

BY-LAW NUMBER 18

BY-LAW ESTABLISHING PROCEDURES FOR THE EXAMINATION OF COMPLAINTS

References

Section 220.2 of the *Education Act*
Sections 9 to 12 of the *Education Act*
Regulation respecting the complaint examination procedure established by a school board.

Title

BY-LAW ESTABLISHING PROCEDURES FOR THE EXAMINATION OF COMPLAINTS

General Provisions

The Western Québec School Board (hereinafter described as the “Board”) hereby establishes procedures by which a student or his/her parent(s) (hereinafter described as a “complainant”) can make a complaint with respect to decisions made by Board employees.

BY-LAW

1. Only a student or parent(s) of a student may make a complaint under the terms of this by-law.
2. Before any complaint is to be examined, it is expected that the complainant has consulted and made a good faith attempt to resolve the issue with the Board employee that made the initial decision.
3. All complaints must be made to the following people and in the following order:
 - a. to the school principal when the complaint concerns a decision made by the staff of a school;
 - b. to the director of a centre when the complaint concerns a decision made by the staff of a centre;
 - c. to the director of educational services when the complaint concerns an initial decision that was made by a school principal or centre director, or when the complainant is dissatisfied with the outcome after having proceeded under 3a or 3b;
 - d. to the Director General when the complaint concerns an initial decision that was made by the director of educational services or other executive member of Board staff, or

when the complainant is dissatisfied with the outcome after having proceeded under 3c;

- e. to the Council of Commissioners when the complaint concerns an initial decision that was made by the Director General or when the complainant is dissatisfied with the outcome after having proceeded under 3d ;
4. The person having received the complaint, except when it is the Council of Commissioners, shall, within 10 working days of its receipt:
- i) review the complaint and make any inquiries, request any documents, hold any hearings and convene any persons deemed useful or necessary in the circumstances;
 - ii) uphold, alter in any way or revoke the decision under review;
 - iii) notify the complainant in writing, stating the reasons for the decision, and notifying the complainant of his/her next recourse if he/she is dissatisfied with the decision and wishes to further pursue the matter.
5. When made to the Council of Commissioners, a written complaint must be forwarded to the Chairman of the Council of Commissioners, with a copy to the Secretary General specifying that the complainant is appealing a decision made by the Director General. The complaint must:
- i) identify the complainant;
 - ii) state the nature of the decision which is the object of the complaint;
 - iii) set forth the grounds on which the complaint made;
 - iv) state the desired outcome.
6. Upon receipt of the complaint, the Secretary General shall:
- i) place the request on the agenda of the earliest meeting of the Council of Commissioners;
 - ii) provide the Council of Commissioners, prior to the meeting, with a copy of the complaint, the Director General's written decision and any documents and information deemed of interest;
 - iii) Invite the complainant as well as the person whose decision is being reconsidered, and any other persons deemed useful or necessary, to answer questions and make comments on any aspect of the complaint.
7. At the meeting, the Council of Commissioners may:
- i) uphold, alter or revoke the decision under review;
 - ii) establish a committee to examine and report to the Council of Commissioners on such matters and in the manner it decides;

- iii) make any interim decision it considers necessary in the circumstances, pending the result of the complaint process;
- 8. Once the final decision is rendered by the Council of Commissioners, it shall inform the Secretary General of the Board who shall then inform the complainant and the person who made the initial decision for immediate implementation, as the case may be.
- 9. The Secretary General shall also notify the complainant of his/her right, if dissatisfied with the complaint examination or its outcome, to apply to the Board's Student Ombudsman and inform the complainant of the documents and information allowing rapid access to the services of the Student Ombudsman.
- 10. 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.
- 11. The Council of Commissioners shall inform the complainant of any actions it intends to take in respect of any of the Student Ombudsman's recommendations.
- 12. 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*.
- 13. At any stage of the complaint examination procedure described herein, the complainant has the right to submit his/her observations and to be accompanied by the person of his/her choice.
- 14. This by-law comes into force on the date of its adoption by the Council of Commissioners.

Chairman

Secretary General