



COMMISSION SCOLAIRE SIR-WILFRID-LAURIER
SIR WILFRID LAURIER SCHOOL BOARD

By-law n° BL2009-CA-19:	By-law Establishing Procedures for the Examination of Complaints from Students or Their Parents	
Approved:	Resolution n°	CC-100623-CA-0147
Revised: On an as-needed basis	Resolution n°	
Origin:	Corporate Affairs and General Secretariat	

NOTE: In keeping with its commitment to respecting diversity, the Sir Wilfrid Laurier School Board uses gender-inclusive language in all its written communications. In cases where eliminating references to gender is not possible, gender-specific pronouns and possessive determiners are used solely for purposes of clarity and concision.

1.0 PREAMBLE

The present by-law determines the procedure to be followed by the Sir Wilfrid Laurier School Board, students and parents for examining complaints from students or their parents in order to protect students' rights.

2.0 OBJECTIVES

By means of this by-law, the school board wishes to ensure that all complaints are managed quickly and efficiently. More specifically, the objectives are the following:

- Ensure that all complaints are processed conscientiously and as quickly as possible;
- Ensure that all complaints are processed with fairness, impartiality and transparency;
- Ensure that the rights of the person who has lodged a complaint are respected;
- Ensure that the person who has lodged a complaint is properly supported and guided by providing them with clear and precise explanations.

3.0 REFERENCES

This by-law is established in accordance with section 220.2 of the *Education Act* (CQLR, c. I-13.3) and in accordance with the *Regulation respecting the complaint examination procedure established by a school board* (c. I-13.3, r. 7.1).

4.0 DEFINITIONS

In this by-law, the following words or phrases are defined as follows:

- 4.1 **Complainant:** a student of the school board or their parents;
- 4.2 **Complaint:** a verbal or written notice served to the school board regarding the dissatisfaction of one or several students or their parents with the services and/or decision offered or received;
- 4.3 **Student ombudsman:** a person designated by the Council of Commissioners and mandated to give the Council of Commissioners an opinion on the merits of a complaint and to recommend any appropriate corrective measures, if any.

5.0 GENERAL PROVISIONS

- 5.1 Only the concerned student or their parent may lodge a complaint.
- 5.2 Before a complaint can be examined, the complainant should have consulted and made every attempt to resolve the issue with the person who made the decision.
- 5.3 The recipient of the complaint must have sufficient information to deal with the complaint.
- 5.4 The complainant has the right to be accompanied by the person of their choice at any stage of the complaint examination procedure.
- 5.5 In making their complaint or during any step related to it, the complainant may receive assistance from the secretary general or their assistant director (in the event that the secretary general is absent or unable to act).
- 5.6 Only written complaints will be responded to in writing.
- 5.7 All complaints will be handled in accordance with the *Act respecting access to documents held by public bodies and the protection of personal information* (c. A-2.1).

6.0 LODGING A COMPLAINT

- 6.1 All complaints must first be addressed to the following people in the order indicated below:
 - a) To the school principal or centre director when a complaint concerns a decision made by the staff of a school or centre, or to the director of the service from which the decision initially originated;
 - b) To the director of schools who will accompany the complainant in trying to find a solution;
 - c) To the director general or the assistant director general.
- 6.2 If a complainant is dissatisfied with the manner in which their complaint was handled or with its outcome, they must address a written complaint to the secretary general.
- 6.3 Upon reception of a written complaint, the secretary general will ensure that:
 - a) due process has been followed (as defined in section 6.1);
 - b) the parties concerned are informed that a complaint has been received;
- 6.4 Notwithstanding the above, the student ombudsman may take up a complaint at any stage if they consider that an intervention is necessary to prevent harm from being caused to the complainant.

7.0 ADMISSIBILITY OF A COMPLAINT

- 7.1 The secretary general determines the admissibility of a complaint by ensuring that it was made by the concerned student of the school board or their parent(s), that it pertains to services offered by the school board to that student and that due process has been followed in accordance with section 6.1.

- 7.2 If a written complaint is deemed inadmissible, the secretary general will so inform the complainant in writing within five (5) working days of its receipt.
- 7.3 When a complaint is deemed admissible, the secretary general determines whether the criteria pursuant to sections 9 to 12 of the *Education Act* are met. If so, the complaint will be processed according to policy no. 2000-CA-03 – *Reconsideration of a Decision Affecting a Student*. If not, it is forwarded to the student ombudsman.
- 7.4 The secretary general will declare the complaint admissible *a priori* and refer the student or their parent(s) to the appropriate person in accordance with section 6.1 if all conditions are met but due process as outlined in section 6.1 has not been followed.
- 7.5 In keeping with sections 7.3 and 7.4, the secretary general will advise the complainant in writing of the relevant procedure within five (5) working days of receipt of the written complaint.
- 7.6 The complainant retains the right to have their complaint examined by the student ombudsman should they be dissatisfied with the decision of the Council of Commissioners following examination of the complaint under policy no. 2000-CA-03 – *Reconsideration of a Decision Affecting a Student*.

8.0 INTERVENTION OF THE STUDENT OMBUDSMAN

- 8.1 A complainant who is dissatisfied with the manner in which a complaint has been handled or with its outcome must refer the matter to the student ombudsman in writing within ninety (90) days of the incident in question.
- 8.2 When the student ombudsman receives a complaint, they must contact the secretary general to verify that the complainant has exhausted the corrective measures prescribed in this by-law before proceeding.
- 8.3 The student ombudsman may, upon summary examination, dismiss a complaint if, in their opinion, it is frivolous, vexatious or made in bad faith.
- 8.4 The student ombudsman may also refuse or cease to examine a complaint if they have reasonable cause to believe that intervening would clearly serve no purpose or if the length of time having elapsed between the date of the event that gave rise to the dissatisfaction of the complainant and the date on which the complaint was filed makes it impossible to examine the complaint.
- 8.5 The student ombudsman must refuse or cease to examine the complaint upon becoming aware or being informed that it 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 a case, they must inform the complainant and the secretary general.
- 8.6 The student ombudsman may require the cooperation of any staff member of the school board whose expertise is considered necessary. The student ombudsman should advise the secretary general, who is responsible for facilitating such assistance. The student ombudsman may also call on an outside expert, with the authorization of the Council of Commissioners.
- 8.7 Within thirty (30) days of referral of a complaint, the student ombudsman must give the Council of Commissioners and the secretary general an opinion on the merits of the complaint and recommend any appropriate corrective measures. They will also inform the complainant, in writing, that their opinion was submitted to the Council of Commissioners.

- 8.8 The Council of Commissioners, at its next sitting or as soon as possible thereafter, will inform the complainant on any follow-up or action to be taken with respect to the corrective measures recommended by the student ombudsman.

9.0 FINAL PROVISIONS

- 9.1. The school board must avoid any form of retaliation against a complainant who has exercised their rights in accordance with this by-law.
- 9.2. The reconsideration of a decision affecting a student in accordance with the sections 9 to 12 of the *Education Act* and the procedure for the examination of a complaint as provided for in section 220.2 of the *Education Act* are two distinct means of recourse that a student or their parents may have. Under no circumstance should a student or their parents request reconsideration more than once on a decision affecting the student or the procedure for examining their associated complaints. Furthermore, a student or their parents cannot exercise both areas of recourse concurrently.
- 9.3. On September 15 at the latest, the student ombudsman must provide the school board with a report stating the number of complaint referrals received in the previous school year and their nature, as well as the corrective measures recommended and any follow-up taken. It is understood that names of individuals or schools as well as descriptions of situations making it possible to identify a person or a school cannot be reported publicly.
- 9.4. This by-law comes into force on the day of publication of a public notice of its adoption by the Council of Commissioners and will be revised on an as-needed basis.