



<b>By-Law Name:</b>	<b>Procedure for the Examination of Complaints Relating to the Functions of the School Board falling under section 220.2 of the <i>Education Act</i> (CQLR, ch. I-13.3)</b>
<b>By-Law Number:</b>	<b>13</b>
<b>Resolution Number:</b>	<b>23-09-05-14</b>
<b>Date Approved by Council:</b>	<b>September 5, 2023</b>

## 1. LEGISLATIVE REFERENCE

The present by-law is established in accordance with section 220.2 of the *Education Act* (CQLR, ch. I-13.3).

## 2. OBJECTIVES AND PRINCIPLES

2.1. The present by-law:

- 2.1.1. **establishes** the procedure for the examination of complaints relating to functions of the school board under section 220.2 of the *Education Act* (CQLR, ch. I-13.3).
- 2.1.2. **encourages** and prioritises amicable solutions to complaints whenever possible, placing an emphasis on cooperation, collaboration and understanding between the complainant and the person directly concerned by the complaint.
- 2.1.3. **recognizes** the importance of relevant school community stakeholders.
- 2.1.4. **establishes** a complaint resolution process favoring diligence, equity, and impartiality while emphasizing respect for all.

## 3. FIELD OF APPLICATION OF THIS BY-LAW

- 3.1. This by-law does not apply to complaints concerning services offered to students enrolled in a school or centre of the school board or their parents. Complaints regarding such matters shall follow the *Act Respecting the National Student Ombudsman* (CQLR, ch. P-32.01).
- 3.2. This by-law only applies to complaints relating to the functions of the school board. A Complaint relating to a function of the school board may be, but are not limited to, complaints relating to:
  - Noise caused by construction work undertaken by the school board.
  - Traffic around a school or educational establishment.
  - Use of school board immovables or facilities other than for student use.



- The behaviour of a school board employee on social media.
  - The payment of school taxes.
- 3.3. Notwithstanding paragraph 3.2, whenever a more specific law, regulation, decree or by-law applies to a complaint, these shall be applied. In such cases, the present by-law does not apply.

#### 4. DEFINITIONS

- 4.1. For the purposes of the present by-law, the following terms are deemed to mean:
- 4.1.1. **working days**: Days on which the school board is open.
  - 4.1.2. **complainant**: Any person who files a complaint.
  - 4.1.3. **complaint**: A verbal or written expression of dissatisfaction with the functions of the school board.
  - 4.1.4. **Complaints Officer**: Person designated by the school board in charge of processing complaints according to the present by-law.

#### 5. RIGHTS OF THE COMPLAINANT

- 5.1. **Opportunity to be heard** – The complainant, and the person directly concerned by the complaint, or their immediate supervisor, will have an opportunity to be heard.
- 5.2. **Right to be accompanied** - A complainant has the right to be accompanied by the person(s) of their choice in all steps of the procedures of the examination of complaints, but the person(s) may not speak on the complainant's behalf, unless the complainant is a child.
- 5.3. **Absence of reprisals** - The school board will take the necessary measures to avoid reprisals against a complainant who, in good faith, makes a complaint, cooperates in the processing of a complaint, or accompanies a person who files a complaint in accordance with the present by-law.

#### 6. COMPLAINT PROCEDURE

- 6.1. **First step: Complaint to the person directly concerned or their immediate supervisor** – The complainant must first communicate with the person directly concerned by the complaint or their immediate supervisor, describing the object of the complaint.
- 6.2. A response shall be given to the complainant within ten (10) working days from receipt of the complaint. If the person directly concerned or their immediate supervisor refuses to act on the complaint, they must clearly explain their reasons to the complainant.



- 6.3. **Second Step: Complaint to the Complaints Officer** – A complainant who is dissatisfied with the response provided by the person directly concerned by the complaint or their immediate supervisor may file a written complaint with the Complaints Officer by using the form to this effect - Annex B attached as part of this By-Law.
- 6.4. The Complaints Officer has fifteen (15) working days from the date the complaint was received to provide a response. The complainant and the person involved in the complaint will have an opportunity to give their respective points of view. The response of the Complaints Officer will be sent in writing to the Complainant as well as to the person directly involved and their immediate superior.
- 6.5. **Summary Rejection or Refusal to Examine a Complaint** – The Complaints Officer may summarily terminate the examination of a complaint or reject a complaint if:
- 6.5.1. It concerns a complaint which would fall under the *Act Respecting the National Student Ombudsman* or any more specific law, regulation, decree or by-law.
  - 6.5.2. If the complainant refuses to provide any information or document that the Complaints Officer considers relevant for a clear understanding of the facts.
  - 6.5.3. If they have reasonable grounds to believe their intervention would clearly serve no purpose.
  - 6.5.4. If the lapse of time between the facts on which the complaint is based and the receipt of the complaint makes it impossible to examine the complaint.
  - 6.5.5. Another person or organisation is better suited to examine the object of the complaint.
  - 6.5.6. If the complaint was already the object of a decision, opinion, conclusion, or recommendation of the Complaints Officer, the school board, a tribunal, or an administrative tribunal.
  - 6.5.7. It is vexatious.
  - 6.5.8. It is made in bad faith.
  - 6.5.9. It is frivolous.
- 6.6. **Mediation** – The Complaints Officer will attempt to mediate between the parties to find a solution.



- 6.7. ***Decision of the Complaints Officer*** – If the parties are unable to amicably resolve the complaint, the Complaints Officer will explain the situation to the complainant, the person directly concerned or their immediate supervisor, provide their opinion on the merits of the complaint, and, if advisable, offer recommendations to resolve the complaint.
- 6.8. The Complaints Officer may examine the complaint even if it was not first brought to the attention of the person directly concerned or their immediate supervisor when their intervention is deemed necessary to prevent the complainant from suffering harm.

## **7. CONFIDENTIALITY AND ABSENCE OF REPRISALS**

The School Board will take the necessary measures to ensure the confidentiality of the complaints process and to avoid any reprisals against the Complainant.

- 8. RESPONSIBILITY:** The Director General is responsible for the application of this by-law.