.

4.2.4 In the event that that complaint is determined to be eligible for reconsideration by the Executive Committee then the complainant will have to choose between filing for such a reconsideration or referring the complaint to the Student Ombudsman as both recourses are mutually exclusive.

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 two (2) 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.

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 examination 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 on an outside expert.

6.7 The Student Ombudsman will, within thirty (30) days of 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 require the presence of the Student Ombudsman during its deliberations.

6.9 The Secretary General shall forward a copy of the resolution to the interested parties within two (2) 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's 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 to 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 shall 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 complainant 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 legal 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 guardian of Riverside School 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